



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: Authorize the CEO or His Designee to Negotiate and Execute a First Amendment to the Professional Services Agreement with Freese and Nichols, Inc. for the Design of the FM 1044 Elevated Storage Tank Project

BACKGROUND

On September 30, 2021, 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 FM 1044 Elevated Storage Tank (“EST”) Project (the “Project”). On July 29, 2022, NBU staff approved a Supplemental Services Authorization with FNI for additional design services needed to facilitate site acquisition for the Project.

During the course of design, NBU and the Professional identified a need to add additional services due to unanticipated delays in property evaluation and acquisition. As a result, NBU staff requests that the Board approve the First Amendment to the Agreement (the “First Amendment”), which includes (i) conducting additional feasibility studies of various potential Project sites for the EST, (ii) preparing figures and exhibits of the EST at a City of New Braunfels (“CoNB”) property, (iii) preparing 50% design drawings for the EST at the CoNB property and another potential Project site, (iv) additional project management, meetings, and design services due to extended project duration, and (v) additional construction resident Project representative services.

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

Upon completion of the final design, NBU staff will solicit a construction contract and bring it to the Board for approval in January 2025. NBU staff plans to begin construction in February 2025 and complete it by October 2026.

FINANCIAL IMPACT

The total financial impact for the First Amendment is \$302,046.00. The total contract amount for the Agreement and the First Amendment with FNI for the Project is \$1,216,661.00, including supplemental services. The Project is budgeted within the fiscal year 2024 through fiscal year 2026 NBU Board approved Capital Improvements Projects Budget.

LINK TO STRATEGIC PLAN

Customers and Community

Stewardship

EXHIBITS

1. First Amendment to the Professional Services Agreement with FNI