

Project Name: RECYCLED WATER PIPELINE EXTENSION FUNDING
CIP 7118

**AMENDMENT No. 2 TO CONSULTING SERVICES AGREEMENT BETWEEN
THE CITY OF MILPITAS AND RMC WATER & ENVIRONMENT, INC**

This Amendment is entered into this 15th day of November, 2016, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and RMC Water & Environment, Inc., a California corporation (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an agreement on June 16, 2015 entitled "Consulting Services Agreement between the City of Milpitas and RMC Water & Environment, Inc." ("Agreement") in the amount of Four Hundred Eighty Two Thousand Seven Hundred Ninety Two Dollars (\$482,792.00) for professional services related to conceptual design, environmental compliance documentation and funding application for recycled water system extension with an expiration of June 30, 2016; and

WHEREAS, the parties entered into Amendment No. 1 dated May 5, 2016 to extend the term of the Agreement through December 31, 2016; and

WHEREAS, the parties now desire to further amend the Agreement to extend the term of the Agreement through December 31, 2017 for additional consultation 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" is amended to read:

Term of Services. The term of this Agreement shall begin on the date first noted above and shall end on December 31, 2017, and Consultant shall complete all the work described in Exhibit A prior to that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8." The time provided to Consultant to complete the services required by this Agreement shall not affect the City's right to terminate the Agreement, as provided in Section 8.

2. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement dated June 16, 2015 between RMC Water & Environment, Inc. and the City of Milpitas. The Consultant shall provide the City with renewal certificates of the current policies upon the expiration of the current policy.
3. 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

RMC WATER & ENVIRONMENT, INC.
CONSULTANT

Thomas C. Williams, City Manager

Consultant Name and Title

CORPORATE ENTITY NUMBER

APPROVED AS TO CONTENT:

Greg Chung, Interim Director of Engineering/
City Engineer

APPROVED AS TO FORM:

Christopher Diaz, City Attorney