

**AMENDMENT No. 1 TO AGREEMENT WITH  
CALRECOVERY INC. FOR CONSULTATION AND OTHER SERVICES**

This Amendment is entered into this 20th day of January, 2015, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and CalRecovery, Inc., a California Corporation (hereafter referred to as "CONSULTANT").

**RECITALS**

WHEREAS, the parties entered into an Agreement for professional consulting services, on October 16, 2014 in the amount of Fifteen Thousand dollars (\$15,000.00) for on-call solid waste support services; and

WHEREAS, the parties desire to amend the Agreement to allow CONSULTANT to provide additional professional consulting services.

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

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

"City hereby agrees to pay Consultant a guaranteed maximum price not to exceed Fifty Thousand Dollars (\$50,000.00) for all services to be performed and reimbursable costs incurred under this Agreement. City shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from City to Consultant for services rendered pursuant to this Agreement. Consultant shall submit all invoices to City in the manner specified herein. Except as specifically authorized by City, Consultant shall not bill City for duplicate services performed by more than one person.

Consultant and City acknowledge and agree that compensation paid by City to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Hourly rates for personnel performing services shall be as shown in Exhibit B. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement."

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

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

APPROVED BY:

CITY OF MILPITAS

CONSULTANT

\_\_\_\_\_  
Thomas C. Williams, City Manager

\_\_\_\_\_  
George Savage  
Executive Vice President

\_\_\_\_\_  
Steven Machida, Acting City Engineer

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

City of Milpitas, California

**BUDGET CHANGE FORM**

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one: <input checked="" type="checkbox"/> Budget Appropriation <input type="checkbox"/> Budget Transfer	280-2909	\$ 35,000	280-416-4237	\$ 35,000

**Explain the reason for the budget change:**

**Background:** The Milpitas community continues to experience frequent and severe odor events from Newby Island Landfill and Recyclery. The owner of the landfill is moving through a multi-step permitting process which will ultimately result in extending the Newby Island Landfill life until approximately 2041. Milpitas staff are reviewing technical documents and challenging each process. Due to the heavy workload of utility engineering and the specialized nature of this review, the City entered into an agreement with CalRecovery, an engineering consulting firm specializing in solid waste management on October 16, 2014 in the amount of \$15,000 for a two year term. CalRecovery has expertise in the field of solid waste processes, State permitting requirements, and odor mitigation practices, is familiar with the processes at Newby Island, and has assisted the City in the past. It is now necessary to amend the Agreement to continue the technical review of the permit documentation.

**Fiscal Impact:** A budget appropriation of \$35,000 is needed from the Solid Waste Fund to the Utility Engineering Operating Budget.

**Recommendation:**

1. Approve Amendment No. 1 to the Consultant Agreement with CalRecovery for On-Call Services in the Amount of \$35,000.
2. Approve a Budget Appropriation from the Solid Waste Fund in the amount of \$35,000.

Check if City Council Approval required.

Meeting Date: January 20, 2015

Requested by:	Marilyn Nickel, Associate Civil Engineer	Date: January 2, 2015
Reviewed by:	Finance Director: <i>M.C. Kee</i>	Date: <i>1/5/15</i>
Approved by:	City Manager:	Date:
Date approved by City Council, if required:		Confirmed by: