

Meeting Date: August 22, 2012
Staff Contact: Chris Framel, Chief Information Officer

TITLE: C-12-16 – Approving Agreement with POD, Inc. for Technology Services

ACTION: Recommend Approval

SUMMARY:

The Water Authority, at times, requires additional highly technical resources to provide various information systems hardware and software services. This is needed due to short-term projects being implemented, required expertise that Water Authority personnel may need, or when staff vacancies result in the need for short term technical assistance.

This agreement will provide the Water Authority on-call assistance in various information technology services, such as those described above.

The Water Authority is using an existing State Purchasing Agreement for this contract. The Water Authority will contract with POD, Inc. until the State Purchasing Agreement expires or is renewed. If the agreement is renewed, the Water Authority is authorized by the Board to renew our agreement if mutually agreed upon by POD and the Water Authority. The initial agreement will terminate on June 30, 2013.

FISCAL IMPACT:

The cost of this agreement is approximately \$200,000. The Water Authority has budgeted the capital and operating resources to cover this agreement.

COMMENTS:

POD provides temporary information technology experienced staffing services. Given the technical knowledge needed to step in and assist on operating or planned data systems requires skill and expertise that is not readily available through regular temporary staffing agencies. Services will be requested on an as needed basis to insure that information technology services are adequately delivered and maintained.

**FIRST SUPPLEMENTAL AGREEMENT
BETWEEN THE
ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY
AND
POD, INC.**

THIS FIRST SUPPLEMENTAL AGREEMENT is made and entered into on the date of the last signature entered below by and between the Albuquerque Bernalillo County Water Utility Authority, a political subdivision of the State of New Mexico, P.O. Box 568, Albuquerque, NM 87103-0568 ("Water Authority"), and POD, Inc., a New Mexico corporation located at 5971 Jefferson NE, Suite 101, Albuquerque, NM 87109 ("Contractor").

RECITALS

WHEREAS, the Water Authority and the Contractor entered into an Agreement, dated April 30, 2012, hereinafter referred to as the "Original Agreement", whereby the Contractor agreed to render certain professional services to the Water Authority; and

WHEREAS, the Water Authority wishes to increase the total compensation to pay for additional services and amend Exhibit A to the Original Agreement, Statewide Price Agreement No. 10-000-00-00051AU, to include the attached Amendment No. One, which extends the term of the Statewide Price Agreement to May 31, 2013; and

WHEREAS, the Contractor is agreeable to the addition of compensation and the amendment to Exhibit A, which extends the term of the Statewide Price Agreement to May 31, 2013.

NOW, THEREFORE, in consideration of the premises and mutual obligations herein, the parties hereto do mutually agree as follows:

1. Section 1, Scope of Services, of the Original Agreement is hereby amended to read as follows:

Provide on-call support services as noted in Exhibit A, as amended by Amendment No. One to Statewide Price Agreement No. 10-000-00-00051AU.

2. Section 3.A., Compensation, of the Original Agreement is hereby amended to read as follows:

A. Compensation: For performing the Services specified in Section 1 hereof, the Water Authority agrees to pay the Contractor up to an amount of Two Hundred Thousand and 00/100 Dollars (\$200,000), which amount includes any applicable gross receipts taxes and which amount shall constitute full and complete compensation for the Contractor's Services under this Agreement, including all expenditures made and expenses incurred by the Contractor in performing such Services.

3. Except as herein expressly amended, the terms and conditions of the Original Agreement shall remain unchanged and shall continue in full force and effect unless there is a conflict between the terms and conditions of the Original Agreement and this First Supplemental Agreement, in which event, the terms and conditions of this First Supplemental Agreement shall control.

4. This First Supplemental Agreement shall not become effective or binding until approved by the Water Authority's Executive Director.

{Intentionally left blank.}

IN WITNESS WHEREOF, the Water Authority and the Contractor have executed this First Supplemental Agreement as of the date of the last signature entered below.

**ALBUQUERQUE BERNALILLO
COUNTY WATER UTILITY AUTHORITY**

**CONTRACTOR:
POD, INC.**

Approved by:

Mark S. Sanchez, Executive Director

Date: _____

Reviewed by:

Charles W. Kolberg, General Counsel

Date: _____

By: Jim Jasi

Title: President & CEO

Date: 8/7/12

State Taxation and Revenue Department
Taxpayer Identification Number

02-109405-005

Federal Taxpayer Identification Number

85-0867128

Exhibit A

Amendment No.: One

Statewide Price Agreement No. 10-000-00-00051AU



State of New Mexico
General Services Department
Purchasing Division

Statewide Price Agreement Amendment

Awarded Vendor
0000049493
POD Inc.
5971 Jefferson, Suite 101
Albuquerque, NM 87109

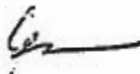
Telephone No. (505) 243-2287

Price Agreement Number: 10-000-00-00051AU

Price Agreement Amendment No.: One

Term: July 1, 2011 - May 31, 2013

Ship To:
All State of New Mexico agencies, commissions,
institutions, political subdivisions and local public bodies
allowed by law.

Procurement Specialist: Gerrie Becker 

Telephone No.: (505) 476-3121

Invoice:

As Requested

Title: IT Professional Services

This Price Agreement Amendment is to be attached to the respective Price Agreement and become a part thereof.

In accordance with Price Agreement provisions, and by mutual agreement of all parties, this Price Agreement is extended from March 31, 2012 to May 31, 2013 at the same price, terms and conditions.

Except as modified by this amendment, the provisions of the Price Agreement shall remain in full force and effect.

Accepted for the State of New Mexico

New Mexico State Purchasing Agent

Date: 1/13/2012

Purchasing Division, 1100 St. Francis Drive 87503, PO Box 6850, Santa Fe, NM 87502-6850 (505) 827-0472