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Meeting Date: March 21, 2018

Staff Contact: Rick Billings, Environmental Scientist, Water Resources Division

**TITLE: C-18-11 – Approving Continuation of San Juan Chama Drinking Water Project Environmental Mitigation Monitoring – Year Three Under GSA Contract # GS-10F-00209L, with SWCA Incorporated, CCN:2016-0050**

**ACTION: Recommend Approval**

**SUMMARY:**

This agreement will allow the Water Authority to continue National Environmental Policy Act and Endangered Species Act required environmental monitoring for the San Juan – Chama Drinking Water Project. It includes fish egg monitoring, fish monitoring, and monitoring of habitat restoration projects and related analysis and reporting.

**FISCAL IMPACT:**

\$153,530 budgeted in the San Juan Chama Drinking Water Project mitigation fund.

**THIRD SUPPLEMENTAL AGREEMENT  
BETWEEN THE  
ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY  
AND  
SWCA, INC.**

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THIS THIRD 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 SWCA, Inc., an Arizona corporation located at 5647 Jefferson St. NE, Albuquerque, NM 87109 (hereinafter referred to as the "Contractor").

**RECITALS**

WHEREAS, the Water Authority and the Contractor entered into an Agreement, dated December 11, 2015 as amended by a First Supplemental Agreement dated October 12, 2016, and a Second Supplement Agreement dated June 1, 2017, 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 the services are needed for an additional one (1) year period, and the GSA Contract No. GS-10F-0209L extension goes through March 18, 2021; and

WHEREAS, the Water Authority wishes to add \$153,530.00 to the total compensation of the Original Agreement; and

WHEREAS, the Contractor is agreeable to the additional compensation and one (1) year extension to the Original Agreement.

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

1. Section 2. of the Original Agreement is hereby amended to read as follows:

**Time of Performance.** Services of the Contractor shall commence on December 11, 2015, and shall be undertaken and completed in such sequence as to assure their expeditious completion in light of the purposes of this Agreement; provided, however, that in any event, all of the Services required hereunder shall be completed by November 30, 2019. This Agreement may be extended upon the written agreement of the parties.

2. Section 3.A of the Original Agreement 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 **Four Hundred Fifty Seven Thousand Sixty and 00/100 Dollars (\$457,060.00)**, 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 Third Supplemental Agreement, in which event, the terms and conditions of this Third Supplemental Agreement shall control.

4. This Third 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 Second Supplemental Agreement as of the date of the last signature entered below.

**ALBUQUERQUE BERNALILLO COUNTY  
WATER UTILITY AUTHORITY**

**CONTRACTOR: SWCA, 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.: 02-151423-00-2

**Federal Taxpayer Identification No.**  
**86-048317**