

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DENTON, A TEXAS HOME-RULE MUNICIPAL CORPORATION, AUTHORIZING THE APPROVAL OF A FIRST AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF DENTON AND PARKHILL, SMITH & COOPER, INC., AMENDING THE CONTRACT APPROVED BY PURCHASING ON OCTOBER 23, 2020, IN THE NOT-TO-EXCEED AMOUNT OF \$43,490.00, SAID FIRST AMENDMENT TO PROVIDE MOSELEY ROAD EROSION MAINTENANCE FOR THE SOLID WASTE DEPARTMENT; PROVIDING FOR THE EXPENDITURE OF FUNDS THEREFOR; AND PROVIDING AN EFFECTIVE DATE (RFQ 7109-013 – PROVIDING FOR AN ADDITIONAL FIRST AMENDMENT EXPENDITURE AMOUNT NOT-TO-EXCEED \$130,900.00, FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED \$174,390.00).

WHEREAS, on October 23, 2020, Purchasing awarded a contract to Parkhill, Smith & Cooper, Inc. in the amount of \$43,490.00, for Moseley Road Erosion Maintenance for the Solid Waste Department; and

WHEREAS, this procurement was undertaken as part of the City's governmental function; and

WHEREAS, the additional fees under the proposed First Amendment are fair and reasonable and are consistent with, and not higher than, the recommended practices and fees applicable to the Provider's profession, and such fees do not exceed the maximum provided by law; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The First Amendment, increasing the amount of the contract between the City and Parkhill, Smith & Cooper, Inc., which is on file in the office of the Purchasing Agent, in the amount of One Hundred Thirty Thousand Nine Hundred and 0/100 (\$130,900.00) Dollars, is hereby approved, and the expenditure of funds therefor is hereby authorized in accordance with said amendment which shall be effective upon the execution of the amendment attached hereto. The total contract amount increases to \$174,390.00.

SECTION 2. This ordinance shall become effective immediately upon its passage and approval.

The motion to approve this ordinance was made by \_\_\_\_\_ and seconded by \_\_\_\_\_. This ordinance was passed and approved by the following vote [\_\_\_\_ - \_\_\_\_]:

	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Jesse Davis, District 3:	_____	_____	_____	_____
Alison Maguire, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	_____


PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
GERARD HUDSPETH, MAYOR

ATTEST:  
ROSA RIOS, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
MACK REINWAND, CITY ATTORNEY

BY:  \_\_\_\_\_  
 Digitally signed by Marcella Lunn  
 DN: cn=Marcella Lunn, o,  
 ou=City of Denton,  
 email=marcella.lunn@cityofd  
 enton.com, c=US  
 Date: 2022.07.14 17:33:48  
 -05'00'



Docusign City Council Transmittal Coversheet

PSA	7109-013
File Name	MOSELEY RD EROSION MAINTENANCE-AMENDMENT 1
Purchasing Contact	Crystal westbrook
City Council Target Date	
Piggy Back Option	Not Applicable
Contract Expiration	
Ordinance	

**FIRST AMENDMENT TO CONTRACT  
BY AND BETWEEN THE CITY OF DENTON, TEXAS  
AND PARKHILL, SMITH & COOPER, INC.  
PSA 7109-013**

THE STATE OF TEXAS                   §

COUNTY OF DENTON                   §

THIS FIRST AMENDMENT TO CONTRACT 7109-013 (“Amendment”) by and between the City of Denton, Texas (“City”) and Parkhill, Smith & Cooper, Inc. (“Engineer”); to that certain contract executed on October 23, 2020, in the original not-to-exceed amount of \$43,490 (the “Agreement”); for services related to the Moseley Road Erosion Maintenance.

WHEREAS, the City deems it necessary to further expand the services provided by Consultant to the City pursuant to the terms of the Agreement, and to provide an additional not-to-exceed amount \$130,900 with this Amendment for an aggregate not-to-exceed amount of \$174,390; and

FURTHERMORE, the City deems it necessary to further expand the goods/services provided by Engineer to the City;

NOW THEREFORE, the City and Engineer (hereafter collectively referred to as the “Parties”), in consideration of their mutual promises and covenants, as well as for other good and valuable considerations, do hereby AGREE to the following Amendment, which amends the following terms and conditions of the said Agreement, to wit:

1. The additional services described in Exhibit “A” of this Amendment, attached hereto and incorporated herein for all purposes, for professional services related to the Moseley Road Erosion Maintenance, are hereby authorized to be performed by Engineer. For and in consideration of the additional services to be performed by Engineer, the City agrees to pay, based on the cost estimate detail attached as Exhibit “A”, a total fee, including reimbursement for non-labor expenses an amount not to exceed \$130,900.
2. This Amendment modifies the Agreement amount to provide an additional \$130,900 for the additional services with a revised aggregate not to exceed total of \$174,390.

The Parties hereto agree, that except as specifically provided for by this Amendment, that all of the terms, covenants, conditions, agreements, rights, responsibilities, and obligations of the Parties, set forth in the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the City and the Consultant, have each executed this Amendment electronically, by and through their respective duly authorized representatives and officers on this date \_\_\_\_\_.

“City”

“Engineer”

CITY OF DENTON, TEXAS  
A Texas Municipal Corporation

PARKHILL, SMITH & COOPER, INC.

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

AUTHORIZED SIGNOR, TITLE

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

DocuSigned by:

*Frank Pugsley*

Principal

22ACF0FE58A3431

AUTHORIZED SIGNOR, TITLE

APPROVED AS TO LEGAL FORM:  
MACK RIVARD, CITY ATTORNEY

BY: \_\_\_\_\_

*Marcella Lunn*

4B070831B4AA438...

THIS AGREEMENT HAS BEEN  
BOTH REVIEWED AND APPROVED  
as to financial and operational  
obligations and business terms.

DocuSigned by:

*Brian Boerner*

Brian Boerner

DCD14331B889A4A9

SIGNATURE

PRINTED NAME

Director of Solid Waste

TITLE

SWR

DEPARTMENT

ATTEST:  
ROSA RIOS, CITY SECRETARY

BY: \_\_\_\_\_

**EXHIBIT A**



June 13, 2022

Mr. Arturo Garcia  
Site Operations Manager/HCC Manager  
Solid Waste and Recycling  
City of Denton  
1527 S. Mayhill Rd.  
Denton, TX 76208

Re: Moseley Road Erosion Maintenance  
PO 194780  
Contract Amendment Request

Dear Mr. Garcia,

As requested, Parkhill (Engineer) has prepared this scope of services and engineering fee proposal for providing the City of Denton Solid Waste and Recycling Department (Owner) with municipal solid waste engineering support.

**Project Understanding**

Generally, the Project includes work to complete erosion maintenance and final soil cover repair at the City's Moseley Road Landfill, located in Crossroads, Texas. The original Contract comprised three tasks (1) TCEQ Authorization, (2) Design & Bidding, and (3) Construction Administration. These tasks were originally included in a proposal dated June 10, 2020. Since that time, the 60% design deliverable was submitted to the City on February 5, 2021, and subsequently the project was put on hold for approximately 12 months, leading to labor cost increases, and costs associated with restarting the project, not anticipated in the original proposal. The final plan set was submitted to the City on April 28, 2022. Parkhill has been asked to provide additional engineering services for the construction phase. Engineer will provide engineering services for the following tasks:

1. Texas Commission on Environmental Quality (TCEQ) Authorization (Revised)
2. Design & Bidding (Revised)
3. Construction Administration (Revised)
4. Borrow Soil Source Evaluation (Additional Services)
5. Construction Quality Assurance – Soils testing (Additional Services)
6. Construction Quality Assurance – Survey Verification (Additional Services)
7. TCEQ Completion Report (Additional Services)

The Engineer's scope of services for this Task Proposal is as follows:

**Task 01 TCEQ Authorization (30 TAC §330 Subchapter T)**

Additional fee included in Task 01 includes costs related to increases in market labor rates and additional scope to account for new requirements published by the Texas Commission on Environmental Quality in 30 TAC §330 Subchapter T "Use of Land Over Closed Municipal Solid Waste Landfills."

The TCEQ has published a new form with additional requirements for the disturbance of final cover over an existing MSW landfill. The following additional tasks are now required to meet TCEQ requirements:

1. Preparation of TCEQ Form 20787 Authorization to Disturb Final Cover
  - a. Written Existing Conditions Summary
  - b. Proposed Project Description
  - c. Description of the Construction Process
  - d. Procedures for the Management of Methane, Water and Excavated Waste
  - e. General Location Map
  - f. Site Layout Plan

**Task 02 Design & Bidding**

Additional fee included in Task 02 includes costs related to increases in market labor rates and to account for costs associated with restarting the design after the 12 month delay.

**Task 03 Construction Administration**

Additional fee included in Task 03 includes costs related to increases in market labor rates.

**Task 04 Borrow Source Evaluation**

Landfill staff have indicated that the existing clay soil stockpile does not contain adequate material to complete the project at Moseley Road. The Engineer will:

1. Evaluate and make recommendations regarding the volume of the existing soil stockpile.
2. Evaluate and make recommendations regarding the type and quantity of soil present in the existing east stormwater pond for potential use in the project.
3. Evaluate and make recommendations regarding type and quantity of soil present within Unit 2 of the landfill for use in the project.

**Task 05 Construction Quality Assurance – Soils Testing (ALLOWANCE)**

Through a sub-contract, the Engineer will complete the required soils and materials testing for construction quality assurance (CQA). Subcontract costs will be billed at direct cost plus 15% as allowed by the Contract. The soils CQA services will include:

1. Engineer's management of the geotechnical team, scheduling and coordination of field work. Engineer's review of field reports.
2. Full time observation of infiltration layer and erosion layer construction. It is estimated that 25 days will be required, but a maximum of 40 days are budgeted as a contingency.
3. Flexible Membrane Liner (FML) seam (shear and peel) strength at the rate of one (1) test per 500 linear feet of seam.

4. Soil testing at the minimum rates shown in the following table. Additional soil tests are budgeted in excess of the minimum required by regulations as a contingency.

SOIL TEST CATEGORY	TYPE OF TEST	STANDARD TEST METHOD	FREQUENCY OF TESTING
Quality Control Testing of Source Borrow Material	Unified Soil Classification	ASTM D 2487	Once per soil type
	Moisture/Density Relationship	ASTM D 698 or D 1557	
	Sieve (Gradation)	ASTM D 422 or D 1140	
	Atterberg Limits	ASTM D 4318	
	Coefficient of Permeability	ASTM D 5084 or CoE EM1110-2-1906	1/Moisture/Density Relationship for infiltration layer material
Constructed Cover System	Field Density	ASTM D 1556, D 2167, or D 2922	1/acre per 6-inch parallel lift^
	Coefficient of Permeability	ASTM D 5084 or CoE EM1110-2-1906	1/acre per 6-inch parallel lift^
	Thickness	Registered Surveyor	1/5000 ft <sup>2</sup> (parallel lifts)^

#### **Task 06 Construction Quality Assurance – Survey Verification (ALLOWANCE)**

Through a sub-contract, the Engineer will complete the required survey verification for construction quality assurance (CQA). The survey CQA will include:

1. Engineer's management of the survey team, scheduling and coordination of field work. Engineer's review of survey data.
2. Survey data collected on a 50-ft grid for prepared infiltration layer subgrade.
3. Survey data collected on a 50-ft grid for top of prepared infiltration soil layer.
4. Survey data collected on a 50-ft grid for top of erosion soil layer.

#### **Task 07 Texas Commission on Environmental Quality Completion Report (If Required)**

During recent conversations with the TCEQ municipal solid waste permit staff, a Completion Report may be requested to document the erosion control and final cover repair activities. If required by the TCEQ, the Engineer will:

1. Compile geotechnical and survey data for reporting to the TCEQ.
2. Prepare a written report detailing the construction activities completed, procedures followed in the event waste is encountered, and include CQA field reports, survey data and soils testing results.
3. Prepare the required As-Built construction plans and specifications for recordkeeping at the City of Denton Landfill.



**Compensation for Engineering Services**

The total estimated additional compensation shall be a not to exceed amount of **\$130,900.00**. The Engineer will not exceed the estimated total compensation without written approval from the Owner. Subconsultants will be billed at cost plus 15% in accordance with the Contract.

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1. TCEQ Authorization (Labor cost and additional scope)	\$	3,170.00
2. Design & Bidding (Labor cost increase)	\$	4,310.00
3. Construction Administration (Labor cost increase)	\$	960.00
4. Borrow Source Evaluation	\$	5,830.00
5. Construction QA – Soils Testing (Subconsultant allowance)	\$	72,070.00
6. Construction QA – Survey Verification (Subconsultant allowance)	\$	38,660.00
7. TCEQ Completion Report (if required)	\$	5,900.00

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<b>Estimated Fee</b>	<b>\$</b>	<b>130,900.00</b>
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We appreciate the opportunity to provide engineering services to the City of Denton. We would be happy to discuss these services in more detail at your convenience. For additional information, please contact me at [fpugsley@parkhill.com](mailto:fpugsley@parkhill.com) or (214) 499-4798, or Sonia Samir, PE at [ssamir@parkhill.com](mailto:ssamir@parkhill.com).

Sincerely,

PARKHILL

By 

Frank E. Pugsley, PE  
Principal | Environmental Sector Director

**Certificate Of Completion**

Envelope Id: C8088575DF1B4C958D898F3C8A8083ED

Status: Sent

Subject: Please DocuSign: City Council Contract 7109-013 Amendment 1

Source Envelope:

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Signatures: 3

Certificate Pages: 6

Initials: 1

AutoNav: Enabled

Enveloped Stamping: Enabled

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Envelope Originator:

Crystal Westbrook

901B Texas Street

Denton, TX 76209

crystal.westbrook@cityofdenton.com

IP Address: 198.49.140.104

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crystal.westbrook@cityofdenton.com

Location: DocuSign

**Signer Events**

Crystal Westbrook

crystal.westbrook@cityofdenton.com

Senior Buyer

City of Denton

Security Level: Email, Account Authentication  
(None)**Electronic Record and Signature Disclosure:**

Not Offered via DocuSign

Lori Hewell

lori.hewell@cityofdenton.com

Purchasing Manager

City of Denton

Security Level: Email, Account Authentication  
(None)**Electronic Record and Signature Disclosure:**

Not Offered via DocuSign

Marcella Lunn

marcella.lunn@cityofdenton.com

Deputy City Attorney

City of Denton

Security Level: Email, Account Authentication  
(None)**Electronic Record and Signature Disclosure:**

Not Offered via DocuSign

Frank Pugsley

fpugsley@parkhill.com

Principal

Security Level: Email, Account Authentication  
(None)**Electronic Record and Signature Disclosure:**

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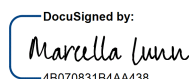
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**Timestamp**

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Signed: 7/11/2022 10:16:32 AM

Sent: 7/11/2022 10:16:34 AM

Viewed: 7/11/2022 11:27:09 AM

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Sent: 7/11/2022 11:27:21 AM

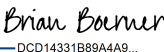
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Signed: 7/12/2022 11:07:36 AM

Signer Events	Signature	Timestamp
Brian Boerner brian.boerner@cityofdenton.com Director of Solid Waste Security Level: Email, Account Authentication (None)	<div> <small>DocuSigned by:</small>    <small>DCD14331B89A4A9...</small> </div> Signature Adoption: Pre-selected Style Using IP Address: 198.49.140.10	Sent: 7/12/2022 11:07:38 AM Viewed: 7/12/2022 11:39:09 AM Signed: 7/12/2022 11:39:23 AM

**Electronic Record and Signature Disclosure:**  
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 ID: 56653979-784d-4774-9877-b916dc3041de

Cheyenne Defee  
 cheyenne.defee@cityofdenton.com  
 Procurement Administration Supervisor

Sent: 7/12/2022 11:39:29 AM

City of Denton  
 Security Level: Email, Account Authentication (None)

**Electronic Record and Signature Disclosure:**  
 Not Offered via DocuSign

Sara Hensley  
 sara.hensley@cityofdenton.com  
 Security Level: Email, Account Authentication (None)

**Electronic Record and Signature Disclosure:**  
 Not Offered via DocuSign

Rosa Rios  
 rosa.rios@cityofdenton.com  
 Security Level: Email, Account Authentication (None)

**Electronic Record and Signature Disclosure:**  
 Accepted: 7/6/2022 6:32:13 PM  
 ID: 3dbd21db-73b6-4c10-be75-8715eaecce65

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp

Cheyenne Defee  
 cheyenne.defee@cityofdenton.com  
 Procurement Administration Supervisor  
 City of Denton  
 Security Level: Email, Account Authentication (None)

Sent: 7/11/2022 10:16:34 AM



**Electronic Record and Signature Disclosure:**  
 Not Offered via DocuSign

Carbon Copy Events	Status	Timestamp
Gretna Jones gretna.jones@cityofdenton.com Legal Secretary City of Denton Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign  City Secretary Office citysecretary@cityofdenton.com Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign  Randall Morris randall.morris@cityofdenton.com Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Accepted: 5/17/2022 7:32:06 AM ID: 9a1bda48-26f3-480f-a9d6-1cd94eb0ddef	<div>COPIED</div>	Sent: 7/12/2022 11:39:27 AM Viewed: 7/13/2022 2:39:42 PM
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	7/11/2022 10:15:32 AM
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**How to contact City of Denton:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [purchasing@cityofdenton.com](mailto:purchasing@cityofdenton.com)

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To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at [melissa.kraft@cityofdenton.com](mailto:melissa.kraft@cityofdenton.com) and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

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To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to [purchasing@cityofdenton.com](mailto:purchasing@cityofdenton.com) and in the body of such request you must state your e-mail, full name, US Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

**Required hardware and software**

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"><li>•Allow per session cookies</li><li>•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection</li></ul>

\*\* These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

**Acknowledging your access and consent to receive materials electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

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- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify City of Denton as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by City of Denton during the course of my relationship with you.