

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., FOR THE DESIGN OF THE WATER AND SEWER REPLACEMENT ALONG FLORIDA AVENUE (GARDEN CITY HIGHWAY) BETWEEN BIG SPRING STREET AND IH-20 FOR THE UTILITIES DEPARTMENT FOR A COST OF \$390,000.00; APPROVING \$76,000.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS**

**WHEREAS**, the City Council approved Resolution No. 2020-091 selecting six engineering firms to provide professional services for engineering designs and studies on an as-needed basis; and

**WHEREAS**, the Utilities Department has selected Parkhill, Smith & Cooper, Inc., to provide the design of the water and sewer replacement along Florida Avenue (Garden City Highway) between Big Spring Street and IH-20 for the Utilities Department; and

**WHEREAS**, Parkhill, Smith & Cooper, Inc., has agreed to perform said professional services at a cost of \$390,000.00; and

**WHEREAS**, the City Council finds that Parkhill, Smith & Cooper, Inc., is qualified to perform said professional services; and

**WHEREAS**, the City Council finds that the professional fees proposed by Parkhill, Smith & Cooper, Inc., are consistent with and not higher than the recommended practices and fees published by the applicable professional associations and do not exceed any maximum provided by law; and

**WHEREAS**, the City Council finds that Parkhill, Smith & Cooper, Inc., provides professional services for a fair and reasonable price; and

**WHEREAS**, the City Council finds it to be in the public interest to execute a professional services agreement with Parkhill, Smith & Cooper, Inc., as the most highly qualified provider of said professional services based on demonstrated competence, knowledge, and qualifications and on the reasonableness of the proposed fee for the services; and

**WHEREAS**, the City Council finds it to be in the public interest to approve

\$76,000.00 for contingencies;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:**

**SECTION ONE.** That the Interim City Manager and City Secretary are hereby authorized and directed to execute and attest, respectively, on behalf of the City of Midland, a professional services agreement with Parkhill, Smith & Cooper, Inc., for said professional services. A copy said agreement is attached hereto as Exhibit “1” and incorporated herein for all purposes.

**SECTION TWO.** That the sum of \$76,000.00 for contingencies is hereby approved for said agreement.

**SECTION THREE.** That funds are available in the Water & Sewer Fund and are hereby appropriated and transferred to into Fund 305 to a Project for the purpose identified.

**SECTION FOUR.** That the City Comptroller is hereby authorized and directed to pay Parkhill, Smith & Cooper, Inc., from funds available in the capital project in Fund 305 upon receipt of proper invoices or statements approved by the Interim City Manager.

**SECTION FIVE.** That conditioned upon the City Council’s approval of the acceptance and the use of American Rescue Plan Act funds for water and sewer improvements, the City Comptroller shall pay Parkhill, Smith & Cooper, Inc., from such funds instead of from funds available in Fund 305.

On motion of Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021, by the following vote:

Council members voting “AYE”:

Council members voting “NAY”:

\_\_\_\_\_  
Patrick N. Payton, Mayor

ATTEST:

\_\_\_\_\_  
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

\_\_\_\_\_  
Robert Patrick, Interim City Manager

APPROVED AS TO CONTENT  
AND COMPLETENESS:

\_\_\_\_\_  
Carl Craigo, Utilities Director

APPROVED ONLY AS TO FORM:

\_\_\_\_\_  
John Ohnemiller, City Attorney