

K23-398

**AMENDMENT NO. 1 TO THE
INTERGOVERNMENTAL AGENCY AGREEMENT**

BETWEEN

THE CITY OF NEW ORLEANS

AND

THE MILITARY DEPARTMENT, STATE OF LOUISIANA

THIS FIRST AMENDMENT (the “**Amendment**”) is entered into by and between the City of New Orleans, represented by LaToya Cantrell, Mayor (the “**City**”), and the Military Department, State of Louisiana, represented by Colonel (Ret) Michael P. Deville (the “**LMD**”). The City and LMD are sometimes each referred to as a “**Party**,” and collectively, as the “**Parties**.” The Amendment is effective as of August 23, 2023 (the “**Effective Date**”).

RECITALS

WHEREAS, on August 23, 2022, the City and the LMD entered into an Intergovernmental Agreement for the valuable public purpose of protecting designated Jackson Barracks properties from subterranean termites (the “**Agreement**”); and

WHEREAS, the City and the LMD, each having the authority to do so, desire to enter this Amendment to extend the term of the agreement for one (1) year; and

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

1. Extension. In accordance with Article IV and Article XIV, Section (F) of the Agreement, the term is extended for an additional one (1) year from the Effective Date through August 22, 2024.

2. Compensation to the City. The Parties reaffirm Article III, Section (D) of the Agreement: the renewal price for a structure, up to three stories, is \$1.75 per linear foot each year. The renewal price for buildings, four stories or taller, is \$2.00 per linear foot, based on the roof line.

3. Additional Miscellaneous Provisions. The Parties amend the following terms and conditions within the Agreement:

The following section is hereby deleted and replaced with the following:

ARTICLE XIII – NOTICES

A. In General. Except for any routine communication, any notice, demand, communication, or request required or permitted under this Agreement will be given in writing and delivered in person or by certified mail, return receipt requested as follows:

To the City:

Claudia Riegel, Ph.D.
City of New Orleans Mosquito and Termite Control Board
2100 Leon C. Simon Dr.
New Orleans, LA 70122
Phone: (504) 658-2400

&

Donesia D. Turner
City Attorney
City of New Orleans
1300 Perdido Street, Suite 5E03
New Orleans, LA 70112
Phone: (504) 658-4000
Email: cncontracts@nola.gov
Cc: tdoates@nola.gov

To the LMD:

Colonel (Ret) Michael P. Deville
State of Louisiana Military Department
Director, Contracting & Purchasing
718 E Street
Pineville, LA 71360
Phone: (318) 641-5359
Email: michael.p.deville.nfg@army.mil

4. Non-Solicitation Statement. LMD swears that it has not employed nor retained any company or person, other than a bona fide employee working solely for it, to solicit or secure this Amendment. LMD has not paid nor 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 remain in full force and effect.

6. Counterparts. This Amendment may be executed in one or more counterparts, each of which shall be deemed to be an original copy of this Amendment, but all of which, when taken together, shall constitute one and the same agreement.

7. 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 originally 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.

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

CITY OF NEW ORLEANS

BY: 
LATOYA CANTRELL, MAYOR

Executed on this 2nd of August, 2023.

**FORM AND LEGALITY APPROVED:
LAW DEPARTMENT**

BY: 

PRINTED NAME: Tracy Tyle

**STATE OF LOUISIANA
THE MILITARY DEPARTMENT**

BY: 
COLONEL (RET) MICHAEL P. DEVILLE
DIRECTOR, CONTRACTING & PURCHASING