

**AMENDMENT NO. 7
TO
PROJECT MANAGEMENT AND FISCAL SERVICES AGREEMENT
BUCKMAN DIRECT DIVERSION PROJECT**

This Amendment No. 7 to the Project Management and Fiscal Services Agreement (hereinafter referred to as "Amendment No. 7") is entered into by and between the Buckman Direct Diversion Project Board (the "BDD Board"), an entity organized and existing under that certain Joint Powers Agreement by and between the City of Santa Fe ("City") and Santa Fe County ("County"), dated March 7, 2005, and the Sangre de Cristo Water Division of the City of Santa Fe ("Project Manager").

WHEREAS, the BDD Board and the Project Manager entered into the Project Management and Fiscal Services Agreement (the "Agreement") for the Buckman Direct Diversion Project ("Project") on November 8, 2007;

WHEREAS, the purpose of the Agreement was to specifically describe the duties and responsibilities of the BDD Board, the duties and responsibilities of the Project Manager, how the project will be operated and maintained by the Project Manager on behalf of the BDD Board, how contributions by the partners will be paid and credited against the obligations in connection with the Buckman Direct Diversion Project, the duties and responsibilities of the Project Manager as fiscal agent for the Project, and other necessary terms;

WHEREAS, the Agreement was amended pursuant to Amendment No. 1 to the Agreement to increase the Project Manager's monetary authority to enter into contracts and expenditures for the Project from \$20,000 to \$30,000; pursuant to Amendment No. 2 to the Agreement to increase the Project Manager's monetary authority from \$30,000 to \$50,000; pursuant to Amendment No. 3 to the Agreement to clarify that the monetary authority is

exclusive of gross receipts tax; and pursuant to Amendment Nos. 4, 5 and 6 to extend the term of the Agreement.

WHEREAS, the BDD Board and the Project Manager desire to enter into this Amendment No. 7 to further increase the Project Manager's monetary authority to enter into contracts and expenditures for the Project from \$50,000.00 plus applicable gross receipts tax to \$60,000.00 plus gross receipts tax.

NOW, THEREFORE, for the covenants, promises and consideration described in this Amendment No. 7, the BDD Board and the Project Manager agree as follows:

1. **Article 3, Section C** is deleted in its entirety and replaced with the following:
 - C. Review and approve all contracts for the procurement of the Project including documents related to design, engineering, construction, operation, and maintenance of the Project, including, without limitation, requests for proposals, requests for qualifications, contracts, expenditures in amounts greater than \$60,000.00.

The BDD Board shall review, and if approved, execute the Owners' Consultant and the Design-Build Contracts, pursuant to Sections 10 and 11 of the JPA.

Contracts and expenditures in amounts of \$60,000.00 or less may be reviewed, and if acceptable, may be approved administratively by the Project Manager. In an emergency, the Project Manager may approve contracts and expenditures over \$60,000.00 if it is not practical to submit the contracts or expenditures to the BDD Board for approval prior to the transaction. In that event, the BDD Board shall be informed of the emergency procurement in excess of \$60,000.00 at the next scheduled meeting.

2. **Article 4, Section I** is amended by deleting the monetary amount contained in the section and replacing it with "\$60,000.00."

3. **Article 10, Section N Subcontractors** is amended by deleting the monetary amount contained in the section and replacing it with "\$60,000.00."

4. In all other respects, the Agreement shall remain in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the BDD Board and the Sangre de Cristo Water Division of the City of Santa Fe, New Mexico, have caused this Amendment No. 7 to be executed and delivered by its duly authorized representatives as of the date specified below the signatory for the Sangre de Cristo Water Division of the City of Santa Fe.

BUCKMAN DIRECT DIVERSION BOARD

By: _____

Peter Ives,
BDDDB Chair

Date: _____

6-7-18

APPROVED AS TO FORM:


Nancy R. Long, BDDDB Counsel

APPROVED:


City Finance Director

6/15/18

N/A
Business Unit/Line Item

**THE SANGRE DE CRISTO WATER
DIVISION OF THE CITY OF SANTA FE**

By: _____

Alan Webber,
Mayor

Date: _____

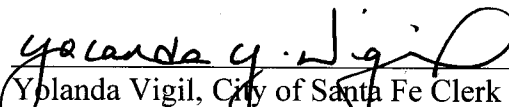
7-17-18

APPROVED AS TO FORM:


City Attorney

Date: _____

6/15/18


Yolanda Vigil, City of Santa Fe Clerk

Date: CC mtg. 7/11/18