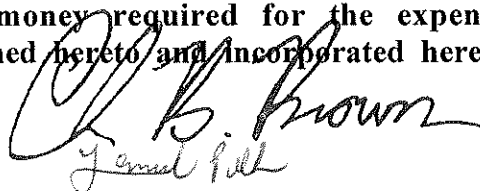


Controller's Office

To the Honorable Mayor and City Council of the City of Houston, Texas:

I hereby certify, with respect to the money required for the contract, agreement, obligation or expenditure contemplated by the ordinance set out below that:

- () Funds have been encumbered out of funds previously appropriated for such purpose.
- () Funds have been certified and designated to be appropriated by separate ordinance to be approved prior to the approval of the ordinance set out below.
- () Funds will be available out of current or general revenue prior to the maturity of any such obligation.
- () No pecuniary obligation is to be incurred as a result of approving the ordinance set out below.
- () The money required for the expenditure or expenditures specified below is in the treasury, in the fund or funds specified below, and is not appropriated for any other purposes.
- () A certificate with respect to the money required for the expenditure or expenditures specified below is attached hereto and incorporated herein by this reference.
- () Other – Grant Funds Available


 General Hill

City Controller of the City of Houston, Texas

Date: 11-3-2020

4042-2000-520106 ⁰⁰ ^{FK} 3-5264
 FUND REF: \$22730 AMOUNT: 262,500 ENCUMB. NO.: 3-2577

OA 46-15452

FMSB 3-20350 City of Houston, Texas Ordinance No. 2020-941

AN ORDINANCE APPROPRIATING THE SUM OF \$262,500.00 OUT OF THE DEDICATED DRAINAGE AND STREET RENEWAL CAPITAL FUND – DRAINAGE CHARGE; APPROVING AND AUTHORIZING A FIRST AMENDMENT TO THE PROFESSIONAL ENGINEERING SERVICES CONTRACT BETWEEN THE CITY OF HOUSTON AND KAVI CONSULTING, INC. FOR FY19 LOCAL DRAINAGE PROJECT WORK ORDER DESIGN CONTRACT #6 (APPROVED BY ORDINANCE NO. 2019-0430); PROVIDING FUNDING FOR CIP COST RECOVERY RELATING TO CONSTRUCTION OF FACILITIES FINANCED BY THE DEDICATED DRAINAGE AND STREET RENEWAL CAPITAL FUND – DRAINAGE CHARGE; CONTAINING PROVISIONS RELATING TO THE SUBJECT AND DECLARING AN EMERGENCY.

* * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. The City Council hereby appropriates the sum or sums of money set out in the title of this Ordinance, out of the respective fund or funds set out in such title as follows: the sum of \$250,000.00 is appropriated for contract services related to the project described in the title, and the sum of \$12,500.00 is appropriated for CIP Cost Recovery relating to construction of facilities financed by the fund described in such title.

Section 2. The City Council hereby approves and authorizes this First Amendment as described in the title of this Ordinance, in substantially the form as shown in the document which is attached hereto and incorporated herein by this reference. The Mayor is hereby authorized to execute such document and all related documents on behalf of the City of Houston. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents.

Section 3. The Mayor is hereby authorized to take all actions necessary to effectuate the City's intent and objectives in approving such agreement, agreements or other undertaking described in the title of this ordinance, in the event of changed circumstances.

Section 4. The City Attorney is hereby authorized to take all action necessary to enforce all legal obligations under said contract without further authorization from the City Council.

Section 5. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 4th day of November, 2020

APPROVED this _____ day of _____, 20____.

Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is NOV 10 2020.

At J. Daniel

City Secretary

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: NOV 10 2020

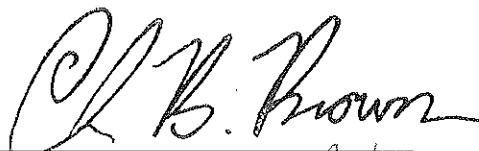
(Prepared by Legal Dept. Marina Baris)
(MNB/sjl 10/19/2020) Assistant City Attorney
(Requested by Carol Ellinger Haddock P.E., Director, Houston Public Works)
(L.D. File No. 0631900123004)

CERTIFICATE OF CITY CONTROLLER

I, Chris B. Brown, Controller of the City of Houston, Texas, pursuant to Article II, Section 19a of the Charter of the City of Houston, Texas, with respect to the sum of **\$262,500.00** required for the project referenced in the title of this ordinance, do hereby certify as follows:

DEDICATED DRAINAGE AND STREET RENEWAL CAPITAL FUND – DRAINAGE CHARGE (Fund Number - 4042)

- (a) General Obligation Commercial paper Series K, Ordinance No. 2011-1088, is available as an "initial" funding source for the project referenced above in the amount of **\$262,500.00**.
- (b) The department has responsibility to ensure that cash in **DEDICATED DRAINAGE AND STREET RENEWAL FUND 2310** is sufficient to fund 4042 when bills are presented for payment.


City Controller *General Salt*

DDSRCF 4042

| AYE | NO | |
|---------|---------|------------------------|
| ✓ | | MAYOR TURNER |
| | | COUNCIL MEMBERS |
| ✓ | | PECK |
| ✓ | | DAVIS |
| ✓ | | KAMIN |
| ✓ | | EVANS-SHABAZZ |
| ✓ | | MARTIN |
| ✓ | | THOMAS |
| ✓ | | TRAVIS |
| ✓ | | CISNEROS |
| ✓ | | GALLEGOS |
| ✓ | | POLLARD |
| ✓ | | MARTHA CASTEX-TATUM |
| ✓ | | KNOX |
| ✓ | | ROBINSON |
| ✓ | | KUBOSH |
| ✓ | | PLUMMER |
| ✓ | | ALCORN |
| CAPTION | ADOPTED | |

FIRST AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES FOR DESIGN OF FY19 PROFESIONAL ENGINEERING SERVICES LDP WORK ORDER DESIGN (CONTRACT 6) BETWEEN THE CITY OF HOUSTON AND KAVI CONSULTING, INC.

THIS FIRST AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES FOR LDP WORK ORDER DESIGN (CONTRACT 5) ("FIRST AMENDMENT") is made on the counter-signature date by and between the **CITY OF HOUSTON, TEXAS** (the "City"), a home-rule city of the state of Texas, and **KAVI CONSULTING, INC.** (the "Engineer"), a Texas corporation.

RECITALS:

1. Pursuant to Ordinance No. 2019-0430 (June 18, 2019), the City and the Consultant entered into an Agreement for Professional Engineering Services for LDP work order design (the "Original Agreement").
2. Currently the Engineer still needs to complete Phase I Preliminary Design Basic and Additional Services, Phase II Final Design Basic and Additional Services, and Phase II Construction Phase Services, as they relate to existing and future storm water maintenance, rehabilitation, and reconstruction projects.
3. The City and the Engineer now desire to amend the Limit of Appropriation to allow the Engineer to complete said actions.
4. **NOW THEREFORE**, the parties agree as follows:

ARTICLE I.

Section 3.4, "Limit of Appropriation," of Article 3, "Duties of the City", of the Original Agreement, is deleted in its entirety and replaced with the following:

- 3.4 **Limit of Appropriation.** Engineer recognizes that under certain provisions of the Charter of the City of Houston, the City may not obligate itself by contract to an extent in excess of an amount appropriated by the City Council and further recognizes that only **\$500,000.00** has been appropriated and budgeted by City Council to pay the Cost of Basic Services hereunder and that only **\$100,000.00** has been appropriated and budgeted by the City Council to pay the cost of Additional Services hereunder for a total amount of **\$600,000.00**.

- 3.4.1 In the event the appropriation for Basic Services is insufficient to compensate Engineer for Basic Services, Engineer shall suspend its Basic Services at such time as the total appropriation for Basic Services is expended, but shall resume such Basic Services, if and when authorized by the Director as provided elsewhere herein, upon transfer of funds by the Director or appropriation of additional funds by the City Council for Basic Services.
- 3.4.2 In the event the appropriation for Additional Services is insufficient to compensate Engineer for authorized Additional Services in accordance with the payment provisions of Article 3 hereof, Engineer shall suspend its Additional Services at such time as the total appropriation for Additional Services is expended, but shall resume such Additional Services, if and when authorized by the Director as provided elsewhere herein, upon transfer of funds by the Director or appropriation of additional funds by the City Council for Additional Services.
- 3.4.3 The Director may authorize the transfer of funds between Basic Services and Additional Services when necessary to continue services by issuing a Supplemental Notice to Proceed, provided that the transfer of funds does not exceed 25% of the Negotiated Lump Sum in the original Notice to Proceed and total funds authorized do not exceed the total amount appropriated by City Council.

ARTICLE II.

Except as modified under this First Amendment, the Original Agreement will remain in full force and effect. In the event of a conflict between the Original Agreement and this First Amendment, this First Amendment shall prevail.

Signatures

The Parties have executed this Agreement in multiple copies, each of which is an original.

KAVI CONSULTING, INC

By: Vijaya Rapolu
Name: Vijaya Rapolu
Title: President

ATTEST/SEAL (if a corporation)
WITNESS (if not a corporation)

By: Kavitha Rapolu
Name: Kavitha Rapolu
Title: Admin. Assistant

CITY OF HOUSTON, TEXAS

By: _____
Mayor

ATTEST/SEAL:

City Secretary

APPROVED:

Carl Haddock
Director, Houston Public Works ~~28~~

COUNTERSIGNED BY:

City Controller

DATE COUNTERSIGNED:

APPROVED AS TO FORM:

Marina Banda
Assistant City Attorney
L.D. No. 0631900123004