

RENEWAL AND AMENDMENT #1 TO AGREEMENT FOR SPECIALIZED ATTORNEY SERVICES BY AND BETWEEN COUNTY OF MONTEREY & LAW OFFICES OF KELLY S. WACHS

THIS RENEWAL AND AMENDMENT NO. 1 is made to the AGREEMENT FOR SPECIALIZED ATTORNEY SERVICES (“AGREEMENT”) for the provision of employment-based immigration legal services for the Office of the Monterey County District Attorney, by and between **LAW OFFICES OF KELLY S. WACHS**, a California professional corporation, hereinafter “ATTORNEY”, and the County of Monterey, a political subdivision of the State of California, hereinafter referred to as “County”.

WHEREAS, the County and CONTRACTOR entered into the AGREEMENT on April 1, 2023; and

WHEREAS, the Agreement expired on June 30, 2024; and

WHEREAS, the County and Contractor have since continued to perform under the Agreement and otherwise conduct themselves as if it remained in force; and

WHEREAS, the County and Contractor mutually desire to reinstate the Agreement with effect retroactive to July 1, 2024; and

WHEREAS, the County and CONTRACTOR wish to revive and amend the AGREEMENT to increase the amount payable by \$23,000 for a total Agreement amount of \$30,000; and

NOW THEREFORE, the County and CONTRACTOR hereby agree to amend the AGREEMENT in the following manner:

1. Paragraph 1.01. Paragraph 1.01 shall be amended and restated in its entirety as follows:

“1.01. This Agreement shall be effective as of April 21, 2023 and shall terminate on June 30, 2027, unless earlier terminated as set forth below. This Agreement may be amended from time-to-time upon written mutual agreement of the parties.”

2. Paragraph 3.02. Paragraph 3.02, Budget, shall be amended and restated in its entirety as follows:

“3.02. Budget. ATTORNEY and COUNTY agree that the budget for services pursuant to this Agreement shall not exceed the sum of \$30,000. ATTORNEY and COUNTY shall revise the budget as necessary to reflect additional fees and expenses required for services, and this Agreement shall be amended accordingly to provide for such budget increases. Proposed budget increases must be approved by COUNTY before increased charges or expenditures are accrued. ATTORNEY shall notify the County Counsel in writing when fifty percent (50%) and seventy-five percent (75%) of the Budget has been spent. If COUNTY does not approve additional fees and expenses required by the project beyond the initial and revised budget, COUNTY hereby consents to ATTORNEY’s withdrawal as co-counsel in any cases.”

3. EXHIBIT A SCOPE OF SERVICES attached hereto replaces EXHIBIT A. All references in the AGREEMENT to EXHIBIT A shall be construed to refer to EXHIBIT A.

4. EXHIBIT B FEES AND EXPENSES attached hereto replaces EXHIBIT B. All references in the AGREEMENT to EXHIBIT B shall be construed to refer to EXHIBIT B. This EXHIBIT B is effective July 1, 2024, through June 30, 2027.
5. This RENEWAL AND AMENDMENT shall be effective as of July 1, 2024.
6. Except as provided herein, all remaining terms, conditions and provisions of the RENEWAL AND AGREEMENT are unchanged and unaffected by this RENEWAL AND AMENDMENT and shall continue in full force and effect as set forth in the RENEWAL AND AGREEMENT.
7. A copy of this RENEWAL AND AMENDMENT shall be attached to the parties' original AGREEMENT.

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IN WITNESS WHEREOF, County and ATTORNEY have executed this **RENEWAL AND AMENDMENT** as of the day and year written below.

COUNTY OF MONTEREY

Dated: _____

By _____
SUSAN K. BLITCH
County Counsel
County of Monterey

LAW OFFICES OF KELLY S. WACHS

Dated: 9/12/2024 | 11:42 AM PDT

Signed by:
By *Kelly S. Wachs*
CECE6FC039534EC...
Kelly S. Wachs, Esq.

APPROVED AS TO FISCAL PROVISIONS:

Dated: 9/12/2024 | 4:36 PM PDT

DocuSigned by:
By *Jennifer Forsyth*
4E7E657875454AE...
Auditor/Controller

APPROVED AS TO FORM AND LEGALITY:

SUSAN K. BLITCH, County Counsel

Dated: 9/12/2024 | 4:41 PM PDT

DocuSigned by:
By *Stacy Saetta*
C0ECE1B99F424A9...
Stacy L. Saetta
Chief Deputy County Counsel

EXHIBIT A

SCOPE OF SERVICES

I. RECITALS

ATTORNEY shall provide independent legal services to the COUNTY consisting of providing advice to COUNTY with respect to employment-based immigration legal services, as more fully described below.

Preparation of H-1B Petitions (including new H-1Bs, H-1b amendments, and extension of H-1Bs); and
Green Card Applications: Permanent Residence

II. SCOPE OF WORK

A. NEW H-1B PETITIONS

- a. Once the prevailing wage determination is received and approved by COUNTY, ATTORNEY shall immediately file the LCA with the Department of Labor (DOL).
- b. Once the LCA has been certified by the DOL, ATTORNEY agrees to immediately file the H-1B with the USCIS.
- c. Preparing and filing an H-1B Visa Petition with the USCIS. This fee includes only one such petition and application. If there is a request for evidence (RFE), there shall be additional fees and expenses involved in preparing a response to the RFE. Additional fees and expenses shall be agreed upon by ATTORNEY and COUNTY before ATTORNEY engages in further work beyond the first adjudication of the petition.
- d. ATTORNEY shall follow-up with the USCIS to ensure adjudication of the H-1B visa petition at the earliest possible time.

A. H-1B STATUS RENEWALS (H-1B EXTENSIONS)

- B. ATTORNEY shall initiate the H-1B extension process at least six (6) months prior to the expiration of the H-1B status, (application renewal process must begin to renew the H-1B status for one to three years), upon approval of COUNTY.

B. NEW GREEN CARD APPLICATION: Permanent Residence (“PERM”)

- a. ATTORNEY shall work with COUNTY to obtain a prevailing wage determination prior to the filing of a PERM case. It is required that a determination of the prevailing wage be made, either through a request of the Department of Labor’s National Processing Center (NPC) or through an alternative source, such as an independent, published, authoritative wage survey. COUNTY understands that the decision to rely on the NPC wage or independent wage survey rests with COUNTY, and ATTORNEY agrees to work with COUNTY on this matter. COUNTY agrees to provide the Collective Bargaining Agreement (CBA) for any unionized positions so that this can be

used to determine the prevailing wage. Once the prevailing wage determination is received and approved by COUNTY, ATTORNEY shall immediately help COUNTY to start recruitment (30 days of recruitment and a 30-day quiet period are required prior to submitting the PERM to the Dept. of Labor).

b. ATTORNEY shall work with COUNTY to establish a good recruitment plan. COUNTY is responsible for registering for Cal-jobs. ATTORNEY will provide links to this site. ATTORNEY utilizes an ad agency for all recruitment. ATTORNEY will pay for recruitment which will be reimbursed by COUNTY according to their payment and reimbursement guidelines. COUNTY must monitor all recruitment and invite for an interview any applicant who meets the minimum qualifications. COUNTY is responsible for tracking applicants and keeping a recruitment report. ATTORNEY is not allowed to have any influence over the recruitment process.

c. Once recruitment has been completed, ATTORNEY will work with COUNTY to file the PERM application (6-8 months processing time).

d. Once the PERM case is approved, ATTORNEY will work with COUNTY to file the I-140 (Visa petition) on behalf of the employee/applicant. At this time, ATTORNEY and COUNTY will evaluate whether or not the applicant is eligible to concurrently file for Adjustment of Status. This will be based on the level of education required for the position and the applicant/employee's country of birth and the availability of visas.

e. This fee includes only one such application for PERM/Adjustment of Status. If there is an RFE, there shall be additional fees and expenses involved in responding to the RFE. Additional fees shall be agreed upon by ATTORNEY and COUNTY before ATTORNEY engages in further work beyond the first adjudication of the petition.

f. ATTORNEY shall monitor and follow up with the USCIS for I-140 petition status and ATTORNEY agrees to follow-up with the USCIS to ensure adjudication of I-140 /AOS (10-12 months) and work permit/permission to travel (5-6 months) at the earliest possible time.

EXHIBIT B

FEES AND EXPENSES

COUNTY shall pay ATTORNEY the fees and necessary expenses for services performed under this Agreement. Negotiations for changes in attorney fees and non-USCIS filing fee expenses shall commence at least ninety (90) days before the end of the calendar year. Changes in attorney fees and non-USCIS filing fee expenses are not binding unless mutually agreed upon in a writing signed by the parties. Changes in USCIS filing fees specified below may change at any time, and ATTORNEY shall give actual notice to COUNTY of any changes in USCIS filing fees by notifying County Human Resources and the Office of the County Counsel.

2024 MONTEREY COUNTY —OVERVIEW OF ESTIMATED FEES EMPLOYMENT-BASED NONIMMIGRANT VISA PETITIONS

All fees are due and payable, in accordance with the fee agreement, to: Law Office of Kelly S. Wachs

NONIMMIGRANT PETITIONS

H-1B Nonimmigrant Petitions

Legal Fees:

H-1b Transfer/Change of Status/Amendment: Legal fee \$3000.00

H-1b Extension if firm prepared the original H-1b application: \$2800.00

H-1b Extension if firm did not prepare the original H-1b application: \$3000.00

H-1b Extension on expedited basis if firm did not prepare the original H-1b application: \$4200.00

Total Estimated Fee: \$2800.00-\$4,200.00**

Additional legal fees that may apply:

Withdrawing and Refiling LCA: \$350.00

Education evaluation issues: \$600

Prevailing wage issues (additional fees payable to outside salary survey may also apply): \$350-1,200

Beneficiary and/or dependents have gap(s) in maintenance of prior nonimmigrant status: \$1200.00

Off-site, third-party and/or contract-based employment: \$600 – \$1,200

Withdrawal of LCA and H-1b after termination or new status for foreign national: \$500

Premium Processing Conversion (when case already filed by our office, and pending at USCIS): \$350

DS 160 for Consular Processing assistance and review: \$500.00

Filing Fees:

Form I-129 Petition for Non-Immigrant Worker: \$780.00

Anti-Fraud fee: \$500.00 (not applicable to amendments or extension of status with the same employer)

Renewal and Amendment No. 1 to Agreement for Specialized Attorney Services
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Premium Processing: \$2805.00 (if applicable)****

Request for Additional Evidence:

Legal Fee: \$350/hour

Consulting:

Legal Fee: \$350/hour

IMMIGRANT PETITIONS (GREEN CARDS THROUGH PERM PROCESS)

Initial Consultation:

Legal Fee: \$350/hour

PERM Labor Certification Including I-140 but not Including Adjustment of Status

Legal Fees:

Legal fees: \$5500.00

Total Estimated Fee – Initial Consultation plus Legal Fees: \$5850.00

A portion of the legal fees of \$5850.00 will become due following the completion of each phase.

Phase I Finalize PERM Job Description: \$2350.00

Includes initial consultation of \$350 plus review the job description, pick SOC-Codes, trouble-shoot issues, review beneficiary's education, and prior employment experience.

Phase II Finalize Employment Verification Letters: \$500.00

Draft a prior employment verification template for the beneficiary. Review the completed letter to make sure that it meets all the USCIS requirements.

Phase III Submit Prevailing Wage: \$500.00

Draft and submit prevailing wage request.

Phase IV Recruitment: \$1000.00

Draft, submit and monitor recruitment. Once recruitment is complete, review applicants, and determine if we can move forward with the PERM.

Phase V Draft and Submit PERM: \$1500.00

Draft PERM and get beneficiary and employer approval and submit

Additional legal fees that may apply:

Recruitment and Advertising fee: \$1000.00-\$2500.00

Educational evaluation issues: \$250.00-\$500.00

Additional prevailing wage determination requests: \$350.00

Education Evaluation: \$350.00 including evaluator fee

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I-140

Legal Fees: \$2000.00

USCIS Filing Fee: \$715.00

USCIS Premium Processing Fee: \$2805.00

Premium Processing Fee if Processing after I-140: \$250.00+\$2805.00

Additional Fees that might apply if Complex Ability to Pay Issues: \$750-\$1500.00.

Adjustment of Status

Legal Fees:

Adjustment of Status or Consular Processing (Principal Alien): \$2750.00

Adjustment of Status or Consular Processing (Spouse): \$2500.00

Adjustment of Status or Consular Processing (Children): \$2000.00

USCIS Filing Fees:

\$1440.00 over 14

\$950.00 under 14