



**Meeting Date:** March 28, 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      Chief Executive Officer  
and Compliance

**RECOMMENDED ACTION:** Authorize CEO or His Designee to Negotiate and Execute a First Amendment to the Professional Services Agreement for Construction Management and Inspections for Multiple Projects with Freese and Nichols, Inc.

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## **BACKGROUND**

On August 25, 2022, 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 Construction Management and Inspection Services (the “Project”). The Project allowed for construction management and inspection services for water and wastewater capital improvement projects and additional specific assignments related to the Gruene Apartment Collector project, Klein Road Reconstruction Phase II project, Gruene Spoils and Materials Yard project, Schmidt I-35 North Sewer Main Replacement project, and general construction management tasks.

NBU and FNI have identified a need for additional quality assurance/quality control services (the “New Services”) due to construction delays of the FM 306 PS & Discharge Line project. As a result, NBU staff requests that the Board of Trustees approve the First Amendment to the Agreement (the “First Amendment”), which will (i) add New Services, (ii) include additional compensation for the New Services, and (iii) extend the completion time for the Services to August 31, 2024.

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

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## **FINANCIAL IMPACT**

The total financial impact for the First Amendment is \$138,570. The total contract amount for the Agreement and the First Amendment with FNI for the Project is \$937,580. The Project is budgeted within the fiscal year 2024 NBU Board approved Capital Improvements Projects Budget.

**LINK TO STRATEGIC PLAN**

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**Infrastructure and Technology**

**EXHIBITS**

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1. First Amendment to the Professional Services Agreement with FNI