

Mayor Timothy M. Keller

CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

INTER-OFFICE MEMORANDUM

4/21/20

TO: Pat Davis, President, City Council

FROM: Timothy M. Keller, Mayor

A handwritten signature in black ink, appearing to be 'TK' or similar initials, written over the printed name of the Mayor.

SUBJECT: Approval of the First Supplemental Agreement to add monies for FY20 Outside Counsel Legal Services between Atler Law Firm, P.C. and the City of Albuquerque

Transmitted herewith for City Council consideration and approval is a proposed First Supplemental Agreement to add monies for FY20 Outside Counsel Legal Services between Atler Law Firm, P.C. and the City of Albuquerque for continuing representation of the City and/or City officials in the following Risk Management cases:

John Martin et.al. V City of Albuquerque; 1:18-Cv-0003; Risk No. 18-09236 (JC)
Rio Grande Foundation v. City of Albuquerque; D-202-CV-2020-02111; Risk No. LIAB#:
PO-20-18560
And other Risk cases as assigned

The first supplemental agreement adds seventy five thousand dollars to the original Agreement, bringing the aggregate total of the agreement to one hundred seventy five thousand dollars.

Council approval is required pursuant to § 5-5-19, Approval of Contracts, ROA 1994 of the City's Public Purchasing Ordinance. I am forwarding this Supplemental Agreement for your consideration and action.

**SUBJECT: Approval of the First Supplemental Agreement to add monies for FY20
Outside Counsel Legal Services between Adler Law Firm, P.C. and the City of
Albuquerque**

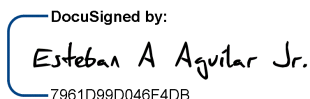
Approved:

DocuSigned by:

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Sarita Nair Date
Chief Administrative Officer
5/1/2020

Approved as to Legal Form:

DocuSigned by:

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Esteban A. Aguilar, Jr. Date
City Attorney
5/1/2020

Recommended:

DocuSigned by:

6393AC1BB5C845E

Jeannette Chavez Date
Risk Manager
4/27/2020

Cover Analysis

1. What is it?

Approval of the First Supplemental Agreement to add monies for FY20 Outside Counsel Legal Services between Atler Law Firm, P.C. and the City of Albuquerque.

2. What will this piece of legislation do?

This piece of legislation provides the approval required by § 5-5-19, Approval of Contracts, ROA 1994 of the City's Public Purchasing Ordinance and allows the continuation of representation in the Risk Management cases assigned to the Legal Department.

3. Why is this project needed?

This is needed to continue with the litigation process for the cases referenced. These cases were referred to outside counsel for the special expertise of the firm and workload management.

4. How much will it cost and what is the funding source?

This First Supplemental Agreement adds seventy five thousand dollars to the Original Agreement, bringing the aggregate total of the Agreement to one hundred seventy five thousand dollars. The Risk Management liability program funds this Legal Services Agreement.

5. Is there a revenue source associated with this Plan? If so, what level of income is projected?

N/A

FISCAL IMPACT ANALYSIS

TITLE: FY20 Outside Counsel for Legal Services Agreement between
Atler Law Firm, P.C. and the City of Albuquerque

R: EC O:
FUND: 705

DEPT: Finance and Admin Svc

- [X] No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- [] (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	Fiscal Years			
	2020	2021	2022	Total
Base Salary/Wages				-
Fringe Benefits at				-
Subtotal Personnel	-	-	-	-
Operating Expenses		-		-
Property		-	-	-
Indirect Costs	-	-	-	-
Total Expenses	\$ -	\$ -	\$ -	\$ -
[] Estimated revenues not affected				
[x] Estimated revenue impact				
Revenue from program				0
Amount of Grant		-	-	
City Cash Match				
City Inkind Match				
City IDOH	-	-	-	-
Total Revenue	\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.
* Range if not easily quantifiable.

Number of Positions created

COMMENTS: This piece of legislation provides the approval required by § 5-5-19, Approval of Contracts, ROA 1994 of the City’s Public Purchasing Ordinance and allows the continuation of representation in the Risk Management cases assigned to the Legal Department.

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

PREPARED BY: Krystle Hernandez

DocuSigned by:
Alan P. Gutowski 4/27/2020
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FISCAL ANALYST

APPROVED:

DocuSigned by:
Renee Martinez 5/1/2020
82F6D26AD26748C...

DIRECTOR (date)

REVIEWED BY:

DocuSigned by:
Michael King 4/28/2020
CFBEAD15CB19445...

EXECUTIVE BUDGET ANALYST

DocuSigned by:
Lawrence L. Davis 4/28/2020
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BUDGET OFFICER (date)

DocuSigned by:
Christine Baerner 4/28/2020
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CITY ECONOMIST

**FIRST SUPPLEMENTAL AGREEMENT
TO LEGAL SERVICES AGREEMENT
BETWEEN
ATLER LAW FIRM, P.C.
AND THE CITY OF ALBUQUERQUE**

THIS FIRST SUPPLEMENTAL AGREEMENT is made and entered into this _____ day of _____, _____, by and between the City of Albuquerque, New Mexico, a municipal corporation (hereinafter referred to as the "City"), and Atler Law Firm, P.C., A New Mexico professional corporation, whose address is 201 Third St. NW, Suite 500, Albuquerque, NM 87102 (hereinafter referred to as the "Contractor").

RECITALS

WHEREAS, the City and Contractor entered into an Agreement, dated July 1, 2019 hereinafter referred to as the "Original Agreement", whereby the Contractor agreed to render certain professional services to the City; and

WHEREAS, the City has determined that additional services are required; and

WHEREAS, the Contractor is agreeable to providing additional services in accordance with the terms of the Original Agreement as amended herein.

NOW, THEREFORE, in consideration of the premises and mutual obligations herein, the parties hereto do mutually agree as follows:

1. Section 3A of the Original Agreement is hereby amended to read as follows:

The City agrees to pay the Contractor up to the amount of One Hundred Seventy Five Thousand and No/100 Dollars (\$175,000.00), for Services performed (the "Compensation"), plus reimbursement of expenses as provided in Section 3.C. below and any applicable gross receipts taxes on such amounts. Such amounts shall constitute full and complete compensation for the Contractor's Services under this Agreement. Both Parties shall be responsible for assuring that the Contractor does not bill for Services in an amount exceeding the contract amount. The Contractor shall provide monthly ledger reports to the City Attorney identifying the total amount the Contractor has billed for Services under this Agreement. The required monthly ledger reports can be included in the Contractor's monthly invoice. If at any time the Contractor determines that payment for Services may exceed the contract amount, the Contractor shall notify the City Attorney's Office in writing.

2. Except as herein expressly amended, the terms and conditions of the Original Agreement shall remain unchanged and shall continue in full force and effect unless there is a conflict between the terms and conditions of the Original Agreement and this First Supplemental Agreement, in which event, the terms and conditions of this First Supplemental Agreement shall control.

3. This Agreement shall not become effective or binding until all required signatures have been obtained.

4. Electronic Signatures: Authenticated electronic signatures are legally acceptable pursuant to Section 14-16-7 NMSA 1978. The Parties agree this First Supplemental Agreement may be electronically signed and that the electronic signatures appearing on the agreement are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

THIS SPACE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the City and the Contractor have executed this First Supplemental Agreement as of the date first above written.

CITY OF ALBUQUERQUE

**CONTRACTOR: Atler Law Firm,
P.C.**

Approved By:

By: _____

Esteban A. Aguilar, Jr.
City Attorney

Title: _____

Name: _____

Date: _____

Date: _____

Jeannette Chavez
Risk Manager

Date: _____

B. Jennifer Bradley
Chief Procurement Officer

Date: _____

Sarita Nair
Chief Administrative Officer

Date: _____