

**AMENDMENT NO. 4
INCORPORATED COUNTY OF LOS ALAMOS
SERVICES AGREEMENT**

This **AMENDMENT NO. 1** (this "Amendment") is entered into by and between the **Incorporated County of Los Alamos**, an incorporated county of the State of New Mexico ("County"), and **John & Hengerer, LLP**, a Washington, D.C., law partnership ("Consultant"), to be effective for all purposes July 1, 2018.

WHEREAS, County and Consultant entered into Services Agreement No. AGR12-3838, dated November 1, 2011; Amendment No. 1, AGR12-3838-A1, dated October 31, 2013; Amendment No. 2, AGR12-3838-A2, dated July 22, 2014; and Amendment No. 3, AGR12-3838-A3, dated July 1, 2016, (the "Agreement"), for legal services to County relating to matters pending before the Federal Energy Regulatory Commission and/or other federal agencies involved in energy regulation; and

WHEREAS, the Services are ongoing and County and Consultant wish to extend the Term and the Compensation of the Agreement; and

WHEREAS, this Amendment was approved by the Board of Public Utilities at a public meeting held on March 21, 2018, and approved by the County Council at a public meeting held on April 3, 2018.

NOW, THEREFORE, for good and valuable consideration, Consultant and County agree as follows:

1. To delete **SECTION B. TERM** in its entirety and replace it with the following:

SECTION B. TERM: The term of this Agreement shall commence July 1, 2018, and shall continue until June 30, 2021, unless sooner terminated, as provided herein.

2. To delete **SECTION C. COMPENSATION** in its entirety and replace it with the following:

SECTION C. COMPENSATION:

1. **Amount of Compensation.** County shall pay compensation for the performance of the Services in an amount not to exceed THREE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$395,000.00), including reimbursable expenses, but which amount does not include applicable New Mexico Gross Receipts Taxes (NMGRT). Compensation for Services and reimbursable expenses shall be paid in accordance with Exhibit "A," attached hereto and made a part hereof for all purposes.
2. **Monthly Invoices.** Consultant shall submit monthly invoices to the County Attorney. Invoices shall provide a detailed description of services provided each day; the amount of time spent by Consultant on a daily basis; the hourly rate; the total number of hours spent in providing the service; the amount of compensation for services; itemized reimbursable expenses, if any, and the total of such expenses; the amount of any New

Mexico gross receipts taxes; and the total amount payable. Payment of undisputed amounts shall be due and payable thirty (30) days after County's receipt of the invoice.

3. To remove Exhibit "A" in its entirety and replace it with the amended Compensation Rate Schedule attached hereto as Exhibit "A".

Except as expressly modified by this Amendment No. 4, the terms and conditions of the Agreement remain unchanged and in effect.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 4 on the date(s) set forth opposite the signatures of their authorized representatives to be effective for all purposes on the date first written above.

ATTEST

INCORPORATED COUNTY OF LOS ALAMOS

NAOMI D. MAESTAS
COUNTY CLERK

By: _____
TIMOTHY A. GLASCO, P.E. **DATE**
UTILITIES MANAGER

Approved as to form:

J. ALVIN LEAPHART
COUNTY ATTORNEY

**JOHN & HENGERER, A Washington, D.C., Law
PARTNERSHIP**

DOUGLAS F. JOHN, PARTNER **DATE**

Exhibit "A"
Compensation Rate Schedule
AGR12-3838-A4

Fees for Services shall be based on time actually spent rendering Services satisfactory to County at the following hourly rates:

Douglas F. John	\$500.00
Kevin M. Sweeney	\$450.00
Gordon J. Smith	\$450.00
Matthew T. Rick	\$450.00
Elizabeth A. Zembruski	\$450.00
Kathleen Quinn	\$ 90.00

Reimbursable expenses shall be limited to and paid at the following rates:

- Commercial Messenger/Delivery Services – Actual Charge
- Facsimile – Actual Phone Charge
- Photocopies - .10 per copy or actual costs for large copying projects completed outside the Contractor's Office
- LEXIS, WESTLAW, DIALOG, NM Legal Net Computerized Legal Research – Actual cost with approval of the County Attorney
- Long Distance Telephone Calls – Actual Cost
- Postage – Actual out-of-the ordinary postage costs (i.e., federal express or similar express mail)
- Travel Costs – Actual Cost