



Meeting Date: August 29, 2024 **Agenda Type:** Consent Items for Action

From: Adam Willard, P.E. **Reviewed by:** Michael Short, P.E.
Chief Engineer of Water Director of Water Services and
Systems Compliance

Submitted by: Mark Steelman **Approved by:** Ryan Kelso
Chief Operations Officer Chief Executive Officer

RECOMMENDED ACTION: Ratify the First Amendment to the Professional Services Agreement with Freese and Nichols, Inc. for the Conrads Elevated Storage Tank (Goodwin Lane) Project, and Authorize the CEO or His Designee to Negotiate and Execute a Second Amendment to the Professional Services Agreement with Freese and Nichols, Inc. for the Design of the Conrads Elevated Storage Tank Project

BACKGROUND

On September 24, 2020, the New Braunfels Utilities (“NBU”) Board of Trustees approved a Professional Services Agreement (the “Agreement”) with Freese and Nichols, Inc. (“FNI”) for professional engineering services for the Goodwin Lane Elevated Storage Tank (“EST”) Project, and now known as the Conrads EST Project (the “Project”). On August 06, 2021, the First Amendment to the Professional Services Agreement (the “First Amendment”) was executed, which engaged supplemental services for additional design services and extended the time of completion for the services. The First Amendment was not previously presented to the Board, and staff now requests that the Board ratify the First Amendment.

The Project construction schedule was delayed due to developer funding issues. As a result, NBU staff requests that the Board approve the Second Amendment to the Agreement (the “Second Amendment”), which requires additional construction phase services, which requires additional compensation and extends the time of completion for the services.

This item is being presented to the Board because it modifies the Agreement beyond the parameters the Board previously approved.

FINANCIAL IMPACT

The total financial impact for the Second Amendment is \$161,726.00. The total contract amount for the Agreement First Amendment and the Second Amendment with FNI for the Project is \$979,652.00. The Project is budgeted within the fiscal year 2024 through fiscal year 2025 NBU Board approved Capital Improvements Projects Budget.

LINK TO STRATEGIC PLAN

Infrastructure and Technology

EXHIBITS

1. Second Amendment to the Professional Services Agreement with FNI