

**FIRST AMENDMENT TO AGREEMENT 563 BETWEEN  
THE CITY OF CUPERTINO AND HF&H  
CONSULTANTS, LLC. FOR SOLID WASTE  
CONSULTING SERVICES**

This First Amendment to Agreement 563 is by and between the City of Cupertino, a municipal corporation (hereinafter "City") and HF&H Consultants, LLC., a Corporation ("Contractor") whose address is 201 N. Civic Drive, Suite 230, Walnut Creek, CA 94596, and is made with reference to the following:

RECITALS:

- A. On July 25, 2022, Agreement 563 ("Agreement") was entered into by and between City and Contractor for Solid Waste Consulting Services.
- B. City and Contractor desire to modify the Agreement on the terms and conditions set forth herein.

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

1. Paragraph 3.1 of the Agreement is modified to read as follows: Term. This Agreement begins on the Effective Date and ends on August 31, 2026 ("Contract Time"), unless terminated earlier as provided herein. Contractor's Services shall begin on the effective date and shall be completed by August 31, 2026. The City's appropriate department head or City Manager may extend the Contract Time through a written amendment to this Agreement, provided such extension does not include additional contract funds. Extensions requiring additional contract funds are subject to the City's purchasing policy.
2. Paragraph 4.1 of the Agreement is modified to read as follows: Maximum Compensation. City will pay Contractor for satisfactory performance of the Services an amount that will be based upon actual costs but that will be capped so as not to exceed \$430,000.00 ("Contract Price"), based upon the Scope of Services in Exhibit A-1 and the budget and rates included. The maximum compensation includes all expenses and reimbursements and will remain in place even if Contractor's actual costs exceed the capped amount. No extra work or payment is permitted without the prior written approval of the City.
3. Except as expressly modified herein, all other terms and covenants set forth in the Agreement shall remain the same and shall be in full force and effect.

SIGNATURES CONTINUE ON THE FOLLOWING PAGE

IN WITNESS WHEREOF, the parties hereto have caused this modification of Agreement to be executed.

CITY OF CUPERTINO

HF&H CONSULTANTS, LLC

By \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

ATTEST:

\_\_\_\_\_  
City Clerk

Date \_\_\_\_\_

**EXPENDITURE DISTRIBUTION**

{--tbl--Contract Price Cost Schedule--tbl--}