

**SIXTH AMENDMENT TO THE AGREEMENT FOR
DOCUMENT PRINTING, MAILING, E-PRESENTMENT, E-PAYMENT,
& REMITTANCE SERVICES BETWEEN THE CITY OF SAN JOSE
AND KUBRA AMERICA WEST, INC., A WHOLLY OWNED
SUBSIDIARY OF KUBRA DATA TRANSFER LTD. INCORPORATED
IN THE STATE OF NEW YORK**

This Sixth Amendment to the Agreement for Document Printing, Mailing, E-Presentation, E-Payment and Remittance Services by and between the City of San José, a municipal corporation (hereinafter “City”), and KUBRA America West, Inc., a wholly owned subsidiary of KUBRA Data Transfer Ltd. incorporated in the State of New York and authorized to do business in the State of California (hereinafter “Contractor” or “Kubra”), is entered into on the date of execution by City (“Effective Date”).

RECITALS

WHEREAS, on June 27, 2006, City and Contractor entered into an agreement entitled Agreement for Document Printing, Mailing, E-Presentation, E-Payment, and Remittance Services (“Agreement”); and

WHEREAS, on July 11, 2007, City and Contractor entered into the First Amendment to make a minor clerical correction to Section 5.4 entitled Change Orders and Exhibit C Pricing Schedule; and

WHEREAS, on May 12, 2008, City and Contractor entered into the Second Amendment to make minor changes to scope of services regarding redundant system configuration and increased storage intervals from 24 to 36 months and Exhibit C Pricing Schedule; and

WHEREAS, on February 17, 2012, City and Contractor entered into the Third Amendment to make minor changes to the scope of services Section 22.1 entitled Authorized Subcontractors regarding request to change subcontractor for the remittance portion of the Agreement from “San Jose Water” to “CDS Global”; and

WHEREAS, on February 25, 2015, City and Contractor entered into the Fourth Amendment to add two additional one-year options to extend the term of the Agreement for a total of six one-year option terms through June 30, 2017; and

WHEREAS, on May 8, 2017, City and Contractor entered into the Fifth Amendment to add two additional one-year options to extend the term of the Agreement for a total of eight one-year option terms through June 30, 2019; and

WHEREAS, City and Contractor now wish to further modify the Agreement to extend the term by up to two additional options to extend the Agreement (from eight to ten options) for ongoing document printing, mailing, e-presentation, e-payment, and remittance services;

NOW THEREFORE, the parties agree to amend the Agreement as follows:

1. Section 3.2, entitled "Option to Extend," is hereby amended to read as set forth below:

3.2 Option to Extend

The City reserves the right to extend the term of this Agreement for ten (10) additional one-year terms ("Option Periods"). City shall provide Contractor with no less than sixty (60) days prior to the end of the then current Term a written notice of its intention to exercise its option to extend the term of this Agreement. See Exhibit F for Notice of Exercise of Option to Extend Agreement Form.

All of the terms and conditions of the original Agreement, the First, Second, Third, Fourth, and Fifth Amendments, and Change Orders #1 through #4 not expressly modified by this Sixth Amendment shall remain unchanged and in full force and effect.

WITNESS THE EXECUTION HEREOF on the day and year set forth beneath the respective names below.

City of San José
a municipal corporation

KUBRA America West, Inc.,
a California corporation

By _____
Jennifer Cheng
Deputy Director, Finance
Date: _____

By _____
Rick Watkin
President and CEO
Date: _____

APPROVED AS TO FORM:

Senior Deputy City Attorney

By _____
Lida Sadrazodi
CFO
Date: _____

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.