



**AMENDMENT NO 3 TO THE AGREEMENT**  
**WITH**  
**HMH ENGINEERS**  
**FOR**  
**CONSULTATION AND OTHER SERVICES**

This Amendment is entered into this 19<sup>th</sup> day of June, 2013, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and **HMH Engineers**, a California Corporation (hereafter referred to as "CONSULTANT").

**RECITALS**

WHEREAS, the CITY and CONSULTANT entered into a Consulting Services Agreement on April 7, 2009, which was approved by City Council on April 7, 2009; for professional engineering services for Capital Improvement Project ("CIP") No. 4047, Dixon Landing Road/I-880 Interchange Right of Way close out, and

WHEREAS, the parties entered into Amendment No.1 to the Agreement on December 27, 2010 to extend the contract until December 31, 2012; and

WHEREAS, the parties entered into Amendment No. 2 to the Agreement on December 27, 2012 to extended contract until June 30, 2013; and

WHEREAS, the parties now desire to extend the term of the agreement for an additional year to allow coordination with Caltrans to transfer land title to the State of California for CIP No. 4047, Dixon Landing Road/I-880 Interchange Right of Way close out.

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

1. Section 1.1 entitled "Term of Services" is amended to read: "The term of the Agreement shall begin on April 7, 2009 and shall end on June 30, 2014."
2. CONSULTANT agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement, between CONSULTANT and the CITY. CONSULTANT shall provide the CITY with renewal certificates of the current policies upon expiration of the current policy.
3. All other provisions of the Agreement not amended by this Amendment No. 3 shall remain in full force and effect.

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

APPROVED BY:

CITY OF MILPITAS

HMH ENGINEERS

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Thomas C. Williams, City Manager

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William J. Wagner, PE, Vice President

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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Michael J. Ogaz, City Attorney

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Steve Chan, City Project Manager