

**AMENDMENT NO. 1
CITY OF SANTA CLARA CONTRACT NO. 2004D
ELECTRIC UTILITY SUBSTRUCTURE AND AERIAL FIBER OPTIC CABLE
MASTER CONSTRUCTION AGREEMENT
DOCUMENT 00520
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, with its primary business address located at 550 E Luchessa Avenue, Gilroy, CA ("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 "City of Santa Clara Contract No. 2004D Electric Utility Substructure and Aerial Fiber Optic Cable Master Construction Agreement Document 00520 dated on or about August 11, 2017 (Agreement);
- B. The Agreement and its 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 the installation and testing of underground power utility substructures and the Parties now wish to amend the Agreement as Amended to clarify the Contract Time and not to exceed value of the Agreement.

NOW, THEREFORE, the Parties agree as follows:

AMENDMENT TERMS AND CONDITIONS

1. Document 00520 Article 3. "Contract Time and Liquidated Damages" Section 3.1 is hereby amended to read as follows:

Contractor shall commence Work at the Site on the date established in each Call Order (Document 00520), as executed. The City reserves the right to modify or alter the Commencement Date of the Work due to the need to complete other City provided work at the Site. Contractor shall complete the Work following the schedule provided in each Call Order.

City shall not issue Call Orders after July 31, 2021.

2. Document 00520 Article 4. "Total Contract Price" is hereby amended to read as follows:

City shall pay Contractor for the completion of the Work performed under each Call Order subsequently executed by the Parties for work to be performed, plus any change orders, liquidated damages for each Call Order. The Total Contract Price shall not exceed \$6,000,000.

3. Document 00311 – Schedule of Unit Bid Prices is amended and replaced with Document 00311 – Schedule of Unit Bid Prices Effective September 1, 2020
4. Document 00312 – Daily Hourly Bid Schedule is amended and replaced with Document 00312 – Daily Hourly Bid Schedule Effective September 1, 2020. Notes to this Daily Hourly Bid Schedule shall supersede terms of Document 00301 "Unit Bid Pricing Instructions to Bidders" where there is a conflict (overtime and equipment rental hourly rates.
5. Document 00521 – Call Order No. ____ (Sample) is amended and replaced with Document 00521 – Call Order No. ____ (Sample) Updated September 1, 2020
6. Document 00522 – Change to Call Order No. ____ (Sample) is incorporated into the Agreement.
7. 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 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: _____

Title: _____

Principal Place of
Business Address: _____

Email Address: _____

Telephone: () _____

Fax: () _____

"CONTRACTOR"