

	<input checked="" type="checkbox"/> AMENDMENT OF SOLICITATION <input type="checkbox"/> MODIFICATION OF CONTRACT			<b>City of New Braunfels</b> Purchasing 550 Landa Street New Braunfels, Texas 78130	<b>Page 1 of 1</b>
	<b>1. Solicitation No.</b> CSP 24-033	<b>2. Contract No.</b>	<b>3a. Amendment No.</b> 1 <b>3b. Modification No.</b>		
<b>5. Name and Address of Offeror or Contractor</b>		<i>6. For Information Call:</i> Greg Gutierrez Buyer Phone No.: 830-221-4398 Email: <a href="mailto:gutierrez@newbraunfels.gov">gutierrez@newbraunfels.gov</a>		<b>7. Amount of Contract/Order is:</b> Increased by: Decreased by: \$ _____ New Total: <input checked="" type="checkbox"/> Unchanged	
<b>8. THIS BLOCK APPLIES TO AMENDMENTS OF SOLICITATIONS ONLY:</b> The above numbered solicitation is amended as set forth in Block 10 below. <input checked="" type="checkbox"/> The date and time specified for receipt of offers IS NOT extended. <input type="checkbox"/> <b>THE DATE AND TIME SPECIFIED FOR RECEIPT OF OFFERS IS CHANGED TO:</b> Offerors must acknowledge receipt of this amendment prior to the date and time specified in the solicitation or as amended, by one of the following methods: (i) By completing Blocks 5 and 11 and returning this Amendment in the number of copies specified for the solicitation; (ii) By acknowledging receipt of this Amendment on each copy of the bid submitted; or, (iii) By separate letter, telegram, or fax referencing the solicitation and amendment. If by virtue of this Amendment offeror desires to change an offer already submitted, such change may be made by letter or email, provided each such notice makes reference to the solicitation AND this Amendment and is received prior to the date and time specified. <b>NOTICE: NON-RECEIPT OF YOUR OFFER AND THIS AMENDMENT AT THE DESIGNATED PLACE WITHIN THE DATE AND TIME SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER.</b>					
<b>9. THIS BLOCK APPLIES TO MODIFICATIONS TO CONTRACTS, DELIVERY OR PURCHASE ORDERS ONLY.</b> The above numbered Contract, Delivery, or Purchase order is modified as set forth in block 10 below. <input type="checkbox"/> This Change Order is issued in accordance with authority granted by instrument referenced in block 2. <input type="checkbox"/> The instrument in Block 2 is modified to reflect administrative changes. <input type="checkbox"/> This Supplemental Agreement is entered into pursuant to the Authority of: General Provision #2 Changes. <input type="checkbox"/> Other (Specify type of modification and authority): _____. <input type="checkbox"/> CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT. <input type="checkbox"/> Contractor is not required to sign this document but is requested to acknowledge receipt.					
<b>10. DESCRIPTION OF CHANGES:</b> Addendum 1 is issued to support the following:  Attachment A - Supplemental Conditions Attachment B - Special Provisions					
Except as provided herein, all terms and conditions of the document referenced above remain unchanged and in full force and effect.					
<b>11a. SIGNATURE OF OFFEROR OR CONTRACTOR</b>		<b>CITY OF NEW BRAUNFELS, TEXAS</b>			
<b>11b. PRINTED NAME AND TITLE</b>		<b>11c. DATE</b>	<i>SIGNED</i> Greg Gutierrez Buyer		
			<b>Date</b>	18-Jul-24	

## **SUPPLEMENTAL CONDITIONS**

These Supplemental Conditions are in addition to the requirements of the General Conditions of the Contract and are a part of the Contract Documents.

### **ARTICLE 07.01.01**

Section 4 – ARTICLE 6 – CONTRACT PRICE

#### **Insert Paragraph “B”**

- B. Contractor must provide competitive cost proposals to be approved by the Owner prior to performing work under an assigned Allowance.

### **ARTICLE 07.02.01**

Section 6 – ARTICLE 4 – AVAILABILITY OF LANDS; PHYSICAL CONDITIONS; HAZARDOUS ENVIRONMENTAL CONDITIONS; REFERENCE POINTS

#### **Reference Section 06.04.02.A. of the General Conditions:**

In the preparation of Drawings and Specifications, Engineer or Engineer's Consultants have relied upon:

06.04.02.A.2. The following documents known to Owner of physical conditions relating to existing surface or subsurface structures at the Site (except Underground Facilities).

- a. Geotechnical Data Study by Freese and Nichols, Inc. dated January 16, 2024. Survey data as provided in the contract drawings and data files.

Copies of this report that are included with the Special Provisions of the Bid Documents may be examined or obtained from the City Engineer. These reports are not part of the Contract Documents, but the technical data contained therein upon which Contractor is entitled to rely as provided in Paragraph 4.02.A.2. of the General Conditions are incorporated therein by reference. Contractor is not entitled to rely upon other information and data utilized by Design Engineer and Design Engineer's Consultants in the preparation of Drawings and Specifications.

### **ARTICLE 07.02.02**

Section 6 – ARTICLE 4 – AVAILABILITY OF LANDS; PHYSICAL CONDITIONS; HAZARDOUS ENVIRONMENTAL CONDITIONS; REFERENCE POINTS

**Reference Section 06.04.05.A of the General Conditions:**

Delete this section “Reference Points” in its entirety.

**ARTICLE 07.03.01**

Section 15 – Item 1.04 – CONSTRUCTION SCHEDULE

**Reference Item 1.04 C (8):**

8. A Billing Schedule (tabulation of the estimated monthly billings) for the Work shall be prepared and submitted by the Contractor with the submission of the bid and with every monthly pay application. The total for each month and a cumulative total will be indicated. These monthly forecasts are only for planning purposes of the Owner. Monthly payments for actual work completed will be made by the Owner in accordance with Article 11 of the General Conditions.

**Reference Item 1.04 D:**

- D. The Contractor must receive approval of the Owner for the Construction Schedule and Billing Schedule prior to each monthly Application for Payment. No payment will be made until these are accepted.
- E. Contractor will be required to make accommodations for the regular business of the golf course operations during construction.

**ARTICLE 07.04.01**

Section 27 – Project Record Documents

Reference Item 2.0 EXECUTION

Insert Paragraph B:

- B. All project documents will be maintained on the City provided project management software, “Procore”. Contractor will be responsible for uploading, maintaining, and viewing all project related documentation within the software.

END OF SECTION

## **SPECIAL PROVISIONS**

These Special Provisions are changes to or addition to the requirements of the Project Manual Section 6-29 and are a part of the Contract Documents.

**PROJECT MANUAL, SECTION 8 – SPECIAL PROVISIONS** are provided for reference only subject to verification by the contractor.

### **Table of Contents**

#### **SP-1 USACE Nation Wide Permit**

1. SWF-2023-00432 (December 5,2023) (3 Pages)

#### **SP-2 Geotechnical Data Report**

1. Freese & Nichols Geotechnical Data Report (January 16, 2024) (7 Pages)

***Bidding Requirements, Contract Forms and Conditions of the Contract***  
**SPECIAL PROVISIONS**  
**Last Tuber's Exit.CSP24-024**  
**Exhibit 6**

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**SP-1 USACE Nation Wide Permit**

2. SWF-2023-00432 (December 5,2023) (Following this page)



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT  
P. O. BOX 17300  
FORT WORTH, TEXAS 76102-0300

December 5, 2023

Regulatory Division

SUBJECT: Project Number SWF-2023-00432, Last Tuber's Exit Improvements

Mr. Adam Michie  
City of New Braunfels  
550 Landa St.  
New Braunfels, Texas 78130  
[amichie@newbraunfels.gov](mailto:amichie@newbraunfels.gov)

Dear Mr. Michie:

This letter is in regard to information received October 4, 2023, and subsequent submittals dated October 20, October 31, and November 29, 2023, concerning a proposal for the rehabilitation and safety improvements to an existing infrastructure known as Last Tuber's Exit on Comal River located in the City of New Braunfels, Comal County, Texas. This project has been assigned Project Number SWF-2023-00432. Please include this number in all future correspondence concerning this project.

Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged and fill material into waters of the United States, including wetlands. USACE responsibility under Section 10 of the Rivers and Harbors Act of 1899 is to regulate any work in, or affecting, navigable waters of the United States. Based on the description of the proposed work, and other information available to us, we have determined this project will involve activities subject to the requirements of Section 404.

We have reviewed this project under the pre-construction notification procedures of Nationwide Permit General Condition (Federal Register, Vol. 86, No. 245, Monday, December 27, 2021). We have determined the discharge of dredged or fill materials into waters of the United States associated with this project appears to qualify for Nationwide Permit 3; Maintenance. To use this permit, the person responsible for the project must ensure the work is in compliance with the specifications and conditions for the permit listed above, found at <https://www.swf.usace.army.mil/Missions/Regulatory/Permitting/Nationwide-General-Permits/>, Additionally, all activities must comply with the water quality certification conditions of the Texas Commission on Environmental Quality (TCEQ) located at [https://www.swf.usace.army.mil/Portals/47/docs/regulatory/Permitting/General%20Permitting/TX\\_401\\_cert.pdf?ver=rle8wttu6MRCA2s6Q4QQMg%3d%3d](https://www.swf.usace.army.mil/Portals/47/docs/regulatory/Permitting/General%20Permitting/TX_401_cert.pdf?ver=rle8wttu6MRCA2s6Q4QQMg%3d%3d). Failure to comply with these specifications and conditions invalidates the authorization and may result in a violation.

Our verification for the construction of this activity under this nationwide permit is valid until March 14, 2026, unless prior to that date the nationwide permit is suspended, revoked, or modified such that the activity would no longer comply with the terms and conditions of the

nationwide permit on a regional or national basis. The USACE will issue a public notice announcing the changes when they occur. Furthermore, activities that have commenced, or are under contract to commence, in reliance on a nationwide permit will remain authorized provided the activity is completed within 12 months of the date of the nationwide permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5(c) or (d). Continued confirmation that an activity complies with the specifications and conditions, and any changes to the nationwide permit, is the responsibility of the permittee.

Our review of this project also addressed its effects on threatened and endangered species. Based on the information provided, we have determined this project will not affect any species listed as threatened or endangered by the U.S. Fish and Wildlife Service within our permit area. However, please note you are responsible for meeting the requirements of General Condition 18 on endangered species.

The permittee must sign and submit to us the enclosed certification that the work, including any proposed mitigation, was completed in compliance with the nationwide permit. The permittee should submit the certification within 30 days of the completion of work.

This permit should not be considered as an approval of the design features of any activity authorized or an implication that such construction is considered adequate for the purpose intended. It does not authorize any damage to private property, invasion of property rights, or any infringement of federal, state, or local laws or regulations.

Thank you for your interest in our nation's water resources. If you have any questions concerning our regulatory program, please refer to our website at <http://www.swf.usace.army.mil/Missions/Regulatory> or contact Mrs. Julianna Kurpis at the address above, by telephone (817) 692-6139, or by email [julianna.k.kurpis@usace.army.mil](mailto:julianna.k.kurpis@usace.army.mil), and refer to your assigned project number.

Please help the regulatory program improve its service by completing the survey on the following website: <https://regulatory.ops.usace.army.mil/customer-service-survey/>

Sincerely,



For: Brandon W. Mobley  
Chief, Regulatory Division

## PERMIT COMPLIANCE CERTIFICATION

U.S. Army Corps of Engineers Project Number: SWF-2023-00432

Type of Nationwide: NWP 3

Name of Permittee: City of New Braunfels

Date of Issuance: 12/05/2023

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

Regulatory Division  
CESWF-RD  
U.S. Army Corps of Engineers  
P.O. Box 17300  
Fort Worth, Texas 76102-0300

Or email to: [CESWF-Compliance@usace.army.mil](mailto:CESWF-Compliance@usace.army.mil)

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

**I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.**

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Signature of Permittee

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Date

***Bidding Requirements, Contract Forms and Conditions of the Contract***  
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**Exhibit 6**

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**SP-2 Geotechnical Data Report**

3. Freese & Nichols Geotechnical Data Report (January 16, 2024) (Following this page)

# MEMORANDUM



Innovative approaches  
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10431 Morado Circle, Suite 300 + Austin, Texas 78759 + 512-617-3100 + FAX 817-735-7491

[www.freese.com](http://www.freese.com)

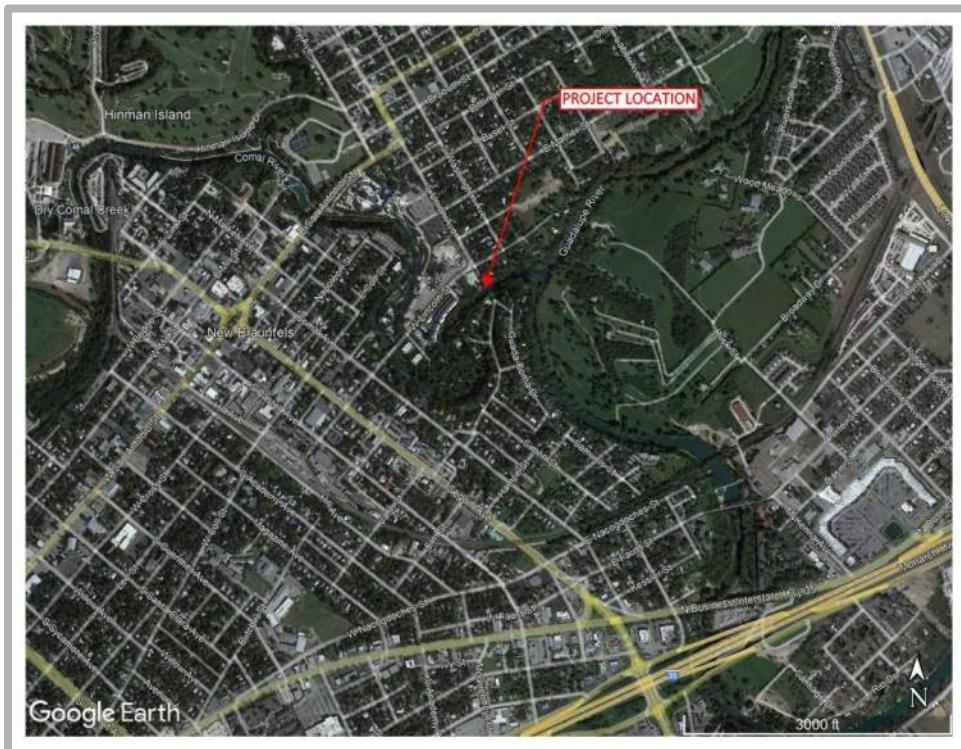
**TO:** Project File  
**CC:** Barry Fehl, PE; Jesse Sharpless, PE; Loren Emerson, EIT  
**FROM:** Gurkan Ozgurel, P.E.  
**SUBJECT:** Last Tuber's Exit Improvements – Geotechnical Data Report  
**DATE:** January 16, 2024  
**PROJECT:** NEB23370



## 1.0 PURPOSE

The purpose of this memorandum is to document the results of the geotechnical subsurface exploration and laboratory testing performed for the Last Tuber's Exit Improvements (Project). Geotechnical field investigation and laboratory testing were conducted by Beyond Engineering & Testing (Beyond) in June 2023. The data from this investigation is summarized in the sections below. In addition, publically available geological information is provided.

The Project is located approximately 0.5 miles east of New Braunfels, Texas, in Comal County, near the confluence of the Guadalupe and Comal Rivers. **Figure 1-1** shows the location of the Project.



**Figure 1-1: General Location of the Project**

## 2.0 SITE GEOLOGY

A geologic map from the U.S. Geological Survey (USGS) indicates that the surficial geologic materials in the vicinity

of the Project mainly consist of Alluvium (Qal) and Fluvial terrace deposits (Qt). These are stream bed deposits from the Quaternary Period of geologic time, typically consisting of sand, silt, clay, and gravel particles in various proportions, with gravel particles being more predominant in older, higher terrace deposits. Geologic materials from the Cretaceous Period of geologic time surround the Project site and contribute to the abundance of high plasticity clays in the subsurface, especially the Navarro Group and Marlbrook Marl (Kknm) to the east of the site. Refer to **Attachment 1** for a geologic map of the Project area.

The key geotechnical engineering concerns for developments supported on the geology encountered at this Project location typically are the expansive nature of the clays, the consistency or relative density of the deposits, and the absence/presence as well as thickness of potentially water-bearing gravels. Due to the alluvial nature of the Quaternary deposits, variations can occur over short distances between the two banks of a river.

### 3.0 GEOTECHNICAL BORINGS AND SUBSURFACE STRATIGRAPHY

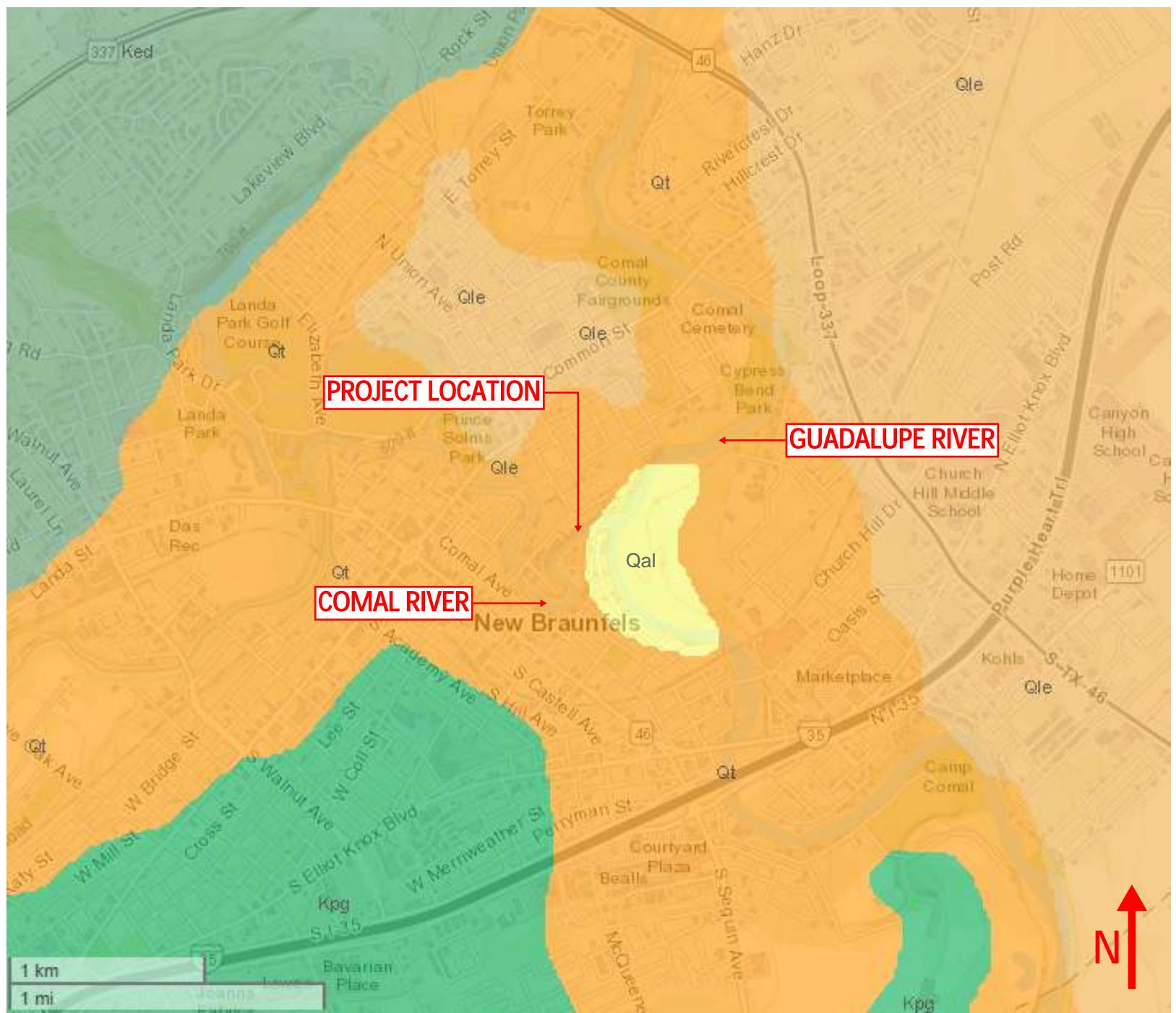
A geotechnical field investigation and associated laboratory testing were conducted by Beyond. One geotechnical boring (B-1) was drilled. The boring log is provided in **Attachment 2**. **Figure 3-1** shows the location of Boring B-1. Boring B-1 is located approximately 185 feet south-southeast of the Project, on the east side of the Comal River. At the time of drilling, the ground surface elevation at Boring B-1 was approximately 591.3 feet NAVD88. Boring B-1 was drilled on the south side of the Comal River rather than the north side near the Project because a drill rig could not access the Project site on the north side of the river. The subsurface stratigraphy and material could vary between the different river banks. The geotechnical subsurface stratigraphy and materials at the project location should be verified by the contractor.



**Figure 3-1: Boring Location Plan**

At the location of Boring B-1, Beyond encountered approximately 15 feet of medium stiff to very stiff fat clay (CH) underlying the pavement. Hard fat clay (CH) was observed below 15 feet depth. Boring B-1 was terminated at a depth of 45.5 feet below the existing ground surface. Groundwater was encountered 8 feet below the ground surface during drilling operations. The laboratory test results, including Atterberg limit determinations and dry densities, are shown on the boring log provided in **Attachment 2**.

**Attachment 1:**  
**USGS Geologic Map**



## LEGEND

<u>Symbol</u>	<u>Name</u>	<u>Age</u>
Qal	Alluvium	Quaternary Period / Holocene Epoch
Qt	Fluviatile terrace deposits	Quaternary Period / Pleistocene Epoch
Qle	Leona Formation	Quaternary Period / Pleistocene Epoch
Kpg	Pecan Gap Chalk	Cretaceous Period (Upper/Late)
Ked	Edwards Limestone	Cretaceous Period (Lower/Early)

**Attachment 2:**

**Geotechnical Boring Log with Field and Laboratory Testing Results  
(from Beyond Inc.)**

## LOG OF BORING B-1

SHEET 1 of 1



Beyond Engineering and Testing, LLC  
3801 Doris Lane, Suite B  
Round Rock, Texas 78664  
Telephone: 512.358.6048  
[www.BeyondET.com](http://www.BeyondET.com)

CLIENT: FREESE AND NICHOLS, INC  
PROJECT: Last Tuber's Exit Improvements  
LOCATION: See GPS Coordinates at bottom of log.  
NUMBER: NEB23370  
DATE(S) DRILLED: 6/16/23

*Bidding Requirements, Contract Forms and Conditions of the Contract*  
**SPECIAL PROVISIONS**  
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**Exhibit 6**

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**END OF SECTION**