

**AMENDMENT NO. 1
TO THE AGREEMENT FOR SERVICES
BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
DALEO, INC.**

PREAMBLE

This agreement ("Amendment No. 1") is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) and Daleo, 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 Daleo, Inc., dated November 17, 2015 (Agreement); and
- B. The Parties entered into the Agreement for the purpose of having Contractor provide Underground Substructure Maintenance and Repair", and the Parties now wish to amend the Agreement to increase the schedule of fees by \$200,000.

NOW, THEREFORE, the Parties agree as follows:

AMENDMENT TERMS AND CONDITIONS

- 1. Exhibit B of the Agreement, entitled "Fee Schedule" is amended to read as follows:

In no event shall the amount billed to City by Contractor for services under this Agreement exceed eight hundred fifty thousand dollars and zero cents (\$850,000.00), subject to budget appropriations.

LABOR

1 UG Foreman
1 Laborer

EQUIPMENT

Utility Truck w/Tools
Air Compressor
Mini Excavator
Loader
Reel Trailer
Concrete/Asphalt Cutting Tools

	Vibrating Tamper Barricades Dump Trailer Compactor
ACTUAL MATERIAL COST	Cost +15%
DAILY RATE – Labor & Equipment	\$2,572.00
LABOR	1 UG Foreman 1 Truck Driver 1 Equipment Operator 1 Labor
EQUIPMENT	Utility Truck 2/Tools Air Compressor Mini Excavator Loader Pipe Trailer Real Trailer 6 Wheel Dump Truck Concrete/Asphalt Cutting Tools Roller Vibrating Tamper Arrow Board Barricades Compactor
ACTUAL MATERIAL COST	Cost + 15%
DAILY RATE – Labor and Material	\$4,926.00

2. Except as set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect. In case of a conflict in the terms of the Agreement and this Amendment No. 1, the provisions of this Amendment No. 1 shall control.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 1 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: _____

BRIAN DOYLE
City Attorney

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

"CITY"

DALEO, INC.
a California corporation

Dated: _____

By (Signature): _____

Name: DAVID LEVISAY

Title: President

Principal Place of Business Address: 7190 Forest Street
Gilroy, CA 95020

Telephone: (408) 846-9261

Fax: (408) 846-9611

"CONTRACTOR"