

**Fourth Amendment to the Master Contract Between the County of Santa Clara
and the City of Milpitas**

This is the fourth Amendment to the Master Contract between the County of Santa Clara (COUNTY) and the City of Milpitas (CONTRACTOR) entered into on July 01, 2008 to provide Senior Nutrition Services.

Background

The purpose of this Amendment is to extend the contract term for one additional year to June 30, 2010 and augment funds from the County to the City in the amount of \$175,099 for FY 2009-2010. The additional funding will be included in the revised Maximum Financial Obligation section of the Contract. The attached Meals and Program Budget reflect the services and fiscal budget for the extended term.

This Contract is amended as follows

1. Section 1, on page 23, **TERM OF CONTRACT** is revised to read: This Contract commences on July 01, 2009 and expires on June 30, 2010, unless terminated earlier or otherwise amended.
2. Section 3, on page 23, **MAXIMUM FINANCIAL OBLIGATION** is revised to read: CONTRACTOR is entitled to reimbursement for actual allowable expenditures subject to the provisions of this Contract, not to exceed \$175,099 in FY 2009-2010.
3. The following attachment is incorporated by reference into the Master Contract: **BUDGET SUMMARY and PAYMENT PROVISIONS** for FY 2009-2010.

All other terms and conditions of the Master Contract remain in full force and effect.

In the event of a conflict between the original Master Contract and this Amendment, this Amendment controls.

IN WITNESS WHEREOF, COUNTY and CONTRACTOR hereby agree to the terms of this Contract.

COUNTY OF SANTA CLARA

CONTRACTOR

By: _____
Will Lightbourne Date
Director, Social Services Agency

By: _____
Thomas C. Williams Date
City Manager

APPROVED AS TO FORM
AND LEGALITY

APPROVED AS TO FORM
AND LEGALITY

Kristin Baker Date
Assistant County Counsel

Michael J. Ogaz Date
City Attorney

APPROVED BY:

ATTEST

Gary Graves Date
Deputy County Executive

Mary Lavelle Date
City Clerk

Attachments:
Social Service Agency Budget Summary Provisions FY2009-2010

Santa Clara County- Social Services Agency

Senior Nutrition Program

MILPITAS

Budget - FY 09/10

Asian 2 days	70	94	6,580
Bateman 5 days	97	155	15,035
Additional Bateman 3 days a week	27	94	2,538
	<u>97</u>	<u>249</u>	<u>24,153</u>
Service Days M-F	Daily	Total	Annual

1. PERSONNEL				\$ 56,685
a. <u>Site Manager</u>		\$ 28,155		
b. <u>Kitchen Aide</u>		\$ 14,624		
c. Janitor		\$ 5,563		
d. Van Driver		\$ 8,344		
2. OPERATION COSTS				\$ 8,077
Overhead	@\$.183 meal	\$ 4,420		
Site Transportation		\$ 3,657		
3. VARIANCE CATEGORIES				\$ 6,359
Insurance/Worker Comp.	n/a	\$ -		
Fiscal	n/a	\$ -		
Staff Mileage	@ \$0.55 mi.	\$ 102		
Equipment & Repair		\$ 50		
Non-Food Items	@ \$.257 meal	\$ 6,207		
4. FOOD COSTS				\$ 103,978
New Orient @ 4.33 & .25 milk	\$ 4.58 *	6,580	30,136	
Bateman	\$ 4.202 *	17,573	73,842	
	Food Cost	Annual Meals		
5. TOTAL BUDGET				\$ 175,099
6. CONTRACT AMOUNT				\$ 175,099

County's share at 50% of Total Expended Budget. Maximum not to exceed \$ 87,550

Fifty percent of participant contributions retained by Milpitas

Personnel Detail

	Hours	Days	Hourly Rate	Earnings	Fringe	Vacation	Sick Leave	Medical	Total Costs
Site Manager	6.00	260	13.49	21,044	2,283	809	971	3,047	28,155
Kitchen Aide	4.00	260	9.33	9,703	1,052	373	448	3,047	14,624
Janitor	2.00	249	9.33	4,646	506	187	224	-	5,563
Van Driver	3.00	249	9.33	6,970	759	280	336	-	8,344
Total Personnel Costs				42,363	4,599	1,649	1,979	6,094	56,685

Formula

Days	249 + 11 holidays	Vacation	Hours x 10 x Hourly Rate
Earnings	Hours x Days x Hourly Rate	Sick Leave	Hours x 12 x Hourly Rate
Fringe	10% of (Earnings+Vacation+Sick Leave)		

THIS FIFTH AMENDMENT dated June 17, 2009, is between the City of Milpitas and Compass Group USA, Inc. by and through its Bateman Division (“Bateman”)

This fifth 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 17th day of June 2009.

RECITALS

WHEREAS, the Parties wish to extend the Agreement for an additional year, so that the Agreement will terminate on June 30, 2010; 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 \$73,842 will serve senior residents of the center 60 years of age and older an average of 97 meals a day, 249 days per year, totaling 24,153 meals for fiscal year 2009/2010.

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, 2009 and ending on June 30, 2010.
2. The meal rates as set forth in Section 1, Second paragraph of Exhibit A to the agreement is hereby modified to \$4.20 per meal, and total compensation will not exceed \$73,842.00.
3. This fifth amendment is effective July 1, 2009 and thereafter, unless amended thereafter.
4. Exhibit A, Cost per Meal is revised to read: \$4.20.

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: _____

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

This fifth amendment to that certain agreement between the City of Milpitas (CITY) and New Orient Restaurant (CONTRACTOR)(collectively, "the Parties") entered into on July 1, 2004 ("the Agreement"), 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 17th day of June, 2009.

RECITALS

WHEREAS, the Parties wish to extend the Agreement for an additional year, so that the Agreement will terminate on June 30, 2010, unless terminated sooner; 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 \$28,491.40, will serve senior residents of the center 60 years of age and older an average of 70 meals a day, 94 days per year, totaling 6,580 meals for fiscal year 2009/2010.

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 \$4.33 per meal for the City's Senior Nutrition Program, located at the Barbara Lee Senior Center, 540 S. Abel St., Milpitas, CA 95035.
2. Item #2, Term, is revised to read: This Agreement shall be effective July 1, 2009 and shall terminate on June 30, 2010, unless otherwise terminated or extended pursuant to the Agreement.
3. Exhibit A, Cost per Meal is revised to read: \$4.33
4. Exhibit B, Item 2, is revised to read: Per meal cost will not exceed \$4.33 per meal and total compensation under the Agreement will not exceed \$28,491.40.

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: _____