

**THIRD AMENDMENT TO AGREEMENT
FOR CONSULTANT SERVICES
BETWEEN
THE CITY OF SAN JOSE,
AND
SHERWOOD DESIGN ENGINEERS, LTD.**

This THIRD AMENDMENT TO CONSULTANT SERVICES is entered into on _____, 2021, by the CITY OF SAN JOSE, a California municipal corporation (hereinafter “City”), and SHERWOOD DESIGN ENGINEERS, LTD., a California corporation (“Sherwood Design Engineers”).

RECITALS

WHEREAS, on August 14, 2018, the City and Fall Creek Engineering entered into Standard Consultant Agreement for environmental engineering services for the FEMA – Alum Rock Park Visitor Center and Service Road – SCSJC93-8728 & SCSJE87 – 8768 (CPMS No. 8728/8769/8768) (“Agreement”); and

WHEREAS, on April 1, 2019, Sherwood Design Engineers acquired the assets of Fall Creek Engineering pursuant to an Asset Purchase Agreement (“APA”); and

WHEREAS, Fall Creek Engineering was dissolved on April 1, 2019; and

WHEREAS, on July 12, 2019, the City consented to the assignment of the Agreement to Sherwood Design Engineers; and

WHEREAS, on July 24, 2020, the City and Sherwood Design Engineers entered into an Amendment to the Agreement that amended the Agreement to extend the term six more months, ending on January 31, 2021; and

WHEREAS, the City and Sherwood Design Engineers desires to further amend the amended Agreement to extend the term to January 31, 2022;

NOW, THEREFORE, the parties agree as follows:

SECTION 1. SECTION 2 of the Agreement, entitled "AGREEMENT TERM", is amended to read as follows:

"The Agreement term is from the Contract Date to January 31, 2022, unless terminated earlier pursuant to Section 19 below."

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.

SECTION 3: Use of Electronic Signatures: Unless otherwise prohibited by law or City policy, the parties agree that an electronic copy of a signed contract, or an electronically signed contract, has the same force and legal effect as a contract executed with an original ink signature. The term "electronic copy of a signed contract" refers to a writing as set forth in Evidence Code Section 1550. The term "electronically signed contract" means a contract that is executed by applying an electronic signature using technology approved by the City. WITNESS THE EXECUTION HEREOF on the day and year first written above.

“City”

APPROVED AS TO FORM:

CITY OF SAN JOSE, a municipal
corporation

GLENN SCHWARZBACH
Senior Deputy City Attorney

By _____
TONI TABER,CMC
City Clerk
Date _____

“Sherwood Design Engineers”

SHERWOOD DESIGN ENGINEERS,
LTD., a California orporation

By _____
Peter Haase
Principal Engineer
Date _____ 02/18/21