

**AMENDMENT NO. 4
INCORPORATED COUNTY OF LOS ALAMOS
SERVICES AGREEMENT NO. 16-4289-A3**

This **AMENDMENT NO. 4** is entered into by and between the **Incorporated County of Los Alamos**, an incorporated county of the State of New Mexico ("County"), and **Paymentus Corporation**, a Delaware corporation ("Contractor"), to be effective for all purposes October 18, 2018.

WHEREAS, County and Contractor entered into Agreement No. AGR16-4289 dated December 28, 2015, modified by Amendment No. 1 AGR14-4289-A1, dated August 17, 2017, Amendment No. 2 AGR16-4289-A2, dated August 22, 2017 and Amendment No. 3 AGR16-4289-A3, dated April 20, 2018 (as amended, the "Agreement") for electronic bill payment services; and

WHEREAS, term of Agreement was extended in Amendment No. 3, but compensation was not changed to reflect the additional years of the Agreement; and

WHEREAS, both parties wish to amend the Agreement to increase compensation; and

WHEREAS, the additional compensation does not change terms or an increase in rates; and

WHEREAS, the Board of Public Utilities approved this Amendment at a public meeting held on October 17, 2018.

NOW, THEREFORE, for good and valuable consideration, County and Contractor agree to amend the Agreement as follows:

Delete **SECTION C. COMPENSATION, Sub-section 1. Amount of Compensation**, in its entirety and replace it with the following:

SECTION C. COMPENSATION:

- 1. Amount of Compensation.** County shall pay compensation for performance of the Services in accordance with the rate schedule set out in Exhibit "A," attached hereto and made a part hereof. Total compensation shall not exceed ONE HUNDRED NINETY-FIVE THOUSAND DOLLARS AND NO 00/100 (\$195,000.00), which amount does not include applicable New Mexico Gross Receipts Taxes ("NMGR").

Except as expressly modified by this Amendment, 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

PAYMENTUS CORPORATION, A DELAWARE
CORPORATION

BY: _____
NAME: _____ DATE
TITLE: _____

Exhibit "A"
Compensation Rate Schedule
AGR16-4289-A4

Paymentus Service Fee charged to Los Alamos County ("Customer") shall be based on the following Absorbed Fee Structure:

The Paymentus service fee shall be \$2.25 per \$350.00 increment, or portion thereof, paid for Visa, MasterCard, or Discover Card payments, or \$1.25 per \$350.00 increment paid for ACH/e-Check payments. The maximum payment amount accepted in one transaction shall be \$2,400.00.

The Paymentus Service Fee is based on the MasterCard/Visa Utility Rate Model, Cards that do not qualify under the Utility Rate Model ("Non-Qualified Cards") - generally corporate purchase cards, "incentive," "rebate" or "gift" cards, and other cards not tied to an individual consumer, shall result in "non-qualified transactions." An additional 2.95% "Non-Qualified Transaction" fee shall apply for such "non-qualified transactions," insofar as such fees exceed 5% of total Transaction Fees charged by Paymentus to Los Alamos County. Paymentus shall absorb non-qualified transaction fees up to this 5% threshold.

The table below summarizes this fee structure:

Paymentus Service Fee (Absorbed Fee Model)
<p>Utility Payments</p> <ul style="list-style-type: none">• Average Payment Amount: \$270• Maximum Payment Amount shall be \$2,400 (billed based upon each \$350 payment increment). <p>Paymentus Service Fee per qualified utility rate transaction shall be:</p> <ul style="list-style-type: none">• Credit/Debit Card \$2.25 (Visa, MasterCard, Discover Utility Rate Program)• ACH/e-Check \$1.25 <p>Non-qualified Transaction Fee 2.95% Excess Fee</p>

Paymentus may amend this schedule upon sixty (60) days prior written notice to the Client, only if such change is required due to changes in the Visa and MasterCard regulations or changes in Credit Card interchange fees or changes in the Average Bill Amount.