

**FIFTH AMENDMENT TO THE AGREEMENT FOR
DOCUMENT PRINTING, MAILING, E-PRESENTMENT, E-PAYMENT & REMITTANCE
SERVICES BETWEEN THE CITY OF SAN JOSÉ
AND KUBRA AMERICA WEST, INC., A WHOLLY OWNED SUBSIDIARY OF KUBRA DATA
TRANSFER LTD, INCORPORATED IN THE PROVINCE OF ONTARIO, CANADA**

This Fifth Amendment to the Agreement for Document Printing, Mailing, E-Presentation, E-Payment and Remittance Services by and between the City of San José, a municipal corporation (hereinafter “City”), and Kubra America West, Inc., a wholly owned subsidiary of Kubra Data Transfer Ltd., incorporated in the province of Ontario, Canada, (hereinafter “Contractor” or “Kubra”), is entered into on the date of execution by City (“Effective Date”).

RECITALS

WHEREAS, on June 27, 2006, City and Contractor entered into an agreement entitled Agreement for Document Printing, Mailing, E-Presentation, E-Payment and Remittance Services (“Agreement”); and

WHEREAS, on July 11, 2007, City and Contractor entered into the First Amendment to make a minor clerical correction to Section 5.4 entitled Change Orders and Exhibit C Pricing Schedule; and

WHEREAS, on May 12, 2008, City and Contractor entered into the Second Amendment to make minor changes to scope of services regarding redundant system configuration and increased storage intervals from 24 to 36 months and Exhibit C Pricing Schedule; and

WHEREAS, on February 17, 2012, City and Contractor entered into the Third Amendment to make minor changes to the scope of services Section 22.1 entitled Authorized Subcontractors regarding request to change subcontractor for the remittance portion of the Agreement from “San Jose Water” to “CDS Global”;

WHEREAS, on March 3, 2015, City and Contractor entered into the Fourth Amendment to add two additional one-year options to extend the term of the Agreement for a total of six one-year option terms through June 30, 2017; and

WHEREAS, City and Contractor now wish to modify the Agreement to extend the term by up to two additional options to extend the Agreement (from six to eight options) for ongoing document printing , mailing e-presentation, e-payment and remittance services.

NOW THEREFORE, the parties agree to amend the Agreement as follows:

1. Section 2.2, entitled “Option to Extend”, is hereby amended to read as set forth below:

2.2 Option to Extend

The City reserves the right to extend the term of this Agreement for eight (8) additional one-year terms (“Option Periods”). City shall provide Contractor with no less than sixty (60) days prior to the end of the then current Term a written notice of its intention to exercise its option to extend the term of this Agreement. See Exhibit F for Notice of Exercise of Option to Extend Agreement Form.

All of the terms and conditions of the original Agreement, First, Second and Third Amendments, Fourth Amendment, and Change Orders #1 though #4 not expressly modified by this Fifth Amendment shall remain unchanged and in full force and effect.



WITNESS THE EXECUTION HEREOF on the day and year set forth beneath the respective names below.

City of San José
a municipal corporation

KUBRA America West, Inc.,
a California corporation

By _____

Name: Mark Giovannetti
Title: Deputy Director, Finance

Date: _____

By _____

First Authorized Signature

Name: _____

Title: _____

Date: _____

By _____

Second Authorized Signature

Name: _____

Title: _____

Date: _____

APPROVED AS TO FORM:

Senior Deputy City Attorney

