



LACF2021-0263 11/18/2021 03:47 PM
Page(s): 3 Naomi D Maestas - County Clerk
Los Alamos County, NM Anna M. Archuleta - Deputy



AGR20-06-A1

**AMENDMENT NO. 1
INCORPORATED COUNTY OF LOS ALAMOS
SERVICES AGREEMENT NO. 20-06**

This **AMENDMENT NO. 1** is entered into by and between the **Incorporated County of Los Alamos**, an incorporated county of the State of New Mexico ("County"), and **Unum Life Insurance Company of America**, a Portland, Maine corporation ("Contractor"), to be effective for all purposes January 1, 2022.

WHEREAS, County and Contractor entered into Agreement No. AGR20-06, dated January 1, 2020, for Long Term Disability (LTD) Benefits for Los Alamos County Employees; and

WHEREAS, the Services are ongoing and County and Contractor wish to extend the term of the Agreement as allowed for in the original terms and conditions of the Agreement; and

WHEREAS, County and Contractor have successfully negotiated renewal rates for the Plan and wish to amend the Agreement to include the negotiated renewal rates to the Rate schedule set out in Exhibit "A," and

WHEREAS, the County Council approved this Amendment at a public meeting held on October 5, 2021.

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

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

SECTION B. TERM: The term of this Agreement shall commence January 1, 2020, and shall continue through December 31, 2023, unless sooner terminated, as provided herein. At County's sole option the Agreement may be renewed for up to three (3) additional one-year periods, or one (1) final three-year period, under terms and conditions, mutually agreed upon by the parties, contingent upon Council appropriating funding, unless sooner terminated, as provided therein. Any Amendment shall be approved by Council for all renewal periods.

II. 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 performance of the Services in years one (1) through four (4) in accordance with the rate schedule set out in Exhibit "A", attached hereto and made a part hereof for all purposes, an amount not to exceed FIVE HUNDRED FORTY THOUSAND DOLLARS (\$540,000.00) which amount does not include applicable New Mexico gross receipts taxes ("NMGRT"). Compensation for years five (5) through seven (7) will be strictly based upon rate negotiations with Contractor and Council approval of said negotiations.

2. **Monthly Invoices.** County shall prepare and forward to Contractor for each month for which Long Term Disability coverage is provided under the Policy, a completed Administered Premium Statement and the premium due on the Policy.

The Policy shall control as to the time the premium is due.

County shall also provide Contractor with a current list of employees eligible for coverage under the Policy at least annually when requested by Contractor.

III. Add four (4) new Sections titled "V.", "W.", "X." and "Y."

SECTION V. LEGAL RECOGNITION OF ELECTRONIC SIGNATURES: Pursuant to NMSA 1978 § 14-16-7, this Agreement may be signed by electronic signature.

SECTION W. DUPLICATE ORIGINAL DOCUMENTS: This document may be executed in counterparts, each of which shall be deemed an original.

SECTION X. NO IMPLIED WAIVERS

The failure of the County to enforce any provision of this Agreement is not a waiver by the County of the provisions or of the right thereafter to enforce any provision(s).

SECTION Y. SEVERABILITY

If any provision of this Agreement is held to be unenforceable for any reason: (i) such provision will be reformed only to the extent necessary to make the intent of the language enforceable; and (ii) all other provisions of this Agreement will remain in effect.

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. 1 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

Naomi D. Maestas

**NAOMI D. MAESTAS
COUNTY CLERK**



INCORPORATED COUNTY OF LOS ALAMOS

BY: *Steven Lynne*

11/18/2021

**STEVEN LYNNE
COUNTY MANAGER**

DATE

Approved as to form:

Kathryn S. Thwaites

for

**J. ALVIN LEAPHART
COUNTY ATTORNEY**

**UNUM LIFE INSURANCE COMPANY, A PORTLAND,
MAINE CORPORATION**

BY: *Benjamin Frelka*

11/18/2021

NAME: Benjamin Frelka

DATE

TITLE: Senior Account Executive

Exhibit "A"
Compensation Rate Schedule
AGR20-06-A1

Rates and Cost Information:

Covered Payroll	Rate	Monthly Cost
\$3,624.21	0.32% of Covered Payroll	\$11,597.75

Rate Guarantee: 4Years (Years 1 through 4)

Compensation for years 5 through 7 shall be strictly based on negotiations as provided herein.