

**AMENDMENT NO. 1
INCORPORATED COUNTY OF LOS ALAMOS
SERVICES AGREEMENT NO. 16-049**

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 **EnviroWorks, LLC**, a New Mexico Limited Liability company ("Contractor"), to be effective for all purposes March 1, 2017.

WHEREAS, County and Contractor entered into Agreement No. AGR16-049, dated May 25, 2016 for landfill scar repair; and

WHEREAS, completion of the services needed for repairing and performing mitigation work associated with damage to the landfill cap during the September 2016 flood event requires more time for reasons beyond the control of County or Contractor; and

WHEREAS, the Agreement expired on October 14, 2016; and

WHEREAS, County and Contractor wish to amend the term of this Agreement; and

WHEREAS, significant unknown variables exist which cannot be mitigated until services are well underway and for this reason County wishes to increase the compensation; and

WHEREAS, County Council approved this Amendment No. 1 at a public meeting on February 28, 2017;

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

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

SECTION B. TERM: The term of this Agreement shall commence May 25, 2016 and shall continue through March 30, 2018.

II. 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 an amount not to exceed ONE MILLION SEVEN HUNDRED FIFTY EIGHT THOUSAND EIGHT HUNDRED TWENTY SEVEN AND 36/100 DOLLARS (\$1,758,827.36), which amount does not include applicable New Mexico gross receipts taxes ("NMGR"). Compensation shall be paid in accordance with the cost summary sheet set out in Exhibit "A," attached hereto and made a part hereof for all purposes.
2. **Monthly Invoices.** Contractor shall submit itemized invoices to County's Project Manager showing amount of compensation due, amount of any NMGR, and total amount payable. Payment of undisputed amounts shall be due and payable thirty (30) days after County's

receipt of the invoice. All disputes related to performance and payment shall be governed by Chapter 31 of the County's Procurement Code.

III. Delete **Exhibit "A" Cost Summary Sheet** in its entirety and replace it with a revised **Exhibit "A," Cost Summary Sheet** attached hereto and made a part hereof for all purposes.

IV. All the terms and conditions entered into of County and Contractor in Agreement No. AGR16-049, dated May 25, 2016 for landfill scar repair not specifically amended in this agreement, and are adopted here in their entirety as if fully stated here.

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: _____
HARRY BURGESS **DATE**
COUNTY MANAGER

Approved as to form:

J. ALVIN LEAPHART
COUNTY ATTORNEY

ENVIROWORKS, LLC, A NEW MEXICO LIMITED
LIABILITY COMPANY

BY: _____
DATE

**EXHIBIT A
AGR16-049
COST SUMMARY SHEET**

BASE UNIT PRICES FOR:

ITEM NO.	ITEM DESCRIPTION	UNIT	QTY.	UNIT PRICE IN FIGURES	TOTAL IN FIGURES
LOS ALAMOS COUNTY LANDFILL COVER REPAIR					
MOBILIZATION/DEMOBILIZATION AND SITE PREPARATION					
1	Mobilization/Demobilization	Lump Sum	1	11,812.80	11,812.80
2	Install Temporary Erosion Control and Temporary Storm Water Control Measures	Lump Sum	1	6,915.73	6,915.73
3	Site Preparation Work	Lump Sum	1	621.00	621.00
Excavation					
4	Excavate/Haul Refuse Contaminated Soil to Transfer Station (Includes Applicable Transfer Station Disposal Fee) and Non-contaminated Soil to Designated Stockpile	Cubic Yard	6500*	102.98	669,370.00
5	Excavate MSE Wall Foundation and Abutments	Cubic Yard	40*	92.98	3,719.20
MSE WALL DESIGN/DETAIL AND FINALIZE; CONSTRUCTION					
6	MSE Wall Final Construction Design Drawings, Specifications, and Slope Stability Computations	Lump Sum	1	173,421.43	173,421.43
7	Placement of Geocomposite Chimney Drains	Square Foot	150*	44.55	6,682.50
8	Placement of 4-inch Diameter Pipe Drains (Heel Drain)	Linear Foot	45*	71.61	3,222.45
9	Placement of MSE Wall Block Material, Compacted Backfill with Geogrid, and Engineered Fill	Cubic Yard	8900*	80.56	716,984.00
Final Cover System					
10	Subgrade Preparation	Cubic Yard	370*	5.78	2,138.60
11	Geomembrane Placement	Square Foot	9880*	1.48	14,622.40
12	Geocomposite Placement	Square Foot	9880*	1.56	15,412.80
13	24-inch Vegetative Soil Layer Placement	Cubic Yard	735*	29.65	21,792.75
14	Seeding	Square Yard	1710*	7.78	13,303.80
Storm Water Control Features					
15	Concrete Fabric Lined Channels and Basins	Square Yard	445*	133.41	59,367.45
16	Pond Regrade	Cubic Yard	1500*	3.45	5,175.00
17	Riprap Discharge Aprons	Ton	60*	135.00	8,100.00
Miscellaneous					
18	Surveying and As-built Drawings	Lump Sum	1	26,165.45	26,165.45

*Actual quantities will be determined by the pre- and post-construction surveys conducted by County and Contractor.

NA=Not Applicable