

Item #20-0387

**BUCKMAN DIRECT DIVERSION BOARD
AMENDMENT No. 2
TO THE SERVICES AGREEMENT WITH
CHAVEZ SECURITY, INC.
#18-0663**

This Amendment No. 2 ("Amendment") to the Services Agreement, dated June 7, 2018, and subsequently amended ("Agreement"), is made between the Buckman Direct Diversion Board ("BDDDB") and Chavez Security, 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 physical prevention and protection to persons and property for the BDDDB and Buckman Direct Diversion facilities.

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 One Hundred Seventy Nine Thousand Dollars (\$179,000.00) plus applicable gross receipts tax, so that Article 3, paragraph A reads in its entirety as follows:

A. Compensation under this Agreement shall be for services actually rendered at an hourly rate of Twenty-Seven Dollars and Twenty-Six Cents (\$27.26) per hour for each Security Officer III, including the vehicle and all equipment for each Security Officer III and an hourly rate of Twenty-five dollars (\$25.00) for emergency call in. The BDDDB shall pay to Contractor for services rendered a sum not to exceed Five Hundred Thirty-Seven Thousand Dollars (\$537,000.00) plus

applicable gross receipts tax. Compensation to be paid for any renewal term shall be agreed upon by the parties.

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: June 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: 8/11/2020

CHV
BY

CONTRACTOR
Chavez Security, Inc.

Signature [Signature]

Printed Name: PESO CHAVEZ

Title: Owner / President

Date: 6/17/2020

New Mexico Tax & Revenue
CRS# 02-234197-008

City of Santa Fe Business
Registration # 94401



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 Chavez Secrity Inc

3 Complete information requested

☒ Plus GRT

☐ Inclusive of GRT

Original Contract Amount: \$179,000.00

Termination Date: June 30, 2019

☒ Approved by BDDB Date: June 7, 2018

☐ or by Facilities Manager Date: _____

Contract is for: To provide physical prevention and protection to person and property at BDD.

Amendment # 2 to the Original Contract# 18-0663

Increase/(Decrease) Amount \$ 179,000

Extend Termination Date to: June 30, 2021

☒ Approved by BDDB Date: June 4, 2020

☐ or by Project Manager Date: _____

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

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

☒ Plus GRT

☐ Inclusive of GRT

Amount \$ 179,000.00 of original Contract# 18-0663 Termination Date: 6/30/2019

Reason: To provide physical prevention and protection to person and property at BDD

Amount \$ 179,000.00 amendment # 1 Termination Date: 6/30/2020

Reason: To increase the amount of compensation and extend term

Amount \$ 179,000.00 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: \$ 537,000



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

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

RFP# _____ Date: _____

RFQ ☐ RFB '18/14/B _____ Date: March 20, 2018

Sole Source ☐ _____ Date: _____

Other _____

6 Procurement History: Year 3 of 4

example: (First year of 8 year contract)

Shirley C. 7/12/20
From Dunaway Jul 12, 2020 25:11 MDT

Purchasing Approval

7 Funding Source: BDD Operating Budget

BU/Line Item: 8000801.510310

Alexis Lotero
Alexis Lotero (Jul 10, 2020 20:14 MDT)

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



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

7/1/2020

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 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).

PRODUCER El Dorado Insurance Agency, Inc. El Dorado Sec Svcs Ins Agcy 3673 Westcenter Drive Houston TX 77042		CONTACT NAME: Certificate Department PHONE (A/C, No, Ext): (713) 521-9251 FAX (A/C, No): (713) 521-0125 E-MAIL: certificates@eldoradoinsurance.com ADDRESS:	
INSURED Chavez Security, Inc. 1925 Aspen Dr., Suite 703 Santa Fe NM 87505		INSURER(S) AFFORDING COVERAGE INSURER A: Allied World Surplus Lines Insurance Co 24319 INSURER B: United Financial Casualty Company 11770 INSURER C: The Hartford INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: BLANKET AI (10/19)

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			5200-1789-03	9/11/2019	9/11/2020	EACH OCCURRENCE \$ 2,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000				
	<input checked="" type="checkbox"/> Errors & Omissions		MED EXP (Any one person) \$ 10,000				
	GEN'L AGGREGATE LIMIT APPLIES PER:		PERSONAL & ADV INJURY \$ 2,000,000				
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						GENERAL AGGREGATE \$ 4,000,000
	OTHER:						PRODUCTS - COMP/OP AGG \$ 4,000,000
B	AUTOMOBILE LIABILITY			03739823-9	10/28/2019	10/28/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ANY AUTO	<input checked="" type="checkbox"/> SCHEDULED AUTOS	BODILY INJURY (Per person) \$				
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS	BODILY INJURY (Per accident) \$				
	<input type="checkbox"/> HIRED AUTOS		PROPERTY DAMAGE (Per accident) \$				
	UMBRELLA LIAB	<input type="checkbox"/> OCCUR					EACH OCCURRENCE \$
	EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE					AGGREGATE \$
	DED	RETENTION \$					\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			16WEOY1316	9/11/2019	9/11/2020	<input checked="" type="checkbox"/> PER STATUTE <input checked="" type="checkbox"/> OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y/N	E.L. EACH ACCIDENT \$ 1,000,000				
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	E.L. DISEASE - EA EMPLOYEE \$ 1,000,000				
			E.L. DISEASE - POLICY LIMIT \$ 1,000,000				

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

Subject to a signed and dated written contract or written agreement that includes an additional insured requirement, certificate holder is an additional insured (CG 20 10 07/04).

CERTIFICATE HOLDER

(505) 988-1663 mmaes@santafenm.gov

City of Santa Fe
200 Lincoln Avenue
Santa, NM 87501

CANCELLATION

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

R.L. Ring, Jr./VAGUI

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CITY OF SANTA FE RFB PROCUREMENT CHECKLIST

Contractor Name: Chavez Security, Inc.

Procurement Title: Security Patrol Services for BDD

Solicitation RFB#: RFB '18/14/B

Department Requesting/Staff Member Mackie Romero, BDD Financial Manager

Procurement Requirements:

A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids, all evaluation materials, score sheets, quotations and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement shall contain a written determination from the Requesting Department, signed by the purchasing officer, setting forth the reasoning for the contract award decision before submitting to the Committees. .

REQUIRED DOCUMENTS FOR APPROVAL BY PURCHASING*

YES	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Approved Procurement Checklist (by Purchasing)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Departments Recommendation of Award Memo addressed to BDDDB
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bid Tab
<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAR
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FIR
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contract, Agreement or Amendment
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Current Business Registration and CRS numbers on contract or agreement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Summary of Contracts and Agreements form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Certificate of Insurance
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

Mackie Romero, BDD Financial Manager

Department Rep Printed Name and Title

Mackie Romero

Department Rep Signature attesting that all information included

Fran Dunaway 01/12/2020 2:11 PM

Purchasing Officer attesting that all information is reviewed

REQUIRED DOCUMENTS FOR BID FILE*

YES	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Final Bid Document
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Final RFQ
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copy of legal solicitation published in the newspaper, website, etc.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	All addendums
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Plan holders list
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Complete evaluation score sheets
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Copies of all RFQ submittals
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copies of all bid submittals
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bid Tab

<input type="checkbox"/>	<input checked="" type="checkbox"/>	Non-Responsive/Non-Responsibility Form and correspondence or letters from Department to vendor regarding disqualifications
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Oral presentations (sign-in sheets, presentation materials, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	Documentation sent to Bidders/Offerors and responses received regarding clarifications, decisions, negotiations, and/or best and final offers, etc.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Reference Reviews/Reference Check Questionnaires
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Individual evaluations included for each RFP.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pricing evaluation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Final overall evaluation matrix or summary of evaluator scores
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

AWARD*

YES N/A

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fully executed Memo to BDDDB from the Department with recommendation of award
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Winning bid (this is a copy that has all confidential/proprietary information excluded)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contract Award Notice
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Email or notification sent to all Bidders/Offerors that award was made
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Waiver or "No Action Taken" from Procurement Office
<input type="checkbox"/>	<input checked="" type="checkbox"/>	If IFB and not awarded to lowest responsive, responsible bidder; written explanation
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

DISCLOSURES*

YES N/A

Contractor Disclosures & Conflicts of Interest		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Disclosures & Conflicts of Interest Form(s) (winning bidder(s)/offeror(s))
Contractor –Conflicts of Interest		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Purchasing Office Letter or e-mail to designated individual regarding potential conflict
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Conflict of Interest Form signed by all parties
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Letter from Procurement Office regarding the potential conflict
Subcontractor Disclosures		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Disclosures & Conflicts of Interest form of Subcontractor(s)
Subcontractor –Conflicts of Interest		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Purchasing Officer Letter or email to designated individual regarding potential conflict
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Conflict of Interest form signed by all parties
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Letter from Legal Office regarding the potential conflict
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

CONTRACT*

YES N/A

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copy of Executed Contract
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Copy of all documentation presented to the BDDDB
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Finalized BDDDB Minutes
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

MISCELLANEOUS FILE*

YES N/A

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Local Preference Form
<input type="checkbox"/>	<input checked="" type="checkbox"/>	New Mexico Residence Form
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Veterans Exemption

*

☐ ☐ Other: _____

Include all other substantive documents and records of communication that pertain to the procurement and any resulting contract.

PROTEST (If applicable)*

YES N/A

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Documentation from protester filed with the Purchasing Office |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Letter from Department to Purchasing Office Providing response to protest |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Letter from Purchasing Officer to protester and Department on final outcome |
| <input type="checkbox"/> | <input type="checkbox"/> | Other: _____ |

Create a separate file folder which may contain any documents with trade secrets or other competitively sensitive, confidential or proprietary information.

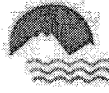
YES N/A

- | | | |
|--------------------------|-------------------------------------|------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Original bid(s) with no redactions |
|--------------------------|-------------------------------------|------------------------------------|

Mackie Romero, BDD Financial Manager
Department Rep Printed Name and Title

Mackie Romero
Department Rep Signature attesting that all information included

Memorandum



Buckman Direct Diversion

Date: July 7, 2020
To: Mary T. McCoy, Director of Finance, City of Santa Fe
From: Mackie M. Romero, BDD Financial Manager *MR*
Subject: Chavez Security, Inc.

ITEM:

Request for approval of Amendment No. 2 to the Services Agreement Item#18-0663 with Chavez Security, Inc.

BACKGROUND:

On June 4, 2020 the BDDDB approved our request to extend and increase compensation to our security contract with Chavez Security, Inc. This extension is year three within the allowed extension period stated on RFB '18/14/B. The contractor will provided essential security services to protect our staff and our facilities.

This contract has been entered into the MUNIS financial system, as Contract #3200238, change order 1 and funding is available in our operating fund.

Funding: 8000801.510310

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



Memorandum



Buckman Direct Diversion

Date: June 4, 2020
To: Buckman Direct Diversion Board
From: Mackie M. Romero, BDD Financial Manager
Subject: Chavez Security, Inc. Amendment No. 2

ITEM AND ISSUE:

Request for approval of Amendment No. 2 to the Services Agreement in the amount of \$179,000 exclusive of NMGRT for FY2021 security services with Chavez Security, Inc.

BACKGROUND AND SUMMARY:

On June 7, 2018 the Buckman Direct Diversion Board approved the request to award RFB '18/14/B for BDD security services to Chavez Security, 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 \$179,000 exclusive of NMGRT. The compensation was based on an estimated 6,516 regular service hours and 60 emergency hours.

Chavez Security, Inc. will provide patrols to the Buckman Facilities along the Buckman road corridor in which the scope of services shall include:

- Report suspicious activity, security breaches, and unusual findings to the BRWTP Control Room;
- Check locked doors, fencing and gates at the raw water buildings to ensure they are locked and have not been intruded upon;
- Provide on-call service during evening, midnight, and early morning hours to accompany BDD Operators to the river and provide security protection as requested.
- Submit reports at the end of each shift to the BDD office outlining any investigative services and observations.
- Hours of service: week day nights (15 hours) and weekends and holidays (24 hours)
 - In addition to conducting patrols at the Buckman Facilities, the contractor shall provide mobile patrol service of Buckman Facilities on Monday thru Friday during the hours of 8:00 a.m. to 5:00 p.m. while contractor is providing patrol services for the City of Santa Fe's Buckman well field, thereby providing security services 24 hours per day, 7 days a week.



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



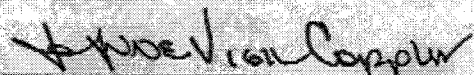
ACTION REQUESTED:

Staff recommends approval of Amendment No. 2 to the Services Agreement with Chavez Security, Inc. in the amount of \$179,000 exclusive of NMGR. Funding is available in our approved FY2021 operating budget.

BU/LI: Service Contracts - 8000801,510310

MUNIS Contract# 3200238, Change Order 1

Approved by BDDDB June 4, 2020



Councilor JoAnne Vigil Coppler, BDDDB Chair