

**Amendment No. 4 to
Property and Right of Way Acquisition Agreement
Between Santa Fe County and Tierra Right of Way Services, Ltd.**

THIS AMENDMENT is made and entered into this 5th day of OCT., 2016 by and between **Santa Fe County**, hereinafter referred to as "County", a New Mexico political subdivision, and **Tierra Right of Way Services, Ltd.**, hereinafter referred to as "the Contractor."

WHEREAS, in accordance with Section 13-1-112 NMSA 1978, in 2012 the County issued RFP No. 2012-0237-OS/PL to procure the services of a land and right-of-way acquisition professional to assist the County with property acquisitions necessary for the Santa Fe River Greenway; and

WHEREAS, on September 25, 2012 the County and Contractor entered into Agreement No. 2012-0237-OS/PL (the Agreement) for these services; and

WHEREAS, Section Four (Effective Date and Term) of the Agreement allows the County to extend the term of the Agreement and Section Seventeen (Amendment) of the Agreement allows the parties to amend the Agreement by an instrument in writing executed by the parties; and

WHEREAS, by Amendment No. 1 the term of the Agreement was extended one year to September 25, 2014 and amended the Contractor's compensation by incorporating a revised pricing summary statement (Exhibit B); and

WHEREAS, by Amendment No. 2, the term of the Agreement was extended for an additional two years to September 25, 2016; and

WHEREAS, by Amendment No. 3 the County increased the Contractor's compensation by \$31,575.00 for services to complete the acquisition of all necessary real property interests for the Santa Fe River Greenway; and

WHEREAS, the County Purchasing Manager has determined that Contractor's services under this Agreement are not "professional services" as that term is defined in NMSA 1978, 13-1-76 (Definition; professional services) and as referenced in NMSA 1978, 13-1-150 of the Procurement Code. According to Section 13-1-150 (A), a multi-term contract for non-professional services that is in the amount of \$25,000 or more, shall not exceed a term of eight years including all extensions and renewals; and

WHEREAS, by this Amendment No. 4 the County wishes to extend the term of the Agreement for 30 days to October 25, 2016.

WHEREAS, both parties desire to enter into this Amendment No. 4.

NOW, THEREFORE, both parties agree as follows:

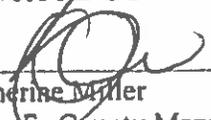
1. Section Four (Effective Date and Term) of the Agreement, the sentence "Under no circumstances shall the term of this Agreement be more than four years" is deleted and a new subparagraph "A" is inserted to read:

A. By Amendment No. 4 to this Agreement, the County and Contractor agree to extend the term of this Agreement from September 25, 2016 to October 25, 2016.

2. For purposes of the term of this Agreement, this term extension is effective September 25, 2016.
3. All other provisions of the Agreement not specifically amended or modified by Amendment Nos. 1, 2, 3 and this Amendment No. 4 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment.

SANTA FE COUNTY:

Cont


Katherine Miller
Santa Fe County Manager

10.5.16

Date

Approved as to form

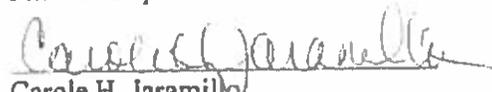


Gregory Shaffer
Santa Fe County Attorney

9-27-16

Date

Finance Department



Carole H. Jaramillo
Santa Fe County Finance Director

9/29/16

Date

CONTRACTOR:



(Signature and title)

10/3/16

Date