



**Cypress Security Services
Fifth Amendment**

SUBJECT:	The purpose of this amendment is to amend Appendix B (calculations of charges)
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Executive Summary of Signature Request

The purpose of routing this form for signature is for you to review and approve the attached contract or contract amendment for signature by Edward D. Reiskin, Director of Transportation or his designee.

Final Routing	Approval Authority	Initials	Date	Comments
7	Geoffrey Diggs Contracts & Procurement	N/A		Forward final signed documents & PO.
6	Tess Navarro SFMTA Controller	bn	3/14/14	Certify funds available (encumbrance)
5	Sonali Bose CFO/Director of Finance & Information Technology	SB	3/14/14	Index Code 685012
4	Christopher Grabarkiewctz Acting Director, Security, Investigations, and Enforcement	CG	3/13/14	
3	John I. Kennedy Deputy City Attorney	JIK	3/11/2014	
2	Virginia Harmon Senior Manager Contracts & Procurement	VH	3/10/14	Indicate CCO approval on the Contract Award Request Summary.
1	Ashish Patel Manager, Contracts & Procurement	AP	3/10/14	

Tess ok it

Please return to Geoffrey Diggs, Contracts/Procurements, Sixth Floor or call 749-2477 for any corrections.



**City and County of San Francisco
Municipal Transportation Agency
One South Van Ness Ave., 7th Floor
San Francisco, California 94103**

**Fifth Amendment to Agreement with Cypress Security, LLC for Armed and Unarmed
Security Services**

THIS AMENDMENT (this "Amendment") is made as of September 23, 2013, in San Francisco, California, by and between **Cypress Security, LLC** ("Contractor"), and the City and County of San Francisco, a municipal corporation ("City"), acting by and through its Municipal Transportation Agency ("SFMTA").

RECITALS

- A. City and Contractor have entered into the Agreement (as defined below).
- B. City and Contractor desire to modify the Agreement on the terms and conditions set forth herein to change the billing rates paid for subcontractor(s) personnel.

NOW, THEREFORE, Contractor and the City agree as follows:

1. Definitions. The following definitions shall apply to this Amendment:

1a. Agreement. The term "Agreement" shall mean the Agreement dated September 1, 2008 between Contractor and City, as amended by the First Amendment dated September 1, 2008, the Second Amendment dated June 8, 2010, Third Amendment dated September 1, 2011 and Fourth Amendment dated February 5, 2013.

1b. Other Terms. Terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Agreement.

2. Modifications to the Agreement. The Agreement is hereby modified as follows:

a. Appendix B, Calculation of Charges is hereby amended by amending the following paragraph in its entirety to read as follows:


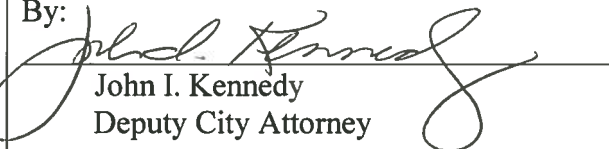

The billing rate for SFMTA approved overtime service hours is 150% of the regular hourly rate. The overtime cost is part of the 10.4% contingency estimate, except the overtime hours by the Customer Center employees which has been factored in the service hours listed in the above tables. In addition, notwithstanding the billing rates listed in Appendix B for Armed Security Officers or any other personnel employed by any subcontractor, the Contractor shall charge and submit billing invoices to the SFMTA that reflect the actual rates paid to any subcontractor(s) providing services under this Agreement if the actual rate paid to the subcontractor(s) does not exceed the applicable billing rate listed in Appendix B. When the Contractor submits a billing invoice that includes the actual rate paid to any subcontractor, the Contractor is authorized to

itemize and include an administrative fee equal to 1.16% for the total amount of the actual rate paid by the Contractor to any subcontractor during the billing period.

3. Effective Date. Each of the modifications set forth in Section 2 shall be effective as of September 23, 2013.

4. 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.

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

<p>CITY</p> <p>San Francisco</p> <p>Municipal Transportation Agency</p>  <hr/> <p>Edward D. Reiskin Director of Transportation</p> <p>Approved as to Form:</p> <p>Dennis J. Herrera City Attorney</p> <p>By: <hr/>John I. Kennedy Deputy City Attorney</p>	<p>CONTRACTOR</p> <p>Cypress Security, LLC</p>  <hr/> <p>Kes Narbutas CEO 452 Tehama Street San Francisco, CA 94103</p> <p>City vendor number: 46964</p>
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