

**AMENDMENT NO. 5 TO AGREEMENT
FOR CONSULTATION OR OTHER SERVICES**

This Amendment is entered into this ____ day of ____, 2007, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "City") and Harris and Associates, (hereafter referred to as "Consultant").

RECITALS

WHEREAS, the parties entered into an Agreement for professional services approved by the City Council on March 2, 2004, and

WHEREAS, the parties desire to further amend the Agreement to allow CONSULTANT to perform additional professional services,

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. The first sentence in Subsection 1.1, entitled "Term of Services" is amended to read:

The term of this agreement shall begin on the date first noted above and shall end on **December 31, 2008**.

2. The first sentence in Section 2, entitled "Compensation" is amended to read:

City hereby agrees to pay Consultant an amount not to exceed \$740,000 for all services to be performed and reimbursable costs incurred under this agreement.

3. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS:

CONSULTANT:
Harris and Associates

Greg Armendariz, City Engineer as to Content

Michael K. Cooper, Vice President

Steven T. Mattas, City Attorney as to Form

Thomas C. Williams, City Manager

ATTESTED BY:

Mary Lavelle, City Clerk

Budget # _____
 Refer # _____

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one:				
<input checked="" type="checkbox"/> Budget Appropriation	100-3611	\$62,420	100-4134237	\$100,000
<input type="checkbox"/> Budget Transfer	100-3612	\$27,580		
	100-3615	\$10,000		

Explain the reason for the budget change:

On March 2, 2004, the City Council approved an agreement with Harris & Associates to provide engineering plan check services to work at City Hall on some major development projects. It is anticipated that these engineering services will be required through the summer of 2008. In order to meet project schedules, staff is recommending that the agreement with Harris & Associates be amended for time extension and to increase the contract amount by \$100,000, bringing the total amount to \$740,000. Harris & Associates services are related to private development projects on as needed basis, which are fully reimbursed from developer funds.

Approve the budget appropriation of \$100,000 from private development projects funds to the Engineering Division's for engineering plan check services on some major development projects.

Check if City Council Approval required. Meeting Date: August 21, 2007

Itemization of funds, if needed:		Amount
Requested by:	Division Head:	Date:
	Department Head:	Date:
Reviewed by:	Finance Director: <i>W. C. Karl</i>	Date: <i>8/15/07</i>
Approved by:	City Manager:	Date:
Date approved by City Council, if required:		Confirmed by: