

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

**Second Modification**

THIS MODIFICATION (“Modification”) is made as of July 1, 2016, in San Francisco, California, by and between **SFO Hotel Shuttle, Inc.** (“Contractor”), and the City and County of San Francisco, a municipal corporation (“City”), acting by and through its Airport Commission or the Commission’s designated agent, hereinafter referred to as “**Commission.**”

RECITALS

WHEREAS, on June 7, 2011, by Resolution No. 234-11, the Board of Supervisors approved the contracting out of the services, concurring with the Controller’s certification that the shuttle bus services can be performed by a contractor at a lower cost than by City employees at current salary and benefit levels; and

WHEREAS, on October 9, 2012, by Resolution Number 12-0220, the Commission awarded Contract No. 9254 to SFO Shuttle Bus Company for the period of December 1, 2012 through June 30, 2016 in an amount not-to-exceed \$39,000,000; and

WHEREAS, on November 20, 2012, by Resolution No.421-12, the Board of Supervisors approved Contract No. 9254 under San Francisco Charter Section 9.118 for the period of December 1, 2012 through June 30, 2016 plus three 2-year options in an amount not-to-exceed \$105,000,000; and

WHEREAS, on May 15, 2015, the Airport Director approved the Assignment and Assumption and First Modification which assigns services from SFO Shuttle Bus Company to SFO Hotel Shuttle, Inc. and to reimburse Contractor for bus cleaning services per month and reimburse Contractor for invoices during the period of December 2012 and April 2015; and

WHEREAS, City and Contractor desire to modify the agreement on the terms and conditions set forth herein to increase the not-to-exceed contract amount by \$23,871,617; exercise the first of three two year options and update administrative changes required by recently enacted San Francisco contracting ordinances; and

WHEREAS, the Commission approved this Second Modification pursuant to Resolution Number 16-0077 on March 15, 2016.

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

**1. Definitions.** The following definitions shall apply to this Modification:

**a. Agreement.** The term “Agreement” shall mean the Agreement dated October 9, 2012 between Contractor and City, as amended by the:

Assignment and Assumption and First Modification, dated May 15, 2015.

**b. Other Terms.** Terms used and not defined in this Modification shall have the meanings assigned to such terms in the Agreement.

**2. Section 2. Term of the Agreement** is hereby amended to exercise the first of three two year options for a new ending date of June 30, 2018.

**3. Section 5. Compensation** is hereby amended to increase the total compensation payable by an amount of \$23,871,617 for the period from July 1, 2016 through June 30, 2018 for a new not-to-exceed amount of \$62,871,617.

**4. New Section 58. Graffiti Removal** is hereby replaced in its entirety with a **New Section 58. Sugar-Sweetened Beverage Prohibition** to read as follows:

**58. Sugar-Sweetened Beverage Prohibition.** Contractor agrees that it will not sell, provide, or otherwise distribute Sugar-Sweetened Beverages, as defined by San Francisco Administrative Code Chapter 101, as part of its performance of this Agreement.





**5. New Appendix B. Calculation of Charges B. Fee Amount** is hereby amended to extend the term of the Monthly Management Fee for 24 months to June 30, 2018.

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

**7. 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, Contractor and City have executed this Modification as of the date first referenced above.

<b>CITY</b>	<b>CONTRACTOR</b>
AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO	
By:  John L. Martin, Airport Director	 Authorized Signature Patricia Salmon Printed Name
Attest:  By:  Jean Caramatti, Secretary Airport Commission	Vice President Title SFO Hotel Shuttle, Inc. Company Name
Resolution No: 16-0077  Adopted on: March 15, 2016	88302 City Vendor Number  54 Tanforan Avenue Address
Approved as to Form:  Dennis J. Herrera City Attorney	South San Francisco, CA 94080 City, State, ZIP  (415) 915-9777 Telephone Number
By:  Stacey Lucas Deputy City Attorney	68-0494097 Federal Employer ID Number