

AGR16-916-A1



**INCORPORATED COUNTY OF LOS ALAMOS
AGREEMENT AMENDMENT NO. 1**

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 **Kutak Rock, LLP**, a limited liability partnership ("Contractor"), to be effective for all purposes on June 12, 2019.

WHEREAS, County and Contractor entered into Services Agreement No. AGR16-916, dated October 15, 2015, (the "Agreement"), for Contractor to provide legal advice and counsel to County as requested by the Office of the County Attorney or County Manager on any federal issues or any other legal issues; and

WHEREAS, the Services are ongoing and County and Contractor wish to increase the Compensation of the Agreement, and update the notices address for Contractor; and

WHEREAS, the County Council approved this Amendment at a public meeting held on June 11, 2019.

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

- I. 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 SEVENTY THOUSAND DOLLARS (\$370,000), which amount does not include applicable New Mexico gross receipts taxes (NMGRT) and reimbursable expenses. Reimbursable expenses shall be paid in accordance with the schedule set out in Exhibit "A", attached hereto and made part hereof for all purposes.
2. **Monthly Invoices.** Contractor 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 Contractor 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.

- II. To delete **SECTION S. NOTICE** in its entirety and replace it with the following:

SECTION S. NOTICE: Any notices required under this Agreement shall be made in writing, postage prepaid to the following addresses, and shall be deemed given upon hand

delivery, verified delivery by telecopy (followed by copy sent by United States Mail), or three (3) days after deposit in the United States Mail:

County:	Contractor:
County Attorney	Kutak Rock, LLP
Incorporated County of Los Alamos	1625 Eye Street, NW
1000 Central Avenue, Suite 340	Suite 800
Los Alamos, New Mexico 87544	Washington, D.C. 20006

Except as expressly modified by this Amendment No. 1, the terms and conditions of the Agreement remain unchanged and in effect.

IN WITNESS WHEREOF, the parties have executed this Amendment 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: _____
HARRY BURGESS **DATE**
COUNTY MANAGER

Approved as to form:

J. ALVIN LEAPHART
COUNTY ATTORNEY

KUTAK ROCK, LLP

BY: _____
SETH D. KIRSHENBERG **DATE**
PARTNER

Exhibit "A"
Compensation Rate Schedule
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Fees for Services shall be based on time actually spent rendering Services satisfactory to County at the following hourly rates:

George Schlossberg	\$395.00
Barry Steinberg	\$395.00
Walt Griffiths	\$375.00
David Karnes	\$375.00
Seth D. Kirshenberg	\$375.00
Joseph Fuller	\$350.00
Hilary Jackler	\$350.00
Associates	\$265.00
Paralegal/Legislative	\$150.00

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