



**Date:** June 5, 2025

**To:** Buckman Direct Diversion Board

**Via:** Bradley Prada, BDD Facilities Manager

**From:** Kurt Traverse, BDD Accounting Support

**Re:** Amendment No. 2 to the Agreement with Snell & Wilmer, LLP

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### **ITEM:**

Request for approval of Amendment No. 2 to the Professional Service Agreement with Snell & Wilmer, LLP to extend the term date to June 30, 2026, and increase compensation in an amount not to exceed \$200,000.00 plus applicable tax for upcoming Fiscal Year 2026.

1. Request approval of Amendment 2 to the Professional Service Agreement with Snell & Wilmer, LLP.
2. Request for authorization to utilize Settlement Funds in Fiscal Year 2026 for this expense (BAR attached).

### **BACKGROUND:**

On June 1, 2023, the Buckman Direct Diversion Board (BDDDB) approved the Professional Service Agreement with Snell & Wilmer, LLP to provide legal services, advice, and consultation for the BDDDB. This vendor has been used extensively for unique services, especially during a multi-year litigation case resulting in a settlement in favor of the BDD. The procurement method determination is that of Sole Source; it is most beneficial to continue utilization of this partnership to ensure a smooth transition with the large-scale repair projects at BDD. This amendment will increase compensation for the amended term (FY26) in the amount of \$200,000.00. Funding will be utilized from the Settlement Funds, according to the authorization of this request.

The cumulative total contract amount is not to exceed \$600,000.00 through fiscal year 2025-2026.

### **ACTION REQUESTED:**

Staff recommends approval of Amendment 2 to extend terms and increase compensation with Snell & Wilmer, LLP.

MUNIS Contract # 3204037

BU/OB: Legal Services 8000825.510200      Project Ledger Code: BDD2222 Settlement Funds

### **Approval:**

Approved by BDDDB June 5, 2025

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Commissioner Justin Greene, BDDDB Chair



**BUCKMAN DIRECT DIVERSION BOARD  
AMENDMENT No. 2 TO THE  
PROFESSIONAL SERVICES AGREEMENT WITH  
SNELL & WILMER, LLP  
ITEM# 23-0540**

This AMENDMENT No. 2 (the "Amendment") to the PROFESSIONAL SERVICES AGREEMENT, dated June 1, 2023, (the "Agreement"), is made between the Buckman Direct Diversion Board ("BDDDB") and Snell & Wilmer, LLP ("Contractor"). The date of this Amendment shall be the date when it is executed by the BDDDB Chair.

**RECITALS:**

A. Under the terms of the Agreement, Contractor has agreed to perform services related to the redesign and reconstruction of the Buckman Direct Diversion Project and as further stated in the Scope of Services of the Agreement.

B. Pursuant to Article 18 of the Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the BDDDB and Contractor agree as follows:

**3. COMPENSATION.**

Article 3, paragraph A of the Agreement is amended to increase the amount of compensation by a total of \$200,000.00 so that Article 3, paragraph A reads in its entirety as follows:

A. Compensation under this Agreement shall not exceed Four Hundred Thousand Dollars (\$400,000.00) plus applicable gross receipts tax, as described in Exhibit A of the Agreement.

**5. TERM AND EFFECTIVE DATE:**

Article 5 of the Agreement is amended to extend the term to terminate on June 30, 2026. Notwithstanding the foregoing, Contractor may terminate this Agreement upon thirty (30) days written notice to BDDDB

**6. AGREEMENT IN FULL FORCE.**

Except as specifically provided in this Amendment, the Agreement remains and shall remain in full force and effect, in accordance with its terms.

**IN WITNESS WHEREOF**, the parties have executed this Amendment to the Agreement as of the dates set forth below.

**BUCKMAN DIRECT DIVERSION BOARD**

By: \_\_\_\_\_  
Justin Greene, BDDDB Chair  
Date: \_\_\_\_\_

**CONTRACTOR:**  
Snell & Wilmer, LLP.

Signature: \_\_\_\_\_  
Printed Name: Daniel R. Frost  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
NANCY R. LONG, BDDDB COUNSEL

**APPROVED FOR FINANCES:**

\_\_\_\_\_  
Emily Oster, City Finance Director

**ATTEST:**

\_\_\_\_\_  
Katharine E. Clark, County Clerk

File Date: \_\_\_\_\_