

**AMENDMENT NO. 5
TO AGREEMENT BETWEEN
SANTA FE COUNTY AND
IRON MOUNTAIN INFORMATION MANAGEMENT, LLC**

THIS AMENDMENT is made and entered into as of this 10th day of May, 2022, by and between **Santa Fe County**, (hereinafter the "County"), and **Iron Mountain Information Management, LLC**, (hereinafter the "Contractor").

WHEREAS, pursuant to NMSA 1978, Sections 13-1-111 through 13-1-117, the County and Contractor entered into Agreement No. 2017-0196-ASD/KE (Agreement) on May 15, 2017, to provide for the Contractor's provision of record storage and management services and to archive records and documents for the County consistent with record retention policies of the County; and

WHEREAS, Articles 3 and 15 of the Agreement allow the County to extend the term of the Agreement and to amend the Agreement by an instrument in writing signed by the parties; and

WHEREAS, Amendment Nos. 1, 2, 3 and 4 amended the Agreement to allow for price increases pursuant to Article 3 (Effective Date and Term), and to extend the term to May 15, 2022; and

WHEREAS, the services under this Agreement are not "professional services" as that term is defined in Section 13-1-76, NMSA 1978, and the contract sum is in excess of \$25,000.00, therefore, the term of the Agreement is not limited to four years; and

WHEREAS, by this Amendment No. 5 the parties wish to extend the term to May 15, 2023, increase the compensation payable to the Contractor by a sum of \$76,500.00, and replace the pricing schedule with an updated pricing schedule.

NOW THEREFORE, the parties agree to amend the Agreement as follows:

1. Article 2.A.1) (Compensation and Invoicing) is amended by inserting a subparagraph e to read:

e. By Amendment No. 5 to this Agreement, the rate schedule referenced in the Agreement as "4th Revised SCHEDULE A: PROGRAM PRICING SCHEDULE" is deleted and replaced with the attached rate schedule titled "**5th Revised SCHEDULE A: PROGRAM PRICING SCHEDULE.**" These rates and prices are effective June 1, 2022.

2. Article 2. A. 2) (Compensation and Invoicing) is amended by inserting a subpart d to read:

d. By Amendment No. 5 to this Agreement, the compensation

payable to the Contractor is increased by \$76,500.00. The total amount payable to the Contractor for the term of this Agreement shall not exceed \$438,000.00, exclusive of NM GRT.

3. Article 3 (Effective Date and Term) is amended by deleting Article 3 and replace with:

3. EFFECTIVE DATE AND TERM

This Agreement shall become effective as of the date of last signature by the parties hereto. The initial term of this Agreement shall terminate one year from such date. After the initial term, the parties may agree to extend the term by written amendment. The Contractor has the option to increase the rates once per year in an amount not to exceed 2% above the prior year's rates. The term of this Agreement shall not exceed eight years in total, unless earlier terminated pursuant to Section 5 (Termination) or Section 6 (Appropriations and Authorizations).

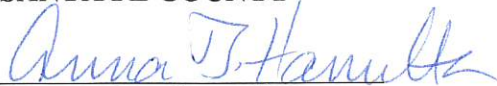
4. Article 3 (Effective Date and Term), a subparagraph E is inserted to read:

E. By Amendment No. 5 to this Agreement, the term of this Agreement is extended to May 15, 2023.

5. All provisions of the Agreement not specifically amended or modified 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 of last signature by the parties hereto.

SANTA FE COUNTY



Anna T. Hamilton, Chair
Santa Fe County Board of County Commissioners

ATTESTATION



Katharine E. Clark
Santa Fe County Clerk

5/10/2022
Date



