

THIS FOURTH AMENDMENT dated June 23, 2008, is between the City of Milpitas and Compass Group USA, Inc. by and through its Bateman Division (“Bateman”)

This fourth amendment to that certain agreement (“the Agreement”) between the City of Milpitas (CITY) and Compass Group USA, Inc. by and through its Bateman Division (CONTRACTOR)(collectively, “the Parties”) entered into on July 1, 2004, for the purpose of providing meals for the Santa Clara County Senior Nutrition Program offered at the Barbara Lee Senior Center, is entered into this 23rd day of June, 2008.

RECITALS

WHEREAS, the Parties wish to extend the Agreement for an additional year, so that the Agreement will run until June 30, 2009; and

WHEREAS, additional funding for the extension is available as a part of the Santa Clara County Senior Nutrition Budget, budgeted within the City’s Parks & Recreation Services Department Operating Budget; and

WHEREAS, the additional funding of \$63,985.60 will serve senior residents of the center 60 years of age and older an average of 88 meals a day, 250 days per year, totaling 15,760 meals for fiscal year 2008/2009.

NOW THEREFORE, by agreement of the Parties, the Agreement is hereby amended as follows:

Amendment

1. The term of the agreement as set forth in Section 6, First Paragraph is hereby extended for an additional twelve (12) month period commencing on July 1, 2008 and ending on June 30, 2009.
2. The meal rates as set forth in Section 1, Second paragraph of Exhibit A to the agreement is hereby modified to \$4.06 per meal, and total compensation will not exceed \$63,985.60.
3. This fourth amendment is effective July 1, 2008 and thereafter, unless amended thereafter. All other terms and conditions contained in the Agreement shall remain unchanged and in full force and effect. Exhibit A, Cost per Meal is revised to read: \$4.06

All other terms and conditions of the Agreement shall remain in full force and effect.

In the event of a conflict between the original contract and this amendment, this amendment shall control.

CITY OF MILPITAS

Dated: _____

BY: _____
CITY MANAGER

ATTEST

APPROVED AS TO FORM

BY: _____
CITY CLERK

BY: _____
CITY ATTORNEY

APPROVED AS TO CONTENT

BY: _____

CONTRACTOR

Date: _____

BY: _____

Date: _____

BY: _____