

**RESOLUTION NO. 20-R-25**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING EXPEDITURES WITH KIMLEY-HORN ASSOCIATES, INC., TOTALING NO MORE THAN \$200,000, FOR PROFESSIONAL ENGINEERING-RELATED SERVICES ON THE 2020 SPAM RESURFACING PROJECT AND OTHER MINOR PROJECTS DURING THE 2019-2020 FISCAL YEAR, AND OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the City staff of the City of Schertz (the “City”) has determined that the City requires professional services relating to engineering and design for the 2020 SPAM Resurfacing Project; and

WHEREAS, City staff has determined that Kimley-Horn and Associates, Inc. (Kimley-Horn) is uniquely qualified to provide such services for the City; and

WHEREAS, City staff has determined that Kimley-Horn is uniquely qualified to provide engineering and design services for various small projects (<\$50,000) for the City; and

WHEREAS, Kimley-Horn is an approved On-Call Engineering Firm for the City of Schertz; and

WHEREAS, pursuant to Section 252.022(a)(4), the City is not required to seek bids or proposals with respect to a procurement for personal, professional, or planning purposes; and

WHEREAS, the City Council has determined that it is in the best interest of the City to contract with Kimley-Horn pursuant to the On-Call Task Order Agreement attached hereto as Exhibit A (the “Agreement”) and to authorize future Task Order Agreements up to a maximum total aggregate amount of \$200,000.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes the City Manager to execute and deliver the Task Order Agreement with Kimley-Horn in accordance with their approved Master Agreement in substantially the form set forth on Exhibit A in the amount of \$135,000.00 and authorize the City Manager to execute and deliver other Task Order Agreements for various projects in a not to exceed total aggregate amount of \$200,000.00.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 10<sup>th</sup> day of March, 2020.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

(CITY SEAL)

**EXHIBIT A**

\_\_\_\_\_ **SERVICES AGREEMENT**