

**CITY AND COUNTY OF SAN FRANCISCO**  
Office of the City Administrator  
Convention Facilities Department

**FOURTH AMENDMENT**

This Amendment (this "Amendment") to Agreement is made as of October 22, 2007, in San Francisco, California, by and between Moscone Center Joint Venture ("Contractor"), and the City and County of San Francisco, a municipal corporation ("City").

WHEREAS, the City, through the Office of the City Administrator, had entered into the Agreement dated November 6, 1990, between Contractor and City, as amended by the First Amendment, dated December 20, 1993, by the Second Amendment, dated January 14, 1999, and by the Third Amendment, dated March 3, 2003;

WHEREAS, the City desires that certain public works improvement be performed by the Contractor on behalf of the City through the hiring of contractors pursuant to San Francisco Administrative Code Section 6.66;

NOW, THEREFORE, the parties agree as follows:

1. The Moscone Center Joint Venture will hire contractors pursuant to Administrative Code Section 6.66 and perform all work at the Moscone Convention Center as described in the attached exhibit.
2. For each contract awarded, the Moscone Center Joint Venture will obtain bids from not fewer than three bidders.
3. The successful bidders will furnish performance and payment bonds, each in an amount equal to 100% of the contract sum, and all required insurance coverage and shall comply with Chapter 12B and C and Chapter 14A and B of the San Francisco Administrative Code. In addition, they shall pay and ensure that all subcontractors pay prevailing wages for labor furnished on the projects.
4. The Moscone Center Joint Venture will submit invoices to the City for work performed, with supporting cost data and with no additional markups.
5. The City will reimburse the Moscone Center Joint Venture for the cost of the work performed up to a maximum amount of three million dollars (\$3,000,000.00).
6. No work shall be performed without the City Controller first certifying the availability of funds for the performance of the work herein.
7. In all other respects, the original agreement, together with all other amendments shall remain in full force and effect.


IN WITNESS WHEREOF, the parties hereto have executed this Agreement of the date first mentioned above.

CITY

CONTRACTOR

Recommended by

  
\_\_\_\_\_  
John Noguchi  
Director, Convention Facilities Dept.

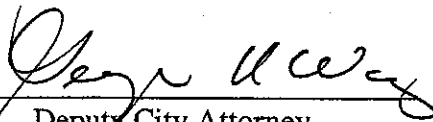
  
\_\_\_\_\_  
John Burns  
Senior V.P./CFO  
Moscone Center Joint Venture

Approved:

  
\_\_\_\_\_  
Edwin Lee, City Administrator

Approved as to Form

DENNIS J. HERRERA  
City Attorney

By:   
\_\_\_\_\_  
Deputy City Attorney