☒ **First**

☐ **Second**

☐ **Third**

Amendment to Master City of San José Consultant Agreement

(Non-Capital Projects)

Consultants Name: David J. Powers & Associates, Inc.

(Master Agreement AC No. AC No. 662471)

This Amendment to the Master Agreement is made and entered into this ___day of _____, 2018. The City and the Consultant amend the above-referenced agreement as set forth herein.

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1. Capitalized words in this Amendment have the same meaning as in the Master Agreement.

2. The provisions of this Master Agreement (including any previous amendments) not modified by this Amendment remain in full force and effect.

3. The provisions of this Amendment are effective upon execution of the Amendment by both parties.

4. ☐ **Agreement Term:** Section 2 is amended to extend the expiration date from _____ to _____.

5. ☒ **Maximum Total Compensation:** Subsection 10.1 is amended to ☒ Increase ☐ Decrease the Maximum Total Compensation from $250,000 to $1,250,000.

6. ☐ **Agreement Section(s):** Section(s) _____ is/are amended to read as set forth in Attachment A of the Amendment.

7. ☐ **Schedule of Rates and Charges – Exhibit B:** The ☐ original ☐ First Revised ☐ Second Revised Exhibit B is amended to read as set forth in the attached ☐ First ☐ Second ☐ Third Revised Exhibit B, which is incorporated by reference into this Amendment.

8. ☐ **Schedule of Specific Services – Exhibit D:** The ☐ original ☐ First Revised ☐ Second Revised Exhibit D is amended to read as set forth in the attached ☐ First ☐ Second ☐ Third Revised Exhibit D, which is incorporated by reference into this Amendment.

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

This Amendment is executed by the authorized representatives of the City and Consultant as follows:

City of San José

By _____

Name: Toni J. Taber, CMC **Date**
Title: City Clerk

Approval as to Form (City Attorney):

☐ **Form Approved by the Office of the City Attorney.**

(The Maximum Total Compensation, as amended, is $100,000 or less, and the provisions of the form are not altered.)

☒ **Approved as to Form:**

_____
Kevin Fisher
Chief Deputy City Attorney Date

Consultant

By _____

Name: Judy W. Shanley **Date**
Title: President

By _____

Name: John M. Hessler Date
Title: Secretary

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