



Meeting Date: January 25, 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: Michael Short, P.E. **Approved by:** Ryan Kelso
Director of Water Services Interim Chief Executive Officer
and Compliance

RECOMMENDED ACTION: Authorize Interim 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 Trinity Water Treatment Plant and Pump Station Expansion Project

BACKGROUND

On June 24, 2021, the New Braunfels Utilities (“NBU”) Board of Trustees approved a Professional Services Agreement (the “Original Agreement”) with Freese and Nichols, Inc. (“FNI”) for professional engineering services for the Trinity Water Treatment Plant and Pump Station Expansion Project (the “Project”). On April 28, 2022, the Board approved a Professional Services Contract Amendment (the “First Amendment”) for additional preliminary engineering, final design, permitting and coordination with stakeholders, preparation of supporting engineering documents for Texas Water Development Board funding, bid, and construction services. On October 25, 2022, NBU approved the First Supplemental Services Authorization (the “First SSA”) to prepare a Water Pollution Abatement amendment, and topographical survey of a new drainage easement.

NBU and the Professional have identified a need for additional services not contemplated in the Agreement to complete construction. As a result, NBU staff requests that the Board approve the Second Amendment to the Agreement (the “Second Amendment”), which includes additional construction phase services to include (i) pre-commissioning planning, testing, and development of a commissioning plan, (ii) commissioning administration, testing, and support, (iii) system training, and (iv) increasing the compensation for the additional services by \$394,525.00.

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

NBU staff began construction in January 2023 and construction completion is expected by June 2025.

FINANCIAL IMPACT

The total financial impact for the Second Amendment is \$394,525.00. The total contract amount for the Agreement, the First Amendment, and the Second Amendment with FNI for the Project is \$3,684,151.00, including Supplemental Services. 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

Financial Excellence

Stewardship

EXHIBITS

1. Second Amendment to the Professional Services Agreement with FNI