

**AMENDMENT NO. 7
TO AGREEMENT NO. 358
BETWEEN
THE CONTRA COSTA TRANSPORTATION AUTHORITY
AND
MARK THOMAS & COMPANY, INC.**

1. Parties and Date

This Amendment No. 7 to Agreement No. 358 is made and entered into as of this 17th day of May, 2023 (Amendment No. 7), by and between the Contra Costa Transportation Authority, a transportation authority established under Public Utilities Code Section 18000 *et seq.* with its principal place of business at 2999 Oak Road, Suite 100, Walnut Creek, CA 94597 (Authority) and Mark Thomas & Company, Inc., a corporation with its principal place of business at 1960 Zanker Road, San Jose, CA 95112 (Consultant). The Authority and Consultant are sometimes individually referred to as "Party" and collectively as "Parties" in this Amendment No. 7.

2. Recitals

2.1 Consultant. The Authority and Consultant have entered into an agreement entitled Agreement No. 358 dated October 17, 2012 (Agreement) for the purpose of retaining the services of Consultant to provide design services during construction.

2.2 Amendment Purpose. The Authority and Consultant desire to amend the Agreement to extend the agreement termination date to December 31, 2023. "The Parties have heretofore entered into Amendment No. 7 dated May 17, 2023."

2.3 Amendment Authority. This Amendment No. 7 is authorized pursuant to Article II of the Agreement.

3. Terms

3.1 Amendment. Article II of the Agreement is hereby amended in its entirety to read as follows:

3.1.A Term of the Agreement

Subject to the limitation of the Total Agreement Value provided in Article III below, and consistent with Exhibit C, "Milestone Schedule," unless terminated earlier pursuant to Section 15 and 16 of Exhibit A, "General Conditions," the term of the Agreement shall be from September 20, 2012 through December 31, 2023.

3.2 Continuing Effect of Agreement. Except as amended by this Amendment No. 7, all

other provisions of the Agreement remain in full force and effect and shall govern the actions of the parties under this Amendment No. 7. From and after the date of this Amendment No. 7, whenever the term “Agreement” appears in the Agreement, it shall mean the Agreement as amended by this Amendment No. 7.

3.3 Adequate Consideration. The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment No. 7.

3.4 Severability. If any portion of this Amendment No. 7 is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

[Signatures on Next Page]

**SIGNATURE PAGE FOR AMENDMENT NO. 7 TO AGREEMENT NO. 358
BETWEEN THE CONTRA COSTA TRANSPORTATION AUTHORITY
AND MARK THOMAS & COMPANY, INC.**

IN WITNESS WHEREOF, the Parties have entered into this Amendment No. 7 as of the 17th day of May, 2023.

CONTRA COSTA TRANSPORTATION
AUTHORITY

MARK THOMAS & COMPANY, INC.

By: _____
Federal Glover
Chair

By: _____
Sasha Dansky
Vice President

ATTEST:

By: _____
Tarienne Grover
Clerk of the Board

APPROVED AS TO FORM AND LEGALITY:

By: _____
Fennemore Wendel
Authority Counsel

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Mark Thomas and Company
Historical Summary of Contract Amendments
CT358

Date	Contract Amendment	Amount of Amendment	Total Contract Amount	Description
Sep 1, 2012	Original	\$ -	\$ 522,000	Design Services During Construction.
Feb 21, 2018	Amendment No. 1	\$ 350,000	\$ 872,000	Increase budget and extend the agreement termination date to June 30, 2019.
Jul 17, 2019	Amendment No. 2	\$ -	\$ 872,000	Extend the agreement termination date to June 30, 2020 with no increase in budget.
Jun 17, 2020	Amendment No. 3	\$ 34,172	\$ 906,172	Increase budget and extend the agreement termination date to December 31, 2021.
Jan 20, 2021	Amendment No. 4	\$ 56,735	\$ 962,907	Increase budget.
Sep 15, 2021	Amendment No. 5	\$ 69,297	\$ 1,032,204	Increase budget and extend the agreement termination date to June 30, 2023.
Oct 19, 2022	Amendment No. 6	\$ 47,000	\$ 1,079,204	Increase budget.
May 17, 2023	<i>Proposed</i> Amendment No. 7	\$ -	\$ 1,079,204	Extend the agreement termination date to December 31, 2023 with no increase in budget.

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