

**THIRD AMENDMENT TO THE AGREEMENT
FOR CONSULTATION AND OTHER SERVICES**

***8**

This Amendment is entered into on April 2, 2013, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and CalRecovery, Inc. (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into a Consulting Services Agreement on April 14, 2009 for general odor-related analysis work; and

WHEREAS, the parties amended the Agreement on May 18, 2010 and on June 19, 2012 to allow the CONSULTANT to perform additional professional services; and

WHEREAS, the parties desire to further amend the Agreement to provide for additional CONSULTANT services.

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

1. Section 1, entitled "Services" is amended to extend the contract term by exercising the second of two 1-year options for an expiration date of June 30, 2014.
2. Section 2, entitled "Compensation" is amended to add \$20,000. Section 2 is further amended by changing the following at the beginning of the section:

City agrees to pay Consultant a guaranteed maximum price not to exceed \$49,000 for all services to be performed and reimbursable costs incurred under this Agreement.

3. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

CITY OF MILPITAS

CONSULTANT

Thomas C. Williams, City Manager

George Savage, Executive Vice President

APPROVED AS TO CONTENT

Kathleen Phalen, Acting City Engineer/
Public Works Director

APPROVED AS TO FORM

Mike J. Ogaz, City Attorney