

**AMENDMENT NO. 2  
INCORPORATED COUNTY OF LOS ALAMOS  
SERVICES AGREEMENT NO. AGR17-34**

This **AMENDMENT NO. 2** is entered into by and between the **Incorporated County of Los Alamos**, an incorporated county of the State of New Mexico ("County"), and **Municipal Emergency Services, Inc.**, a Nevada corporation ("Contractor"), to be effective for all purposes September 30, 2020.

**WHEREAS**, County and Contractor entered into Agreement No. AGR17-34 dated June 16, 2017, and Amendment No. 1, AGR17-34-A1 dated May 8, 2020, (as modified, the "Agreement") for Protective Clothing (Bunker Gear) for Structural Firefighting Coats and Pants for the Los Alamos County Fire Department Personnel; and

**WHEREAS**, due to an administrative oversight, expenditures recorded in legacy financial system were not taken into consideration when tracking expenditures under the Agreement; and

**WHEREAS**, after discovering the exceedance in approved costs, Department staff immediately notified the County's Procurement Officer; and

**WHEREAS**, after review of the exceedances, the County Procurement Officer, in consultation with the County Attorney's Office, found, pursuant to County Code Section 31-232(c)(1), the exceedances were not fraudulent, in bad faith, and where in the best interest of the County; and

**WHEREAS**, additional compensation is now required to purchase additional required quantities of bunker gear for new and existing County Firefighters during the remaining term of the Agreement; and

**WHEREAS**, Council hereby finds that the purchase of Department required Personal Protective Equipment bunker gear is in the best interest of the County and is necessary to protect the health, safety and welfare of Department staff and the public; and

**WHEREAS**, the County Council approved this Amendment at a public meeting held on September 29, 2020.

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

- I. To delete **SECTION E. COMPENSATION** in its entirety and replace it with the following:

**SECTION E. COMPENSATION:**

1. **Amount of Compensation.** County shall pay compensation for performance of the Services in an amount not to exceed FOUR HUNDRED SIXTY THOUSAND AND NO/100 DOLLARS (\$460,000.00), which amount does not include applicable New Mexico gross receipts taxes ("NMGR"). Compensation shall be paid in accordance with the rate schedule set out in Exhibit "A," attached hereto and made a part hereof for all purposes.

