



**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 Kimley-Horn and Associates, Inc. for the Design of the I-35 Interceptor Project

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## **BACKGROUND**

In compliance with the New Braunfels Utilities (“NBU”) Purchasing Policy approval limits, NBU executed a Professional Services Agreement (the “Original Agreement”) with Kimley-Horn and Associates, Inc. (“Kimley-Horn”) on July 8, 2020 for professional engineering services for the I-35 Interceptor Project (the “Project”). On September 30, 2021, the Board approved a Professional Services Contract Amendment (the “First Amendment”) to add additional project management, routing, design, permitting, and easement acquisition services, extend the time of completion for the Project, remove supplemental services relating to subsurface utility engineering and easement surveying, and reallocation of the related compensation in the amount of \$36,000 from the Supplemental Services to the Services.

NBU requires additional services for easement acquisition, drainage study analysis, access improvements design, and services for the Rio bar screen analysis that are not included in the Original Agreement or First Amendment. As a result, NBU staff requests that the Board approve a Second Amendment to the Agreement (the “Second Amendment”), which includes (i) additional project management support, (ii) easement acquisition survey and support services, (iii) retaining wall analysis and design for access improvements, and (iv) odor control study and analysis pertaining to the NBU facilities at the property located at 470 Rio Drive, New Braunfels, Texas (the “Rio Bar Screen”), (the “New Services”). The New Services will modify the related compensation for an increase of \$199,000.

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

## **FINANCIAL IMPACT**

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The total financial impact of the Second Amendment is \$199,000. The total contract amount for the Agreement and the Second Amendment with Kimley-Horn for the Project is \$1,095,000.00. The Project is budgeted within the fiscal year 2024 through fiscal year 2027 NBU Board approved Capital Improvements Projects Budget.

## **LINK TO STRATEGIC PLAN**

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**Infrastructure and Technology**

## **EXHIBITS**

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1. Second Amendment to the Professional Services Agreement with Kimley-Horn