

- First
- Second
- Third

Amendment to Standard City of San José Consultant Agreement (Non-Capital Projects)

Consultant's Name: Curt Fukuda

(Standard Agreement AC No. 29860)

This Amendment is made and entered into this 7th day of September, 2021. The City and Consultant amend the above-reference agreement as set forth herein.

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1. Capitalized words in this Amendment have the same meaning as in the Agreement.
 2. The provisions of this 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 June 30, 2021 to June 30, 2022.
 5. **Maximum Total Compensation:** Subsection 10.1 is amended to Increase Decrease the Maximum Total Compensation from \$_____ to \$_____.
 6. **Agreement Section(s):** Section(s) _____ is/are amended to read as set forth in Attachment A of the Amendment.
 7. **Scope of Basic Services – Exhibit A:** The original First Revised Second Revised Exhibit A is amended to read as set forth in the attached First Second Third Revised Exhibit A, which is incorporated by reference into this Amendment.
 8. **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.
 9. **Additional Services:** The Consultant is authorized to perform the Additional Services set forth in the attached Additional Services Exhibit, 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

Consultant

By *Sarah Zarate* 9/7/21
Name: Sarah Zarate **Date**
Title: Director

By _____
Name: Curt Fukuda **Date**
Title: Contract Writer/Photographer

Approval as to Form (City Attorney):

Form Approved by the Office of the City Attorney.

(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**

Standard Agreement AC No. 29860
Consultant Name: Curt Fukuda.

This Amendment is executed by the authorized representative

City of San José

By _____

Name: Sarah Zarate
Title: Director

Date

Approval as to Form (City Attorney):

Form Approved by the Office of the City Attorney.

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

Approved as to Form:

Memorandum

TO: Sarah Zarate
Director
Office of the City Manager

FROM: Edward Schroder
Deputy Chief of Police

SUBJECT: Approval of Retroactivity

DATE: August 11, 2021

Approved 
Sarah Zarate (8/24/2021)
Email: sarah.zarate@sanjoseca.gov

Date

SUBJECT: APPROVAL OF RETROACTIVITY IN THE CONSULTANT AGREEMENT AMENDMENT WITH CURT FUKUDA AGREEMENT

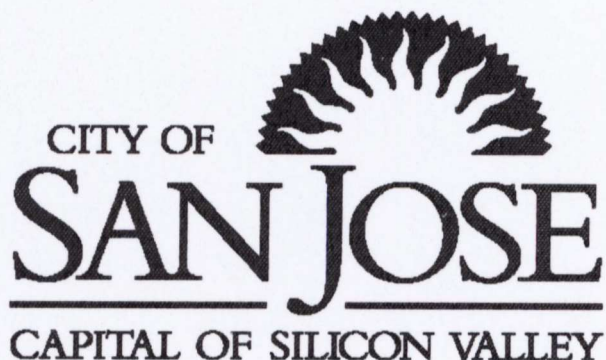
In June 2013, the City Auditor released an audit report entitled "Consulting Agreements: Better Enforcement of Procurement Rules, Monitoring, and Transparency is Needed." (City Audit Report No. 13-06.) Recommendation No. 4 (Audit Report pages 16-17) involves limiting retroactive agreements to situations where contract execution is in process. The audit report states that when a City employee informally authorizes work before execution of the agreement, the employee commits City funds not within his/her authority to commit.

The Police Department is seeking authorization for the retroactive provision in the consulting agreement between City of San Jose and Curt Fukuda. The agreement allows the Consultant to create materials to support the recruiting efforts of the San Jose Police Department. The Police Department understands that retroactive agreements are to be avoided. However, due to new insurance requirements set by Risk Management, it was not possible to execute this document prior to the termination date. The Police Department requests an exception be made and the agreement detailed in this memorandum be allowed to proceed with retroactive clauses.



Edward Schroder
Chief Executive Officer
San Jose Police Department

For questions, please contact Heidi York, Administrative Officer, at (408) 537-1625 or heid i.york@sanjoseca.gov.



- FOR YOUR ELECTRONIC SIGNATURE
 FULLY EXECUTED COPY TO FOLLOW

SCANNED SIGNATURE

DATE: _____

CONSULTANT NAME: Curt Fukuda

EMAIL: cfukudac@gmail.com

PHONE: _____

I agree to use electronic signatures

SIGNATURE OF CONSULTANT: 

City of San José Contract/Agreement Transmittal Form

Route Order

Attached / Completed

Electronically Signed

TO: City Attorney
 City Manager
 City Clerk **OR** Return to
Dept. (circle one)

Insurance Certificates / Waivers Electronically Signed: Yes
 Business Tax Certificate Audit Trail Attached (if applicable)
 Contacted Clerk re: Form 700
 Supplemental Memorandums (if applicable): Select One

Type of Document: Amendment

Type of Contract: Professional Services

REQUIRED INFORMATION FOR ALL CONTRACTS:

Existing GILES # 664121-003

Contractor: Curt Fukuda

Address: 457 Church Street, Mountain View, CA 94041

Phone: 650-906-1717

Email: cfukudac@gmail.com

Contract Description: Consultant will create materials in the form of written articles, audio, and video files to support the production efforts of the SJPD Recruiting Unit.

Term Start Date: 07/01/21 Term End Date: 06/30/2022 Extension: Yes

Method of Procurement: N/A RFB, RFP or RFQ No.: RFQ Date Conducted: _____

Agenda Date (if applicable): N/A

Agenda Item No.: N/A

Resolution No.: N/A

Ordinance No.: N/A

Original Contract Amount: \$30,000.00

Amount of Increase/Decrease: _____

Option #: ___ of ___ Option Amount: _____

Updated Contract Amount: \$24,211.00

Fund/Appropriation: 0502 - Police - Non-personal/Equipment

Form 700 Required: Select one

Business Tax Certificate No.: _____

Expiration Date: _____

Department: Police (50)

Department Contact Name/Phone: Anahi Beltran, 408-537-1630

Notes: This is a no cost extension to the Third Amendment.

Department Director Signature: 

Date

Office of the City Manager Signature: _____

Date