

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

Modification No. 2

This Modification is made this 4th day of May, 2021, in the City and County of San Francisco, State of California, by and between: TK Elevator Corporation (the “Contractor”), formerly thyssenkrupp Elevator Corporation, and the City and County of San Francisco, a municipal corporation (the “City”), acting by and through its Airport Commission (the “Commission”).

Recitals

- A. City and Contractor have entered into the Agreement for the San Francisco International Airport (the “Airport” or “SFO”) (as defined below); and,
- B. The Commission is authorized to enter into all contracts which relate to matters under its jurisdiction; and
- C. On May 7, 2019, by Resolution No. 19-0099, the Commission awarded this Agreement to thyssenkrupp Elevator Corporation for a two-year term from July 1, 2019 through June 30, 2021, in an amount not to exceed \$9,682,912; and
- D. On July 1, 2020, City and thyssenkrupp Elevator Corporation administratively modified the Agreement through Modification No. 1 to reduce unit prices for preventative maintenance by five percent due to the COVID-19 pandemic, and adjust the preventative maintenance schedule; and
- E. On February 25, 2021, thyssenkrupp Elevator Corporation changed its name from “thyssenkrupp Elevator Corporation” to “TK Elevator Corporation” with no change to its business structure; and
- F. City and Contractor now desire to modify the Agreement to acknowledge the change in Contractor’s name, extend the contract duration by three years for a new contract end date of June 30, 2024, to increase the contract amount by \$12,600,000 for a new not-to-exceed amount of \$22,282,912, to reduce unit prices for preventative maintenance by twelve percent, and to update the terms and conditions; and
- G. On May 4, 2021, by Resolution No. 21-0105, the Commission approved Modification No. 2 to extend the contract duration by three years for a new contract end date of June 30, 2024 and increase the contract amount by \$12,600,000 for a new not-to-exceed amount of \$22,282,912 and
- H. On June 15, 2021, by Resolution No. 307-21, the Board of Supervisors approved the Agreement, as defined below, under San Francisco Charter Section 9.118; and
- I. Approval for this Agreement was obtained when the Civil Service Commission approved PSC No. 47246-18/19 on April 15, 2019; and

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

- 1. **Article 1. Definitions, 1.1 Agreement** is replaced as follows:

1.1 “Agreement” or “Contract Document” means the contract document dated May 7, 2019 and Modification No. 1 dated July 1, 2020, including all attached appendices, and all applicable City ordinances and “Mandatory City Requirements” which are specifically incorporated by reference into this Agreement.

2. **Article 2. Term of the Agreement, Section 2.1** is hereby amended to extend the term of the Agreement to a new ending date of June 30, 2024.

3. **Article 3. Compensation, Section 3.3.1 Payment** is hereby amended to increase the total not-to-exceed compensation payable by Twelve Million Six Hundred Thousand Dollars (\$12,600,000) for a new total not-to-exceed amount of Twenty-Two Million Two Hundred Eighty-Two Thousand Nine Hundred Twelve Dollars (\$22,282,912).

4. **Section 12.7 Quality Standards Program** is replaced as follows in the Agreement. This provision was included in the original Agreement in error. The modified provision will read as follows:

12.7 Quality Standards Program – Not applicable.

5. **Appendix B, A. Preventative Maintenance Service** is hereby amended. The table of unit prices has been replaced with the following, which reflects a twelve percent reduction of the monthly prices for preventative maintenance of elevators:

Description	Price per Elevator per Month
Monthly Services for Hydraulic Elevators Built 1990 or Earlier and Less than or Equal to 4000lbs Capacity	\$1,409
Monthly Services for Hydraulic Elevators Built 1990 or Earlier and Less than or Equal to 4000lbs Capacity	\$1,375
Monthly Service for Hydraulic Elevators Built 1991 to 2014 and Less than or Equal to 4000lbs Capacity	\$1,342
Monthly Service for Hydraulic Elevators Built 1991 to 2014 and Greater than 4000lbs Capacity	\$1,309
Monthly Service for Hydraulic Elevators Built 2015 or Later and Less than or Equal to 4000lbs Capacity	\$1,302
Monthly Service for Traction Elevators Built 1990 or Earlier and Less than or Equal to 4000lbs Capacity	\$1,409
Monthly Service for Traction Elevators Built 1990 or Earlier and Greater than 4000lbs Capacity	\$1,375
Monthly Service for Traction Elevators Built 1991 to 2014 and Less than or Equal to 4000lbs Capacity	\$1,342
Monthly Service for Traction Elevators Built 1991 to 2014 and Greater than 4000lbs Capacity	\$1,309
Monthly Service for Traction Elevators Built 2015 or Later and Less than or Equal to 4000lbs Capacity	\$1,302
Monthly Service for Traction Elevators Built 2015 or Later and Greater than 4000lbs Capacity	\$1,295

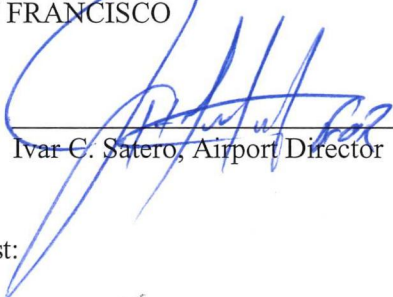
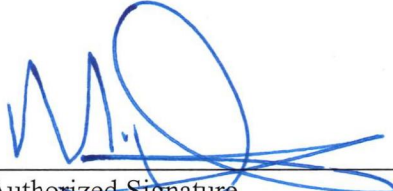

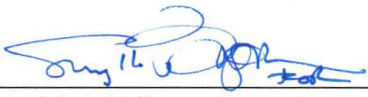
6. **Appendix B, B. As-Needed Services** is hereby amended to increase the total Allowance for As-Needed Services by \$600,000, for a new Allowance of \$850,000.

7. **Appendix B, Total Not-to-Exceed Price** is hereby removed, being duplicative of the total not-to-exceed contract amount in **Article 3. Compensation, Section 3.3.1 Payment**.

8. **Effective Date.** Each of the changes set forth in this Modification shall be effective on and after the date of this Modification.

8. 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.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day first mentioned above.

CITY	CONTRACTOR
AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO	
By:  Ivar C. Satero, Airport Director	 Authorized Signature
Attest:	MIK ANTONELLI Printed Name
By  Kantrice Ogletree, Secretary Airport Commission	BRANCH MANAGER Title
Resolution No: <u>21-0105</u>	TK Elevator Corporation Company Name
Adopted on: <u>May 4, 2021</u>	0000003649 City Supplier Number
Approved as to Form:	292 Lawrence Avenue Address
Dennis J. Herrera City Attorney	South San Francisco, CA 94080 City, State, ZIP
By  Daniel A. Edington Deputy City Attorney	415-241-4525 Telephone Number
	62-1211267 Federal Employer ID Number