

**AMENDMENT NO. 1
INCORPORATED COUNTY OF LOS ALAMOS
SERVICES AGREEMENT NO. 21-45**

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 **Mullen Heller Architecture, PC**, a New Mexico corporation ("Consultant"), to be effective for all purposes March 29, 2023.

WHEREAS, County and Consultant entered into Agreement No. AGR21-45 on July 1, 2021 for the service of WAC Design and Historic Registration Services (the "Agreement"); and

WHEREAS, County Council ("Council") approved Design Option 1A at a public meeting held on July 12, 2022; and

WHEREAS, the initial estimated project budget was TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2.5M) including Design, Construction, Asbestos Abatement, Gross Receipt Taxes and Contingency; and

WHEREAS, Council's selection of Design Option 1A increased the estimated budget to THREE MILLION ONE HUNDRED THOUSAND DOLLARS (\$3.1M) including Design, Construction, Asbestos Abatement, Gross Receipt Taxes and Contingency; and

WHEREAS, in its original RFP response, Consultant included the time needed to study and evaluate a solution which included a stand-alone restroom, but did not include architecture and engineering fees for the complete design through construction administration for a stand-alone restroom if that design option was chosen; and

WHEREAS, both parties wish to amend the Services and Compensation, and update the Agreement's exhibits to allow for complete design and construction administration of a stand-alone restroom based on the Design Option 1A approved by Council; and

WHEREAS, the Council approved this Amendment at a public meeting held on March 28, 2023; and

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

I. Delete **SECTION A. SERVICES, paragraph 1. Scope of Services, subparagraph b. Phase 2 – Schematic Design through Construction Administration and Post-Construction Inspection Services, clause (1)** and Replace with the following:

b. Phase 2 - Schematic Design through Construction Administration and Post-Construction Inspection Services.

1) Phase 2 work shall only occur upon approval for County Council along with an approved budget and preferred concept design, Design Option 1A, approved by County Council July 12, 2022. Additional Architecture, Engineering and Construction Administration costs associated with selection of Design Option 1A,

are identified in Exhibit "A-1," attached hereto and made a part hereof for all purposes.

- i. Additional design services in connection with the stand-alone restroom facility shall include but not be limited to:
 - (1) grading and drainage to accommodate the new impervious footprint;
 - (2) extending new utilities;
 - (3) architectural and structural systems design;
 - (4) heating and ventilation, plumbing, electrical system and other building systems.
- 2) Delete **SECTION A. SERVICES, paragraph 1. Scope of Services, subparagraph d.** and replace with the following:
- d. Consultant shall provide cost estimates at the end of each design phase. This is to ensure the project is still within budget. If the estimates are within 10% of the budget cap, Consultant shall notify County's Project Manager and provide alternatives to keep it in budget. The estimated budget for Design Option 1A is THREE MILLION ONE HUNDRED THOUSAND DOLLARS (\$3.1M) including Design, Construction, Asbestos Abatement, Gross Receipt Taxes and Contingency. This budget may be amended at the discretion of the County Council.
- 3) Delete **SECTION C. COMPENSATION** in its entirety and replace with the following:
SECTION C. COMPENSATION:
- 1. Amount of Compensation.** County shall pay compensation for performance of the Services in an amount not to exceed **FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00)**. Compensation shall be paid in accordance with the rate schedule set out in Exhibit "A-1," attached hereto and made a part hereof for all purposes.
 - 2. Monthly Invoices.** Consultant shall submit itemized monthly invoices to County's Project Manager showing amount of compensation due, amount of any NMGRT, and total amount payable. Payment of undisputed amounts shall be due and payable thirty (30) days after County's receipt of the invoice.
- 4) Delete Exhibit "A," **Compensation Rate Schedule**, in its entirety and replace with Exhibit "A-1."

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

INCORPORATED COUNTY OF LOS ALAMOS

NAOMI D. MAESTAS
COUNTY CLERK

BY: _____ **DATE**
STEVEN LYNNE
COUNTY MANAGER

Approved as to form:

J. ALVIN LEAPHART
COUNTY ATTORNEY

MULLEN HELLER ARCHITECTURE, P.C., A NEW MEXICO CORPORATION

BY: _____ **DATE**
MICHELE M. MULLEN
PRINCIPAL/OWNER

Exhibit "A-1"
AGR 21-45
Compensation Rate Schedule

<u>Item No.</u>	<u>Description</u>	<u>Unit of Measure</u>
1	Phase 1	Not to Exceed \$29,798.00
2	Phase 2 - Proposed Base for a \$2.5 Million Construction Budget	Not to Exceed \$178,750.00
3	Historic Registration - Phase 1 - Start up and Field Work, Research, develop Report, Presentation; Phase 2 - National Register Nomination Form	Not to Exceed \$82,312.76
4	NTE Reimbursable Expense Amount - Historic Registration NTE Reimbursables include 3 Flights, Lodging, Per Diem, Fuel for Phase 1 & 2; MHA Mileage for 10 trips for design and 34 trips for const. (195.6 miles x 0.56 = \$109.54/per trip, and \$1000 for reproduction costs)	Not to Exceed Amount \$11,242.81
	Total	\$302,103.57
Fixed Hourly Rates		
Name - Subject to Change	Title	Amount Per Hour
MULLEN HELLER ARCHITECTURE, P.C.		
Doug Heller, NCARB, AIA, LEED® AP	PROJECT LEAD - Principal Architect	\$ 170.00
Michele Mullen, AIA, LEED® AP	PROJECT LEAD - Principal Architect	\$ 170.00
Sandy Johnson AIA, NCARB, LEED® AP BD+C	PROJECT SUPPORT - Project Architect	\$ 135.00
Madie Strong-Wickstrom	PROJECT SUPPORT - Intern Architect/Drafting	\$ 90.00
Danielle Welch	ADMINISTRATIVE - Office Manager	\$ 75.00
WALLA ENGINEERING		
Mike Walla, PE	Principal	\$ 160.00
Ken Velazquez	PROJECT SUPPORT - Drafting Technician	\$ 95.00

BG BUILDINGWORKS		
Morgan Royce, PE, LEED®, AP	Principal	\$ 210.00
Nathan Aultman	MECHANICAL PROJECT LEAD - Mechanical Engineer	\$ 150.00
Duane Despain, PE, LEED®, AP	ELECTRICAL PROJECT LEAD - Project Manager	\$ 175.00
Paul Mortensen	PROJECT SUPPORT - REVIT Drafter/Designer	\$ 88.00
Bohannan Huston, Inc.		
Glenn Broughton, PE	Engineer	\$ 215.00
Jeff Mulberry, PE	Technical Manager	\$ 175.00
TBD	Planner	\$ 150.00
EA Engineering, Science, and Technology, Inc.		
Jayne Aaron, LEED AP, ENV SP	PROJECT LEAD - SR SR.	\$ 165.79
TBD	PROJECT SUPPORT - CR JR.	\$ 78.13
TBD	GIS/CAD/Graphics	\$ 88.97
CONSENSUS PLANNING		
Chris Green, ASLA	PROJECT LEAD - Principal Landscape Architect	\$ 140.00
Ashlie Maxwell	PROJECT SUPPORT - Project Manager/Drafter	\$ 85.00
Reimbursable Expense Rates Sheet		
Description	Rate	Unit
Local Mileage (IRS Current Rate)	\$0.56	Mile
Vehicle Rental	\$85.00	Day
Airport Parking	\$10.00	Day
Air Fare	\$425.00	Day
Per Diem Lodging: Maryland	\$258.00	Day
Per Diem Meals/Incidentals: Maryland	\$76.00	Day
Per Diem Meals/Incidentals: New Mexico	\$96.00	Day

Per Diem Meals/Incidentals: New Mexico	\$55.00	Day
Fuel	\$3.50	Each

Additional Services for Design Option 1A

Sub-Consultants			
	Amount	Hours	Total
Bohannon Huston - Civil Engineering			
Engineer	\$ 215.00	12	\$ 2,580.00
Technical Manager	\$ 175.00	13	\$ 2,275.00
Total			\$ 4,855.00
BG Buildingworks - MEP Engineering			
Principal	\$ 210.00	6	\$ 1,260.00
Mechanical Project Lead	\$ 150.00	16	\$ 2,400.00
Electrical Project Lead	\$ 175.00	14	\$ 2,450.00
Project Support	\$ 88.00	24	\$ 2,112.00
Total			\$ 8,222.00
Walla Engineering - Structural Engineering			
Principal	\$ 160.00	22	\$ 3,520.00
Project Support	\$ 95.00	68	\$ 6,460.00
Total			\$ 9,980.00
Sub-Consultant Total			\$ 23,057.00

Consultant	Amount	Hours	Total
Project Lead - Pricincipal Architect	\$170.00	40	\$ 6,800.00
Project Support - Intern Architect/Drafting	\$90.00	116	\$ 10,440.00
Consultant Total			\$ 17,240.00

Total Additional Architect and Engineering Not to Exceed Fees Associated with Design Option 1A	\$40,297.00
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