

- First
- Second
- Third

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

Consultant's Name: Mission Critical Partners, LLC.

(Standard Agreement AC No. 666150)

This Amendment is made and entered into this 28th day of January, 2022. The City and Consultant amend the above-reference agreement as set forth herein.

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:** Subsection 2.1 is amended to extend the expiration date from **December 31, 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.

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

City of San José
By Sarah Zárate 1/28/22
Name: Sarah Zárate, Director Date
Title: City Manager's Office

Consultant
By Patrick Duffy 12/22/2021
Name: Patrick Duffy Date
Title: Treasurer

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



- FOR YOUR ELECTRONIC SIGNATURE
- FULLY EXECUTED COPY TO FOLLOW

CITY STAFF: Jeannette Mestaz-Romero

STAFF EMAIL: jeannette.mestaz@sanjoseca.gov

SCANNED SIGNATURE AUTHORIZATION

DATE: 12/20/21

TOTAL PAGES:
(INCLUDING THIS PAGE) 3

CONSULTANT NAME: Mission Critical Partners, LLC

EMAIL: PatrickDuffy@MissionCriticalPartners.com

PHONE: 888-862-7911

I agree to use electronic signatures

SIGNATURE OF CONSULTANT: 

DIRECTIONS:

REVIEW THE ENCLOSED DOCUMENT, IF IT IS ACCEPTABLE:

1. SIGN THE DOCUMENT
2. CHECK THE BOX BELOW YOUR NAME AND SIGN AGREEING TO THE USE OF ELECTRONIC SIGNATURES
3. SCAN YOUR EXECUTED DOCUMENT TOGETHER WITH THIS COVER PAGE **IN BLUE INK**
4. EMAIL THE ENTIRE DOCUMENT TO (CITY STAFF EMAIL ADDRESS):

To BE COMPLETED BY CITY STAFF:

ALTERNATIVE METHODS OF VERIFICATION:

- USE OF A PASSWORD PROTECTED WEBSITE
- CONFIRMED BY A KNOWN TELEPHONE NUMBER
- PERSONALLY KNOWN TO CITY STAFF



Memorandum

TO: SARAH ZÁRATE
DIRECTOR
OFFICE OF THE CITY MANAGER

FROM: Robert Sapien, Jr.

SUBJECT: SEE BELOW

DATE: January 27, 2022

Approved

Sarah Zárate

Date

1/28/22

SUBJECT: APPROVAL OF RETROACTIVITY IN THE 2nd AMENDMENT FOR THE MISSION CRITICAL PARTNERS 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 Fire Department understands that retroactive agreements are to be avoided. However, due to a change in staffing resources, this amendment request was unable to be submitted prior to the agreement's expiration date. The Department requests an exception be made and the agreement detailed in this memorandum be allowed to proceed with the retroactive clauses.

Robert Sapien Jr.

ROBERT SAPIEN, JR.
Fire Chief
Fire Department

For questions please contact Athena Trede, Deputy Director, at 408-794-6953.



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 Scanned Signature Authorization
 Supplemental Memorandums (if applicable): Select One

Type of Document: Amendment

Type of Contract: Consulting Services

REQUIRED INFORMATION FOR ALL CONTRACTS:

Existing GILES # 666150-002

Contractor: Mission Critical Partners

Address: 690 Gray's Wood Blvd., Port Matilda, PA. 16870

Phone: (650) 723-6576

Email: KevinMurray@mcp911.com

Contract Description: Second Amendment to consultant agreement with Mission Critical Partners, LLC. to extend the term for the Fire Communications Study.

Term Start Date: 07/01/21 Term End Date: 06/30/22 Extension: Yes

Method of Procurement: RFP RFB, RFP or RFQ No.: FIRE 2020-01 Date Conducted: 02/14/21

Agenda Date (if applicable): _____

Agenda Item No.: _____

Resolution No.: _____

Ordinance No.: _____

Original Contract Amount: \$70,000.00

Amount of Increase/Decrease: _____

Option #: ___ of ___ Option Amount: _____

NTE/Updated Contract Amount: _____

Fund/Appropriation: 001/4052

Form 700 Required (Selection mandatory for processing): No

Revenue Agreement: No

Tax Certificate No.: 5831573700

Expiration Date: 09/15/2022

Department: Fire (54)

Department Contact: Jeannette Mestaz-Romero x57801

Customer (Finance Only): _____

Notes:

Department Director Signature: Robert Sapien Jr.

Jan 3, 2022

Date

Office of the City Manager Signature: Jessica Lowry 1/28/22

Date