Council Member ____ made a motion to approve the following resolution. A vote of __.

A RESOLUTION APPROVING A MASTER SERVICES AGREEMENT BETWEEN THE TOWN OF BLACK MOUNTAIN AND KIMLEY-HORN AND ASSOCIATES, INC. FOR CONTINUING PROFESSIONAL SERVICES FOR STRUCTURES LOCATED NEAR VETERANS PARK

Resolution #: R-25-62

WHEREAS, the Town of Black Mountain requires professional engineering and consulting services to support ongoing and future infrastructure, storm recovery, and hazard mitigation projects; and

WHEREAS, Kimley-Horn and Associates, Inc. ("Consultant") is a qualified engineering and consulting firm capable of providing professional services for projects as requested by the Town; and

WHEREAS, the Town and Consultant have negotiated a Master Services Agreement dated October 7, 2025, which establishes the terms and conditions under which the Consultant will perform professional services pursuant to individual project orders as it relates to structures located near Veterans Park that includes: 1) pedestrian bridge crossing the Swannanoa River downstream of I-40 and 2) the pedestrian crossing through the culvert under I-40; and

WHEREAS, the Agreement includes provisions for scope of services, compensation, invoicing, intellectual property, termination, dispute resolution, and federal compliance requirements, including the Attachment A – Federally Required Terms and Conditions – Hurricane Helene, and the Individual Project Order Number 01 document; and

WHEREAS, the Town anticipates that certain projects conducted under this Agreement may be funded, in whole or in part, by state or federal programs such as FEMA or HUD, and it is therefore necessary that the Agreement comply with applicable federal and state regulations and procurement requirements; and

WHEREAS, it is in the best interest of the Town of Black Mountain to enter into this Agreement to ensure continuity of qualified professional services for municipal projects and federally funded recovery work;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN THAT:

1. The Master Services Agreement between the Town of Black Mountain and Kimley-Horn and Associates, Inc. for Continuing Professional Services dated October 7, 2025, is hereby approved (attached hereto as Exhibit A).

2. Kimley-Horn will perform services with a total fee not to exceed $108,045 as described in the Individual Project Order Number 01 document (attached hereto Exhibit B).

3. The Town Manager, or his designee, is authorized to execute the Agreement and any subsequent project orders or amendments consistent with the intent of this Resolution.

4. This Resolution shall be effective upon adoption.

Adopted this 13th day of October 2025.

_____
C. Michael Sobol, Mayor

ATTEST: _____
Wesley M. Barker, Town Clerk

Resolution Attachments:

- Exhibit A- Master Services Agreement
- Exhibit B- Individual Project Order (IPO) 01