



**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 NMGRT. (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:**

<b>VOTE:</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
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 *WAS*

From: Bill Schneider, Water Resources Coordinator *WAS*

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

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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:

*Justified for*  
\_\_\_\_\_  
KELLEY A. BRENNAN, 4/28/14  
INTERIM CITY ATTORNEY

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:**