

**THIRD AMENDMENT TO AGREEMENT  
FOR CONSULTANT SERVICES  
BETWEEN  
THE CITY OF SAN JOSE  
AND  
KIMLEY-HORN AND ASSOCIATES, INC.**

This THIRD AMENDMENT TO CONSULTANT SERVICES is entered into this \_\_\_\_ day of \_\_\_\_\_, 2020, by the CITY OF SAN JOSE, a municipal corporation of the State of California (hereinafter "CITY") and KIMLEY-HORN AND ASSOCIATES, INC., a North Carolina corporation, authorized to do business in the State of California (hereinafter "CONSULTANT").

**RECITALS**

**WHEREAS**, on April 6, 2016, CITY and CONSULTANT entered into an agreement entitled "AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE CITY OF SAN JOSE AND KIMLEY-HORN AND ASSOCIATES, INC." ("AGREEMENT"); and

**WHEREAS**, on August 28, 2018, CITY exercised its option to extend the Agreement for a one year period ending on September 30, 2019; and

**WHEREAS**, on August 14, 2019, CITY and CONSULTANT entered into an ADDENDUM OF MINOR CONTRACT AMENDMENT" that amended the AGREEMENT to extend the term six more months, ending on March 31, 2020; and

**WHEREAS**, on April 24, 2020, CITY and CONSULTANT entered into a SECOND AMENDMENT to the AGREEMENT to extend the term six more months, ending on September 30, 2020; and

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**WHEREAS**, CITY and CONSULTANT desire to further amend the amended AGREEMENT to extend the term to September 30, 2021;

**NOW, THEREFORE**, the parties agree to further amend the amended AGREEMENT as follows:

**SECTION 1.** SECTION 2, "TERM OF AGREEMENT" is amended to read as follows:

- "A. The term of this AGREEMENT shall be from the date of full execution to September 30, 2021, inclusive, subject to the provisions of Subsection 2.B and SECTION 11 of this AGREEMENT.
  
- B. CITY's funding of this AGREEMENT shall be on a fiscal year basis (July 1 to June 30) and is subject to annual appropriations."

**SECTION 2.** All of the terms and conditions of the amended AGREEMENT not modified by this Third Amendment shall remain in full force and effect.

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WITNESS THE EXECUTION HEREOF on the day and year first written above.

“CITY”

APPROVED AS TO FORM:

CITY OF SAN JOSE, a municipal  
corporation of the State of California

\_\_\_\_\_  
KEVIN FISHER  
Chief Deputy City Attorney

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk

Date: \_\_\_\_\_

“CONSULTANT”

KIMLEY-HORN AND ASSOCIATES, INC.,  
a North Carolina corporation authorized to  
do business in the State of California

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

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## CORPORATE SECRETARY CERTIFICATE

This certificate shall be executed by the secretary or assistant secretary of the corporation.

I, \_\_\_\_\_ certify that I  
Name of Secretary or Assistant Secretary

am the  Secretary or  Assistant Secretary of the corporation named in the

attached agreement; that \_\_\_\_\_  
Name of Person that Signed Agreement

signed the agreement on behalf of the corporation as the \_\_\_\_\_  
Title of Person that Signed the Agreement

of the corporation; and that the agreement was duly signed for and on behalf of

the corporation by authority of its Board of Directors, and is within the scope of its

corporate powers.

\_\_\_\_\_  
Signature of Secretary or Assistant Secretary

\_\_\_\_\_  
Corporate Seal

\_\_\_\_\_  
Date