

**CITY OF CORPUS CHRISTI
RATIFICATION TO
CONTRACT FOR PROFESSIONAL SERVICES
AMENDMENT NO. 17**

The City of Corpus Christi, Texas, a Texas home-rule municipal corporation ("City") and **Freese and Nichols, Inc.** ("Consultant"), agree to the following amendments to the Contract for Professional Services for **Mary Rhodes Pipeline Phase 2 – Construction Management Services (Project No. E10008)**:

Original Agreement	October 28, 2003	Motion No. M2003-394	\$116,100
Amendment No. 1	October 19, 2004	Motion No. M2004-387	\$285,490
Amendment No. 2	December 18, 2007	Motion No. M2007-334	\$911,997
Amendment No. 3	March 11, 2009	Administrative Approval	\$0
Amendment No. 4	March 9, 2010	Motion No. M2010-051	\$9,676,590
Amendment No. 5	November 30, 2011	Administrative Approval	\$0
Amendment No. 6	January 14, 2012	Administrative Approval	\$49,940
Amendment No. 7	April 24, 2013	Administrative Approval	\$49,822
Amendment No. 8	May 29, 2013	Administrative Approval	\$49,900
Amendment No. 9	July 30, 2013	Motion No. 2013-125	\$195,664
Amendment No. 10	February 15, 2014	Motion No. 2014-027	\$3,965,785
Amendment No. 11	July 3, 2014	Administrative Approval	\$49,000
Amendment No. 12	August 15, 2014	Administrative Approval	\$48,500
Amendment No. 13	March 12, 2015	Administrative Approval	\$36,487
Amendment No. 14	January 12, 2016	Motion No. 2016-002	\$513,767
Amendment No. 15	April 13, 2016	Administrative Approval	\$20,395
Amendment No. 16	July 11, 2016	Administrative Approval	\$21,555

In the Original Contract, Exhibit A, Section I. Scope of Services shall be amended as set forth in the attached Amendment No.17, Exhibit A.

In the Original Contract, the Fees section shall be amended based on the modified scope of services in the attached Amendment No. 17, Exhibit A for a fee not to exceed **\$603,482**, for a total restated fee not to exceed **\$16,594,474**.

All other terms and conditions of the October 28, 2003 Contract for Professional Services between the City and Consultant, and of any amendments to that contract, which are not specifically addressed herein shall remain in full force and effect.

CITY OF CORPUS CHRISTI

Jeff H. Edmonds, P.E.
Director of Engineering Services

Date

FREESE AND NICHOLS, INC.

Ron Guzman, P.E.
Principal
800 N. Shoreline Blvd., Suite 1600N
Corpus Christi, TX 78401
(361) 561-6500 Office
(361) 561-6501 Fax
rg@freese.com

APPROVED AS TO LEGAL FORM

Assistant City Attorney Date

ATTEST

City Secretary Date

Project Name Mary Rhodes Pipeline Phase 2
Project Number E10008
Accounting Unit 4095-041
Account 550950
Activity E10008-01-4095-EXP
Account Category 50950
Fund Name Water 2015 MRP2
Amendment No. 17 for \$603,482

February 13, 2017

Mr. Jeff Edmonds, P.E.
Director of Engineering
City of Corpus Christi
1201 Leopard Street
Corpus Christi, Texas 78469

Re: Mary Rhodes Pipeline, Phase 2
Construction Management Contract Amendment

Dear Mr. Edmonds:

Freese and Nichols, Inc. (FNI) is pleased to submit our contract amendment to provide extended Construction Management Services along with development of a sampling plan for the Mary Rhodes Pipeline, Phase 2 project. This contract amendment is to provide Construction Management Services for the extended schedule including project close out from March 10, 2016 through completion of punch list corrections.

Item 1:	Description
Activity	River Pump Station, Booster Pump Station and Sediment Basin plus Pipeline Sections A, B, and C/Ground Storage Tank/Lake Texana Tie-in Piping
Proposed Effort	Construction Management/Engineering Support - Planned contractor work efforts for these items will extend an additional 29 months

Item 2:	Description
Activity	Provide support to Ground Storage Tank
Proposed Effort	Planned contractor work efforts for these items will extend an additional 8 months (1 FNI man working an average of 5 days per week/10 hours per day plus 1 FNI man working an average of 6 days per week/10 hours per day plus the same man working each Sunday for 5 hours per day).

Item 3:	Description
Activity	Development of quarterly sampling plan
Proposed Effort	FNI will produce a quarterly sampling plan for the City at system distribution sites. Sampling of entry points and distribution sites is required by TCEQ's conditional approval of the Colorado River as a new water source. Additionally, FNI will produce a sealed engineering report addressing the results of the first quarter water quality results and discussion of how they coincide with the Corrosion Control Study Update produced by FNI in March of 2016. No further reporting or requirements outlined in TCEQ's conditional approval will be performed by FNI. All work will be completed by October 2016.

Expenses:

- Fee includes project related sub-contract expenses for Subconsultant Services associated with the CM Services listed above.
- CM Services listed above. CM Services expenses include lodging and travel costs; communication costs (cell phones, delivery charges, postage, etc.); and other miscellaneous direct costs required to provide the listed CM Services.

Fee for Items 1, 2 and 3:

FNI proposed to provide the aforementioned services for a lump sum fee of **\$428,482.00**.

Please note that Ground Storage Tank remedy efforts are not included in the items listed above.

Garney Constructions Letter (dated January 21, 2017) identifies a 17-week tank remedy schedule. Freese and Nichols proposes to provide full time Construction Management Services for this activity. Our proposed scope of services is as follows:

- On-site representation Construction Inspections Services for 17 weeks. We anticipate the following schedule:

Weeks 1 & 2 = 40 hours/week	80 hours	(Construction Managers 3-4)
Weeks 3 – 15 = 58 hours/week	754 hours	(Construction Managers 3-4)
Weeks 16 & 17 = 40 hours/week	<u>80 hours</u>	(Construction Managers 3-4)
	914 hours	
 - Engineering Support = 4 hours/week 68 hours (Professional 4-6)
- Estimated Total Manhours 982 hours

FNI proposes to perform the Ground Storage Construction Management Services on a time and material basis. The estimated cost for this activity is **\$175,000.00**.

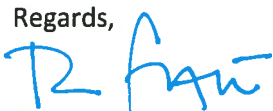
Total Fee:

Items 1, 2 and 3	\$428,482.00
*Ground Storage Tank CM Support	<u>\$175,000.00</u>
Total	<u>\$603,482.00</u>

*This activity will be provided on a time and materials basis. The compensation for FNI efforts will be calculated using the attached Schedule of Charges.

We appreciate the opportunity to assist you with this matter. Please feel free to contact me at 361.561.6500 with any questions that you may have on this subject matter.

Regards,



Ron Guzman, P.E.
Principal/Vice President

Enclosures



City of
Corpus
Christi

SUPPLIER NUMBER
TO BE ASSIGNED BY CITY
PURCHASING DIVISION

CITY OF CORPUS CHRISTI DISCLOSURE OF INTEREST

City of Corpus Christi Ordinance 17112, as amended, requires all persons or firms seeking to do business with the City to provide the following information. Every question must be answered. If the question is not applicable, answer with "NA". See reverse side for Filing Requirements, Certifications and definitions.

COMPANY NAME: Freese and Nichols, Inc.

P. O. BOX: _____

STREET ADDRESS: 800 N. Shoreline Blvd.,
Suite 1600N **CITY:** Corpus Christi **ZIP:** 78401

FIRM IS: 1. Corporation ☒ 2. Partnership ☐ 3. Sole Owner ☐
4. Association ☐ 5. Other ☐

DISCLOSURE QUESTIONS

If additional space is necessary, please use the reverse side of this page or attach separate sheet.

1. State the names of each "employee" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm."

Name	Job Title and City Department (if known)
N/A	
_____	_____
_____	_____
_____	_____

2. State the names of each "official" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm."

Name	Title
N/A	
_____	_____
_____	_____
_____	_____

3. State the names of each "board member" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm."

Name	Board, Commission or Committee
N/A	
_____	_____
_____	_____
_____	_____

4. State the names of each employee or officer of a "consultant" for the City of Corpus Christi who worked on any matter related to the subject of this contract and has an "ownership interest" constituting 3% or more of the ownership in the above named "firm."

Name	Consultant
N/A	
_____	_____
_____	_____
_____	_____

FILING REQUIREMENTS

If a person who requests official action on a matter knows that the requested action will confer an economic benefit on any City official or employee that is distinguishable from the effect that the action will have on members of the public in general or a substantial segment thereof, you shall disclose that fact in a signed writing to the City official, employee or body that has been requested to act in the matter, unless the interest of the City official or employee in the matter is apparent. The disclosure shall also be made in a signed writing filed with the City Secretary.
[Ethics Ordinance Section 2-349 (d)]

CERTIFICATION

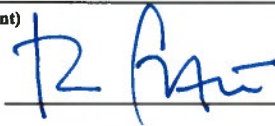
I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Corpus Christi, Texas as changes occur.

Certifying Person: Ron Guzman, P.E.

Title: Principal

(Type or Print)

Signature of Certifying
Person:



Date: 2.28.17

DEFINITIONS

- a. "Board member." A member of any board, commission, or committee appointed by the City Council of the City of Corpus Christi, Texas.
- b. "Economic benefit". An action that is likely to affect an economic interest if it is likely to have an effect on that interest that is distinguishable from its effect on members of the public in general or a substantial segment thereof.
- c. "Employee." Any person employed by the City of Corpus Christi, Texas either on a full or part-time basis, but not as an independent contractor.
- d. "Firm." Any entity operated for economic gain, whether professional, industrial or commercial, and whether established to produce or deal with a product or service, including but not limited to, entities operated in the form of sole proprietorship, as self-employed person, partnership, corporation, joint stock company, joint venture, receivership or trust, and entities which for purposes of taxation are treated as non-profit organizations.
- e. "Official." The Mayor, members of the City Council, City Manager, Deputy City Manager, Assistant City Managers, Department and Division Heads, and Municipal Court Judges of the City of Corpus Christi, Texas.
- f. "Ownership Interest." Legal or equitable interest, whether actually or constructively held, in a firm, including when such interest is held through an agent, trust, estate, or holding entity. "Constructively held" refers to holdings or control established through voting trusts, proxies, or special terms of venture or partnership agreements."
- g. "Consultant." Any person or firm, such as engineers and architects, hired by the City of Corpus Christi for the purpose of professional consultation and recommendation.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Freese and Nichols, Inc.
Corpus Christi, TX United States

Certificate Number:
2017-165686

Date Filed:
02/13/2017

Date Acknowledged:

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Corpus Christi

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

City Project No. E10008

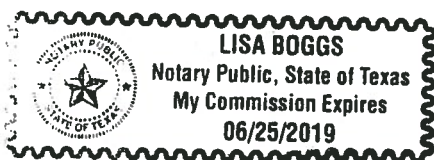
Provide Construction Management Services and sampling plan for Mary Rhodes Pipeline, Phase 2 project

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Hatley, Tricia	Oklahoma City, OK United States	X	
	New, John	San Antonio, TX United States	X	
	Payne, Jeff	Dallas, TX United States	X	
	Milrany, Cindy	Fort Worth, TX United States	X	
	Coltharp, Brian	Fort Worth, TX United States	X	
	Pence, Robert	Fort Worth, TX United States	X	
	Nichols, Michael	Fort Worth, TX United States	X	
	Gooch, Thomas	Fort Worth, TX United States	X	
	Herchert, Robert	Fort Worth, TX United States	X	

5 Check only if there is NO Interested Party. ☐

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



[Signature]

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Ron Guzman, this the 13th day of February, 2017, to certify which, witness my hand and seal of office.

[Signature]
Signature of officer administering oath

Lisa Boggs
Printed name of officer administering oath

Notary Public
Title of officer administering oath