

EC-20-213



CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

10/20/20

TO: Pat Davis, President, City Council

FROM: Timothy M. Keller, Mayor

SUBJECT: Approval of the First Supplemental Agreement to add monies for FY21 outside Counsel Legal Services between German * Burnette & Associates, LLC and the City of Albuquerque

Transmitted herewith for City Council consideration and approval is a proposed First Supplemental Agreement for FY21 Outside Counsel Legal Services between German * Burnette & Associates, LLC and the City of Albuquerque for continuing representation of the City and/or City officials in the following Risk Management cases:

Pino et. Al v. COA; D-202-CV-2018-03951; Risk No. 18-11033

Christoffel v. COA; D-202-CV-2020-01727; Risk No. GL-17-18358 (JH)

Kanji v. COA; CV-2020-00411; Risk NO. PO-18-15235(RD)

Kolessar v. COA; PB-17-08, LIAB#: PO-18-10658 (AS)

Sanchez, Thomas v. City of Albuquerque, et al.; D-202-CV-2020-05047; Risk NO. GL-19-12367 (JH)

and other Risk or Legal matters as assigned.

The first supplemental agreement adds one hundred seventy seven thousand dollars to the original agreement, bringing the aggregate total of the agreement to two hundred seventy seven 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 Agreement for your consideration and action.

SUBJECT: Approval of the First Supplemental Agreement to add monies for FY21 outside Counsel Legal Services between German * Burnette & Associates, LLC and the City of Albuquerque

40

Approved:

Approved as to Legal Form:



Sarita Nair
Chief Administrative Officer

11/16/20

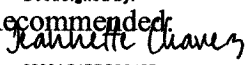
Date

DocuSigned by:
Esteban A. Aguilar, Jr.

7961D98D046F4DB...
Esteban A. Aguilar, Jr.
City Attorney

11/5/2020 | 2:40 PM MST

Date

DocuSigned by:
Recommended:


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11/6/2020 | 10:36 AM MST

Jeannette Chavez
Risk Manager

Date

Cover Analysis

1. What is it?

Approval of the First Supplemental Agreement to add monies for FY21 Outside Counsel Legal Services between German * Burnette & Associates, LLC 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 One hundred Seventy Seven Thousand dollars to the Original Agreement, bringing the aggregate total of the Agreement to two hundred Seventy Seven 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: FY21 Outside Counsel for Legal Services Agreement between
German * Burnette & Associates, LLC 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:

	2021	Fiscal Years 2022	2023	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

APPROVED:

DocuSigned by:

Krystle Hernandez

11/6/2020 | 10:26 AM MST

DocuSigned by:

Rene Martinez

11/6/2020 | 10:14 AM MST

DocuSigned by:

ESTEBAN A. AGUILAR, JR.

11/6/2020 | 2:40 PM MST

FISCAL ANALYST

DIRECTOR

(date)

REVIEWED BY:

DocuSigned by:

Krystle Hernandez

11/6/2020 | 1:21 PM MST

DocuSigned by:

Rene Martinez

11/6/2020 | 2:22 PM MST

DocuSigned by:

Christine Barner

11/6/2020 | 2:26 PM MST

EXECUTIVE BUDGET ANALYST

BUDGET OFFICER (date)

CITY ECONOMIST

**SECOND SUPPLEMENTAL AGREEMENT
TO LEGAL SERVICES AGREEMENT
BETWEEN
GERMAN * BURNETTE & ASSOCIATES, LLC
AND THE CITY OF ALBUQUERQUE**

THIS SECOND 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 German * Burnette & Associates, LLC., A New Mexico professional corporation, whose address is 11728 Linn Avenue NE, Albuquerque, NM 87123 (hereinafter referred to as the "Contractor").

RECITALS

WHEREAS, the City and Contractor entered into an Agreement, dated July 1, 2020 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:

Compensation. For performing the Services specified in Section 1 hereof, the the City agrees to pay the Contractor an additional One Hundred Seventy Seven Thousand Dollars (\$177,000.00) up to the amount of Two Hundred Twenty Seven Thousand and No/100 Dollars (\$225,000.00), 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 Second Supplemental Agreement, in which event, the terms and conditions of this Second 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 Second 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.

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