

**City and County of San Francisco
Airport Commission
P.O. Box 8097
San Francisco, California 94128**

Fifth Modification

THIS MODIFICATION (this “Modification”) is made as of **November 1, 2014**, in San Francisco, California, by and between **T3 East, a Joint Venture** (“Contractor”), and the City and County of San Francisco, a municipal corporation (“City”), acting by and through its **Airport Commission** or the Commission’s designated agent, hereinafter referred to as “Commission.”

RECITALS

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

WHEREAS, on June 30, 2011, by Resolution No. 11-0145, the Commission awarded this Agreement to the Contractor; and

WHEREAS, on July 17, 2012, by Resolution No. 12-0164, the Commission approved the First Amendment to this Agreement to increase the contract amount and extend the contract through February 28, 2014; and

WHEREAS, on July 23, 2013, by Resolution No. 13-0158, the Commission approved the Second Amendment to this Agreement to increase the contract amount and extend the contract through August 31, 2013; and

WHEREAS, on November 12, 2013, by Resolution No. 13-0231, the Commission approved the Third Amendment to this Agreement to increase the contract amount and extend the contract through November 11, 2104; and

WHEREAS, on October 21, 2013, by Resolution No. 14-0208, the Commission approved the Fourth Modification to increase the contract amount and extend the contract through November 11, 2015; and

WHEREAS, City and Contractor desire to administratively modify the Agreement on the terms and conditions set forth herein to add a new subcontractor; and

WHEREAS, approval for this Agreement was obtained when the Civil Service Commission approved PSC No. 4009-11/12 on August 5, 2013; and

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

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

a. Agreement. The term “Agreement” shall mean the Agreement dated August 1, 2011 between Contractor and City, as amended by the:

First Amendment, dated July 17, 2012
Second Amendment, dated July 23, 2013
Third Amendment, dated November 12, 2013
Fourth Modification, dated October 21, 2014

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

2. Section 5. Compensation is hereby amended to incorporate Supplemental Appendix B.5, Calculation of Charges.

3. Effective Date. Each of the modifications set forth in Section 2 shall be effective on and after November 1, 2014.

4. Legal Effect. Except as expressly changed by this Modification, all of the terms and conditions of the Agreement shall remain unchanged and in full force and effect.

CANCELLED

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

CITY AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO	CONTRACTOR
By: _____ John L. Martin, Airport Director	_____ Authorized Signature
Approved as to Form: Dennis J. Herrera City Attorney	Ismael Puga President and Managing Partner of T3 East, Joint Venture Cooper Puga Management, Inc. 65 McCoppin Street San Francisco, California 94103 Telephone No: 415-543-6515
By _____ Heather Wolnick Deputy City Attorney	_____ Authorized Signature Andrew Petreas Principal and Managing Partner of T3 East, Joint Venture Environmental & Construction Solutions 290 Division Street, Suite 308 San Francisco, California 94103 Telephone No.: 415-934-8790 93406 City Vendor Number 46-3971009 Federal Employer ID Number

Attachments:

Supplemental Appendix B.5, Calculation of Charges