

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

FIRST AMENDMENT TO
AGREEMENT FOR PROFESSIONAL SERVICES

This **First Amendment to Agreement for Professional Services** (“**First Amendment**”) is made by and between the **City of Farmers Branch** (“**City**”), a Texas home rule municipality, and **Freese and Nichols, Inc.** (“**Professional**”), a Texas corporation (each a “**Party**” and collectively the “**Parties**”), acting by and through their authorized representatives.

RECITALS:

WHEREAS, the Parties previously entered into that certain *Agreement for Professional Services* for Lead and Copper Revision Comprehensive Plan dated February 24, 2023 (the “Original Agreement”); and

WHEREAS, the Parties desire to amend the Original Agreement as set forth herein.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, and other valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the Parties agree as follows:

1. That the Scope of Services of the Original Agreement referred to therein as “Exhibit A” is amended to add additional scope of services set forth in Exhibit “A-1” attached hereto and incorporated herein by reference (the “Additional Services”). The Professional shall be compensated for the Additional Services in accordance with Exhibit “A-1”.
2. That the Original Agreement shall continue in full force and effect, except as amended herein.
3. That this First Amendment shall be effective on the date this First Amendment (including all counterparts) bears the signature of the authorized representatives of all the Parties.
4. That this First Amendment may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.
5. That each Party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Original Agreement.

(Signature Page to Follow)

SIGNED AND AGREED this _____ day of _____, 2024.

CITY OF FARMERS BRANCH, TEXAS

By: _____
Benjamin W. Williamson, City Manager

ATTEST:

Stacy Henderson, City Secretary

APPROVED AS TO FORM:

David M. Berman, City Attorney

SIGNED AND AGREED this _____ day of _____, 2024.

FREESE AND NICHOLS, INC.

By: _____
Trey Shanks, Vice President

EXHIBIT “A-1” SCOPE OF SERVICES

ATTACHMENT SC

SCOPE OF SERVICES AND RESPONSIBILITIES OF CLIENT

PHASE 3 - LEAD AND COPPER RULE REVISION COMPLIANCE PROGRAM

PROJECT UNDERSTANDING

This proposal is a continuation of the phased approach recommended by Freese and Nichols, Inc. (FNI) to support the City of Farmers Branch (City) with preparation for the Lead and Copper Rule Revisions (LCRR). In 2023-24, FNI completed Phases 1 and 2, which provided an initial service line inventory, compliance schedule, and planning-level budget for future phases. This phase focuses on incorporating the final section of regulation, the Lead and Copper Rule Improvements (LCRI), which were proposed on November 30, 2023, preparing the compliance items required for the October 2024 LCRR Compliance Date.

The U.S. Environmental Protection Agency (EPA) introduced the LCRR on January 15, 2021, establishing new standards to eliminate harmful levels of lead and copper from drinking water. The LCRR was given an effective date of December 16, 2021, with a compliance date of October 16, 2024. Subsequently, the EPA unveiled a final section of regulation, the Lead and Copper Rule Improvements (LCRI), designed to clarify and strengthen specific components of the LCRR. The LCRI, released on November 30, 2023, proposes a delayed compliance date on several items of the LCRR. Still, it upholds the requirement to submit an initial inventory and commence related annual public communications in October 2024.

FNI is providing a scope of services for the items that remain due by October 16, 2024, according to the proposed LCRI, and proposes to leave remaining compliance preparation for a future phase of work after the LCRI is finalized and templates and guidance are developed by the EPA and Texas Commission on Environmental Quality (TCEQ).

The LCRI proposed significant new requirements, most notably eliminating all unknowns, performing randomized potholing to verify inventory entries, and replacing all lead and Galvanized Requiring Replacement (GRR) lines to the customer building inlet by 2037. The replacement requirement applies to all systems, regardless of lead detection levels. This proposal includes an updated compliance schedule and level of effort based on the LCRI and an estimated effort for conducting field inspections of all unknowns.

The scope of services in this proposal includes the following major components:

Basic Services

- Project Management and Coordination Meetings
- Public-facing Inventory and Communication Materials
- Final Inventory Review and Submittal Support
- Updated LSL Compliance Plan

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EXHIBIT "A-1"
SCOPE OF SERVICES



City of Farmers Branch, TX
13000 William Dodson Parkway
Farmers Branch, Texas 75234

**PROFESSIONAL SERVICES AGREEMENT
AMENDMENT #1**

FNI Project: FBR23262
Client Contract: NA
Date: 4/8/2024

Project Name:	PHASE 3 - LEAD AND COPPER RULE REVISION COMPLIANCE PROGRAM
Description of Services:	Lead and Copper Rule Revision Compliance Program per Attachment SC
Deliverables:	Public-facing Service Line Inventory, Communication Materials, Final Service Line Material Inventory in TCEQ template, and Updated LSL Compliance Plan
Schedule:	May 2024 to December 2024
Compensation Type:	Lump Sum Fee
Current Contract Amount:	\$265,608
Amount of this Amendment:	\$75,267
Revised Total Amount Authorized:	\$340,875

The services described above shall proceed as amended upon execution of this Amendment. All other provisions, terms, and conditions of the Professional Services Agreement which are not expressly amended shall remain in full force and effect.

CITY OF FARMERS BRANCH, TX

FREESE AND NICHOLS, INC.

By: _____
Name: _____
Title: _____
Date: _____

By: Trey Shanks
Name: Trey Shanks
Title: Vice President
Date: April 8, 2024

EXHIBIT “A-1” SCOPE OF SERVICES

2.2 FAQs and Website Materials

FNI will provide a series of topics and suggested messages to the City and its public communications team and develop a standard FAQ sheet to unify the City’s messaging on key LCRR topics such as:

- Potential lead risks in drinking water related to lead piping
- The City’s monitoring and compliance history
- LCRR updates to lead regulations
- SLM inventory
- Potential presence of lead materials in premise plumbing

FNI will recommend webpage content from the developed FAQs and provide recommended text for the City to include in a public-facing online inventory. Website design and creation is outside the scope of this project. The City will be responsible for the design and creation of a website, and FNI will provide a review and comments to the City on the website.

2.3 Annual SLM Notices

FNI will support the City for the first time in preparing the required annual SLM notices for customers served by lead, GRR, and lead-status-unknown SLM. The City will be responsible for delivery of the SLM notices to customers.

- SL Notification Checklist and Review of Notification Requirements – FNI will review the notice requirements, methods of delivery, and cost estimates in a Task 1 progress meeting with the City. FNI will present a draft checklist for preparing, delivering, and certifying the annual notices to TCEQ. FNI will receive up to one round of comments and provide a finalized checklist.
- Notice Templates – FNI will draft three templates and supplemental SL notification messaging for the City to review and consider. FNI will review and use relevant available information and guidelines from TCEQ to develop the supplemental content. FNI will provide three (3) draft letters: one version for lead SL, one for GRR SL, and one for unknown SLM. FNI will provide the three templates electronically. The City will issue the notices to customers within 30 days of the inventory submittal to TCEQ, as LCRR requires.
- Support for Issuance and Certification of Notices – FNI will provide the City with up to sixteen (16) hours of support to issue and address City customer questions about the letters. The LCRR requires the City to certify to the State that the annual notices were delivered to the community. FNI will prepare a certification form for the 2024 notices for the City to review, sign, and submit to TCEQ, as required.

Task 2 Deliverables

- Public-facing SL Inventory: One (1) Web map in the City’s ArcGIS Online environment and one (1) Excel file
- FAQs & Website Materials: text and figures provided electronically
- Checklist for Annual SLM Notices: provided electronically

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EXHIBIT “A-1” SCOPE OF SERVICES

ARTICLE I

BASIC SERVICES: FNI shall render the following professional services in connection with the development of the Project:

Task 1 - Project Management and Coordination Meetings

1.1 Project Kickoff Meeting

FNI will conduct a kickoff meeting with key stakeholders to discuss the project approach, roles, and deliverables.

1.2 Project Administration

FNI will perform general administrative duties associated with the Project, including planning, progress monitoring, monthly progress reporting, scheduling, quality control/quality assurance, and invoicing for the Project. These duties include maintaining regular contact with the City to help meet its needs promptly and executing work according to the work plan, budget, and schedule.

1.3 Project Coordination Meetings

FNI will lead up to six (6) virtual, one-hour coordination meetings with the City’s staff to facilitate the progress and completion of the project. Topics for each meeting will be identified in advance and related to the execution of tasks in this project.

At each meeting, FNI will be responsible for:

- Developing and distributing the agenda in advance of the meeting
- Moderating the discussion
- Distributing meeting minutes and action items

The City will be responsible for:

- Reviewing the agenda and securing the participation of relevant staff for each meeting
- Reviewing meeting minutes and providing timely feedback to FNI
- Addressing action items on time

Task 2 – Public-Facing Inventory and Communication Materials

FNI will coordinate with the City to develop communication materials to meet the outreach requirements for the LCRR and proposed LCRI, which are due by October 2024.

2.1 Public-facing Service Line Material (SLM) Inventory

FNI will develop a web map and MS Excel spreadsheet in alignment with the TCEQ inventory template to serve as the City’s public-facing inventory. FNI will provide options to the City for displaying required information and suggested information to the public. FNI will incorporate the City’s feedback into a final web map and spreadsheet.

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EXHIBIT “A-1” SCOPE OF SERVICES

- SLM Template Notice(s): Three (3) drafted versions (one for lead, one for GRR, and one for unknown SLM), provided electronically
- Certification form for SLM Notices: completed for signature, provided electronically

Task 2 Assumptions and City Responsibilities

- The inventory spreadsheet and web map will contain information available to FNI as of September 1, 2024. The City will perform any subsequent updates.
- City will perform website development. City will develop the website draft at least four (4) weeks ahead of the compliance deadline and provide it to FNI for review.
- City will issue the SLM notices.
- City will review and sign the certification form.

Task 3 – Final SLM Inventory Review and Submittal Support

FNI will perform the final review and prepare the SLM inventory for submission to TCEQ by the October 16, 2024 compliance date.

3.1 Final Review and Export

FNI will review the GIS SLM inventory with the City in two (2) one-hour (1-hr) virtual work sessions and walk through the export into the TCEQ template. FNI will present the Final Draft Inventory during a Task 1 progress meeting and collect final feedback from the City before finalization for submittal to TCEQ.

3.2 Submittal and Post-Submittal Support

During a Task 1 virtual progress meeting, FNI will prepare and present the Final SLM Inventory to the City. During the meeting, FNI will complete the certification section with the City’s approval and provide the completed Excel file to the City for submission to TCEQ by the compliance deadline. FNI will provide up to 16 hours of submittal and post-submittal support.

Task 3 Deliverables

- Final SLM inventory in TCEQ template (Excel file)

Task 3 Assumptions

- The City will participate in reviewing and authorizing certification of the Excel file at least five (5) business days before the October 16, 2024 deadline.
- Post-submittal questions will include any technical questions that arise during the submittal process.

Task 4 – Updated LSL Compliance Plan

In this task, FNI will update the City’s compliance plan to incorporate the City’s inventory status as of October 2024 and the requirements of the final LCRI, which is expected by October 2024. This will include projections of budget requirements and a proposed compliance schedule.

4.1 Data and Regulatory Information Review

The EPA announced that the LCRI will be finalized before October 16, 2024. After the LCRI is finalized, FNI will

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EXHIBIT “A-1” SCOPE OF SERVICES

review the final rule, attend workshops, and communicate with EPA and TCEQ to clarify requirements. Communication with EPA and TCEQ may involve attendance at and questions in public meetings, emails, and phone calls.

4.2 Schedule and Budget Update Based on Finalized LCRI

FNI will develop an updated schedule and budget for the City in a spreadsheet listing each major rule component broken into subtasks. For each sub-task, there will be a task description, a schedule in the form of a start and end date, and an estimated budget.

This recommended plan will be discussed during Task 1 progress meetings with the City. FNI will revise the spreadsheet with City feedback and provide a final draft of the updated LCRI Compliance Plan to the City. FNI will receive up to one (1) round of City comments before finalizing the LCRI Compliance Plan.

The number of unknowns in the inventory at the LCRI compliance date will impact the effort required for compliance activities following that date. FNI will incorporate the City’s plan to eliminate 100% unknowns ahead of LCRI compliance and will develop a schedule and a budget for the City.

4.3 Support for Presenting LCRI Updates to City Council

FNI will provide a PowerPoint presentation and a one-page handout to support the City’s communication of LCRI and the Updated Compliance Schedule and Budget. FNI will also participate in one (1) council or other meeting to support City staff in presenting the content and answering questions.

Task 4 Deliverables

- Initial and final LCRI Compliance Plan spreadsheet in Excel and PDF
- Presentation Materials, including one (1) PowerPoint presentation and a one-page handout provided electronically

ARTICLE II

Additional Services

Any services performed by FNI that are not included in the Basic Services described above are Additional Services. Additional Services to be performed by FNI for an additional fee, if authorized by the City, are described as follows:

FNI recommends that the City work to reduce unknowns as much as possible ahead of the anticipated fall 2027 LCRI deadline. SL inspections of all unknowns by a contractor, conducted at the meter box, would be at a unit cost per location. It is important to note that meter box inspections cannot eliminate 100% of the unknowns. The connection would remain unknown if the material is undeterminable at the meter box. SL excavations (i.e., potholing) may be performed to verify the line material in these cases. Potholing between 2 and 4 feet from a meter box on either side of the meter can be performed at a unit rate per location. Assuming 10% of the unknown requires potholing, this would require an additional budget. The estimated total cost can be determined with the meter box and SL Potholing alone to reduce unknowns.

The estimates can be included to train, procure, or provide management and contractor oversight during inspections. The additional services below include technical and funding application support to further identify SLM for the City.

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EXHIBIT “A-1” SCOPE OF SERVICES

AS.1 Support for Continued Identification of SLM

Following the submittal of the final inventory, FNI can provide additional support to the City for the continued identification of unknown SLM. The support may include but is not limited to:

- Conducting and recording staff interviews as SLM records
- Creating templates for customer self-identification surveys and developing a method to capture and evaluate data received
- Coordinate and evaluate alternative technologies and predictive modeling tools to help prioritize future SL identification efforts
- Ongoing Desktop and Field SLM Inspection Coordination
- Creating procurement documents to bid out meter box or potholing inspections
- Providing customer outreach materials for authorization to potholes

AS.2 Funding Support for Continued Identification of SLM

FNI can prepare a TWDB LCRR funding application for the City. At a project coordination meeting, FNI will review the methodology and draft the application with the City. Based on the City’s feedback, FNI will finalize the application and coordinate with the City to submit it to the TWDB by the annual deadline.

FNI can support the City in developing and submitting a full application and completing the closing process for TWDB funding.

Additionally, if the TWDB invites the City to submit a complete application, FNI will provide materials and support for the application and closing process. As part of this task, FNI will:

- Participate in a pre-application conference with the TWDB and the City
- Participate in coordination calls with the City and preparers of the application to discuss and review content
- Assist in preparing the application by providing GIS figures and letter-size pages of narrative text, charts, and tables summarizing the project work and presenting the system and inventory work for the application
- Provide input and guidance during the closing process, coordinating with the TWDB and the City

ARTICLE III

TIME OF COMPLETION: FNI recommends implementing the schedule in the table below to execute this Scope of Services. The tasks related to the inventory will be completed by September 16, 2024, to allow for the submission of the initial inventory by the compliance deadline of October 16, 2024. Public communications support will last through the following month, November 2024. If FNI’s services are delayed through no fault of FNI, FNI shall be entitled to adjust the contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in Client or regulatory reviews, delays in the flow of information to be provided to FNI, governmental approvals, etc. These delays may result in an adjustment to compensation as outlined on the face of this Agreement.

ARTICLE IV

COMPENSATION: The following is the breakdown of the proposed fees. The Basic Services are proposed as Lump Sum as:

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**EXHIBIT “A-1”
SCOPE OF SERVICES**

TASK	FEE	SCHEDULE	COMPENSATION TYPE
BASIC SERVICES			
1 – Project Management, Coordination Meetings, and Workshops	\$20,150	NTP – Dec 2024	Lump Sum
2 – Public-Facing Inventory and Communication Materials	\$29,888	NTP – Nov 2024	
3 – Final Inventory Review and Submittal Support	\$15,049	NTP – Sep 2024	
4 – Updated LSL Compliance Plan	\$10,180	Nov 2024 – Dec 2024	
Total Basic Services Fee	\$75,267		
PROJECT TOTAL	\$75,267		

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**EXHIBIT “A-1”
SCOPE OF SERVICES**