

1 [Amendment to Agreement with Avaya, Inc. to Extend the Term and Increase the Amount of
2 the Contract to \$13,367,321]

3 **Resolution retroactively authorizing the Department of Technology to enter into the**
4 **Fourth Amendment of an agreement with Avaya, Inc. and increasing the maximum**
5 **expenditure under the contract to \$13,367,321.**

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7 WHEREAS, On August 31, 2005, the City and County of San Francisco ("City"), acting
8 through its Department of Technology ("DT") entered into an agreement with Avaya, Inc. for
9 communication services, including service to the City's telephone hardware; and,

10 WHEREAS, The initial term of the Agreement was for a period of three years and a
11 maximum amount of \$ 6,182,446; and,

12 WHEREAS, The DT and Avaya have amended the Agreement three times, by the First
13 Amendment dated January 27, 2006, increasing the maximum amount of the contract to
14 \$6,717,740; and the Second Amendment dated August 31, 2008, increasing the maximum
15 amount of the contract to \$8,400,00; and, the third Amendment dated April 6, 2009, increasing
16 the maximum amount of the contract to \$9,913,366 and extending the time to August 30,
17 2009,

18 WHEREAS, In the Fourth Amendment DT and Avaya have agreed to extend the
19 contract to June 30, 2010, and increase the maximum amount of the contract to \$13,367,321;
20 and,

21 WHEREAS, The DT has determined that it is in the best interests of the City to extend
22 the term of the Agreement and increase the amount of the contract so that the City may
23 continue to receive the services from Avaya in support of the transition of the previous direct
24 maintenance contract with Avaya to a maintenance contract provided by an Avaya partner;
25 and,

1 WHEREAS, Charter section 9.118(b), "Contract and Lease Limitations," requires Board
2 of Supervisors approval of any amendment to a contract that would require a maximum
3 expenditure under the contract of ten million dollars; and,

4 WHEREAS, The Fourth Amendment is on file with the Clerk of the Board of
5 Supervisors in File No _____, which is hereby declared to be a part of this motion
6 as if set forth fully herein; and, therefore, be it

7 RESOLVED, That the Board of Supervisors retroactively approves the Fourth
8 Amendment to the Agreement with Avaya, Inc.

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