



City of Milpitas
CONTRACT

Project: **Utility Bill Printing & Mailing Services**

Bid No: **RFP #2135**

Amount of Contract: Four Month Phase-In Period not-to-exceed:	\$0
Initial One Year Term not-to-exceed:	\$64,000
Total of all Options not-to-exceed:	\$283,325
Total Five Year Contract not-to-exceed:	\$347,325

THIS CONTRACT, made this 3rd day of March, 2016, by and between the City of Milpitas, hereinafter referred to as the "City of Milpitas", a municipal corporation and DataProse, Inc., a California corporation, hereinafter referred to as "Contractor",

WITNESSETH:

- A. WHEREAS, the City of Milpitas has caused specifications, drawings and other contract documents, hereinafter referred to as "Specifications", to be prepared for certain work on the referenced project; and
- B. WHEREAS, The term of the contract shall include a four (4) month implementation period March 3, 2016 through June 30, 2016 followed by a one (1) year performance period from July 1, 2016 to June 30, 2017 (the "Anniversary Date"). The City reserves the right to review the Contractor's performance at the end of each year and cancel all or part of the contract. The City of Milpitas reserves the right to extend this contact for four (4) one (1) year options exercisable at the City's sole discretion, not to exceed five (5) years and four (4) months in total. The City may exercise the renewal option years by written notice to the Contractor by mail, fax or email, including a Purchase Order, sent no later than the last day of the current term. The price quoted for the service shall not change during the initial contract term. However the contractor may request and the City may allow, subject to budgeted appropriations, a price increase effective on the anniversary of each renewal. The contractor must submit to the City, sixty (60) days prior to renewal, evidence to justify requests for a price increase. No increase may exceed 5%. If a renewal option is exercised and/or a price increase is granted it will be transmitted to the Contractor using "**Exhibit A (of the Contract) – Notice of Exercise of Option to Extend Agreement**", and
- C. WHEREAS, said Specifications include: Proposal No. **2135** for **Utility Bill Printing & Mailing Services**, in its entirety, all Addenda, and the following documents by this reference are hereby offered as a part of the contract to be awarded:
 - a. List of Documents to be Returned with Proposal
 - b. Narrative Proposal (including Company Profile and Execution Plan)

- c. Proposal Offer Form
- d. Non-Collusion Affidavit
- e. Proposer's Statement Regarding Insurance Coverage
- f. Worker's Compensation Insurance Certificate
- g. References
- h. Nondiscrimination Employment Certificate
- i. Insurance Requirements

D. WHEREAS, Contractor has offered to perform the proposed work in accordance with the terms of said Specifications as set forth by submission of the Contractor's Proposal;

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained in said Specifications and Contractor's Proposal, which are made a part hereof as though fully set forth, Contractor hereby agrees to complete the work at the prices and on the terms and conditions therein contained, and the City of Milpitas hereby employs the Contractor and agrees to pay the Contractor the contract prices therein provided for the fulfillment of the work and the performance of the covenants therein set forth.

IN WITNESS WHEREOF, this contract has been executed on the day and year first above written.

City of Milpitas,
A Municipal Corporation

DATAPROSE, INC.

Thomas C. Williams, City Manager

Contractor's Authorized Signature

Name of Authorized Representative

Title of Authorized Representative

City of Milpitas
Business Tax Compliance: Certificate No. _____

Approved As
To Form: _____
Christopher J. Diaz, City Attorney

Approved As
To content: _____
Dante Ong, Project Manager

Contract Exhibit A

NOTICE OF EXERCISE OF OPTION TO EXTEND AGREEMENT

AGREEMENT TITLE and DATE:	RFP 2135: Utility Bill Printing & Mailing Services March 3, 2016
CONTRACTOR Name and Address:	DataProse, Inc. 1122 W. Bethel Road, Suite 100 Coppell, TX 75019
DATE OF OPTION:	

(date the notice is sent must be consistent with the time for exercise set forth in Agreement)

Pursuant to Section ____ of the Agreement referenced above, the City of Milpitas hereby exercises its option to extend the term under the following provisions:

OPTION NO.	
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NEW OPTION TERM

Begin date:	
End date:	

CHANGES IN RATE OF COMPENSATION

Percentage change in ____ Index upon which adjustment is based:	
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Pursuant to Section ____ of the Agreement the Rates of Compensation are hereby adjusted as follows:
(use attachment if necessary)

MAXIMUM COMPENSATION for New Option Term:	
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For the option term exercised by this Notice, City shall pay Contractor an amount not to exceed the amount set forth above for Contractor's services and reimbursable expenses, if any. The undersigned signing on behalf of the City of Milpitas hereby certifies that an unexpended appropriation is available for the term exercised by this Notice, and that funds are available as of the date of this signature.

CITY OF MILPITAS
a municipal corporation

CONTRACTOR
(Insert Name)

By _____

By _____

Name of Authorized Representative

Name of Authorized Representative

Title of Authorized Representative

Title of Authorized Representative