

**City and County of San Francisco
Office of Contract Administration
Purchasing Division
City Hall, Room 430
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4685**

**Third Amendment
To Agreement between the City and County of San Francisco and
Xtech JV**

**Term Contract # 99400
Tier 1 Contractor of the Technology Marketplace 2.0
PeopleSoft Supplier Contract ID: 1000012618**

THIS AMENDMENT (this “Amendment”) is made as of September 15, 2021, in San Francisco, California, by and between **Xtech JV** (“Contractor”), and the City and County of San Francisco, a municipal corporation (“City”), acting by and through its Director of the Office of Contract Administration.

Recitals

WHEREAS, City and Contractor have entered into the Agreement (as defined below); and

WHEREAS, City and Contractor desire to modify the Agreement on the terms and conditions set forth herein to extend the contract duration; and

WHEREAS, the Agreement was competitively procured as required by San Francisco Administrative Code Chapter 21.1 through Request for Proposals #99400 “Tiers 1 and 2 of the Technology Marketplace 2.0” a Request for Proposal (“RFP”) issued on June 20, 2018 and this modification is consistent therewith; and

WHEREAS, approval for this Amendment was obtained when the Civil Service Commission approved Contract number 44114-17/18 on July 10, 2018;

WHEREAS, the City’s Board of Supervisors approved the Agreement by Resolution No. 018-19 on January 15, 2019;

WHEREAS, the City’s Board of Supervisors approved the First Amendment by Resolution No. 426-19 on October 1, 2019 modifying the Agreement to increase the not-to-exceed amount from \$20,000,000 to \$44,000,000;

WHEREAS, the City’s Board of Supervisors approved the Second Amendment by Resolution No. 443-20 on September 29, 2020 modifying the Agreement to increase the not-to-exceed amount from \$44,000,000 to \$80,000,000;

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

Article 1 Definitions

The following definitions shall apply to this Amendment:

1.1 **Agreement.** The term “Agreement” shall mean the Agreement dated January 1, 2019 between Contractor and City as amended by the First Amendment dated October 1, 2019, and as amended by the Second Amendment dated October 15, 2020.

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

Article 2 Modifications to the Agreement.

The Agreement is hereby modified as follows:

2.1 **Term of the Agreement.** *Section 2.1 of the Agreement currently reads as follows:*

2.1 **Term of the Agreement.** The term of this Agreement shall commence on the later of: (i) January 1, 2019; or (ii) the Effective Date and expire on December 31, 2021, unless earlier terminated as otherwise provided herein.

Such section is hereby amended in its entirety to read as follows:

2.1 **Term of the Agreement.** The term of this Agreement shall commence on the later of: (i) January 1, 2019; or (ii) the Effective Date and expire on December 31, 2023, unless earlier terminated as otherwise provided herein.

Article 3 Effective Date

Each of the modifications set forth in Article 2 shall be effective on and after the date of this Amendment.

Article 4 Legal Effect

Except as expressly modified by this Amendment, 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 Amendment as of the date first referenced above.

CITY

CONTRACTOR

Recommended by:

DocuSigned by:
Jonathan Jew
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Jonathan Jew
IT Purchasing Supervisor
Office of Contract Administration

Approved as to Form:

Dennis J. Herrera
City Attorney

DocuSigned by:
Gustin R. Guibert
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By: _____
Gustin R. Guibert
Deputy City Attorney

Approved:

Sailaja Kurella
Acting Director of the Office of Contract
Administration, and Purchaser

DocuSigned by:
Sailaja Kurella
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By: _____
Sailaja Kurella

Xtech JV

DocuSigned by:
Patricia Eaton
58E4A2241D1E4F7...

Signature of Authorized Representative for
AIXTEK DBA Eaton Associates

Patricia Eaton

Name of Authorized Representative for
AIXTEK DBA Eaton Associates

CFO

DocuSigned by:
Azhar Mahmood
0A7299E6FB8D446...

Signature of Authorized Representative for
21 Tech

Azhar Mahmood

Name of Authorized Representative for 21
Tech

Managing Member

City Supplier number: 000008003