

**SEVENTH AMENDMENT TO  
EMERGENCY PURCHASING AGREEMENT  
BETWEEN  
THE CITY OF SAN JOSE  
AND  
WITT O'BRIEN'S, LLC**

This SEVENTH AMENDMENT TO AGREEMENT is entered into this 21st day of March, 2023, by the CITY OF SAN JOSE ("Client"), a municipal corporation, and WITT O'BRIEN'S, LLC, a Delaware limited liability company authorized to do business in California ("Consultant").

**RECITALS**

**WHEREAS**, on March 18, 2020, Client and Consultant entered into an agreement entitled "EMERGENCY PURCHASING AGREEMENT" ("Agreement"); and

**WHEREAS**, effective May 1, 2020, Client and Consultant entered into a first amendment to the Agreement to increase the amount of total compensation allowed to \$320,000; and

**WHEREAS**, effective July 2, 2020, Client and Consultant entered into a second amendment to the Agreement to increase the amount of total compensation allowed to \$730,000; and

**WHEREAS**, effective September 14, 2020, Client and Consultant entered into a third amendment to the Agreement to extend the term of the Agreement through December 14, 2020, with no increase in the amount of total compensation allowed; and

**WHEREAS**, effective December 1, 2020, Client and Consultant entered into a fourth amendment to the Agreement to extend the term of the Agreement through March 14, 2021, with no increase in the amount of total compensation allowed; and

**WHEREAS**, effective March 30, 2021, Client and Consultant entered into a fifth amendment to the Agreement to continue the term through March 31, 2022 and increase the amount of total compensation allowed to \$990,000; and

**WHEREAS**, effective April 28, 2022, Client and Consultant entered into a sixth amendment to the Agreement to extend the term from March 31, 2022 through March 31, 2023 with no increase in total compensation; and

**WHEREAS**, Client and Consultant desire to enter into a seventh amendment to the Agreement to extend the term from March 31, 2023 through September 30, 2023 with no increase in total compensation.

**NOW, THEREFORE**, the parties agree to continue and further amend the amended Agreement as follows:

**SECTION 1.** The term of the Agreement, originally March 18, 2020 through September 14, 2020 and extended through March 31, 2023, is extended again through September 30, 2023.

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

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

APPROVED AS TO FORM:



**Approved as to Form:**

Attorney  
Cameron Day

*Cameron Day*

Email: cameron.day@sanjoseca.gov  
Date: 03/20/2023 GMT

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Cameron Day  
Senior Deputy City Attorney

“Client”

CITY OF SAN JOSE, a municipal  
corporation

*Sarah Zarate*

Email: sarah.zarate@sanjoseca.gov  
Date: 03/21/2023 GMT

By \_\_\_\_\_  
Sarah Zarate  
Director, Office of the City Manager

“Consultant”

WITT O'BRIEN'S, LLC, a Delaware limited  
liability company authorized to do business  
in California

*Cheryl Joiner*

Email: cjoiner@wittobriens.com  
Date: 03/20/2023 GMT

By \_\_\_\_\_  
Cheryl Joiner  
Director of Contracts & Compliance