

**AMENDMENT NO. 5 TO THE AGREEMENT FOR
CONSULTATION AND OTHER SERVICES**

BETWEEN CITY OF MILPITAS

AND

SCHAAF AND WHEELER

This Amendment is entered into this 21st day of October, 2014, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and Schaaf and Wheeler, a California Corporation ("CONSULTANT").

RECITALS

WHEREAS, the parties entered into an agreement entitled "Consulting Services Agreement" for professional engineering services for BART Extension on January 26, 2012 in the amount of Eighteen Thousand Dollars (\$18,000.00) ("Agreement"); and

WHEREAS, on February 7, 2012, the parties entered into Amendment No. 1 to the Agreement to increase the scope of work, extend the term of the Agreement with an expiration date of June 30, 2012, and increase the compensation to an amount not to exceed Fifty Thousand Dollars (\$50,000.00); and

WHEREAS, on May 11, 2012, the parties entered into Amendment No. 2 to the Agreement to extend the term of the Agreement with an expiration date of December 31, 2012 with no changes to compensation; and

WHEREAS, on August 7, 2012, the parties entered into Amendment No. 3 to the Agreement to increase the scope of work, extend the term of the Agreement with an expiration date of October 31, 2013, and increase the compensation to an amount not to exceed Seventy Thousand Dollars (\$70,000.00); and

WHEREAS, on October 15, 2013, the parties entered into Amendment No. 4 to the Agreement to increase the scope of work, extend the term of the Agreement with an expiration date of October 31, 2014, and increase the compensation to an amount not to exceed Ninety Thousand Dollars (\$90,000.00); and

WHEREAS, the parties desire to increase the scope of work and extend the term of the Agreement, and increase the compensation to an amount not to exceed One Hundred Thousand Dollars (\$100,000) for additional services.

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

1. The first sentence in Subsection 1.1, entitled "Term of Services" of the Agreement is amended to read:

"The term of this Agreement shall begin on the date first noted above and shall end on October 31, 2015."

2. Section 2, entitled "Compensation" of the Agreement is amended to read as follows:

“City hereby agrees to pay Consultant a guaranteed maximum price not to exceed One Hundred Thousand Dollars (\$100,000) for all services to be performed and reimbursable costs incurred under this Agreement.”

3. The CONSULTANT agrees to continue to maintain and pay for all insurance policies as stated in Section 4, entitled “Insurance Requirements” of the Agreement dated January 26, 2012, between CONSULTANT and CITY. The CONSULTANT shall provide CITY with renewal certificates of the current policies upon the expiration of the current policy.
4. All other provisions of the amended Agreement not changed by this Amendment No. 5 shall remain in full force and effect.

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

CITY OF MILPITAS

CONSULTANT

Thomas C. Williams, City Manager

Charles D. Anderson, President

APPROVED AS TO CONTENT

Jeff Moneda, Public Works Director/City Engineer

APPROVED AS TO FORM

Michael J. Ogaz, City Attorney