

**City and County of San Francisco
Office of Contract Administration
Purchasing Division**

[Insert “First,” “Second,” “Third,” etc.] Amendment

THIS **[Insert “FIRST,” “SECOND,” “THIRD,” etc.]** AMENDMENT (“Amendment”) is made as of **[insert date]**, in San Francisco, California, by and between **[insert name of Contractor, in bold]** (“Contractor”), and the City and County of San Francisco, a municipal corporation (“City”), acting by and through its Director of the Office of Contract Administration.

Recitals

WHEREAS, City and Contractor have entered into the Agreement (as defined below); and

WHEREAS, City and Contractor desire to modify the Agreement on the terms and conditions set forth herein to extend the performance period and increase the contract amount; and

WHEREAS, Contractor was selected pursuant to San Francisco Administrative Code Section 21.16(b) pursuant to waiver **[insert waiver number]** granted by the Office of Contract Administration, and this Second Amendment is consistent with that waiver; and

WHEREAS, this Contract is deemed exempt from Chapter 14B of the San Francisco Administrative Code because this Contract is primarily for Commodities and, as such, there is no Local Business Enterprise (“LBE”) subcontracting participation requirement for this Agreement; and

WHEREAS, this Amendment is consistent with an approval obtained from the City’s **[Board of Supervisors]** under **[insert resolution number]** approved on **[insert date of Commission or Board action]** in the amount of **[insert Dollar Amount]** for the period commencing **[Insert Start Date]** and ending **[Insert End Date]**; and

WHEREAS, the Department has filed Ethics Form 126f4 (Notification of Contract Approval) because this Agreement, as amended herein, has a value of \$100,000 or more in a fiscal year and will require the approval of the Board of Supervisors; and

Now, THEREFORE, the parties agree as follows:

Article 1 Definitions

The following definitions shall apply to this Amendment:

1.1 **Agreement.** The term “Agreement” shall mean the Agreement dated **[insert date of Agreement]** between Contractor and City, as amended by the:

[First Amendment], dated **[insert date of the first amendment]**, and

[Second Amendment], dated **[insert date of second amendment]**.

1.2 **San Francisco Labor and Employment Code.** As of January 4, 2024, San Francisco Administrative Code Chapters 21C (Miscellaneous Prevailing Wage Requirements), 12B (Nondiscrimination in Contracts), 12C (Nondiscrimination in Property Contracts), 12K (Salary History), 12P (Minimum Compensation), 12Q (Health Care Accountability), 12T (City Contractor/Subcontractor Consideration of Criminal History in Hiring and Employment Decisions), and 12U (Sweatfree Contracting) are redesignated as Articles 102 (Miscellaneous Prevailing Wage Requirements), 131 (Nondiscrimination in Contracts), 132 (Nondiscrimination in Property Contracts), 141 (Salary History), 111 (Minimum Compensation), 121 (Health Care Accountability), 142 (City Contractor/Subcontractor Consideration of Criminal History in Hiring and Employment Decisions), and 151 (Sweatfree Contracting) of the San Francisco Labor and Employment Code, respectively. Wherever this Agreement refers to San Francisco Administrative Code Chapters 21C, 12B, 12C, 12K, 12P, 12Q, 12T, and 12U, it shall be construed to mean San Francisco Labor and Employment Code Articles 102, 131, 132, 141, 111, 121, 142, and 151, respectively.

1.3 **Other Terms.** Terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Agreement.

Article 2 Modifications of Scope to the Agreement

The Agreement is hereby modified as follows:

2.1 [Insert Section title]. Section [insert section number and title] of the Agreement currently reads as follows:

➔ Insert existing Section

Such section is hereby amended in its entirety to read as follows:

➔ Insert revised text of Section.

2.2 [Insert Section title]. Section [insert section number and title] of the Agreement currently reads as follows:

➔ Insert existing Section

Such section is hereby amended in its entirety to read as follows:

➔ Insert revised text of Section.

➔ Use the following section to replace an Appendix, one for each Appendix being replaced. Make sure to include the revised Appendix as an attachment. Delete if not used. In general, you replace an Appendix with an updated number. **Example:** Appendix A becomes Appendix A-1, A-2, etc...

2.3 **Appendix [insert new Appendix letter].** Appendix [insert existing Appendix letter] is hereby replaced in its entirety by Appendix [insert new Appendix letter], attached to this Amendment and fully incorporated within the Agreement. To the extent the Agreement refers to

Appendix [insert existing Appendix letter] in any place, the true meaning shall be Appendix [insert new Appendix letter], which is a correct and updated version.

Article 3 Updates of Standard Terms to the Agreement

The Agreement is hereby modified as follows:

[insert any updates to standard City contract clauses if necessary]

Article 4 Effective Date

Each of the modifications set forth in Articles 2 and 3 shall be effective on and after [specify either “the date of this Amendment” or other effective date].

Article 5 Legal Effect

Except as expressly modified by this Amendment, all of the terms and conditions of the Agreement shall remain unchanged and in full force and effect.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Contractor and City have executed this Amendment as of the date first referenced above.

CITY

Recommended by:

[name]
[title]
[department]

Approved as to Form:

David Chiu
City Attorney

By: _____
[name of Deputy City Attorney]
Deputy City Attorney

Approved:

Sailaja Kurella
Director of the Office of Contract
Administration, and Purchaser

By: _____
[name of Purchaser or
"Name: _____"]

CONTRACTOR

[company name]

[name of authorized representative]
[title]
[optional: address]
[optional: city, state, ZIP]

City Supplier number: [Supplier number]

Attached Appendices: [If Any]

