

**SEVENTH AMENDMENT TO
MEMORANDUM OF UNDERSTANDING BETWEEN THE ALBUQUERQUE BERNALILLO
COUNTY WATER UTILITY AUTHORITY AND BERNALILLO COUNTY REGARDING
THE SUBAWARD OF THE AMERICAN RESCUE PLAN ACT RECOVERY FUNDS**

THIS Seventh Amendment to Memorandum of Understanding Between the Albuquerque Bernalillo County Water Utility Authority Regarding the Subaward of the American Rescue Plan Act Recovery Funds (hereinafter referred to as “the MOU Amendment”) is made and entered into by and between Bernalillo County, New Mexico, a New Mexico County and political subdivision (hereinafter referred to as “the County”) and **the Albuquerque Bernalillo County Water Utility Authority**, a political subdivision of the State of New Mexico (hereinafter referred to as “the Subrecipient” and together with the County, “Parties” or “Party”), effective as of the date of the last signatory hereto.

WHEREAS, the County applied for and received federal funds to be allocated in accordance with the American Rescue Plan Act (“ARPA Award”);

WHEREAS, on September 28, 2021, the County and the Subrecipient entered into an agreement titled “Memorandum of Understanding Between the Albuquerque Bernalillo County Water Utility Authority Regarding the Subaward of the American Rescue Plan Act Recovery Funds”, CCN 2021-0872 (“Original Agreement”), whereby the Subrecipient agreed to receive a portion of the ARPA Award allocated to the County;

WHEREAS, through the Original Agreement, the County and the Subrecipient identified and presented seven (7) proposed projects (“Projects”), as listed in Appendix A, to the Commission during work sessions held on August 19, 2021, and August 23, 2023;

WHEREAS, through the Original Agreement, the County engaged the Subrecipient to assist the County in utilizing the ARPA Award funds by committing funding not to exceed fifty-three million eight hundred sixteen thousand five hundred seventy-three dollars (\$53,816,573.00) for a variety of projects to be completed by the Subrecipient;

WHEREAS, the County and Subrecipient entered into a 1st Amendment of the Original Agreement, CCN 2022-0906, hereinafter referred to as the “1st Amendment”, and by reference made a part hereof, whereby the Subrecipient agreed to continue to assist the County in utilizing ARPA Award funds;

WHEREAS, the County and Subrecipient entered into a 2nd Amendment of the Original Agreement, CCN 2022-0909, hereinafter referred to as the “2nd Amendment”, and by reference made a part hereof, whereby the Subrecipient agreed to continue to assist the County in utilizing ARPA Award funds;

WHEREAS, the County and Subrecipient entered into a 3rd Amendment of the Original Agreement, CCN 2023-0640, hereinafter referred to as the “3rd Amendment”, and by reference made a part hereof, whereby the Subrecipient agreed to continue to assist the County in utilizing ARPA Award funds;

WHEREAS, the County and Subrecipient entered into a 4th Amendment of the Original Agreement, CCN 2024-0182, hereinafter referred to as the "4th Amendment", and by reference made a part hereof, whereby the Subrecipient agreed to continue to assist the County in utilizing ARPA Award funds;

WHEREAS, the County and Subrecipient entered into a 5th Amendment of the Original Agreement, CCN 2025-0310.00 hereinafter referred to as the "5th Amendment", and by reference made a part hereof, whereby the Subrecipient agreed to continue to assist the County in utilizing ARPA Award funds;

WHEREAS, the County and Subrecipient entered into a 6th Amendment of the Original Agreement, CCN 2025-0365.00 hereinafter referred to as the "6th Amendment", and by reference made a part hereof, whereby the Subrecipient agreed to continue to assist the County in utilizing ARPA Award funds;

WHEREAS, the Subrecipient has determined that additional funding is necessary to enable the continued scope of work outlined in CCN 2022-0040, for the I-6 Carnuel Sewage Collection System project, and has requested the surplus of funding in the amount of two hundred thousand and no cents (\$200,000.00) from the I-21 Carnuel Water System Expansion project be allowed to be used by the Subrecipient under this MOU Amendment to the Original Agreement and will amend the current subrecipient agreement;

NOW, THEREFORE, it is agreed between the Parties hereto that the Original Agreement shall be amended as follows:

1. APPENDIX A is hereby deleted in its entirety and replaced with APPENDIX A attached hereto and incorporated by reference..

2. Terms and Conditions

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, First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment and this Seventh Amendment, in which event, the terms and conditions of this Seventh Amendment shall control.

3. Facsimile Signature

A signature sent via facsimile shall have the same legal effect as if the Original has been signed in person.

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IN WITNESS WHEREOF, the County and the Subrecipient have executed the Seventh Supplemental Agreement as of the last date of execution shown below.

APPROVED AS TO FORM

DocuSigned by:
John Grubisic for
86A8BE2F74B9495...

3/14/2025

W. Ken Martinez, County Attorney


COUNTY OF BERNALILLO

Signed by:
Cindy Chavez
18E7D1BC09A340E...

3/16/2025

Cindy Chavez, County Manager

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BY: 
Mark S. Sanchez, Executive Director

Date: May 6, 2025

AMENDED APPENDIX A

ABCWUA Projects As of March 1, 2025

Projects included in September 28, 2021 MOU

Item #	District Physical Location	District Impact	Expenditure Category	Expenditure Sub-Category	Project	Amount
I-6	District 5	District 5	5. Infrastructure - Sewer	5.2 Clean Water: Centralized Wastewater Collection and Conveyance	Carnuel Sewage Collection System	\$3,845,000.00
I-7	District 2	County Wide	5. Infrastructure - Sewer	5.2 Clean Water: Centralized Wastewater Collection and Conveyance	MDC Water & Sewer Improvements	\$4,200,000.00
I-8	District 2	County Wide	5. Infrastructure - Sewer	5.8 Clean Water: Water Conservation	Mesa del Sol Non-Potable Re-Use Booster Pump & Reservoir	\$4,896,536.00
I-9	District 2	District 2	5. Infrastructure - Water	5.11 Drinking water: Transmission & Distribution	South Valley Drinking Water Project, Phase 8/9	\$8,000,000.00
I-10	District 3	District 3	5. Infrastructure - Sewer	5.5 Clean Water: Other Sewer Infrastructure	KAFB Tijeras Interceptor Rehabilitation	\$15,000,000.00
I-11	Districts 1 & 4	Districts 1 & 4	5. Infrastructure - Water	5.11 Drinking water: Transmission & Distribution	Volcano Cliffs & Corrales Trunk Reservoir & Transmission Line Improvements • District 1 - \$10 million; District 4 - \$5 million	\$15,000,000.00
I-16	District 1	District 1	5. Infrastructure - Sewer	5.8 Clean Water: Water Conservation	Bosque Non-Potable Water Reclamation Plant and Reuse System	\$2,875,037.00
Total MOU ABCWUA Projects						\$53,816,573.00

Project included in Amendment 1 of MOU, September 27, 2022

I-21	District 5	District 5	5. Infrastructure - Water	5.11 Drinking water: Transmission & Distribution	Carnuel Water System Expansion	\$1,000,000.00
Total MOU with Amendment 1 ABCWUA Projects						\$54,816,573.00

Project included in Amendment 2 of MOU, December 13, 2022

I-22	District 1	District 1	5. Infrastructure - Water	5.11 Drinking water: Transmission & Distribution	To'Hajilee Water Line Extension Project	\$1,000,000.00
Total MOU with Amendment 2 ABCWUA Projects						\$55,816,573.00

Project included in Amendment 3 of MOU, September 12, 2023

I-7	District 2	County Wide	5. Infrastructure - Sewer	5.2 Clean Water: Centralized Wastewater Collection and Conveyance	MDC Water & Sewer Improvements	\$7,473,086.00
Total MOU with Amendment 3 ABCWUA Projects						\$63,289,659.00

Project included in Amendment 4 of MOU, March 12, 2024

I-10	District 3	District 3	5. Infrastructure - Sewer	5.5 Clean Water: Other Sewer Infrastructure	KAFB Tijeras Interceptor Rehabilitation	-\$4,500,000.00
I-7*	District 2	County Wide	5. Infrastructure - Sewer	5.2 Clean Water: Centralized Wastewater Collection and Conveyance	MDC Water & Sewer Improvements	\$4,500,000.00
Total MOU with Amendment 4 ABCWUA Projects						\$63,289,659.00

Project included in Amendment 5 of MOU, September 10, 2024

I-21	District 5	District 5	5. Infrastructure - Water	5.11 Drinking water: Transmission & Distribution	Carnuel Water System Expansion	-\$450,000.00
I-6*	District 5	District 5	5. Infrastructure - Sewer	5.2 Clean Water: Centralized Wastewater Collection and Conveyance	Carnuel Sewage Collection System	\$450,000.00
I-6*	District 5	District 5	5. Infrastructure - Sewer	5.2 Clean Water: Centralized Wastewater Collection and Conveyance	Carnuel Sewage Collection System	\$577,938.61
Total MOU with Amendment 4 ABCWUA Projects						\$63,867,597.61

Project included in Amendment 6 of MOU, October 22, 2024

I-10	District 3	District 3	5. Infrastructure - Sewer	5.5 Clean Water: Other Sewer Infrastructure	KAFB Tijeras Interceptor Rehabilitation	-\$638,702.78
I-7*	District 2	County Wide	5. Infrastructure - Sewer	5.2 Clean Water: Centralized Wastewater Collection and Conveyance	MDC Water & Sewer Improvements	\$638,702.78
I-8*	District 2	County Wide	5. Infrastructure - Sewer	5.8 Clean Water: Water Conservation	Mesa del Sol Non-Potable Re-Use Booster Pump & Reservoir	\$608,438.53
Total MOU with Amendment 4 ABCWUA Projects						\$64,476,036.14

Project included in Amendment 7 of MOU, March 1, 2025

I-21	District 5	District 5	5. Infrastructure - Water	5.11 Drinking water: Transmission & Distribution	Carnuel Water System Expansion	-\$200,000.00
I-6*	District 5	District 5	5. Infrastructure - Sewer	5.2 Clean Water: Centralized Wastewater Collection and Conveyance	Carnuel Sewage Collection System	\$200,000.00
Total MOU with Amendment 4 ABCWUA Projects						\$64,476,036.14

* Denotes existing project to which the County is reallocating additional funding

The project amounts are estimated based current know factors however, the amounts are subject to change as a result of change orders.