

☒ First

Amendment to Master City of San José Consultant Agreement

(Capital Projects)

☐ Second

☐ Third

Consultants Name: Smartwave Technologies LLC

(CPMS Contract No. 9648-A)
(Master Agreement AC No. 31591)

This Amendment to the Master Agreement is made and entered into this _____ day of _____, 2021. The City and the Consultant amend the above-referenced agreement as set forth herein.

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 \$1,000,000 to \$1,400,000.
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 ☐ Third 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.

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

City of San José

By _____

Name: Sarah Zarate
Title: Director of Office of Administration, Policy, and Intergovernmental Relations, City Manager's Office

Date

Consultant

By _____

Name: Al Brown
Title: President/Chief Executive Officer

Date

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:

[Sr.] Deputy City Attorney

Date

By _____

Name: Kevin Brangers
Title: Chief Financial Officer/
Chief Operating Officer

Date

Form Name: Amendment to Master Consultant Agreement (Capital Projects)

Revised Exhibit B: Schedule of Rates and Charges

Form/File No.: 1349561/T-32026

City Attorney Approval Date: September 2016

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