



**AMENDMENT NO. 3 TO
THYSSENKRUPP ELEVATOR
PLATINUM MAINTENANCE AGREEMENT**

This Amendment is entered into this 1st day of July 2009, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and **THYSSENKRUPP ELEVATOR**, (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an annual automatically renewing agreement for elevator maintenance, on 7/01/05; and

WHEREAS, the parties desire to amend the quarterly service charges as per the "Annual Price Adjustment" section on page 6; and

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

- 1. Per the attached price quote from Account Manager, Tara Fitzsimmons, dated 5/8/09, the quarterly services charges shall be as follows:

City Hall	\$ 2,382.47/quarter
Police and Public Works	\$ 2,402.33/quarter

- 2. The contract shall be amended to include "incidental services and repairs" as may be necessary and are not otherwise covered as maintenance under the contract. Hourly rates for same are attached as "Attachment A," the amount for which shall not exceed \$13,000.00 annually.

- 2. 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

THYSSENKRUPP ELEVATOR

Thomas C. Williams, City Manager

Michael J. Ogaz, City Attorney as to Form

City Risk Manager

City Purchasing Agent as to Content