

**AMENDMENT NO. 5
TO THE AGREEMENT FOR SERVICES
BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
ENVIRONMENTAL RISK SERVICES, INC.**

PREAMBLE

This agreement ("Amendment No. 5") is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) and Environmental Risk Services, 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 the Performance of Services by and between the City of Santa Clara, California, and Environmental Risk Services, Inc." dated July 17, 2018
- B. The Agreement was previously amended by Amended and Restated Agreement for Services between the City of Santa Clara, California, and Environmental Risk Services, Inc. (Amended and Restated Agreement), dated December 12, 2018, Amendment No. 1 to the Amended and Restated Agreement, dated February 12, 2019, Amendment No. 2 to the Amended and Restated Agreement, dated July 25, 2019, Amendment No. 3 to the Amended and Restated Agreement, dated April 15, 2020, Amendment No. 4, dated July 7, 2021, and is again amended by this Amendment No. 5. 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 environmental risk assessment support activities for the Related Santa Clara project, and the Parties now wish to amend the Original Agreement as Amended to extend the term.

NOW, THEREFORE, the Parties agree as follows:

AMENDMENT TERMS AND CONDITIONS

1. Section 2 of the Agreement as Amended, entitled "Term of Agreement" is amended to read as follows:

"Unless otherwise set forth in this Agreement or unless this paragraph is subsequently modified by a written amendment to this Agreement, the

term of the Agreement shall begin on July 17, 2018 and terminate on December 31, 2022.”

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. 5, the provisions of this Amendment No. 5 shall control.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 5 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

DEANNA J. SANTANA
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

“CITY”

ENVIRONMENTAL RISK SERVICES, INC.
a California corporation

Dated: _____

By (Signature): _____

Name: Mark O'Brien

Title: CEO

Principal Place of
Business Address: P.O. Box 1209, Alamo, CA 94507

Email Address: mobrien@erscorp.us

Telephone: (925) 878-3771

“CONTRACTOR”