

**EXHIBIT**

**"A"**



**SUPPLEMENTAL CONTRACT NO. 11  
TO CONTRACT FOR ENGINEERING SERVICES**

**FIRM: WALKER PARTNERS/FREESE AND NICHOLS JOINT VENTURE ("Engineer")**

**ADDRESS: 804 Las Cimas Parkway, Suite 150, Austin, TX 78746**

**PROJECT: BCRUA Phase 2 Raw Water Delivery System**

This Supplemental Contract No. 11 to Contract for Engineering Services is made by and between the BRUSHY CREEK REGIONAL UTILITY AUTHORITY, INC., hereinafter called "BCRUA" and Walker Partners//Freese and Nichols Joint Venture, hereinafter called the "Engineer".

**WHEREAS**, BCRUA and Engineer executed a Contract for Engineering Services, hereinafter called the "Contract", on the 28th day of November, 2018 for the BCRUA Phase 2 Raw Water Delivery System Project in the lump sum amount of \$12,518,037.00 for Engineering Services excluding Task 5.3.1 – Geotechnical Investigation; and

**WHEREAS**, BCRUA and Engineer executed Supplemental Contract No. 1 on April 24, 2019 to amend the scope of services, specifically, Task 6.0, and to increase the compensation by \$75,496.00 to a total lump sum amount of \$12,593,533.00 for a total project amount of \$13,697,291.00; and

**WHEREAS**, BCRUA and Engineer executed Supplemental Contract No. 2 on August 7, 2019 to amend the scope of services, specifically, Task 5.0 – Special Services, and to increase the compensation by \$42,348.00 to a total lump sum amount of \$12,635,881.00 for a total project amount of \$13,739,639.00; and

**WHEREAS**, BCRUA and Engineer executed Supplemental Contract No. 3 on March 5, 2020 to amend the scope of services, specifically, Task 6.0 – Agency and Stakeholder Coordination, and to increase the compensation by \$47,000.00 to a total lump sum amount of \$12,682,881.00 for a total project amount of \$13,786,639.00; and

**WHEREAS**, BCRUA and Engineer executed Supplemental Contract No. 4 on March 20, 2020 to amend the scope of services, specifically, Task 6.0 – Agency and Stakeholder Coordination, and to increase the compensation by \$18,155.00 to a total lump sum amount of \$12,701,036.00 for a total project amount of \$13,804,794.00; and

**WHEREAS**, BCRUA and Engineer executed Supplemental Contract No. 5 on May 28, 2020 to amend the scope of services, specifically, Task 5.3.1 – Geotechnical Investigation, by reducing the compensation by \$256,761.00 and adjusting the total Time and Materials amount to \$846,997.00; and to reallocate \$256,761.00 to Task 5.0 – Special Services and Task 6.0 – Agency and Stakeholder Coordination, and to modify the provisions for the scope of services for Task 5.0 by increasing the compensation by \$24,212.00 to a total lump sum amount of \$12,982,009.00 for a total project amount of \$13,829,006.00; and

**WHEREAS**, BCRUA and Engineer executed Supplemental Contract No. 6 on October 22, 2020 to amend the scope of services, specifically, Task 5.0 – Special Services, and to increase the compensation by \$27,985.00 to a total lump sum amount of \$13,009,994.00 for a total project amount of \$13,856,991.00; and

**WHEREAS**, BCRUA and Engineer executed Supplemental Contract No. 7 on April 28, 2021 to amend the scope of services, specifically, Task 5.0 – Special Services, and to increase the compensation by \$137,201.00 to a total lump sum of \$13,147,195.00 for a total project amount of \$13,994,192.00; and

**WHEREAS**, BCRUA and Engineer executed Supplemental Contract No. 8 on June 7, 2021 to amend the scope of services, specifically, Task 5.0 – Special Services, and to increase the compensation by \$47,238.00 to a total lump sum of \$13,194,433.00 for a total project amount of \$14,041,430.00; and

**WHEREAS**, BCRUA and Engineer executed Supplemental Contract No. 9 on August 17, 2021 to amend the scope of services, specifically, Task 5.0 – Special Services, and to increase the compensation by \$25,000.00 to a total lump sum of \$13,219,433.00 for a total project amount of \$14,066,430.000; and

**WHEREAS**, BCRUA and Engineer executed Supplemental Contract No. 10 on October 15, 2021 to amend the scope of services, specifically, Task 6.0 – Agency and Stakeholder Coordination, and to increase the compensation by \$29,800.00 to a total lump sum of \$13,249,233.00 for a total project amount of \$14,096,230.00; and

**WHEREAS**, it has become necessary to amend the Contract to modify the provisions for basic engineering services and to increase the compensation by \$745,999.00 to a total Time and Materials amount of \$1,592,996.00 for a total project amount of \$14,842,229.00;

**NOW THEREFORE**, premises considered, BCRUA and the Engineer agree that said Contract is amended as follows:

I.

Article 2, Engineering Services and Exhibit B, Engineering Services shall be amended as set forth in the attached Addendum To Exhibit B, Exhibit C, Work Schedule shall be amended as set forth in the attached Addendum To Exhibit C.

II.

Article 4, Compensation (2) Not-to-Exceed Sum and Exhibit D, Fee Schedule shall be amended by increasing by \$745,999.00 the not-to-exceed sum amount payable under the Contract for Engineering Services, to a total not-to-exceed amount of \$1,592,996.00 for a total Project amount of \$14,842,229.00, as shown by the attached Addendum to Exhibit D.

**IN WITNESS WHEREOF**, BCRUA and the Engineer have executed this Supplemental Contract in duplicate.

*[signature pages follow]*

**WALKER PARTNERS**

**By:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**Date**

**FREESE AND NICHOLS JOINT VENTURE**

**By:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**Date**

**BRUSHY CREEK REGIONAL UTILITY AUTHORITY, INC.**

**By:** \_\_\_\_\_  
**Nacole Thompson, President**

\_\_\_\_\_  
**Date**

**APPROVED AS TO FORM:**

**By:** \_\_\_\_\_  
**Stephan L. Sheets, BCRUA Attorney**

**ADDENDUM TO EXHIBIT B  
ENGINEERING SERVICES**

**GENERAL**

*The purpose of Supplemental Amendment No. 11 is to provide bidding phase services for the Phase 2 Raw Water Delivery System Project. Proposals shall be received and evaluated, and subsequently the Project shall be awarded as a single construction contract to the selected Contractor.*

**BASIC SCOPE OF SERVICES**

**Task 1.0 - Project Management.**

- 1.1 Progress Meetings. Attend monthly progress meetings with Owner for a total of seven meetings.
- 1.2 Project Administration.
  - 1.2.1 Manage and coordinate staff resources, subconsultants, and project planning. Conduct weekly team coordination meetings in person or by teleconference.
  - 1.2.2 Prepare and submit monthly invoices and project progress reports. As a minimum, monthly progress reports shall include a summary description of tasks completed as of the report date, description of activities planned for the next 60 days, financial status of the project, status of schedule for project, and identification of technical, commercial or other issues which may have an impact to the overall project budget and/or schedule.

**Task 2.0 - Bidding Phase.** Assist Owner in advertising, obtaining, and evaluating proposals for the Work. Prequalifying prime contractors and subcontractors is not included in this effort. The Bidding Phase will be considered complete upon issuance of Notice-to-Proceed to the selected Contractor or upon cessation of negotiations with prospective contractors.

- 2.1 Assist Owner in advertising for and obtaining proposals for the Work and, where applicable, maintain a record of prospective proposers to whom Bidding Documents have been issued, conduct one pre-Proposal conference, attend one site visit, and attend two rock core reviews. Owner shall pay for advertisement of the Work and make the Contract Documents available on CIVCAST.
- 2.2 Respond to Proposer questions. Issue Addenda as appropriate to clarify, correct, or modify the Bidding Documents.
- 2.3 Evaluate and determine the acceptability of "or equals" and substitution of materials and equipment proposed by prospective proposers, provided that such proposals are allowed by the bidding-related documents (or requests for proposals or other construction procurement documents) prior to award of the Contract for the Work.
- 2.4 Attend the Proposal opening, prepare Bid tabulation sheets, and assist Owner in evaluating Bids or proposals including Alternate Proposals. Review the information in the proposals

and advise Owner regarding the interpretation of the information provided as it relates to the selection criteria. Provide reference checks on key personnel from the information provided in the proposal and review the qualifications of key personnel offered. Report findings of the review of proposals and investigations to the Owner's selection committee. Facilitate scoring of proposals by the selection committee and assist in determining which proposal appears to provide the best value to the Owner based on proposals received.

- 2.5 Assist the Owner in coordinating and conducting interviews with the top two or three ranking proposers. Assist in developing pertinent interview questions. Facilitate the interview process and work with the Owner's selection committee to determine what, if any, adjustments should be made to the scoring based on information obtained in the interviews.
- 2.6 Compare prices received to the cost estimate to determine that the prices proposed are responsive to the Bidding/Proposal documents. Identify cost difference if estimates and prices are not within allowable tolerances for cost estimates. Provide information or assistance needed by Owner during negotiations allowed under Texas Government Code 2269.
- 2.7 Prepare conformed bidding documents. Incorporate addenda modifications into the drawings and specifications. Assist Owner in assembling the final Contract for the Work for execution by Owner and successful Proposer. Prepare stamped Engineer's recommendation of award letter and bid tabulation analysis. Furnish up to ten printed copies of the conformed bidding documents, four of which shall be provided to the Contractor.
- 2.8 Attend Owner Board and individual City council meetings to present a recommendation of award of the construction contract.
- 2.9 Submit advertisement, all addenda, bid tabulation, Engineer's recommendation of award letter and associated proposal to Texas Water Development Board (TWDB) to allow for contingent award of Contract.
- 2.10 Consult with Owner to review contractor's certificates of insurance and other required pre-NTP submittals for conformance with the requirements of the contract documents. Submit executed contract documents and contractor's certificates of insurance to TWDB to receive authorization to issue Notice-to-Proceed to the successful Proposer.
- 2.11 Assist Owner in selection of an independent testing laboratory to perform required construction materials testing services.

### **Task 3.0 - Stakeholder Coordination.**

- 3.1 Assist Owner in the renewal of permits required by the Travis County Fire Marshal's Office.

### **Task 4.0 - Additional Services**

The following Additional Services are not included in the Scope of Services and will not be performed unless specifically authorized by the Owner:

- 4.1 Preparing additional Bidding Documents or Contract Documents for alternate bids or prices requested by Owner for the Work or a portion thereof.
- 4.2 Assistance in connection with Bid protests, rebidding, or renegotiating contracts for construction, materials, equipment, or services.
- 4.3 Assist Owner in coordination of permit requirements between the Bidders, Travis County Transportation and Development, LCRA, PEC, and the USACE.
- 4.4 Preparing additional drawings or revisions to existing drawings in response to Travis County or other Stakeholder request, per the direction of the Owner.

**ADDENDUM TO EXHIBIT C  
WORK SCHEDULE**

The Bid Phase will commence upon advertisement of the Project and will last for approximately seven (7) months. Bid Phase terminate upon issuance of Notice-to-Proceed to the selected Contractor or upon cessation of negotiations with prospective contractors.

**ADDENDUM TO EXHIBIT D**  
**Fee Schedule**

Attached Behind This Page

**ADDENDUM TO EXHIBIT D  
COMPENSATION**

Total compensation for services under Supplemental Amendment No. 11 is estimated to be \$745,999 as shown in Attachment 1 to Exhibit D.

Owner shall pay Engineer for Basic Services set forth in Supplemental Amendment No. 11 on the basis of Standard Hourly Rates as described in Paragraph 2.0 of Exhibit D.

Total compensation for Standard Hourly Rates tasks shall be adjusted from \$846,997 to \$1,592,996.

Total compensation for the Project shall be adjusted from \$14,096,230 to \$14,842,229.

Brushy Creek Regional Utility Authority (BCRUA) Phase 2 Raw Water Delivery System - Supplemental Amendment No. 11 - Bid Phase Services 10/7/2021 Detailed Cost Breakdown											Project Fee Summary				
											Basic Services	Extra Services	Total Project		
													\$745,999		
															\$745,999
Basic Services															
Task	Employee	Archer	Jenkins	Christensen	Petrasek	Smith	Niermann	Yen	Gieseke	Nichols	Total Hours	Total Labor Effort	Total Expense Effort	Total Sub Effort	Total Effort
	Position	PM (Manager III)	QC (Manager III)	Senior PE (Senior Eng II)	Senior PE (Senior Eng III)	PE (Senior Eng I)	PE (Project Eng II)	EIT (Project Eng I)	CAD (Technician III)	Admin (Support Staff III)					
Tasks ↓   Current Hourly Bill Rate →		\$295	\$295	\$260	\$275	\$200	\$160	\$115	\$175	\$130					
<b>1.0</b>	<b>Project Management</b>														
1.1	Progress Meetings (7)	42		21			6				69	\$ 18,810	\$ 274	\$ 23,803	\$ 42,887
1.2	Project Administration	40		16						24	80	\$ 19,080	\$ 53	\$ 55,060	\$ 74,193
<b>2.0</b>	<b>Bidding Services</b>														
2.1	Plan Issuance and Pre-Proposal Meetings	24		40			8			40	112	\$ 23,960	\$ 193	\$ 34,098	\$ 58,251
2.2	Respond to Question and Issue Addenda	40	24	120	24	24	40	80	120	24	496	\$ 101,200	\$ 105	\$ 129,656	\$ 230,961
2.3	Substitutions Evaluation	2		24	4	4	4				38	\$ 9,370	\$ -	\$ 31,523	\$ 40,893
2.4	Proposal Opening, Bid Tabulation, and Proposal Review	40	8	60	16	4	4				132	\$ 35,600	\$ 223	\$ 44,279	\$ 80,102
2.5	Interview Support	40		16							56	\$ 15,960	\$ 193	\$ 26,337	\$ 42,490
2.6	Pricing Review and Negotiation Support	24		40	4	4	4				76	\$ 20,020	\$ 36	\$ 29,477	\$ 49,533
2.7	Conformed Docs, Recommendation of Award, Assemble Final Contract	4		40		4	4		40	32	124	\$ 24,180	\$ 1,575	\$ 61,600	\$ 87,355
2.8	Board and Council Meetings	40									40	\$ 11,800	\$ 302	\$ 992	\$ 13,094
2.9	TWDB Submittal for Contingent Award	2		8						8	18	\$ 3,710	\$ -	\$ 992	\$ 4,702
2.10	TWDB Submittal for NTP	2		8						8	18	\$ 3,710	\$ -	\$ 992	\$ 4,702
2.11	Assist with Selection of Material Testing Lab	2		16							18	\$ 4,750	\$ -	\$ 7,350	\$ 12,100
<b>3.0</b>	<b>Stakeholder Coordination</b>														
3.1	TCFM Permit Renewal											\$ -	\$ -	\$ 4,736	\$ 4,736
<b>Total Basic Services Hours</b>		<b>302</b>	<b>32</b>	<b>409</b>	<b>48</b>	<b>40</b>	<b>70</b>	<b>80</b>	<b>160</b>	<b>136</b>	<b>1,277</b>	<b>\$ 292,150</b>	<b>\$ 2,954</b>	<b>\$ 450,895</b>	<b>\$ 745,999</b>

Task	Expenses	Miles	Meals	Printing	Hotel	Travel	Other	Other	Other	Other	Total Expenses
<b>1.0</b>	<b>Project Management</b>										
1.1	Progress Meetings (7)	420		25							\$ 274
1.2	Project Administration			50							\$ 53
<b>2.0</b>	<b>Bidding Services</b>										
2.1	Plan Issuance and Pre-Proposal Meetings	150	100								\$ 193
2.2	Respond to Question and Issue Addenda			100							\$ 105
2.3	Substitutions Evaluation										\$ -
2.4	Proposal Opening, Bid Tabulation, and Proposal Review	200	100								\$ 223
2.5	Interview Support	150		100							\$ 193
2.6	Pricing Review and Negotiation Support	60									\$ 36
2.7	Conformed Docs, Recommendation of Award, Assemble Final Contract			1,500							\$ 1,575
2.8	Board and Council Meetings	300	120								\$ 302
2.9	TWDB Submittal for Contingent Award										\$ -
2.10	TWDB Submittal for NTP										\$ -
2.11	Assist with Selection of Material Testing Lab										\$ -
<b>3.0</b>	<b>Stakeholder Coordination</b>										
3.1	TCFM Permit Renewal										\$ -
<b>Total Expenses Effort</b>		<b>\$ 753</b>	<b>\$ 336</b>	<b>\$ 1,864</b>	<b>\$ -</b>	<b>\$ 2,954</b>					

Task	Subconsultants	Schnabel	KFriese	JHE	FNI (JV Partner)						Total Sub Effort
<b>1.0</b>	<b>Project Management</b>										
1.1	Progress Meetings (7)	8,000	3,556	1,725	9,857						\$ 23,803
1.2	Project Administration	14,104	9,040	983	29,726						\$ 55,060
<b>2.0</b>	<b>Bidding Services</b>										
2.1	Plan Issuance and Pre-Proposal Meetings	15,212	1,016	1,725	15,247						\$ 34,098
2.2	Respond to Question and Issue Addenda	15,832	7,535	3,450	101,498						\$ 129,656
2.3	Substitutions Evaluation	8,176	1,395		21,473						\$ 31,523
2.4	Proposal Opening, Bid Tabulation, and Proposal Review	16,932	1,630	6,900	17,543						\$ 44,279
2.5	Interview Support	17,624	1,210		6,561						\$ 26,337
2.6	Pricing Review and Negotiation Support	8,432	2,835	5,175	12,212						\$ 29,477
2.7	Conformed Docs, Recommendation of Award, Assemble Final Contract	944	1,565		58,965						\$ 61,600
2.8	Board and Council Meetings	944									\$ 992
2.9	TWDB Submittal for Contingent Award	944									\$ 992
2.10	TWDB Submittal for NTP	944									\$ 992
2.11	Assist with Selection of Material Testing Lab	7,000									\$ 7,350
<b>3.0</b>	<b>Stakeholder Coordination</b>										
3.1	TCFM Permit Renewal				4,736						\$ 4,736
<b>Total Subconsultants Effort</b>		<b>\$ 120,842</b>	<b>\$ 31,271</b>	<b>\$ 20,957</b>	<b>\$ 277,818</b>	<b>\$ -</b>	<b>\$ 450,895</b>				



Brushy Creek Regional Utility Authority Phase 2 - Raw Water Delivery System - Bid Phase 10/6/2021 Detailed Cost Breakdown	<b>Project Fee Summary</b>	
	Basic Services	277,820
	Special Services	-
	<b>Total Project</b>	<b>277,820</b>

Attachment 1 to Exhibit D

Tasks			Expenses												
Phase	Task	Basic or Special	Task Description	Tech Charge	Miles	Meals	Hotel	B&W (sheet)	Color (sheet)	Binding (each)	Lg Format - Bond - B&W (sq. ft.)	Lg Format - Glossy/Mylar - B&W (sq. ft.)	Other	Total Expense Effort	
	1.0	Basic	<b>Project Management</b>												\$ -
	1.1	Basic	Progress Meetings (7)	35	350										\$ 196
	1.2	Basic	Project Administration	123											\$ -
	2.0	Basic	<b>Bidding Services</b>												\$ -
	2.1	Basic	Plan Issuance and Pre-Proposal Meetings	60	2,000										\$ 1,120
	2.2	Basic	Issue Addenda	488											\$ -
	2.3	Basic	Substitutions Evaluation	98											\$ -
	2.4	Basic	Proposal Opening, Bid Tabulation, and Proposal Review	74	100										\$ 56
	2.5	Basic	Interview Support	26	400										\$ 224
	2.6	Basic	Pricing Review and Negotiation Support	56											\$ -
	2.7	Basic	Conformed Docs, Rec of Award, Assemble Final Contract	318											\$ -
	2.8	Basic	<i>Board and Council Meetings - No effort</i>												\$ -
	2.9	Basic	<i>TWDB Submittal for Contingent Award - No effort</i>												\$ -
	2.10	Basic	<i>TWDB Submittal for NTP - No effort</i>												\$ -
	2.11	Basic	<i>Assist with Selection of Material Testing Lab - No effort</i>												\$ -
	3.0	Basic	<b>Stakeholder Coordination</b>												\$ -
	3.1	Basic	Travis County Fire Marshal Coordination	20	100										\$ 56
															\$ -
															\$ -
			<b>Total Hours / Quantity</b>	<b>1,298</b>	<b>2,950</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
			<b>Total Effort</b>	<b>\$ -</b>	<b>\$ 1,652</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,652</b>

