



Meeting Date: March 22, 2017

Staff Contact: Charles Leder, Manager – Plant Operations Division

TITLE: C-17-5 – Approving an Amendment with Elite Energy Services, Inc. for Caterpillar Engine Major Repairs and Overhauls

ACTION: Recommend Approval

SUMMARY:

The Water Authority needs to have Elite Energy Services, Inc. perform additional major repairs and overhauls to its fleet of Caterpillar engines during the initial two year term of the existing contract. The requested \$340,000 increase in contract value is needed to accommodate the additional work the Water Authority needs Elite Energy Services, Inc. to perform. These costs will be covered under the annual engine maintenance budget for the Plant Operations Division.

FISCAL IMPACT:

None.

**FIRST SUPPLEMENTAL AGREEMENT
ALBUQUERQUE BERNALILLO COUNTY
WATER UTILITY AUTHORITY
AND
ELITE ENERGY SERVICES CO., 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 New Mexico political subdivision, P.O. Box 568, Albuquerque, NM 87103-0568 (hereinafter referred to as the "Water Authority"), and Elite Energy Services Co., Inc., a New Mexico corporation located at 5101 College Blvd., Farmington, NM 87402 (hereinafter referred to as the "Contractor").

RECITALS

WHEREAS, the Water Authority and the Contractor entered into an Agreement, dated December 12, 2016, pursuant to Request for Proposal (RFP) No. P2016000005, "Caterpillar Engine Major Overhauls and Repairs", referenced as Exhibit A, and Contractor's response to RFP No. P2016000005, referenced as Exhibit B, 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 has determined that \$340,000.00 in additional funding is needed to complete the services described in the Original Agreement; and

WHEREAS, the Contractor is agreeable to the additional compensation added to the Original Agreement; and

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

1. Section 3.A is hereby amended to read as follows:

Compensation. For performing the Services specified in Section 1 hereof the Water Authority agrees to pay the Contractor up to the amount of **Seven Hundred Sixty-Four Thousand One Hundred Thirty and 00/100 (\$764,130.00)** which amount excludes all 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.

2. 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.

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

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: ELITE ENERGY
SERVICES CO., INC.**

Approved By:

Mark S. Sanchez, Executive Director

Date: _____

John M. Stomp III, P.E.
Chief Operating Officer

Date: _____

Reviewed by:

Peter S. Auh, General Counsel

Date: _____

By: _____

Print: _____

Title: _____

Date: _____

State Taxation and Revenue Department

Taxpayer Identification No.: 03-134279-00-5

Federal Taxpayer Identification No.

26-2406043