

ITEM # 19-0620

**BUCKMAN DIRECT DIVERSION BOARD
AMENDMENT No. 2 TO
PROFESSIONAL SERVICES AGREEMENT
WITH SUB SURFACE CONTRACTING, INC.
#17-1178**

THIS AMENDMENT No. 2 (the "Amendment") to the PROFESSIONAL SERVICES AGREEMENT, dated September 7, 2017 (the "Agreement") and subsequently amended, is made between the Buckman Direct Diversion Board ("BDDDB") and Sub Surface Contracting, Inc. ("Contractor"). The effective date of this Amendment shall be the date it is executed by the BDDDB.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to provide on-call maintenance and repair services to the BDDDB.

B. Pursuant to Article 18 of the Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the BDDDB and Contractor agree as follows:

1. COMPENSATION.

Article 3, paragraph A of the Agreement is amended to increase the amount of compensation by a total of Forty Thousand Dollars (\$40,000.00) plus applicable gross receipts tax, so that Article 3 reads in its entirety as follows:

A. Compensation under this Agreement shall be in an amount not to exceed One Hundred Forty-Three Thousand dollars (\$143,000.00), plus applicable gross receipts tax.

B. Contractor shall be responsible for payment of gross receipts taxes levied by the State of New Mexico on the sums paid under this Agreement.

C. Payment shall be made upon receipt and approval by the BDDDB of detailed statements containing a report of services completed. Compensation shall be paid only for services

performed and in accordance with the attached Exhibit A, City of Santa Fe issued City-Wide Construction and Repair Bid '17/36/B Fixed Unit Price Schedule.

2. TERM AND EFFECTIVE DATE.

Article 5, of the Agreement is amended to extend the term to June 30, 2020.

3. AGREEMENT IN FULL FORCE.

Except as specifically provided in this Amendment, the Agreement remains, and shall remain, in full force and effect, in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 2 to the Professional Services Agreement as of the dates set forth below.

***[BALANCE OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE PAGE FOLLOWS]***

BUCKMAN DIRECT DIVERSION BOARD

By: Anna T. Hamilton
Anna T. Hamilton, BDDDB Chair

Date: 6/6/19

CONTRACTOR:
Sub Surface Contracting, Inc.

Signature: [Signature]

Printed Name: NEAL KEIPER

Title: PRESIDENT

Date: 6/13/2019

ATTEST

Geraldine Salazar
Geraldine Salazar, County Clerk



APPROVED AS TO FORM

Nancy R. Long
Nancy R. Long, BDDDB Counsel

APPROVED

Mary T. McCoy *mt*
Mary T. McCoy, City Finance Director

ATTEST

Yolanda Y. Vigil *all*
Yolanda Y. Vigil, City Clerk

File Date: 7-23-19