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**AMENDMENT NO 2 TO AGREEMENT WITH
UNIVERSAL BUILDING SERVICES
FOR JANITORIAL SERVICES**

This Amendment is entered into this 22ND day of June 2011, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and **Universal Building Services** (hereafter referred to as "CONTRACTOR").

RECITALS

WHEREAS, the parties entered into an Agreement for janitorial service dated September 22, 2010, which was approved by City Council on September 21, 2010; and

WHEREAS, the parties desire to amend the Agreement to allow CONTRACTOR to perform incidental services for unscheduled events, to add additional work at the Great Mall Raceway Police Department Substation II, to amend the current contract to allow for labor and wage increases, to change the effective date of the contract, and to correct a typographical error.

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

1. In order to align this multi-year services contract with the City's operating budget cycle, the first contract year shall be effectively reduced to a nine month period, and is hereby amended to October 1, 2010 through June 30, 2011, and the contract amount for the first year shall be prorated accordingly. The second contract year shall begin on July 1, 2011 through June 30, 2012, and continue annually through the remainder of the contract time, inclusive of the option years, if exercised by the City.
2. To cover incidental services and unscheduled events, the value of the contract shall be increased by \$5,000 per year for each of the remaining four years. To cover the cost of additional cleaning services at the Great Mall Raceway Police Department Substation II five days per week, the contract shall be increased by \$5,532 for each of the remaining four years pursuant to the quote from Universal Building Services, dated 5/20/11, attached hereto as Exhibit A and incorporated herein. Therefore, the annual contract total shall be increased by \$10,532 from \$173,808 to \$184,340 for the next four years.
3. To cover the cost of increasing labor and wage rates, the contract shall be increased by \$6,960, from \$184,340 to \$191,300 for each of the remaining four years of the contract pursuant to the quote from Universal Building Services, dated 5/20/11, attached hereto as Exhibit A and incorporated herein. In addition, a discretionary cost of living increase provision shall be added to the contract. The following language shall be added to Page 20, TERM OF AGREEMENT:

"Beginning July 1, 2012, this Agreement shall be subject to adjustment annually. Any price increase shall be subject to past performance and the

changes for the past year for the Contractor's industry. Contractor shall provide proof of the prior four (4) quarters of industry price changes 30 days prior to the annual contract execution date for price negotiation, provided that no such annual adjustment may exceed the amount of six percent (6%)."

4. Correction of a typographical error. On page 18, LIQUIDATED DAMAGES item 1, line two, the words Two Hundred Dollars shall be changed to Five Hundred dollars to match the numeral (\$500).
5. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date first written on page 1.

APPROVED BY:

CITY OF MILPITAS

UNIVERSAL BUILDING SERVICES

Thomas C. Williams, City Manager

Approved As To Form:

Michael J. Ogaz, City Attorney



JANITORIAL DIVISION SUPPLY DIVISION POWER SWEEPING DIVISION

All correspondence to:

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 Richmond • CA, 94804
 (510) 527-1078
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May 20, 2011

EXHIBIT A

City of Milpitas
 455 E. Calaveras Boulevard
 Milpitas, CA 95035

Attention: Eddie Loredo

Re: Additional Contract Work & Labor/Wage Increase

- Provide service to the Great Mall Raceway Police Department substation II, five (5) days per week to perform various duties according to existing City of Milpitas specifications for the cost of \$461.00 per month.
-

Labor/Wage Increases

<i>Location</i>	<i>Current Cost</i>	<i>New Cost</i>
City Hall Complex - 455 E. Calaveras Boulevard	\$ 6,582.00	\$ 6,846.00
Sports/Teen Center- 1325 E. Calaveras Boulevard	\$ 5,898.00	\$ 6,134.00
Fire Administration -777 S. Main Street	\$ 476.00	\$ 495.00
Police Substation-1210 Great Mall Drive	\$ 446.00	\$ 463.00
Library Parking Garage- 120 N. Main Street	\$ 1,082.00	\$ 1,126.00

All other terms and conditions of the agreement remain unchanged.

If you have any questions, please do not hesitate to call Ron Martinucci or me at 408/995-5111.

Sincerely,

Universal Building Services

Dario DeVincenzi

Dario DeVincenzi
 Operations Manager

Upon acceptance, please return one executed copy of this agreement indicating the effective date, at which time service will begin.

Accepted by _____ Date _____

Effective Date _____ DD: kc