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April 27, 2020

#16,117

Bobby W. Stoval, Hunt County Judge  
Hunt County Courthouse  
2507 Lee Street  
Greenville, TX 75401

FILED FOR RECORD  
at 11:30 o'clock 22 M  
MAY 12 2020  
JENNIFER LINDENZWEIG  
County Clerk, Hunt County, TX  
By Jennifer Lindenzweig

Dear Bobby W. Stoval, Hunt County Judge,

It is our understanding that Hunt County (County) has been experiencing rapid development over the past decade. This significant growth is expected to continue for years to come, prompting County officials to develop plans and establish policies that will help them manage and minimize flooding risks. As part of this effort, the County is pursuing financial assistance from the newly created Texas Flood Infrastructure Fund (FIF) to develop a Countywide Drainage Study. The FIF is managed by the Texas Water Development Board (TWDB) and it was created to assist in the financing of drainage, flood mitigation and flood control projects. The Countywide Drainage Study (CDS) will include the development of hydrologic and hydraulic models that will serve as planning tools to define flood hazard risks for private properties and public infrastructure. The models will also provide a platform for developing and evaluating improvement alternatives. The County has requested Freese and Nichols Inc. (FNI) to provide engineering services in support of the FIF application process and eventual execution of the CDS.

The scope of work included in this contract covers the Abridged Application preparation and submittal, which is Phase I of the FIF application process. FNI will provide a separate proposal for Phase II (Full Financial Assistance Application) if the project is selected by TWDB and the County receives an invitation to submit an application for financial assistance.

**SCOPE OF SERVICES**

**BASIC SERVICES:** FNI shall render the following professional services in connection with the development of the Project:

- A. PHASE I – ABRIDGED APPLICATION: The Abridged Application is the first step in the FIF project funding solicitation process. The Abridged Application will allow the applicant to describe the proposed project and provide information about the issues the project will address. The Abridged Application is a tool designed to help the TWDB collect the information necessary to prioritize projects and determine the best source of funding without requiring every interested entity to complete a full TWDB financial assistance application. See **Attachment 1** for a copy of the SFY 2020 Flood Mitigation Abridged Application.

FNI proposes to assist the County in the preparation and submittal of the Abridge Application which encompasses the following tasks:

1. Preliminary Scope of Work Definition
  - a. Define a preliminary scope of work (SOW) for the proposed project to be submitted for financial assistance through the FIF program.
  - b. Meeting with County Staff to review preliminary SOW and gather feedback.
  - c. Revise preliminary SOW based on County Staff feedback.
2. Coordination with Potential Collaborating Entities
  - a. Assist County Staff identifying potential collaborating entities within the project watershed. Collaborating entities may be any political subdivision such as cities and counties, and any district or authority created under Section 52, Article III or Section 59, Article XVI of the Texas Constitution. Collaborating entities should participate in the project development process and hold public meetings to accept comments on the proposed project.
  - b. Assist County Staff coordinating one (1) meeting with potential collaborating entities to review preliminary SOW and initiate process to prepare a draft Memorandum of Understanding (MOU) that includes all the affected political subdivisions.
  - c. Assist the County in the preparation of an Affidavit demonstrating that the County has acted cooperatively with the public and other political subdivisions in the area.
  - d. Revise preliminary SOW based on feedback from County and collaborating entities.
3. Prepare and Submit Flood Mitigation Project Abridged Application: FNI shall provide professional services in this phase as follows:
  - a. Prepare draft Abridged Application and submit to County and collaborating entities for review.
  - b. Perform one (1) round of revisions to draft Abridged Application to address County and collaborating entities comments.
  - c. Prepare final Project Abridged Application and submit to TWDB.

**ADDITIONAL SERVICES:** Any services performed by FNI that are not included in the Basic Services described above are Additional Services. Additional Services to be performed by FNI, if authorized by Client, are described as follows:

1. Texas Flood Infrastructure Fund Full Financial Assistance Application preparation and submittal to TWDB.
2. Final design, bid, or construction phase services.
3. Analysis of areas beyond those outlined in the Scope of Basic Services.
4. Additional site visits or meetings in excess of those defined on the Scope of Basic Services.
5. Application for state or federal permitting or an environmental document for NEPA clearance.
6. LOMR, CLOMR or other FEMA coordination.
7. Providing renderings, model, and mock-ups requested by the County.
8. Making revisions to drawings or other report documents when such revisions are 1) not consistent with approvals or instructions previously given by County or 2) due to other causes not solely within the control of FNI.
9. Providing services to investigate existing conditions or facilities, or to make measured drawings thereof, or to verify the accuracy of drawings or other information furnished by County.
10. Meeting or trips in excess of the number of meetings included in this Agreement for site visits, coordination meetings, or other activities.
11. Preparing data and reports for assistance to County in preparation for hearings before regulatory

- agencies, courts, arbitration panels or any mediator, giving testimony, personally or by deposition, and preparations therefore before any regulatory agency, court, arbitration panel or mediator.
12. Design, contract modifications, studies or analysis required to comply with local, State, Federal or other regulatory agencies that become effective after the date of this agreement.
  13. Providing basic or additional services on an accelerated time schedule. The scope of this service include cost for overtime wages of employees and consultants, inefficiencies in work sequence and plotting or reproduction costs directly attributable to an accelerated time schedule directed by the County.
  14. Providing document revisions in excess of those outlined in Scope of Basic Services.
  15. Providing environmental services.

### **TIME OF COMPLETION**

FNI is authorized to commence work on the Project upon execution of this Agreement and agrees to complete the services in 60 days from Notice to Proceed.

If FNI's services are delayed through no fault of FNI, FNI shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in Client or regulatory reviews, delays on the flow of information to be provided to FNI, governmental approvals, etc. These delays may result in an adjustment to compensation as outlined on the face of this Agreement and in Attachment CO.

### **RESPONSIBILITIES OF CLIENT**

Client shall perform the following in a timely manner so as not to delay the services of FNI:

- A. Designate in writing a person to act as Client's representative with respect to the services to be rendered under this Agreement. Such person shall have contract authority to transmit instructions, receive information, interpret and define Client's policies and decisions with respect to FNI's services for the Project.
- B. Assist FNI by placing at FNI's disposal all available information pertinent to the Project including previous reports and any other data relative to the Project.
- C. Arrange for access to and make all provisions for FNI to enter upon public and private property as required for FNI to perform services under this Agreement.
- D. Examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by FNI, obtain advice of an attorney, insurance counselor and other consultants as Client deems appropriate for such examination and render in writing decisions pertaining thereto within a reasonable time so as not to delay, or cause rework in, the services of FNI.
- E. Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project.
- F. Provide such accounting, independent cost estimating and insurance counseling services as may



**COMPENSATION**

FNI proposes to furnish our services as described herein for a Lump Sum fee of Sixteen Thousand Four Hundred dollars and No Cents (\$16,400).

Payment of the services shall be due and payable upon submission of a statement for services. Statements for services shall not be submitted more frequently than monthly.

**TERMS AND CONDITIONS OF AGREEMENT**

We propose to furnish our services as described herein in accordance with Attachment TC, "Terms and Conditions of Agreement".

We appreciate this opportunity to submit this statement of qualifications, which is good for 60 days. If additional information or clarification is desired, please do not hesitate to contact us.

If you are in agreement with the services described herein and wish for FNI to proceed with this assignment, please sign below and return one copy of the agreement for our files. If you wish to authorize our services by a Purchase Order, please refer to this letter as an attachment on the face of the Purchase Order.

Yours Very Truly,

**FREESE AND NICHOLS, INC.:**

BY: SAH  
04/28/2020 8:35:17 AM  
Scott Hubley  
Print or Type Name

TITLE: Principal

DATE: April 27, 2020

**HUNT COUNTY:**

BY: [Signature]  
Bobby W. Stovall  
Print or Type Name

TITLE: County Judge

DATE: May 12, 2020

# ATTACHMENT 1

## SFY 2020 Flood Project Abridged Application

*Due June 15, 2020 at 5:00 p.m.  
Email to [FIF@twdb.texas.gov](mailto:FIF@twdb.texas.gov)*

By submitting this Abridged Application, you understand and confirm that the information provided is true and correct to the best of your knowledge and further understand that the failure to submit a complete Abridged Application by the stated deadlines, or to respond in a timely manner to additional requests for information, may result in the withdrawal of the Abridged Application without review.

### GENERAL INFORMATION

<b>Entity Name</b>		
<b>Entity Type</b>		
<b>Contact</b> Who should TWDB contact with questions during the review of this submission?	<b>Name</b>	
	<b>Title</b>	
	<b>Phone</b>	
	<b>Email</b>	

### PROJECT INFORMATION

<b>Project Name</b>			
<b>Amount Requested from TWDB</b>	\$		
<b>Financing from Federal Sources</b>	\$		
(if receiving federal funds, include the federal agency and program)			
<b>Financing from Other Sources</b>	\$		
<b>Total Project Cost</b> (Check here if requesting loan funds only <input type="checkbox"/> )	\$		
<b>Category Applied For</b>			
<input type="checkbox"/> <b>Category 1</b> Flood Protection Planning for Watersheds	<input type="checkbox"/> <b>Category 2</b> Planning, Acquisition, and Design, Construction / Rehabilitation (All combinations)	<input type="checkbox"/> <b>Category 3</b> Federal Award Matching Funds	<input type="checkbox"/> <b>Category 4</b> Measures immediately effective in protecting life and property

## MINIMUM STANDARDS

<p>Only projects that satisfy all minimum standards will be included in the prioritization.</p>	<input type="checkbox"/>	1. For applicable projects, the benefit-cost ratio of the proposed project is >1.0 or an explanation is provided.
	<input type="checkbox"/>	2. For applicable projects, a proposed MOU and a project description was provided to all eligible political subdivisions and the list of political subdivisions that received this information is attached to the abridged application.
	<input type="checkbox"/>	3. The applicant has acted cooperatively with other political subdivisions to address flood control needs in the area in which the eligible political subdivisions are located; and all eligible political subdivisions substantially affected by the proposed flood project have participated in the process of developing the proposed flood project.
	<input type="checkbox"/>	4. The funding request does not include redundant funding for activities already performed and/or funded through another source.
	<input type="checkbox"/>	5. a. The area to be served by the proposed project has floodplain ordinances in place and is currently enforcing floodplain management standards at least equivalent to National Flood Insurance Program (NFIP) minimum standards. OR
	<input type="checkbox"/>	5. b. Requesting funds to fulfill additional requirements for participation in the National Flood Insurance Program.
	<input type="checkbox"/>	6. The proposed project was developed using the best and most recent available data.
	<input type="checkbox"/>	7. a. (Construction applicants only) Operations and maintenance costs associated with proposed facilities have been considered.
	<input type="checkbox"/>	7. b. (Construction applicants only) Floodwater capture techniques have been considered.

**DESCRIPTION OF PROPOSED PROJECT**

A large, empty rectangular box with a thin black border, occupying most of the page below the section header. It is intended for the user to provide a detailed description of the proposed project.



## INFORMATION FOR GRANT FUNDING

Provide information for the applicable level of grant funding:

Category 1:

Study area AMHI (weighted average based on population)-\$\_\_\_\_\_

(Optional – attached a copy of federal disaster declaration – flood related within the last 60 months)

Categories 2, 3, and 4

- For consideration of being outside MSA: Project is entirely located outside of an MSA - Yes \_\_\_ or No \_\_\_
- Project area AMHI (weighted average based on population)-\$\_\_\_\_\_
- Project area Unemployment Rate (weighted average based on population)-\_\_\_\_\_%
- Project area Population Decline (if any) (based on sum of the population in the project areas)-\_\_\_\_\_%
- For consideration of being an Rural Applicant: All entities within the project benefit area are outside MSAs and have populations <10,000; or the applicant is a district or municipality with a service area of 10,000 or less in population; or located in a county in which no urban area exceeds 50,000 in population - Yes \_\_\_ or No \_\_\_
- For consideration of being a Green or Nature-Based project: Percentage of total project costs that are considered green or nature-based- \_\_\_\_\_% (attach the calculation)

**Note: If requesting grant funds that rely on a calculation of the AMHI, Unemployment Rate, or Population Decline then attach the calculation of the weighted average amounts for the project area based on the applicable U.S. Census Bureau geographic areas such as County, Place (City), Census Tract, or Block Group using the ACS data sources described in the IUP.**

## PRIORITIZATION CRITERIA

<p><b>Rural Applicant</b></p> <p>All entities within the project benefit area are (a) outside MSAs and have populations &lt;10,000; or (b) a district or municipality with a service area of 10,000 or less in population; or (c) a county in which no urban area exceeds 50,000 in population.</p>	<p style="text-align: center;"> <input type="checkbox"/> Yes <span style="float: right;"><input type="checkbox"/> No</span> </p> <p style="text-align: center;"> <i>(Please attach a list of all entities in the project benefit area and U.S. Census Bureau 2014-2018 American Community Survey (ACS) 5-year estimates data indicating the population of each area.)</i> </p>
<p><b>Emergency Need Due to Recent or Imminent Failure or recent Flood-related Disaster Declarations.</b></p> <p>A need exists for flood hazard mitigation actions to address a clear and imminent threat to public health, safety, and welfare or property due to recent or imminent failure of existing flood infrastructure or flood-related federal or state disaster declarations within the most recent 36 months that would be significantly mitigated by the proposed project.</p>	<p style="text-align: center;"> <input type="checkbox"/> Yes, due to a recent failure.              <input type="checkbox"/> Yes, due to imminent failure.              <input type="checkbox"/> Yes, recent flood-related disaster declaration for the proposed project area              <input type="checkbox"/> No       </p>
<p><b>Distributed Benefits</b></p> <p>Is the project expected to directly benefit or include the active participation of jurisdictions other than the applicant?</p>	<p style="text-align: center;"> <input type="checkbox"/> Yes <span style="float: right;"><input type="checkbox"/> No</span> </p>





## ADDITIONAL INFORMATION FOR THE FLOOD INFORMATION CLEARINGHOUSE COMMITTEE

Responses to questions 1 through 7, along with other information included in this abridged application, will be shared with the Flood Information Clearinghouse Committee (FLICC), a new cooperative effort between the TWDB, General Land Office, Texas Division of Emergency Management, and other state and federal agencies that administer flood mitigation financial assistance programs. After review by the FLICC, the applicant may be advised of other available source(s) of funding.

1. Type of Assistance Requested (Check all that apply):	<input type="checkbox"/> Low Interest Loan <input type="checkbox"/> Grant <input type="checkbox"/> Loan/Grant Combination <input type="checkbox"/> Local Match for Federal Funding
If requesting funds for the local cost share of a federally funded project, the name of the program:	
2. County(ies) in which the project is located:	
3. (If applicable) Associated FEMA disaster name and number:	
4. Does the applicant have an approved Mitigation Action Plan?	
5. Is the community to be served by the project in good standing with the National Flood Insurance Program?	
6. Will this project involve enlargement of a dam or levee beyond the original footprint of the structure that existed prior to a disaster event?	
7. Will this project mitigate a repetitive or severe repetitive loss property?	

## CERTIFICATION ON ENFORCING FLOODPLAIN MANAGEMENT STANDARDS

<p><b>Certification on enforcing floodplain management standards</b></p> <p>Exception: The only exception is an entity that is requesting FIF funding to fulfill additional requirements for participation in the National Flood Insurance Program. If this is the situation, check here: <input type="checkbox"/></p>	<p>I, _____ (Name), serving as _____ (Title) hereby certify that _____ (Appropriate entity for area to be served by the project) is currently enforcing floodplain management standards at least equivalent to National Flood Insurance Program (NFIP) minimum standards, but it may exceed the NFIP minimum standard.</p> <p>_____ Signature _____ Date</p>
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## ATTACHMENT CHECKLIST

- | <input checked="" type="checkbox"/> | <u>N/A</u>               | <u>Attachment Description</u>  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | List of entities receiving the proposed MOU and project description  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Benefit-Cost Ratio required information.   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Documentation indicating the best/most recent data was used in the development of the proposed project.  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Documentation demonstrating the area to be served by the proposed project has floodplain ordinances in place and the appropriate entity has certified that it is currently enforcing floodplain management standards at least equivalent to National Flood Insurance Program (NFIP) minimum standards. (The only exception is an entity that is requesting FIF funding to fulfill the requirements for participation in the National Flood Insurance Program.) |
| <input type="checkbox"/>            | <input type="checkbox"/> | If requesting grant funds that rely on a calculation of the AMHI, Unemployment Rate, or Population Decline then attach the calculation of the weighted average amounts for the project area based on the applicable U.S. Census Bureau geographic areas such as County, Place (City), Census Tract, or Block Group and the ACS data sources described in the IUP.  |
| <input type="checkbox"/>            | <input type="checkbox"/> | If requesting prioritization points for "Rural Applicant", a list of all entities in the project benefit area and U.S. Census Bureau 2014-2018 American Community Survey (ACS) 5-year estimates data indicating the population of each area.   |
| <input type="checkbox"/>            | <input type="checkbox"/> | (If applying for matching funds) Documentation of an existing federal award pending availability of local match.   |
| <input type="checkbox"/>            | <input type="checkbox"/> | (If the project involves property acquisitions) Documentation supporting the determination that acquisitions are the best solution and the properties are a high risk.   |
| <input type="checkbox"/>            | <input type="checkbox"/> | (Construction projects) Description of the anticipated funding source for operations and maintenance costs.  |
| <input type="checkbox"/>            | <input type="checkbox"/> | (Construction projects) Map and description of area benefitting from the proposed project, including a list of all benefitting political subdivisions.   |
| <input type="checkbox"/>            | <input type="checkbox"/> | (If applicable) Documentation of recent or imminent infrastructure failure causing an emergency need or a flood-related federal or state disaster declaration within the most recent 36 months that would be significantly mitigated by the proposed project.  |
| <input type="checkbox"/>            | <input type="checkbox"/> | List and explanation of geographies used to determine average SVI.   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Certification on enforcing floodplain management standards for all applicable areas  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Additional Information for the Flood Information Clearinghouse Committee   |

## REFERENCE INFORMATION FROM INTENDED USE PLAN (IUP)

### IUP ATTACHMENT 2: Memorandum of Understanding Template

#### TEXAS WATER CODE SECTION 15.005 MEMORANDUM OF UNDERSTANDING

This is a Memorandum of Understanding (MOU) between the <<GOVERNING BODY>> of <<ENTITY A>> (the “<<ENTITY A>>”) and the <<GOVERNING BODY>> of <<ENTITY B>> (the “<<ENTITY B>>”). <<MAY INCLUDE ADDITIONAL GOVERNING BODIES/POLITICAL SUBDIVISIONS OR MAY DEVELOP INDIVIDUAL MOUs WITH EACH POLITICAL SUBDIVISION WITHIN THE WATERSHED (see instructions in Flood IUP)>>

WHEREAS, pursuant to Texas Water Code § 15.005 and 31 Texas Administrative Code § 363.408, if the Executive Administrator determines that an application has flood control as one of its purposes and that the watershed in which the project is located is partially located outside the political subdivision making the application, the applicant must submit a written memorandum of understanding relating to the management of the watershed in which the project is to be located, signed by all governing bodies of eligible political subdivisions located in the project watershed; and

WHEREAS, <<ENTITY A>> has filed an application with the Texas Water Development Board for funding a project that has flood control as one of its purposes; and

WHEREAS, <<ENTITY A>> has determined that the watershed in which the project is located is partially located within the jurisdiction of <<ENTITY B>>; and

NOW THEREFORE, in consideration of the benefits to the <<APPLICABLE/NAME OF>> Watershed and the State of Texas, <<ENTITY A>> and <<ENTITY B>> agree to the following:

1. <<ENTITY A>> will provide <<ANNUAL/QUARTERLY/MONTHLY>> progress updates to <<ENTITY B>> as the project develops and changes.
2. <<ENTITY A>> will notify <<ENTITY B>> of any potential change in impacts to <<ENTITY B>> within the <<QUARTER/MONTH>> of the identified change.
3. <<ENTITY B>> will provide constructive input to <<ENTITY A>> as the project develops and changes.
4. <<ENTITY A>> and <<ENTITY B>> will work cooperatively for the management of the <<NAME OF WATERSHED>>.

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<<Responsible Official for Entity A, including Title>>  
<<Entity A>>

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<<Responsible Official for Entity B>>  
<<Entity B>>