

First

Amendment to Master Consultant Agreement – RWF Capital Projects

Second

Third

Consultants Name: Stantec Consulting Services Inc.

(CPMS Contract No. 7353)
(Master Agreement AC No. 25704)

This Amendment to the Master Agreement is made and entered into this 13th day of December, 2022. 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.

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4. **Agreement Term:** Section 2 is amended to extend the expiration date from June 30, 2023 to June 30, 2026.
 5. **Maximum Total Compensation:** Subsection 10.1 is amended to Increase Decrease the Maximum Total Compensation from \$78,000,000 to \$92,000,000.
 6. **Agreement Section(s):** Section(s) 1.2 and 2.0 is/are amended to read as set forth in Attachment A of the Amendment.
 7. **Basis of Compensation – 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.
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This Amendment is executed by the authorized representatives of the City and Consultant as follows:

City of San José

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Toni Taber

Email: toni.taber@sanjoseca.gov

Date: 12/19/2022 GMT
Name: Toni Taber

Date

Title: City Clerk

Con

David M. Haywood

By

Email: david.haywood@stantec.com

Date: 12/16/2022 GMT
Name: David Haywood

Date

Title: Senior Vice President

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:

Attorney

Kevin Fisher

Assist City Attorney U

kevin.fisher@sanjoseca.gov

Kevin Fisher

Email: kevin.fisher@sanjoseca.gov

Date: 12/19/2022 GMT

Name: Kevin Fisher

Date

By _____

Name: _____ Date _____

Title: _____

Attachment A

1.2 **Exhibits:** This Master Agreement consists of this agreement form, all Approved Service Orders (defined in Subsection 3.2 below), and the following exhibits, which are incorporated herein by reference:

- Exhibit A:** Service Order Form
- Exhibit B:** Basis of Compensation
- Exhibit C:** Insurance Requirements
- Exhibit D:** Staffing Change Approval Form
- Exhibit E:** Notice of Exercise of Option to Extend Agreement

2. AGREEMENT TERM

The term of this Master Agreement is from September 24, 2013 to June 30, 2026, inclusive, unless terminated earlier pursuant to Section 19 below. Up to two (2) additional one (1) year terms may be authorized by the City, at the City's sole discretion, upon thirty (30) days written notice in accordance with Exhibit E.

EXHIBIT E: NOTICE OF EXERCISE OF OPTION TO EXTEND AGREEMENT

AGREEMENT TITLE and DATE:	
CONSULTANT: Name and Address:	
DATE:	

(date the notice is sent must be consistent with the time for exercise set forth in Agreement)

Pursuant to Section 2 of the Agreement referenced above, the City of San José hereby exercises its option to extend the term under the following provisions:

OPTION NO.	
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NEW OPTION TERM

Begin date:	
End date:	

MAXIMUM COMPENSATION for New Option Term:	
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For the option term exercised by this Notice, CITY shall pay CONSULTANT an amount not to exceed the amount set forth above for CONSULTANT's services and reimbursable expenses, if any. The undersigned signing on behalf of the City of San Jose hereby certifies that an unexpended appropriation is available for the term exercised by this Notice, and that funds are available as of the date of this signature.

<p>City of San José, a municipal corporation</p> <p>By _____</p> <p>Name: Title: City Manager Date:</p>
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