

**BUCKMAN DIRECT DIVERSION BOARD  
AMENDMENT No. 2  
TO SERVICES AGREEMENT  
WITH B & D Industries, Inc.  
#19-0056**

This Amendment No. 2 (the "Amendment") to the Services Agreement, dated November 30, 2018, and subsequently amended (the "Agreement"), is made between the Buckman Direct Diversion Board ("BDDDB") and B & D Industries, 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 repair, replacement, and installation of HVAC systems at the BDD.

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 Ninety Thousand Dollars (\$90,000.00) plus applicable gross receipts tax, so that Article 3, paragraph A reads in its entirety as follows:

A. Compensation under this Agreement shall be in an amount not to exceed Two Hundred Thousand Dollars (\$200,000.00), 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.

2. **TERM AND EFFECTIVE DATE.**

Article 6, of the Agreement is amended to extend the term to terminate on June 30, 2021.

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 Services Agreement as of the dates set forth below.

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

**BUCKMAN DIRECT DIVERSION BOARD**

By: *JoAnne Vigil Coppler*  
JoAnne Vigil Coppler, BDDB Chair

Date: 6/15/2020

**APPROVED AS TO FORM**

*Nancy R. Long*  
Nancy R. Long, BDDB Counsel

**APPROVED**

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

**ATTEST**

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

File Date: 8/5/2020

*YV*  
ATV

CR

**CONTRACTOR:**  
**B&D Industries, Inc.**

Signature: *Nikki Parsons*

Printed Name: Nikki Parsons

Title: Director of Contracts

Date: 6/18/20

**New Mexico Tax & Revenue**

CRS# 01-716872-004

**City of Santa Fe Business**

Registration # 224955



B&amp;DINDU-01

CBUTLER

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/20/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> License # 0757776 HUB International Insurance Services (NMX) 7770 Jefferson Street NE Suite 101 Albuquerque, NM 87109		<b>CONTACT NAME:</b> Carrie Butler <b>PHONE (A/C, No, Ext):</b> (505) 262-9412 9412 <b>FAX (A/C, No):</b> (866) 487-3972 <b>E-MAIL ADDRESS:</b> Carrie.Butler@hubinternational.com															
<b>INSURED</b>  B & D Industries, Inc. 9720 Bell Ave SE Albuquerque, NM 87123		<table border="1"><thead><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A: Valley Forge Insurance Company</td><td>20508</td></tr><tr><td>INSURER B: National Fire Insurance Company of Hartford</td><td>20478</td></tr><tr><td>INSURER C: The Continental Insurance Company</td><td>35289</td></tr><tr><td>INSURER D: Transportation Insurance Company</td><td>20494</td></tr><tr><td>INSURER E: Builders Trust of New Mexico</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></tbody></table>		INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Valley Forge Insurance Company	20508	INSURER B: National Fire Insurance Company of Hartford	20478	INSURER C: The Continental Insurance Company	35289	INSURER D: Transportation Insurance Company	20494	INSURER E: Builders Trust of New Mexico		INSURER F:	
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## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS														
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	X	X	6016149399	11/11/2019	11/11/2020	<table border="1"><tr><td>EACH OCCURRENCE</td><td>\$ 1,000,000</td></tr><tr><td>DAMAGE TO RENTED PREMISES (Ea occurrence)</td><td>\$ 1,000,000</td></tr><tr><td>MED EXP (Any one person)</td><td>\$ 15,000</td></tr><tr><td>PERSONAL &amp; ADV INJURY</td><td>\$ 1,000,000</td></tr><tr><td>GENERAL AGGREGATE</td><td>\$ 2,000,000</td></tr><tr><td>PRODUCTS - COMP/OP AGG</td><td>\$ 2,000,000</td></tr><tr><td></td><td>\$</td></tr></table>	EACH OCCURRENCE	\$ 1,000,000	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000	MED EXP (Any one person)	\$ 15,000	PERSONAL & ADV INJURY	\$ 1,000,000	GENERAL AGGREGATE	\$ 2,000,000	PRODUCTS - COMP/OP AGG	\$ 2,000,000		\$
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B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	X	X	6016149371	11/11/2019	11/11/2020	<table border="1"><tr><td>COMBINED SINGLE LIMIT (Ea accident)</td><td>\$ 1,000,000</td></tr><tr><td>BODILY INJURY (Per person)</td><td>\$</td></tr><tr><td>BODILY INJURY (Per accident)</td><td>\$</td></tr><tr><td>PROPERTY DAMAGE (Per accident)</td><td>\$</td></tr><tr><td></td><td>\$</td></tr></table>	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000	BODILY INJURY (Per person)	\$	BODILY INJURY (Per accident)	\$	PROPERTY DAMAGE (Per accident)	\$		\$				
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	\$																				
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000	X	X	6016149404	11/11/2019	11/11/2020	<table border="1"><tr><td>EACH OCCURRENCE</td><td>\$ 11,000,000</td></tr><tr><td>AGGREGATE</td><td>\$ 11,000,000</td></tr><tr><td></td><td>\$</td></tr></table>	EACH OCCURRENCE	\$ 11,000,000	AGGREGATE	\$ 11,000,000		\$								
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D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N If yes, describe under DESCRIPTION OF OPERATIONS below N N/A		X	6 16149385	11/11/2019	11/11/2020	<table border="1"><tr><td><input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER</td><td></td></tr><tr><td>E.L. EACH ACCIDENT</td><td>\$ 500,000</td></tr><tr><td>E.L. DISEASE - EA EMPLOYEE</td><td>\$ 500,000</td></tr><tr><td>E.L. DISEASE - POLICY LIMIT</td><td>\$ 500,000</td></tr></table>	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER		E.L. EACH ACCIDENT	\$ 500,000	E.L. DISEASE - EA EMPLOYEE	\$ 500,000	E.L. DISEASE - POLICY LIMIT	\$ 500,000						
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E	Worker's Compensatio		X	5672	1/1/2020	1/1/2021	Accid/Empl/Pol Limit 2,000,000														

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

SEE ATTACHED ACORD 101

## CERTIFICATE HOLDER

## CANCELLATION

Buckman Direct Diversion  
Monique Maes, Contracts Administrator  
341 Caja del Rio Road  
Santa Fe, NM 87506

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Robert M. Adams*



## Buckman Direct Diversion Board Summary of Contracts, Agreements, & Amendments

### Section to be completed by department for each contract or contract amendment

1 FOR: ORIGINAL CONTRACT ☐ or CONTRACT AMENDMENT ☒

2 Name of Contractor B & D Industries, Inc

3 Complete information requested

☒ Plus GRT

☐ Inclusive of GRT

Original Contract Amount: \$60,000.00

Termination Date: June 30, 2019

☐ Approved by BDDDB Date: \_\_\_\_\_

☒ or by Facilities Manager Date: November 30, 2018

Contract is for: To provide on-call HVAC repair, replacement and installation services

Amendment # 2 to the Original Contract# 19-0056

Increase/(Decrease) Amount \$ 90,000

Extend Termination Date to: June 30, 2021

☒ Approved by BDDDB Date: June 4, 2020

☐ or by Project Manager Date: \_\_\_\_\_

Amendment is for: To increase the amount of compensation and extend term.

4 History of Contract & Amendments: (option: attach spreadsheet if multiple amendments)

☒ Plus GRT

☐ Inclusive of GRT

Amount \$ 60,000.00 of original Contract# 19-0056 Termination Date: 6/30/2019

Reason: To provide on-call HVAC repair, replacement and installation services

Amount \$ 50,000.00 amendment # 1 Termination Date: 6/30/2020

Reason: To increase the amount of compensation and extend term.

Amount \$ 90,000.00 amendment # 2 Termination Date: 6/30/2021

Reason: To increase the amount of compensation and extend term.

Amount \$ \_\_\_\_\_ amendment # \_\_\_\_\_ Termination Date: \_\_\_\_\_

Reason: \_\_\_\_\_

Total of Original Contract plus all amendments: \$ 200,000



**Buckman Direct Diversion Board**  
**Summary of Contracts, Agreements, & Amendments**

**5 Procurement Method of Original Contract:** (complete one of the lines)

RFP# RFB '19/05/B Date: December 6, 2018

RFQ ☐ \_\_\_\_\_ Date: \_\_\_\_\_

Sole Source ☐ \_\_\_\_\_ Date: \_\_\_\_\_

Other \_\_\_\_\_

**6 Procurement History:** Year 3 of 4

example: (First year of 8 year contract)

*Gran Duranay* CPO 7/1/20  
**Purchasing Approval**

**7 Funding Source:** BDD Operating Budget

**BU/Line Item:** 8000801.520100

*Alexis Lotero*  
Alexis Lotero (Jul 24, 2020 14:04 EDT)

**Budget Officer Approval**

**Comments or Exceptions:** \_\_\_\_\_

**8 Any out-of-the ordinary or unusual issues or concerns:**

none

(Memo may be attached to explain detail.)

**9 Staff Contact who completed this form:** Monique Maes, Contracts Administrator

Phone # 505-955-4508

**10 Certificate of Insurance attached.** (if original Contract) ☒

**To be recorded by City Clerk:**

Contract # \_\_\_\_\_

Date of contract Executed (i.e., signed by all parties): \_\_\_\_\_

Note: If further information needs to be included, attach a separate memo.

**Comments:**

**Buckman Direct Diversion Board**

# Memorandum



Buckman Direct Diversion

**Date:** June 4, 2020  
**To:** Buckman Direct Diversion Board  
**From:** Mackie M. Romero, BDD Financial Manager  
**Subject:** B & D Industries, Inc. Amendment No. 2

## ITEM AND ISSUE:

Request for approval of Amendment No. 2 to the Services Agreement in the amount of \$90,000 exclusive of NMGRT for FY2021 On-Call HVAC repair services with B & D Industries, Inc.

## BACKGROUND AND SUMMARY:

On November 11, 2018 the Buckman Direct Diversion Board awarded RFB '19/05/B for on-call HVAC services to B & D Industries, Inc. This request will extend the award for services to June 30, 2021, which is year three within the allowed extension period. This amendment will also increase compensation for the amended term in the amount of \$90,000 exclusive of NMGRT.

BDD has many heating ventilation and air conditioning units throughout the facilities. These units provide temperature control for our pumps and equipment. If a unit fails it is extremely important that the unit is repaired in a timely manner so that the pumps and equipment do not overheat. This service will be utilized to supplement the current resources in the repair and maintenance of BDD equipment.

## ACTION REQUESTED:

Staff recommends approval of Amendment No. 2 to the Services Agreement with B & D Industries in the amount of \$90,000 exclusive of NMGRT. Funding is available within our approved FY2021 operating budget.

BU/LI: Repair & Maintenance Buildings & Structures - 8000801.520100

MUNIS Contract# 3200530, Change Order 1

Approved by BDDDB June 4, 2020



Councilor JoAnne Vigil Coppler, BDDDB Chair



Buckman Direct Diversion 341 Caja del Rio Santa Fe, NM 87506



# Memorandum



Buckman Direct Diversion

**Date:** July 13, 2020  
**To:** Mary T. McCoy, Director of Finance, City of Santa Fe  
**From:** Mackie M. Romero, BDD Financial Manager *MR*  
**Subject:** B & D Industries, Inc.

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**ITEM:**

Request for approval of Amendment No. 2 to the Services Agreement Item#19-0056 with B & D Industries, Inc.

**BACKGROUND:**

On June 4, 2020 the BDDDB approved our request to extend and increase compensation to our on-call HVAC repair contract with B & D Industries, Inc. This extension is year three within the allowed extension period stated on RFB '19/05/B.

This contract has been entered into the MUNIS financial system, as Contract #3200530, and a change order will be processed to increase the compensation. The funding is available in our FY2021 Operating fund.

Funding: 8000801.520100

Once approved, we request that you please submit to City Clerk's office for further processing.

If you should have any questions, please feel free to contact me at 505-412-1188.

Thank you





**CITY CLERK'S OFFICE**  
**DOCUMENTS REQUIRING CITY CLERK'S SIGNATURE**

DATE: 7/13/20

SUBMITTED BY: Mackie Romero

Ext: 505-412-1188

DOCUMENT TYPE: B&D Industries SA Amendment No. 2

**ATTACHMENTS**

**ATTACHED**

☐

☒

☐

☒

**N/A**

☒

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☒

☐

Exhibits

Certificate of Insurance

Waiver of Insurance

Contract Summary

**SIGNATURES**

**OBTAINED**

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**N/A**

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☐

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Mayor

City Manager

City Attorney

Finance Director

Business Unit and Line Item

Contractor

CRS Number

Business Registration Number

x BDDB CHAIR

x BDDB LEGAL COUNSEL

COMMENTS: BUCKMAN DIRECT DIVERSION BOARD

RECEIVED BY CITY CLERK'S OFFICE \_\_\_\_\_

DATE: \_\_\_\_\_