

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

***29**

This is the Sixth Amendment to the Master Contract between the County of Santa Clara (COUNTY) and the City of Milpitas (CONTRACTOR) entered into on July 01, 2006 to provide Senior Nutrition Services.

On May 25, 2010, the Board of Supervisors approved the Delegation of Authority to the Social Services Agency (SSA) Director, or designee, to negotiate, execute, amend, and terminate. The Delegation of Authority for this Contract will expire on June 30, 2011.

Background

The purpose of this Amendment is to extend the contract term for one additional year to June 30, 2011 and augment funds by \$171,277. The additional funding is included in the revised Maximum Financial Obligation. 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, 2006 and expires on June 30, 2011, 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 \$145,702 in FY 2006-2007, not to exceed \$154,460 in FY 2007-2008, not to exceed \$168,218 in FY 2008-2009, not to exceed \$175,099 in FY 2009-2010, and not to exceed \$171,277 in FY 2010-2011.
3. Add Attachment C-11, **BUDGET SUMMARY and PAYMENT PROVISIONS** for FY 2010-2011 attached and incorporated by this reference.

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

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In the event of a conflict between the original 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: _____
Name: _____ Date
Title: _____

APPROVED AS TO FORM
AND LEGALITY

APPROVED BY:

Kristin Baker Date
Deputy County Counsel

Luke Leung Date
Deputy County Executive

Attachments:
C-11 Budget Summary and Payment Provisions FY2010-2011

THIS SIXTH AMENDMENT dated June 15, 2010, is between the City of Milpitas and Compass Group USA, Inc. by and through its Bateman Division (“Bateman”)

This sixth 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 15th day of June, 2010.

RECITALS

WHEREAS, the Parties wish to extend the Agreement for an additional year, so that the Agreement will terminate on June 30, 2011; 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 \$71,775 will serve senior residents of the center 60 years of age and older an average of 66 meals a day, 249 days per year, totaling 16,603 meals for fiscal year 2010/2011.

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, 2010 and ending on June 30, 2011.
2. The meal rates as set forth in Section 1, Second paragraph of Exhibit A to the agreement is hereby modified to \$4.323 per meal, and total compensation shall not exceed \$171,775.00.
3. This sixth amendment is effective July 1, 2010 and thereafter, unless amended thereafter.
4. Exhibit A, Cost per Meal is revised to read: \$4.323.

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: _____

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

This Sixth 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 15th day of June, 2010.

RECITALS

WHEREAS, the Parties wish to extend the Agreement for an additional year, so that the Agreement will run until June 30, 2011; 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 \$29,318.00, will serve senior residents of the center 60 years of age and older an average of 65 meals a day, 97 days per year, totaling 6,305 meals for fiscal year 2010/2011.

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 in its entirety as follows: “CITY requires professional services for the preparation and delivery of meals at the cost of \$4.65 per meal for the City’s Senior Nutrition Program, located at the Barbara Lee Senior Center, 540 S. Abel St., Milpitas, CA 95035.”
2. Section 2, Term, is revised to read in its entirety as follows: “This Agreement shall be effective July 1, 2010 and shall terminate on June 30, 2011, unless otherwise terminated or extended pursuant to the Agreement.”
3. The ninth line of printed text in Exhibit A is revised to read in its entirety as follows: “Cost per Meal: \$4.65.”
4. Exhibit B, Item 2, is revised to read in its entirety as follows: “Per meal cost will not exceed \$4.65 per meal and total compensation under the Agreement will not exceed \$29,318.00.”

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: _____