

AMENDMENT TO CONTRACT

1

The County of San Benito (“COUNTY”) and Biggs Cardoso Associates, Inc. (“CONTRACTOR”) enter into this agreement on the date stated next to the signatures below. In consideration of the mutual promises set forth herein, the parties agree as follows:

1. Existing Contract.

a. Initial Contract.

COUNTY and CONTRACTOR acknowledge that the parties entered into a contract, dated May 24, 2011.

b. Prior Amendments. (Check one.)

The initial contract previously has not been amended.

The initial contract previously has been amended. The date(s) of prior amendments are as follows: _____

c. Incorporation of Original Contract.

The initial contract and any prior amendments to the initial contract (hereafter collectively referred to as the “original contract”) are attached to this amendment as Exhibit 1 and made a part of this amended contract.

2. Purpose of this Amendment.

The purpose of this amendment is to change the agreement between the parties in the following particulars:

a. Term of the Contract. (Check one.)

The term of the original contract is not modified.

The term of the original contract (Exhibit 1) is extended from the current expiration date of _____, to a new expiration date of _____.

b. Scope of Services. (Check one.)

The services specified in the original contract (Exhibit 1) are not modified.

The services specified in the original contract (Exhibit 1) are modified as specified below: (Check one.)

The services specified in the original contract are modified only as specified below:

Modified or New Scope of Services:

Phase 0, 1, 2 and 3 set forth in Attachment A (Scope of Services) to the original contract (Exhibit 1) are modified to add additional services as specified below. Except as expressly modified in this amendment, Phase 0, 1, 2 and 3 specified in Attachment A to Exhibit 1 remain in full force and effect.

The services specified in the original contract are deleted in their entirety and replaced with the following services:

c. Payment Terms. (Check one.)

The payment terms in the original contract (Exhibit 1) are not modified.

The payment terms in the original contract (Exhibit 1) are modified as specified below: (Check one.)

The payment terms are modified only as specified below:

Modified or New Payment Terms:
(Insert modified or new payment terms.)

Paragraph B-3 of Attachment B (Payment Terms) to the original contract (Exhibit 1) is modified to add additional compensation for the additional services outlined above.

B-3. COMPENSATION

COUNTY shall pay to CONTRACTOR: (check one)

a total lump sum payment of \$ _____, or

a total sum not to exceed \$ 538,104, comprised of the original contract price (\$338,000), plus additional compensation (\$200,104) for additional services performed under this amendment,

for services rendered pursuant to the terms and conditions of this contract and pursuant to any special compensation terms specified herein.

Paragraph B-4 of Attachment B (Payment Terms) to the original contract (Exhibit 1) is modified to add additional compensation for the additional services outlined above.

B-4. SPECIAL COMPENSATION TERMS: (Check one.)

There are no additional terms of compensation.

The following specific terms of compensation shall apply:

The additional compensation for payment of additional services provided under amended Phase 0, 1, 2 and 3, as set forth above, is comprised of the following amounts, at the applicable hourly rates set forth in Attachment B-1 to the original contract (Exhibit 1):

Except as expressly modified in this amendment, all payment terms set forth in Attachment B-1 to Exhibit 1 remain in full force and effect.

- The payment terms are deleted in their entirety and replaced with the following payment terms:

New Payment Terms:

B-1. BILLING

Charges for services rendered pursuant to the terms and conditions of this contract shall be invoiced on the following basis: (Check one.)

- One month in arrears.
 Upon the complete performance of the services specified in the original agreement (Exhibit 1) and this amendment.
 The basis specified in paragraph B-4.

B-2. PAYMENT

Payment shall be made by COUNTY to CONTRACTOR at the address specified in paragraph 8 of the original contract, net thirty (30) days from the invoice date.

B-3. COMPENSATION

COUNTY shall pay to CONTRACTOR: (Check one.)

- a total lump sum payment of \$_____, or
 a total sum not to exceed \$ 538,104,
for services rendered pursuant to the terms and conditions of the original contract (Exhibit 1) and this amendment, and pursuant to any special compensation terms specified in paragraph B-4.

B-4. SPECIAL COMPENSATION TERMS: (Check one.)

- There are no additional terms of compensation.
 The following specific terms of compensation shall apply:
(Specify)

d. Other Terms. (Check one.)

- There are no other terms of the original contract that are modified.
 Other terms of the original contract are modified only as specified below:

Other Modified or New Terms:
(Insert other modified or new terms.)

3. Other Terms.

All other terms and conditions of the original contract (Exhibit 1) which are not changed by this amendment shall remain the same.

CONTRACTOR

M. Harms

March 5th, 2012

Name/Title: Mahvash M. Harms, SE

Date

COUNTY

San Benito County Board of Supervisors

Jaime De La Cruz, Chair

Date

APPROVED AS TO LEGAL FORM:

San Benito County Counsel's Office

Shirley L. Murphy, Deputy County Counsel

Date

**EXHIBIT 1
TO AMENDMENT # 1**

**ORIGINAL
CONTRACT**

(Please attach the initial contract and any prior amendments, from the most recent to the initial contract, in reverse chronological order.)