

**PROFESSIONAL SERVICES  
SUPPLEMENTAL AGREEMENT No. 1  
FOR  
RECLAIMED WATER MASTER PLAN**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

FIRM:           DCS Engineering, LLC ("Consultant")

ADDRESS:   1101 S. Capital of Texas Hwy, Bldg G-100  
                  Austin, TX 78746

This Supplemental Agreement No. 1 to a contract for Professional Services is made by and between the City of Pflugerville, Texas, hereinafter called the "City" and DCS Engineering, LLC, hereinafter called the "Consultant".

WHEREAS, the City and Consultant executed an Agreement for Professional Services, hereinafter called the "Agreement", on the 13th day of August, 2013 for the Reclaimed Water Master Plan project in the amount of \$118,481.00 and

WHEREAS, it has become necessary to amend the Agreement to modify the provisions for the Term of Agreement, Scope of Services, Work Schedule, and Compensation; and

NOW THEREFORE, premises considered, the City and the Consultant agree that said Agreement is amended as follows:

Article II. Term shall be amended by changing the term of the Agreement to terminate on December 31, 2014.

Article III. Scope of Services and Attachment No.1, shall be amended as set forth in the attached addendum to Attachment No.1.

Article III. Work Schedule shall be amended as set forth in the attached addendum to Attachment No. 1.

Article IV. Compensation to Consultant and Fee Schedule, shall be amended by increasing by \$70,600.00 the amount payable under the Agreement for a total of \$189,081.00, as shown by the attached Addendum to Attachment No. 1.

**EXECUTED** and **AGREED** to as of the dates indicated below.

**CITY OF  
PFLUGERVILLE**

**CONSULTANT  
DCS ENGINEERING, LLC**

\_\_\_\_\_  
(Signature)

  
\_\_\_\_\_  
(Signature)

Printed Name: Brandon E. Wade

Printed Name: Darren Strozewski

Title: City Manager

Title: Principal

Date: \_\_\_\_\_

Date: 12/20/13

APPROVED AS TO FORM:

\_\_\_\_\_  
George Hyde  
City Attorney

*Denton, Navarro, Rochat Bernal, P.C.*

# **ATTACHMENT NO. 1**

**ATTACHMENT No. 1**  
**City of Pflugerville**  
**TCEQ TPDES DISCHARGE PERMIT RENEWAL APPLICATIONS**

In accordance with the Professional Services Agreement for the TCEQ TPDES Permit Renewal Applications between City and Engineer ("Agreement"), City and Engineer agree as follows:

**1. Specific Project Data**

A. Title: TCEQ TPDES Discharge Permit Renewal Applications

B. Description:

Per your request, we are proposing to provide professional engineering services for preparing four separate permit renewal applications to the Texas Commission on Environmental Quality (TCEQ) for Texas Pollutant Discharge Elimination System (TPDES) permits. The renewals will be prepared for the Wilbarger Creek WWTF, Upper Gilleland Creek (Central) WWTF, New Sweden WWTF, and Lake Pflugerville WTP. The permits will be prepared and submitted to TCEQ on behalf of the City for renewing the permitted treatment capacity phases for all of the existing permitted flows and disinfection methods at each of the four permitted facilities by March 1, 2014, contingent upon the City's notice to proceed as noted below. March 1, 2014 is the deadline to submit a renewal application for all four of these facilities. The Wilbarger Creek WWTF application will be prepared and submitted first. Each of the permits is currently noted to expire on September 1, 2014. We will also maintain the provisions in each permit regarding composting on the site, off-site sludge disposal, or receiving waste activated sludge from the City's other facilities, when applicable.

C. As you are aware, the Upper Gilleland Creek WWTF existing permit has a reporting requirement under the effluent limits for TDS, chloride, and sulfate. Through previous work efforts, it has been determined that the most likely source of the elevated TDS is from water softener usage in the City. The City has been monitoring TDS concentrations in its effluent and Gilleland Creek since approximately June 2005. As part of these efforts, the City has voluntarily taken a number of steps to reduce TDS in the effluent including a Public Education Program. The above permit renewal is anticipated to be the time that TCEQ closely evaluates the TDS situation for the Upper Gilleland WWTP's effluent. The below scope of work excludes all tasks, analysis, reporting or other associated issues with this TDS. If TCEQ raises any issues regarding TDS, DCS will prepare a supplemental scope and fee proposal for the City's consideration.

D. Water Quality Modeling is specifically excluded from the scope of work for these four permit applications.

**2. Services of Engineer**

1) **PERMITTING SERVICES**

DCS shall assist the City in securing a Texas Pollutant Discharge Elimination System (TPDES) permit for the existing WWTP flows. DCS shall prepare an application for the renewal; and assist the City with the processing of the application through the TCEQ.

**Task 01 - Application and Administrative Review Support**

DCS shall prepare an application for renewal and provide support during the administrative review process of the permit. The services for this task are as follows.

a) **Application Information**

DCS will prepare, and submit to the City, a request for information relating to the facility. Requested information will include, but may not be limited to, contact information and information for the public notices. DCS will identify the need for publishing the public notices in an alternative language newspaper. Documents that present the future conceptual design to achieve specified capacities, site plans, treatment process description, process flow schematics, number and dimensions of treatment units, design calculations, solids management plans, affected landowners information and plant boundaries will be prepared by

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DCS. DCS will review the information received from the City to determine if additional information is needed. If necessary, additional information will be requested by DCS.

- b) **Permit Application Forms**  
Relevant information obtained in Task 01a) will be entered into the appropriate permit application form by DCS. Required attachments to the application will also be prepared. Attachments required by the permit application are expected to include, but not be limited to, original USGS topographic maps and a "Supplemental Permit Information Form." Two copies of the draft application will be provided to the City for review. After receipt of comments from the City, the application will be revised by DCS as appropriate. An original and four copies of the final application will be provided to the City. In accordance with TCEQ requirements, the original and three copies of the application shall be submitted to the TCEQ.

A copy of the receipt for payment of the application fee must be submitted to TCEQ with the application. TPDES permitting fees shall be paid directly by the City to TCEQ.

- c) **Administratively Complete Application**  
The TCEQ will perform an administrative review of the permit application. The administrative review may also include a preliminary technical review. The TCEQ will advise the City of the results of the administrative review. If required, DCS will assist the City in preparing a response to the administrative review comments. Once the TCEQ is satisfied that all of the required information has been included, the TCEQ will declare the permit application to be administratively complete

Once the application is declared administratively complete, the City will be required to publish a notice of the application in a local newspaper. It may also be necessary to publish the notice of the application in an alternative language newspaper. (A determination of whether the alternative language publication is required will be made during Task 01A.) Publication of the notice(s) and associated fees will be paid by DCS and reimbursed at direct cost by the City with no markup or handling fees added by DCS. We will provide translation services from English to Spanish for the advertisement. The estimated advertisement costs are included in the below fee schedule.

**Task 02 - Application Processing**

The services required to complete this task cannot be determined precisely. Therefore, this scope provides for a reasonable level of effort to secure the new TPDES permit for the WWTP. If more support than anticipated by the budget for this task is required, DCS will be entitled to additional compensation for services provided in Permitting Services, Task 03. The anticipated services for assisting the City during the application processing are described below.

- a) **Technical Support During Processing**  
DCS will provide support during the TCEQ technical review and processing of the permit application. Support may include telephone conversations with TCEQ staff during the review process to answer questions regarding the application. When all technical reviews are completed, TCEQ will prepare an initial draft permit and provide a copy to the City for review. DCS will review the draft and, if necessary, assist the City in preparing a written response to the TCEQ.

Upon agreement between the City and TCEQ on the draft permit, the City will be required to publish a notice of the draft permit in a local newspaper, and possibly in an alternative language newspaper. Publication of this second notice and associated fees will be paid by

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**City of Pflugerville**  
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DCS and reimbursed at direct cost by the City with no markup or handling fees added by DCS. We will provide translation services from English to Spanish for the advertisement. The estimated advertisement costs are included in the below fee schedule.

- b) **Communications During Application Processing**  
These services include occasional telephone communications between DCS and the TCEQ to discuss the status of the agency's review. It also includes conference calls with the City during the technical review process to discuss application status and, as necessary, to develop strategies for negotiating with TCEQ to obtain appropriate permit provisions in the draft permit.

**Task 03 – Special Services**

SPECIAL SERVICES are those that are not currently anticipated to be a part of the project to obtain the TPDES permit, but which could become necessary or desired at some time during the project. DCS shall perform SPECIAL SERVICES only as authorized to do so by the City. If The City requests SPECIAL SERVICES, DCS will prepare a specific scope and budget for the services requested for review and approval of the City prior to initiating the services. Following is a list of some of the SPECIAL SERVICES that might be needed or desired:

- Field reconnaissance by DCS to collect data or information not otherwise provided by DCS.
- Support during permit processing beyond those described in Permitting Services, Tasks 01 and 02.
- Meetings with the City, or with the TCEQ or other regulatory authorities (e.g., the EPA) to discuss the permit, in addition to those provided for in Permitting Services, Tasks 01 and 02.
- Meetings or telephone calls with potential or actual protestants, or the development of public information or strategies to aid in avoiding protests.
- Permit Protest or Contested Case: This proposed scope and associated fee do not include those services required to respond to a permit protest or a contested case hearing. Such services would be performed on an hourly basis as required to obtain approval of permit.
- Any application fee required by the TCEQ.
- Fees required by public agencies for Applications and Permits; land abstracting; effluent sampling; sludge sampling; or other similar expenses will be paid directly by the City.
- Any effort associated with adding a major amendment to the permit renewal including but not limited to exhibits, calculations, process flow diagrams, etc.

There may be other potential SPECIAL SERVICES. Should the City desire DCS to perform SPECIAL SERVICES beyond those mentioned above, this contract may be amended to accommodate the additional work.

**3. Owner's Responsibilities**

- A. Owner shall be responsible for providing a check made out to TCEQ for each of the four permit applications for permit processing fees and signatures by the City Manager as necessary for processing of the permit.

**4. Times for Rendering Services**

- A. Consultant shall have those responsibilities set forth in Article II of the Professional Services Agreement.  
B. The above referenced services will be performed over the next 13 months with the majority of the effort occurring in the first six weeks in order to meet the March 1, 2014 TCEQ deadline for the four

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application submittals. The assumed written notice to proceed date is January 15, 2014. The Wilbarger Creek WWTF application will be prepared and submitted first so it is processed first by TCEQ. The period of service will be the through receipt of the finalized and issued permit in approximately December 2014.

- C. Authorization to Proceed: Signing of this Agreement for services shall be authorization by the Owner for DCS to proceed with the work.

**5. Payments to Engineer**

- A. City shall pay Engineer for services rendered as follows:

DCS Engineering, LLC will invoice monthly for services rendered the preceding month based on the percentage of services completed. City shall pay DCS Engineering, LLC within 30 days for the services rendered and invoiced.

- B. Lump Sum Fee and Time & Material Fee

We propose to provide the services described above for preparing and overseeing the permit applications on a lump sum fee and reimbursable fee basis as noted below. Out-of-pocket expenses, including plotting, reproduction, deliveries, automobile mileage, equipment rental, and travel expenses are included in the below fee. Our proposed fees for the above scope of work are shown by task in the below table. The above referenced services will be performed within the duration discussed above. The below reimbursable fees shall not be exceeded without prior written authorization from the City of Pflugerville. DCS's liability to the Client for any cause or combination of causes is in the aggregate limited to an amount no greater than the fee earned under this agreement.

**Fee Schedule**

<b>Task</b>	<b>Description</b>	<b>Fee</b>
300	Permitting Services – Wilbarger Creek WWTF (Lump Sum)	\$14,650
310	Permitting Services – Upper Gilleland Creek WWTF (Lump Sum)	\$14,650
320	Permitting Services – New Sweden WWTF (Lump Sum)	\$14,650
330	Permitting Services – Lake Pflugerville WTP (Lump Sum)	\$14,650
341	Permit Renewal – Newspaper Advertisements (Reimbursable) – Wilbarger Creek WWTF	\$3,000
342	Permit Renewal – Newspaper Advertisements (Reimbursable) – Upper Gilleland Creek WWTF	\$3,000
343	Permit Renewal – Newspaper Advertisements (Reimbursable) – New Sweden WWTF	\$3,000
344	Permit Renewal – Newspaper Advertisements (Reimbursable) – Lake Pflugerville WTP	\$3,000
	<b>Total Lump Sum Fee</b>	<b>\$70,600</b>

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C. The terms of payment are set forth in Article IV of the Professional Services Agreement and Attachment No. 1.

6. **SubConsultants:**

None

7. **Other Modifications to Agreement:**

None