

**AMENDMENT NO. 3
TO THE AGREEMENT FOR SERVICES
BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
DAVID L. GATES & ASSOCIATES, INC. DBA GATES & ASSOCIATES**

PREAMBLE

This agreement ("Amendment No. 3") is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) and David L. Gates & Associates, Inc, a California Corporation, (Contractor). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

RECITALS

- A. The Parties previously entered into an agreement entitled "Agreement for Design Professional Services by and between the City of Santa Clara, California and David L. Gates & Associates, Inc.", dated August 31, 2017;
- B. The Agreement was previously amended by Amendment No. 1, dated October 5, 2020, and *No. 2, dated March 23, 2022*, and is again amended by this Amendment No. 3. The Agreement and all previous amendments are collectively referred to herein as the "Agreement as Amended"; and
- C. The Parties entered into the Agreement as Amended for the purpose of having Contractor provide all technical and design professional services, including labor, material, equipment, transportation, supervision and expertise to satisfactorily complete the work required by City fully described in Exhibit A entitled "SCOPE OF SERVICES" as it relates to Montague Park and the Parties now wish to amend the Agreement as Amended to increase the not to exceed amount to from Six Hundred and Ten Thousand and Eight Hundred and Fifteen Dollars (\$640,815) to Six Hundred and Seventy Five Thousand and Six Hundred and Fifteen Dollars (\$675,615).

NOW, THEREFORE, the Parties agree as follows:

AMENDMENT TERMS AND CONDITIONS

1. Section 3 of Exhibit B of the Agreement as Amended, entitled "SCHEDULE OF FEES" is amended to read as follows:

Not to Exceed Amount. In no event shall the amount billed to City by Consultant for services under this Agreement exceed Six Hundred and Seventy Five

Thousand and Six Hundred and Fifteen Dollars (\$675,615), subject to budget appropriations and final Project design Scope of Work as approved by Council.

2. Except as set forth herein, all other terms and conditions of the Agreement as Amended shall remain in full force and effect. In case of a conflict in the terms of the Agreement as Amended and this Amendment No. 3, the provisions of this Amendment No.3 shall control.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 3 as evidenced by the following signatures of their duly authorized representatives.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

Approved as to Form:

Dated: _____

Office of the City Attorney
City of Santa Clara

Rajeev Batra
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

“CITY”

DAVID L. GATES & ASSOCIATES, INC
a California Corporation

Dated: _____

By (Signature): _____

Name: Linda Gates

Title: President

Principal Place of Business Address: 2671 Crow Canyon Road
San Ramon, California 94583

Email Address: Linda@dgates.com

Telephone: (925) 736-8176, Extension 219

Fax: (925) 833-8901

“CONTRACTOR”