

**AMENDMENT  
TO  
PROFESSIONAL SERVICES AGREEMENT  
FOR ADDITIONAL SERVICES FOR THE  
BRACKENRIDGE PARK  
PROJECT  
PROJECT NUMBER: 23-01644**

This amendment to the Professional Services Agreement for Additional Scope of Services for the Brackenridge Park Project authorized by **Ordinance No. 2021-**\_\_\_\_\_, is entered into by and between the **City of San Antonio ("City")**, a home rule municipal corporation, and **SWA Group ("Consultant")**, referred to collectively herein as the "Parties".

**WHEREAS**, On October 10, 2017, City Council approved Ordinance No. 2017-10-05-0742 that authorized a contract with SWA Group in a not to exceed amount of \$1,097,700.00 for Landscape Architectural Design Brackenridge Park Project through the 2017-2022 Bond Program with the original scope included landscape architectural services. ("Original Agreement"); and

**WHEREAS**, during the design development phase of work, the project area and construction budget were expanded to accommodate new visions by the Parks Department and the Brackenridge Park Conservancy; and

**WHEREAS**, previous amendments have increased this contract by \$135,735.00 to a total of \$1,233,435; and

**WHEREAS**, the project requires additional scope items to include: extension of Raceway to face of Pump House, pedestrian bridge over Raceway, picnic area south of Raceway, restoration of Asequia walls, structural stabilization of all historic walls, addition of historic Sluice Gate, restoration of Civil War Era portion of the dam, and construction documents in the increased amount not to exceed **\$270,220.00**; and

**WHEREAS**, it is necessary to amend the Original Agreement to add additional scope, construction documents, and construction administration of the project; and

**WHEREAS**, this amendment increases the total contract capacity by **\$270,220.00** to provide for the cost of the additional services and increase contract values not to exceed **\$1,503,655.00**;

**NOW THEREFORE**, in consideration of the terms, covenants, agreements and demises herein contained each to the other given, the sufficiency and receipt of which are hereby acknowledged, the Original Agreement, as previously amended, is amended as follows:

1. **Exhibit 1 - Fee Summary.** The not-to-exceed contract amount set out in Exhibit 1 – Fee Summary of the Original Agreement is hereby

increased by **TWO HUNDRED SEVENTY THOUSAND TWO HUNDRED TWENTY DOLLARS (\$270,220.00)** for a total not-to-exceed contract amount of **ONE MILLION FIVE HUNDRED THREE THOUSAND SIX HUNDRED FIFTY-FIVE AND 00/100 DOLLARS (\$1,503,655.00)**.

2. **Exhibit A.** The Brackenridge Park Improvements Additional Fee Request #6 proposal attached hereto as Attachment 1 is hereby incorporated into and made a part of Exhibit A of the Original Agreement.

Except as amended hereby, all other provisions of the Agreement are hereby retained in their entirety and remain unchanged.

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

**CITY OF SAN ANTONIO**

**SWA Group**

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

Razi Hosseini

Director,

Public Works Department

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

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

Printed Name: KINDER BAUMGARDNER

Title: MANAGING PRINCIPAL

Date: 9. Sept. 2021

Approved as to Form:

\_\_\_\_\_  
Assistant City Attorney

**ATTACHMENT 1**  
**The Brackenridge Park Improvements Additional Fee Request #6 signed proposal**

**SWA Houston**

2 September 2021

The Jones on Main  
712 Main Street, 6<sup>th</sup> Floor  
Houston, Texas  
77002  
+1.713.868.1676  
www.swagroup.com

Jamaal Moreno, PLA  
Transportation & Capital Improvements (TCI)  
City of San Antonio  
PO Box 839966  
San Antonio, TX 78283

Subject: Brackenridge Park Improvements  
Additional Fee Request #6

Dear Jamaal:

This letter is in response to Additional Services requested by the City of San Antonio associated with our ongoing work at Brackenridge Park and will serve as SWA's formal request for a Contract Amendment associated with expanding our construction document scope of work to fully capture the latest project area, site features, and construction budget.

**AMENDED SCOPE:** During the Design Development phase of work, the project area and construction budget were expanded to accommodate a variety of new features envisioned by the Parks Department and the Brackenridge Park Conservancy. In an effort to maintain the Design Development schedule, SWA agreed to address the additional fee request during the Construction Document step of work. Additional scope items covered by this request include:

- Extension of Raceway to face of Pump House
- Pedestrian Bridge over Raceway
- Picnic Area South of Raceway
- Restoration of Asequia Walls
- Structural Stabilization of all Historic Walls
- Addition of Historic Sluice Gate
- Restoration of Civil War Era Portion of Dam
- The construction documents may be developed as two separate packages based on funds available for construction.

**CONSTRUCTION COST:** The construction cost of the project has been increased to \$11,665,000 (including bonds and general conditions the total is \$12,437,000).

**FEES:** This Additional Fee Request #6 is for \$270,220.00 to complete the expanded Basic Services scope of work associated with the increased construction budget. This fee has been calculated by applying a 12.3% fee to the \$11,665,000 construction budget and then deducting previously negotiated Additional Fees that were associated with Basic Services (Additional Fee Requests #4 and #5 are deducted from the calculated total fee). The 12.3% fee is based on Exhibit D in the original RFQ for the project.

Original Contract Value	\$1,097,700
Additional Fee Request #1 (approved)	\$15,005
Additional Fee Request #2 (approved)	\$53,830

**swa**

Additional Fee Request #3 (approved)	\$11,690
Additional Fee Request #4 (approved)	\$49,730
Additional Fee Request #5 (approved)	\$5,480
<u>Additional Fee Request #6</u>	<u>\$270,220</u>
Revised Contract Amount	\$1,503,655

ALLOCATION OF FEES:	CURRENT FEE	PERCENT	REVISED FEE
Construction Documents	\$340,000		\$542,670
Bidding	\$55,000	5%	\$68,550
Construction Administration	\$225,000	20%	\$279,000

(NOTE: The construction phase of the project may be completed in multiple phases of development. The fees associated with Construction Administration will be adjusted once the scope of the first phase of construction is understood. Depending on the complexity and timing of the second phase of construction additional fees may be negotiated at a future date.)

Attached to this letter is a copy of Exhibit D from the City of San Antonio RFP for this project.  
If you have any questions, please do not hesitate to contact me directly.

Kind Regards,



Kinder Baumgardner  
Managing Principal  
SWA | Houston