

FIRST AMENDMENT TO AGREEMENT NO. C0874
BETWEEN THE ALAMEDA CORRIDOR
TRANSPORTATION AUTHORITY
AND
BURKE, WILLIAMS & SORENSEN, LLP

This FIRST AMENDMENT to Agreement No. C0874 is made and entered into by and between the ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY, a California Joint Powers Authority ("ACTA") acting by and through its Governing Board ("Board"), and BURKE, WILLIAMS & SORENSEN, LLP ("Outside Counsel").

WHEREAS, ACTA and Outside Counsel entered into Agreement No. C0874 for as-needed legal services commencing July 1, 2018, for a five-year term and a not-to-exceed compensation amount of \$100,000; and

WHEREAS, Outside Counsel has provided legal services to ACTA in the area of employment law and certain projects are not yet complete, this amendment will provide additional funding so those services may continue; and

WHEREAS, at its June 10, 2021 meeting, ACTA's Board approved an increase in the compensation amount by \$60,000 for a total not-to-exceed amount of \$160,000.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. Section IV.A is hereby amended to read:

"IV. COMPENSATION

A. Not To Exceed Amount

For the services rendered to ACTA by Outside Counsel pursuant to this Agreement, ACTA shall pay Outside Counsel at hourly rates not-to-exceed the hourly rates attached hereto as Exhibit A, which rates shall remain in effect for the term of this Agreement. All fees and expenses billed pursuant to this Agreement shall not exceed One Hundred Sixty Thousand Dollars (\$160,000) ("NTE amount") without prior mutual agreement of the parties and a written amendment."

Except as amended herein, all remaining terms and conditions of Agreement No. C0874, remain in full force and effect.

The effective date of this amendment shall be the date of its execution by ACTA's Chief Executive Officer or his designee.

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**Amendment No. 1
Agreement No. C0874
Burke, Williams & Sorensen, LLP**

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to Agreement No. C0874 as specified below:

ALAMEDA CORRIDOR
TRANSPORTATION AUTHORITY, by
its Governing Board

Dated: _____, 2021

By: _____
MICHAEL LEUE, P.E.
Chief Executive Officer

Attest: _____
MARIA MELENDRES
Board Secretary

BURKE, WILLIAMS & SORENSEN, LLP

Dated: _____, 2021

By: _____

(Print/type name and title)

Attest: _____

(Print/type name and title)

APPROVED AS TO FORM

_____, 2021
MICHAEL N. FEUER, City Attorney

By: _____
Heather M. McCloskey, Deputy
ACTA Co-General Counsel