

K24-602

AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT

BETWEEN

THE COUNCIL OF THE CITY OF NEW ORLEANS

AND

BARRASSO USDIN KUPPERMAN FREEMAN & SARVER, L.L.C.

THIS THIRD AMENDMENT (the "Amendment") is entered into by and between the City Council of New Orleans, represented by Helena Moreno, Council President (the "Council"), and Barrasso Usdin Kupperman Freeman & Sarver, L.L.C., represented by Shaun P. McFall, Member (the "Contractor"). The Council and the Contractor are sometimes each referred to as a "Party," and collectively, as the "Parties." This Amendment is effective as of April 7, 2024 (the "Effective Date").

RECITALS

WHEREAS, the Council and the Contractor are parties to a professional services agreement bearing contract number K22-715 and effective as of April 7, 2024 for legal services related to the Wisner Trust, which was amended by that certain First Amendment bearing contract number K22-1316 and effective as of January 31, 2023 to increase the maximum compensation payable thereunder by \$150,000 to \$250,000 and by that certain Second Amendment bearing contract number K23-571 and effective as of April 7, 2023 to extend the term for one year and to increase the maximum compensation payable thereunder by \$250,000 to \$500,000 (as previously amended, the "Agreement"); and

WHEREAS, on March 21, 2024, the Council adopted Motion No. M-24-112 (the "Motion") authorizing the Council President to execute an amendment to the Agreement extending the term for one year and increasing the maximum compensation payable under the agreement by \$250,000 to ensure continuity of services during the extension term, and containing such other provisions as may be necessary or desirable to accomplish the purposes of the Motion; and

WHEREAS, Council and the Contractor, each having the authority to do so, desire to enter this Amendment to effectuate the terms of the Motion;

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

1. **Extension.** In accordance with Article V/Section B of the Agreement, the term of the Agreement is extended for an additional year from April 7, 2024 through April 6, 2025.

2. **Compensation.** The compensation described in Article IV of the Agreement is increased by \$250,000 to a total amount not to exceed \$750,000.

3. **Additional Provisions:**

- a. **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.

- b. **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.
- c. **Prior Terms Binding:** Except as otherwise provided by this Amendment, the terms and conditions of the Agreement remain in full force and effect.
- d. **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.

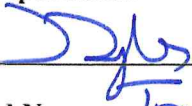
CITY COUNCIL OF NEW ORLEANS

BY: 
HELENA MORENO, PRESIDENT - CITY COUNCIL

Executed on this 20th day of June, 2024

FORM AND LEGALITY APPROVED:

Law Department

BY: 

Printed Name: Tracy Hyle

BARRASSO USDIN KUPPERMAN FREEMAN & SARVER, L.L.C.

BY: 

SHAUN P. MCFALL, MEMBER

90-0067114

FEDERAL TAX I.D.