



Buckman Direct Diversion

A joint regional project of the City of Santa Fe and Santa Fe County to build a reliable and sustainable water supply.

Memorandum

Date: May 5, 2016
To: Buckman Direct Diversion Board
From: Mackie M. Romero, BDD Financial Manager *MMR*
Subject: Long Komer & Associates, P.A. LSA Amendment # 2

Item and Issue:

Request approval for Amendment #2 to the Legal Services Agreement with Long, Komer & Associates, P.A. to increase compensation for the amount of \$30,000 exclusive of NMGRT.

Background and Summary:

On February 5, 2015 the Buckman Direct Diversion Board approved a Legal Services Agreement with Long, Komer & Associates to serve as the legal counsel for the Buckman Direct Diversion Board. Services provided by Long, Komer & Associates have increased over the current fiscal year due to unforeseen legal and policy issues. Therefore, we request an amendment to provide additional compensation to our existing agreement for the amount of \$30,000 plus NMGRT, to ensure services continue through June 30, 2016.

Action Requested:

Staff recommends approval of Amendment 2 to LSA # 15-0153 with Long, Komer & Associates to increase compensation in the amount of \$30,000 exclusive of NMGRT for legal services through June 30, 2016. Funding is available in our current FY2015/2016 operating budget.

BU/LI: Legal Services # 7280000.510200.900010.

Approved by BDDDB May 5, 2016

Councilor Carmichael A. Dominguez, BDDDB Chair



**BUCKMAN DIRECT DIVERSION BOARD
AMENDMENT No. 2 TO
LEGAL SERVICES AGREEMENT
ACTING IN THE CAPACITY OF LEGAL COUNSEL FOR THE BUCKMAN DIRECT
DIVERSION BOARD**

This Amendment No. 2 (the "Amendment") to the Legal Services Agreement, dated February 22, 2015, and as subsequently amendment (the "Agreement"), is made between the Buckman Direct Diversion Board (the "BDDDB") and Long, Komer & Associates, PA (the "Contractor"). The date of this Amendment shall be effective as of the date it is executed by the BDDDB.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to provide legal services to the Board.

B. Pursuant to the Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the Board and the Contractor agree as follows:

1. COMPENSATION.

Article 3 of the Agreement is amended to increase the amount of compensation by a total of thirty thousand dollars (\$30,000) plus applicable New Mexico Gross Receipts Tax, so that Article 3, paragraph B reads in its entirety as follows:

A. The BDDDB shall pay to the Contractor in full payment for services rendered, a sum not to exceed one hundred seventy thousand one hundred twelve dollars and 11/100's (\$170,112.11), plus applicable gross receipts taxes plus premiums, policy fees and taxes.

2. AGREEMENT IN FULL FORCE.

Except as specifically provided in this Amendment, the Agreement remains, and shall remain, in full force and effect, in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment No.2 to the Legal Services Agreement.

BUCKMAN DIRECT DIVERSION BOARD

**CONTRACTOR:
Long Komer & Associates, P.A.**

By: _____
BDD Chairperson

By: _____
Name: _____
Title: _____


Date: _____

Date: _____

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

 _____ *4/26/16*
Kelley A. Brennan, City Attorney

APPROVED:

Oscar Rodriguez, City Finance Director

ATTEST:

Yolanda Y. Vigil, City Clerk
File Date: _____

728000



BDD
Summary of Contracts, Agreements, & Amendments

Section to be completed by department for each contract or contract amendment

1 **FOR: ORIGINAL CONTRACT** or **CONTRACT AMENDMENT**

2 Name of Contractor Long Pound and Komer

3 Complete information requested Plus GRT

Inclusive of GRT

Original Contract Amount: \$103,000.00

Termination Date: June 30, 2016

Approved by BDDDB Date: February 22, 2015

or by Project Manager Date: _____

Contract is for: legal services bdd

Amendment # 2 to the Original Contract# 15-0153

Increase/(Decrease) Amount \$ 30,000.00

Extend Termination Date to: na

Approved by BDDDB Date: Pending

or by Facilities Manager Date: _____

Amendment is for: increase comp

4 **History of Contract & Amendments:** (option: attach spreadsheet if multiple amendments) Plus GRT

Inclusive of GRT

Amount \$ 103,000.00 of original Contract# 15-0153 Termination Date: 06/30/2016

Reason: _____

Amount \$ 37,112.11 amendment # 1 Termination Date: na

Reason: increase scope and comp

Amount \$ 30,000.00 amendment # 2 Termination Date: _____

Reason: _____

Amount \$ _____ amendment # _____ Termination Date: _____

Reason: _____

Total of Original Contract plus all amendments: \$ 170,112



BDD
Summary of Contracts, Agreements, & Amendments

5 **Procurement Method of Original Contract:** (complete one of the lines)

RFP# 15/13/P Date: _____

RFQ _____ Date: _____

Sole Source _____ Date: _____

Other _____

6 **Procurement History:** _____
 example: (First year of 4 year contract)

7 **Funding Source:** BDD **BU/Line Item:** _____ 72410

8 **Any out-of-the ordinary or unusual issues or concerns:**
none
 (Memo may be attached to explain detail.)

9 **Staff Contact who completed this form:** maya

Phone # 955-4233

10 **Certificate of Insurance attached.** (if original Contract)

Submit to City Attorney for review/signature

Forward to Finance Director for review/signature
 Return to originating Department for Committee(s) review or forward to City Manager for review
 and approval (depending on dollar level).

To be recorded by City Clerk:

Contract # _____

Date of contract Executed (i.e., signed by all parties): _____

Note: If further information needs to be included, attach a separate memo.

Comments: