

K16-278

AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT

BETWEEN

THE CITY OF NEW ORLEANS

AND

WILKERSON AND ASSOCIATES, PLC

THIS FOURTH AMENDMENT (the “**Amendment**”) is entered into by and between the City of New Orleans, through the Council of the City of New Orleans (the “**Council**”), represented by Jason R. Williams, Council President (the “**City**”), and Wilkerson and Associates, PLC, represented by Walker J. Wilkerson, Managing Partner (the “**Contractor**”). This Amendment is made effective as of January 1st, 2016 (the “**Effective Date**”).

RECITALS

WHEREAS, on January 1st, 2012, the City and the Contractor entered into a professional services agreement under which the Contractor agreed to provide services as special counsel in relation with electric and/or natural gas regulatory matters (the “**Agreement**”);

WHEREAS, the City and the Contractor agreed three times to renew the Agreement for continuity of services;

WHEREAS, on November 19, 2015, the Council adopted Motion M-15-547 to renew the Agreement, as amended, for the fourth time for continuity of services; and

WHEREAS, the City and the Contractor, each having the authority to do so, now desire to enter this Amendment to extend the term of the Agreement, as amended, and to increase the compensation of the Contractor.

NOW THEREFORE, for good and valuable consideration, the Council and the Contractor amend the Agreement, as amended, as follow:

1. **Extension.** In accordance with Article XIII of the Agreement, the term is extended for 1 year from the Effective Date through December 31, 2016.

2. **Compensation.** The maximum aggregate compensation payable described in Article II of the Agreement, as amended, is increased by \$600,000.00 to a new total amount not-to-exceed \$4,032,000.00.

3. **Convicted Felon Statement.** The Contractor swears that it complies with City Code § 2-8(c). No principal, member, or officer of the Contractor has, within the preceding five (5) years, been convicted of, or pled guilty to, a felony under state or federal statutes for embezzlement, theft of public funds, bribery, or falsification or destruction of public records.

4. **Non-Solicitation Statement.** The Contractor swears that it has not employed or retained any company or person, other than a bona fide employee working solely for it, to solicit or secure this Amendment. The Contractor has not paid or agreed to pay any person, other than a bona fide employee working for it, any fee, commission, percentage, gift, or any other consideration contingent upon or resulting from this Amendment.

5. **Prior Terms Binding.** Except as otherwise provided by this Amendment, the terms and conditions of the Agreement, as amended, remain in full force and effect.

[SIGNATURES LOCATED ON NEXT PAGE]


IN WITNESS WHEREOF, the City and the Contractor, through their duly authorized representatives, execute this Amendment.

CITY OF NEW ORLEANS

BY: 
Jason R. Williams, Council President

Executed on the 21st of April, 2016

WILKERSON AND ASSOCIATES, PLC

BY: 
Walker J. Wilkerson, Managing Partner

27-4427044

FEDERAL TAX I.D.

**APPROVED:
Law Department**

By: 

Printed Name: John P. Meza