

ACTION SHEET
CITY COUNCIL COMMITTEE MEETING OF 05/28/14
ITEM FROM FINANCE COMMITTEE MEETING OF 05/19/14

ISSUE:

15. Request for Approval of **Amendment No. 6** to Professional Services Agreement – Northwest Well Permit Application and Litigation; Lee Wilson & Associates. (Bill Schneider)

A. Request for Approval of Budget Increase – Water Fund

FINANCE COMMITTEE ACTION: APPROVED AS CONSENT ITEM

Requested approval of amendment no. 6 to professional services agreement for Northwest Well Permit Application and Litigation with Lee Wilson & Associates in the amount of \$45,000 plus gross receipts tax.

SPECIAL CONDITIONS OR AMENDMENTS

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR TRUJILLO	X		
COUNCILOR RIVERA	X		
COUNCILOR LINDELL	X		
COUNCILOR MAESTAS	Not present to vote		
CHAIRPERSON DOMINGUEZ	Excused		

3-17/14/FCMissue

**0ACTION SHEET
PUBLIC UTILITES COMMITTEE MEETING OF 5/7/14**

ISSUE NO. 20

Request for approval of Amendment No. 6 to the PSA with Lee Wilson & Associates for the Northwest Well Permit Application and Litigation for the amount of \$45,000.00 exclusive of NMGR.T. (Bill Schneider)

Public Utilities Committee – 5/7/14
Finance Committee – 5/19/14
City Council – 5/28/14

PUBLIC UTILITES COMMITTEE ACTION: Approved to forward to 5/19/14 Finance Committee.

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:			
VOTE:	FOR	AGAINST	ABSTAIN
COUNCILOR RIVERA, CHAIR	X		
COUNCILOR MAESTAS	X		
COUNCILOR BUSHEE	Absent(Late)		
COUNCILOR DIMAS	X		
COUNCILOR IVES	X		

City of Santa Fe, New Mexico

memo

Date: April 21, 2014

To: Public Utilities Committee/ Finance Committee/City Council

Via: Nick Schiavo, Interim Water Division and Public Utility Director *RC*
Rick Carpenter, Water Resources and Conservation Group Manager *RE*
Marcos Martinez, Assistant City Attorney *WPS*

From: Bill Schneider, Water Resources Coordinator *WPS*

Re: Request for approval of Amendment #6 to the professional services agreement with Lee Wilson and Associates in the amount of \$45,000 plus NMGR, in support of the Northwest Well Permit Application and Litigation

Item: Amendment #6 for Lee Wilson Associates in the amount of \$45,000 (plus GRT) for the Northwest Well Permit Application and Litigation Support.

Background:

Ongoing litigation pertaining to the Northwest Well protest requires the continued contributions of Lee Wilson and Associates to support the Hearing process. The Northwest Well is a critical component of the City's water supply, so maintaining continuity of the legal and technical team assigned to the hearing process is imperative to achieving a successful outcome.

Scope of Work:

The scope of work is a continuation of the tasks outlined in Amendment #5 which include the need to analyze ground and surface water impacts of the protested Northwest Well permit application to the Office of the State Engineer (OSE) and evaluating technical information and providing expert opinions on matters pertaining to the NW Well legal proceedings. These include data analysis, water rights assessment, impairment evaluation and expert testimony to support the City in the impending hearing with OSE.

Procurement

After discussions with Judith Amer and Robert Rodarte, extending the current contract with Lee Wilson and Associates was determined to be the most prudent direction because of the unanticipated and prolonged litigation that has extended to the Hearing phase which is currently scheduled for July 25, 2014. This date will be in excess of the normal 4-year maximum contract length. The scope of this work is time sensitive and specific to the Northwest Well litigation. Staff is requesting that the contract be extended to October 26, 2014.

Funding Source.

Funding will be available upon approval of the attached Budget Adjustment request in the amount of \$45,000. The request is increasing the revenue and expenditure Business Unit/Line Item from the Water Division Revenue fund.

Recommended Action:

Staff recommends the Public Utilities and Finance Committees approve Amendment #6 to PSA in the amount of \$45,000 (plus GRT) and approval of the BAR in the amount of \$45,000 and to forward to the City Council for consideration.

**CITY OF SANTA FE
AMENDMENT No. 6 TO
PROFESSIONAL SERVICES AGREEMENT**

AMENDMENT No. 6 (the "Amendment") to the CITY OF SANTA FE PROFESSIONAL SERVICES AGREEMENT, dated October 26, 2011 (the "Agreement"), between the City of Santa Fe (the "City") and Lee Wilson & Associates (the "Contractor"). The date of this Amendment shall be the date when it is executed by the City and the Contractor, whichever occurs last.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to provide consultant services as outlined in the original Agreement for the City.

B. Pursuant to Article 18 of the Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the City and the Contractor agree as follows:

1. COMPENSATION.

Article 3, paragraph A of the Agreement is amended to increase the amount of compensation by a total forty five thousand dollars (\$45,000), plus applicable gross receipts tax, so that Article 3, paragraph A reads in its entirety as follows:

A. The City shall pay to the Contractor in full payment for services rendered a sum not to exceed four hundred thirty five thousand dollars (\$435,000), plus applicable gross receipts taxes. Payment shall be made for services actually rendered at a rate of two hundred thirty five dollars (\$235.00) per hour for Principal, one hundred twenty five dollars (\$125.00) and one hundred dollars (\$100.00) per hour for senior

professional staff, one hundred thirty five dollars (\$135) per hour for senior consulting staff, seventy dollars (\$70.00) per hour for professional support staff, and one hundred ten dollars (\$110.00) per hour for technical support staff.

2. TERM.

Article 5 of the Agreement is amended to extend the term of the Agreement, so that Article 5 reads in its entirety as follows:

This Agreement shall terminate on October 26, 2015 unless terminated pursuant to Paragraph 6, infra.

3. 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.6 to the City of Santa Fe Professional Services Agreement as of the dates set forth below.

CITY OF SANTA FE:

CONTRACTOR:
LEE WILSON & ASSOC. INC.

BRIAN K. SNYDER, CITY MANAGER

NAME & TITLE

Date: _____

Date: _____

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

Just what we for

KELLEY A. BRENNAN,
INTERIM CITY ATTORNEY 4/28/14

APPROVED:

MARCOS A. TAPIA, FINANCE DIRECTOR

52300.510300
Business Unit/Line Item



City of Santa Fe 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 Lee Wilson and Associates Inc.

3 Complete information requested Plus GRT
 Inclusive of GRT

Original Contract Amount: \$185,000.00

Termination Date: June 30, 2012

Approved by Council Date: October 26, 2011

or by City Manager Date: _____

Contract is for: water rights

Amendment # 6 to the Original Contract# 11-1102

Increase/(Decrease) Amount \$ 45000

Extend Termination Date to: October 26, 2014

Approved by Council Date: Pending

or by City Manager Date: _____

Amendment is for: Increase term, and compensation for fy

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

Amount \$ 185,000.00 of original Contract# 11102 Termination Date: 05/30/2012

Reason: _____

Amount \$ 0.00 amendment # 1 Termination Date: 06/30/2013

Reason: term

Amount \$ 0.00 amendment # 2 Termination Date: na

Reason: reallocate funding to tasks

Amount \$ 45,000.00 amendment # 3 Termination Date: na

Reason: increase scope and comp

Amount \$ na amendment # 4 Termination Date: 06/30/2014

Reason: Extend Term

Amount \$ 160,000.00 amendment # 5 Termination Date: NA

Reason: increase scope and comp



**City of Santa Fe
Summary of Contracts, Agreements, & Amendments**

Total of Original Contract plus all amendments: \$ 435,000

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

RFP# _____ Date: _____

RFQ _____ Date: _____

Sole Source _____ Date: _____

Other Cooperative Procurement Las Cruces BID

6 Procurement History: 1 year contract
example: (First year of 4 year contract)

7 Funding Source: water division **BU/Line Item:** 52300, 52356, 52251

8 Any out-of-the ordinary or unusual issues or concerns:
Last year of the contract
(Memo may be attached to explain detail.)

9 Staff Contact who completed this form: Maya Martinez

Phone # 955-4271

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: