

RESOLUTION NO. 22-R-96

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, AUTHORIZING AMENDMENT 5 TO THE PROJECT AGREEMENT WITH COBB, FENDLEY & ASSOCIATES, INC., RELATING TO CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE WOMAN HOLLERING CREEK WASTEWATER LINE PROJECT, 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 the construction phase engineering responsibilities for the Woman Hollering Creek Wastewater Line Project that exceed the original project agreement scope; and

WHEREAS, City staff has determined that Cobb, Fendley & Associates, Inc., is uniquely qualified to provide such services for the City; 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, Cobb, Fendley & Associates, Inc., is reasonably entitled to charge their current standard rates for service to the City of Schertz; and

WHEREAS, the City Council has determined that it is in the best interest of the City to amend the contract with Cobb, Fendley & Associates, Inc., pursuant to the On Call Engineering Project Agreement attached hereto as Exhibit A (the "Agreement") and its proposed amended scope and fee for construction phase services presented as Exhibit B ("Amendment 5") for an amount of \$79,045.

WHEREAS, the City Council authorizes City Staff to expend up to a not to exceed amount of \$100,000 on further amendments to the Project Agreement, if needed.

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 Cobb, Fendley & Associates, Inc., in substantially the form set forth on Exhibit B and to execute further Amendments as necessary not to exceed an additional expenditure amount of \$100,000.

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resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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 of September, 2022.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

(CITY SEAL)

EXHIBIT A
ON CALL ENGINEERING PROJECT AGREEMENT