

RESOLUTION NO. 21-R-33

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN ASSOCIATES, INC., TOTALING NO MORE THAN \$510,000, FOR PROFESSIONAL ENGINEERING-RELATED SERVICES ON THE 2020 SPAM RESURFACING PROJECT, AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, during design of the 2020 SPAM Resurfacing project additional concerns were discovered requiring additional professional services to address them; and

WHEREAS, a shift in resurfacing materials being specified and addition of “remedial” efforts for the surfacing applied to streets in the 2018 SPAM Resurfacing Project also require additional professional services to complete the bid packages; and

WHEREAS, some street segments require “rehabilitation” instead of resurfacing , which requires more detailed project plans and a separate bid package; and

WHEREAS, the City of Schertz wishes to proceed with the Lindbergh Avenue reconstruction and storm drain extension project to complement another project effort; and

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

WHEREAS, Kimley-Horn Associates, Inc. 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 amend the contract with Kimley-Horn Associates. in the amount of \$344,970; and

WHEREAS the City Council hereby authorizes the City Manager to execute and deliver the Amendment to the Agreement with Kimley-Horn Associates, Inc. in substantially the form set forth on Exhibit A and to execute further amendments as necessary not to exceed a total expenditure amount of \$510,000

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 Amendment to the Agreement with Kimley-Horn Associates, Inc. in substantially the

form set forth on Exhibit A and to execute further amendments as necessary not to exceed a total expenditure amount of \$510,000.

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 13th day April, 2021.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

(CITY SEAL)

EXHIBIT A
PROFESSIONAL SERVICES AGREEMENT