

Re: Potesta Contract (0103-22-0164)

1 message

Katie Patton <kpatton@chafinlaw.com>

Thu, Sep 29, 2022 at 1:12 PM

To: Lonzo Lester <lonzo.lester@russellcountyva.us>

Good it's ready to execute. Just let me know if you need anything else.

Katie

On Sep 28, 2022, at 10:34 AM, Lonzo Lester <lonzo.lester@russellcountyva.us> wrote:

Katie,

Per your request, the revised Landfill Contract.

Lonzo Lester, MBA, VCO, CPC

County Administrator

Russell County Board of Supervisors

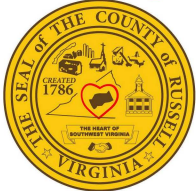
137 Highland Drive, Suite A

Lebanon, VA 24266

Office: 276.889.8000

Cell: 276.880.4396

lonzo.lester@russellcountyva.us



www.russellcounty.us

----- Forwarded message -----

From: **Charlene L. Racer** <CLRacer@potesta.com>

Date: Wed, Sep 28, 2022 at 9:49 AM

Subject: RE: Potesta Contract (0103-22-0164)

To: lonzo.lester@russellcountyva.us <lonzo.lester@russellcountyva.us>

Cc: Dana L. Burns <DLBurns@potesta.com>, David K. Paylor <dkpaylor@potesta.com>, Ronald R.

Potesta <RRPotesta@potesta.com>

As requested, POTESta has changed Exhibit B of the Master Agreement. The Revised Standard Terms and Conditions are attached to this email.

If you have any questions or comments, please let us know.

Thanks,

Charlene L. Racer

Secretarial Supervisor

Potesta & Associates, Inc.

7012 MacCorkle Avenue, SE

Charleston, West Virginia 25304

(304) 342-1400 - Phone

(304) 343-9031 - Fax

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From: Lonzo Lester <lonzo.lester@russellcountyva.us>
Date: September 27, 2022 at 3:13:47 PM EDT
To: "David K. Paylor" <dkpaylor@potesta.com>
Subject: Fwd: Potesta Contract

David,

Please note our attorney's contract modifications concerning the Landfill Feasibility Contract.

Please make recommended changes and return as soon as possible.

If you have any questions, please contact me.

Thanks.

Lonzo Lester, MBA, VCO, CPC

County Administrator

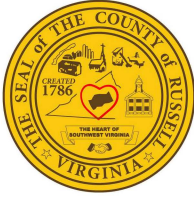
Russell County Board of Supervisors

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From: Katie Patton <kpatton@chafinlaw.com>
Date: Tue, Sep 27, 2022 at 2:00 PM
Subject: Potesta Contract
To: Lonzo Lester <lonzo.lester@russellcountyva.us>

Lonzo,

I have reviewed the revised Master Contract.

I still have the remaining issues in Exhibit B.

I advise that paragraph 13 be removed in its entirety. It concerns construction and an obligation to retain Potesta to oversee construction. Since this contract is merely for consulting services at this point that paragraph should be removed.

I also advise that paragraph 15 be revised to include the following language at the end of the end of the 5th sentence which begins as "Due to the risks to which Potesta is exposed..."

"unless employees or agents of Potesta are grossly negligent in containing, labeling, transporting, testing, storing or other handling of contaminated samples."

Finally, in paragraph 23, a sentence needs to be added at the end of that paragraph that states: " Should the contract be terminated by the Client for breach of contract by Potesta or should the contract be terminated for convenience by Potesta the Client shall not be responsible for any services including services associated with the termination itself, such as demobilizing, modifying schedules, and reassigning personnel, or any costs associated with the termination and post termination activities, such as demobilization, decontaminating and/or disposing of equipment, and disposal and replacement of contaminated consumables."

M. Katherine Patton

Attorney At Law
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<Revised Standard Terms and Conditions for Russell County Board of Supervisors (0103-22-0164).pdf>