

Fourth Amendment to the Contract between the City of Milpitas and New Orient Restaurant

This fourth amendment to that certain agreement (“the Agreement”) between the City of Milpitas (CITY) and New Orient Restaurant (CONTRACTOR)(collectively, “the Parties”) entered into on July 1, 2004, for the purpose of providing Chinese food meals for the Santa Clara County Senior Nutrition Program offered at the Milpitas 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 City’s Parks & Recreation Services Department Operating Budget; and

WHEREAS, the additional funding of \$25,958.40, will serve senior residents of the center 60 years of age and older an average of 65 meals a day, 96 days per year, totaling 6,240 meals for fiscal year 2008/2009.

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

Amendment

1. Recital A, cost per meal is amended to read: CITY requires professional services for the preparation and delivery of meals at the cost of \$4.16 per meal for the City’s Senior Nutrition Program, located at the Milpitas Senior Center, 540 S. Abel St., Milpitas, CA 95035.
2. Item #2, Term, is revised to read: This Agreement shall be effective July 1, 2008 and shall terminate on June 30, 2009, unless otherwise terminated or extended pursuant to the Agreement.
3. Exhibit A, Cost per Meal is revised to read: \$4.16
4. Exhibit B, Item 2, is revised to read: Per meal cost will not exceed \$4.16 per meal and total compensation under the Agreement will not exceed \$25,958.40.

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: _____