

K23-261

**AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT
 BETWEEN
 THE CITY OF NEW ORLEANS
 AND
 LUTHER SPEIGHT & COMPANY CPAs
 AUDIT AGREEMENT: FIREFIGHTERS' OLD & NEW PENSION FUNDS, POLICE
 PENSION FUND, AND MUNICIPAL EMPLOYEE RETIREMENT SYSTEM**

THIS FIRST AMENDMENT (the “Amendment”) is entered into by and between the City Council of New Orleans, represented by Jean Paul Morrell, Council President (the “**Council**”), and Luther Speight & Company CPAs, represented by Luther Speight, (the “**Contractor**”). The City and the Contractor are sometimes each referred to as a “**Party**,” and collectively, as the “**Parties**.” This Amendment is effective as of January 1, 2023 (the “**Effective Date**”).

RECITALS

WHEREAS, the Council and the Contractor are parties to a professional services agreement, to perform audit services for the audits of the Firefighters' Old & New Pension Funds, the Police Pension Fund, and the Municipal Employee Retirement System and prepare a report of opinion regarding same (the “**Agreement**”);

WHEREAS, the City and the Contractor, each having the authority to do so, desire to enter this Amendment to extend the term and increase the amount of the Agreement;

NOW THEREFORE, for good and valuable consideration, the City and the Contractor amend the Agreement as follows:

I. Effective Date. The Parties do hereby agree that the Effective Date of the Agreement shall be June 1, 2022.

II. Extension. In accordance with Article/Section V (1) of the Agreement, the term is extended for an additional 1-year term from January 1, 2023 through December 31, 2023.

III. Compensation. The compensation described in Article IV of the Agreement is increased by \$105,165 from \$102,225 to a total amount not to exceed \$207,390.

A. Rate of Compensation.

1. The City will pay the Contractor in accordance with the following rate:

<u>Audit Task #3</u>	<u>Fee</u>
<u>Services</u>	
Firefighters Pension Audits	32,188
Firefighters Pension AUP	6,695
Police Pension Audit	6,180
Police Pension AUP	4,378

Review Trust Fund/Board of City Trusts	2,575
Total	\$ 52,015

2.

Audit Task #4	
<u>Services</u>	<u>Fee</u>
Municipal Employee Retirement System Audit	48,900
Agreed Upon Procedures Engagement	4,250
Total	\$53,150

- IV. Convicted Felon Statement:** The Contractor swears that it complies with City Code § 2-8(c). No Contractor principal, member, or officer has, within the preceding five 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.
- V. 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.
- VI. Prior Terms Binding:** Except as otherwise provided by this Amendment, the terms and conditions of the Agreement remain in full force and effect.
- VII. Electronic Signature and Delivery.** The Parties agree that a manually signed copy of this Amendment and any other document(s) attached to this Amendment delivered by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Amendment. No legally binding obligation shall be created with respect to a party until such party has delivered or caused to be delivered a manually signed copy of this Amendment.

[SIGNATURES CONTAINED ON NEXT PAGE]

[The remainder of this page is intentionally left blank.]

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

CITY COUNCIL OF NEW ORLEANS

BY: 
JEAN PAUL MORRELL, PRESIDENT-CITY COUNCIL


Executed on this 2 day of May, 2023

FORM AND LEGALITY APPROVED:
Law Department

BY: 

Printed Name: Andrew Gregorian

LUTHER SPEIGHT & COMPANY, CPAS

BY: 
LUTHER C. SPEIGHT

30-0156143
FEDERAL TAX I.D.