

**AMENDMENT NO. 5 TO  
AGREEMENT BETWEEN SANTA FE COUNTY  
AND MONTGOMERY AND ANDREWS, P.A.**

THIS AMENDMENT is made and entered into this 15<sup>th</sup> day of August, 2016 between Santa Fe County, hereinafter referred to as the "County," and Montgomery and Andrews, P.A., hereafter referred to as the "Contractor."

WHEREAS, the County and Contractor entered into Agreement No. 2013-0170-LG/PL-E (Agreement) on April 30, 2013, for Contractor to provide legal services for an initial term of two years; and

WHEREAS, by Amendment No. 1, the term of the Agreement was extended to March 31, 2016. Compensation payable to the Contractor was increased in Amendment Nos. 2 and 3; and

WHEREAS, by Amendment No 4, the term of the Agreement was extended to March 31, 2017; and

WHEREAS, according to Section 8 of the Agreement (No Oral Modifications; Written Amendments Required), the parties may amend the Agreement by an instrument in writing executed by the parties; and

WHEREAS, in relation to the Contractor's provision of legal services and pending litigation involving Santa Fe County and as directed by the County Attorney, it is necessary for the Contractor to have a survey by a licensed surveyor completed; and

WHEREAS, According to Section 2 (Compensation and Invoicing) of the Agreement, the County agreed to reimburse the Contractor for actual costs incurred in relation to costs associated with the Contractor's scope of work. According to Section 9 (Subcontracting), any subcontract of services to be provided under the Agreement requires the advance written approval of the County.

NOW THEREFORE, in consideration of the premises and mutual obligations herein, the parties mutually agree to amend the Agreement as follows:

1. Paragraph 2 (Compensation and Invoicing), insert a subpart (a) below "Other" that reads:

(a) With the advance approve of the County Attorney, Contractor may contract or subcontract directly with providers of litigation related services including but not limited to experts, mediators, court reporters and process servers. The cost or expense of such other litigation related services shall be paid by the County either on a reimbursement basis or after services have been provided but before the Contractor has paid the invoice for the services.

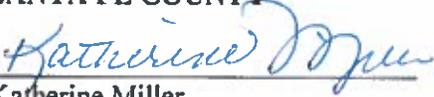
2. Pursuant to 9 (Subcontracting) of the Agreement, the County hereby approves the

Contractor's securing the services of a professional surveyor licensed by the State of New Mexico to complete a litigation related survey of real property for a sum not-to-exceed \$5,000.00, inclusive of NM grt.

3. All other provisions of the Agreement not specifically modified or amended by Amendment Nos. 1, 2, 3, 4 and this Amendment No. 5 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first written above.

SANTA FE COUNTY

  
Katherine Miller  
County Manager

8.22.16  
Date

Approved as to form:

  
Gregory S. Shaffer  
Santa Fe County Attorney

8-5-16  
Date

Finance Department:

  
Carole H. Jaramillo  
Finance Director

8/12/16  
Date

CONTRACTOR - Montgomery and Andrews, P.A.

  
Stephen S. Hamilton  
Vice President

8/18/16  
Date