

**RESOLUTION NO. 21-R-12**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AND APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH M&S ENGINEERING FOR VARIOUS ON-CALL ENGINEERING SERVICES AND ALL MATTERS IN CONNECTION THEREWITH**

WHEREAS, the City staff of the City of Schertz (the “City”) has determined that the City requires certain mechanical, electrical, plumbing, and structural engineering services on a regular basis throughout the year; and

WHEREAS the City has determined that there is a need for a professional services agreement with M&S Engineering, relating to various on-call engineering services for the City; and

WHEREAS, City staff has determined that M&S Engineering is qualified to provide such services for the City through a previously issued RFQ for on-call engineering services; and

WHEREAS, the City Council has determined that it is in the best interest of the City to contract with M&S Engineering, pursuant to the Professional Services Agreement for Various Engineering Services attached hereto as Exhibit A (the “Agreement”); and

WHEREAS, the agreement for On-Call MEP Engineering Services will remain in force through September 30, 2022 with the option to renew the contract up to two (2) terms of one (1) year each.

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 Professional Services Agreement with M&S Engineering, in substantially the form set forth on Exhibit A.

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resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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 2<sup>nd</sup> day of February, 2021.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

(CITY SEAL)

**EXHIBIT A**

**AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES**