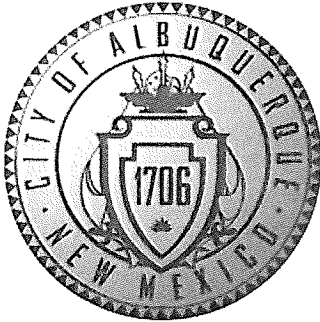


EC-20-76



CITY OF ALBUQUERQUE


Albuquerque, New Mexico

Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

TO: Pat Davis, President, City Council

FROM: Timothy M. Keller, Mayor 

DATE: February 12, 2020

SUBJECT: Approving a Supplemental Agreement with Adler Law Firm, P.C.

Attached for your consideration and approval is a Supplemental Agreement with Adler Law Firm, P.C. (Contractor). The purpose of this contract is to continue to provide legal representation and legal services to the Environmental Health Department ("EHD") and its Air Quality Program. The contractor is currently representing EHD before the Court of Appeals in an air quality rulemaking and a permitting matter. The contractor will also be assisting EHD with the development of a Limited English Proficiency Plan and Public Involvement Plan, and providing legal assistance in certain permitting matters.


The City and Contractor entered into a first agreement on December 11, 2017 which was originally for \$75,000. Supplemental agreements were executed on January 4, 2018, May 16, 2019, and December 5, 2019 without increases in the contract value. The City is requesting a fourth extension of the contract that will increase the value of the contract by \$75,000 for a total contract value of \$150,000. Pursuant to Purchasing Ordinance 5-5-19, City Council approval is required because the City has agreements with the Contractor that exceed \$100,000.

This Agreement will be funded through the Operating Permits Fund (242/5610000).

Your consideration and approval is requested.

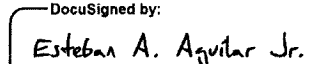
Approving a Supplemental Agreement with Adler Law Firm, P.C.

Approved:

 5/4/20

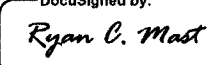
Sarita Nair Date
Chief Administrative Officer

Approved as to Legal Form:

 4/23/2020

Esteban A. Aguilar Date
City Attorney

Recommended:

 4/17/2020

Ryan Mast Date
Director

Cover Analysis

1. What is it?

This is a Supplemental Agreement with Atler Law Firm, P.C. (Contractor) for supplemental legal services to the City of Albuquerque Environmental Health Department (EHD).

2. What will this piece of legislation do?

This legislation will authorize EHD to increase the contract with the Contractor by an additional \$75,000 (for a total contract value of \$150,000).

3. Why is this project needed?

The purpose of this contract is to continue to provide legal representation and legal services to the Environmental Health Department ("EHD") and its Air Quality Program. The contractor is currently representing EHD before the Court of Appeals in an air quality rulemaking and a permitting matter. The contractor will also be assisting EHD with the development of a Limited English Proficiency Plan and Public Involvement Plan, and providing legal assistance in certain permitting matters.

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

The value of the contract is \$150,000. The funding source is the Operating Permits fund (242/5610000).

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

There is no revenue source associated with this Plan.

FISCAL IMPACT ANALYSIS

R:

O:

TITLE: **Atler Law Firm - 4th Supplemental****FUND: 242****DEPT: 5610000**

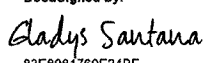
☒ No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
☐ (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	Fiscal Years			Total
	2020	2021	2022	
Base Salary/Wages	-	-	-	-
Fringe Benefits at	-	-	-	-
Subtotal Personnel	-	-	-	-
Operating Expenses	-	-	-	-
Property	-	-	-	-
Indirect Costs	-	-	-	-
Total Expenses	\$ -	\$ -	\$ -	\$ -
Revenue from program	-	-	-	-
Amount of Grant	-	-	-	-
City Cash Match	-	-	-	-
City Inkind Match	-	-	-	-
City IDOH	-	-	-	-
Total Revenue	\$ -	\$ -	\$ -	\$ -
Number of Positions created	0	0	0	0

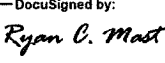
COMMENTS:

The City is requesting a fourth extension of the contract that will include an increase of \$75,000 for a total contract value of \$150,000. Pursuant to Purchasing Ordinance 5-5-19, City Council approval is required due to the contract agreement exceeding \$100,000. The agreement will be funded through the Air Quality Fund 242.

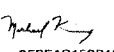
COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:**PREPARED BY:**

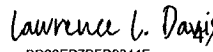
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 83E8081768E24BE...
 Fiscal Manager (date) 4/17/2020

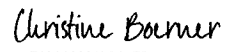
APPROVED:

DocuSigned by:

 295FF7FE64574FD...
 Director (date) 4/17/2020

REVIEWED BY:

DocuSigned by:

 CFBEAD15CB19445...
 Budget Analyst (date) 4/22/2020

DocuSigned by:

 BD22ED7BFD9344E...
 Budget Officer (date) 4/22/2020

DocuSigned by:

 E02C282349CC47D...
 City Economist (date) 4/22/2020

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

THIS FOURTH 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 December 11, 2017, hereinafter referred to as the "Original Agreement," whereby the Contractor agreed to render certain professional services to the City; and

WHEREAS, on January 4, 2018, the City and the Contractor entered into a First Supplemental Agreement to amend the Services on the Original Agreement; and

WHEREAS, the City and the Contractor entered into a Second Supplemental Agreement, dated May 16, 2019, which extended the time of performance for completion of Services;

WHEREAS, the City and the Contractor entered into a Third Supplemental Agreement, dated December 5, 2019, which extended the time of performance for completion of Services; and

WHEREAS, the City desires to increase the Compensation for the Services; and

WHEREAS, the Contractor agrees to the increase in Compensation.

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

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

A. Compensation. The City agrees to pay the Contractor up to the amount of One-Hundred and Fifty Thousand and No/100 Dollars (\$150,000.00), 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.

2. Except as herein expressly amended, the terms and conditions of the Original Agreement, as amended by the First, Second and Third Supplemental Agreements, 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, as amended by the First, Second and Third Supplemental Agreement, and this Fourth Supplemental Agreement, in which event, the terms and conditions of this Fourth Supplemental Agreement shall control.

3. This Agreement shall not become effective or binding until approved by the highest approval authority of the City required under this agreement.

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

CITY OF ALBUQUERQUE

CONTRACTOR:

Approved By:

By: _____

Esteban A. Aguilar, Jr.
City Attorney

Title: _____

Date: _____

Ryan C. Mast
Director, Environmental Health Department

Date: _____

Sarita Nair
Chief Administrative Officer

Date: _____

Jennifer Bradley
Acting Chief Procurement Officer

Date: _____