C45-206

Third Amendment to "City and County of San Francisco Department of Technology (DT) and Corporation for Education Network Initiatives in California (CENIC) Fiber Optic Network Installation, Occupancy, and Maintenance Agreement In Support of UCSF Networking" ("DT/CENIC Agreement for UCSF")

THIRD AMENDMENT TO FIBER OPTIC NETWORK AGREEMENT

THIS AMENDMENT ("Amendment") is made as of May 7, 2013, in San Francisco, California, by and between the Corporation for Education Network Initiatives in California ("CENIC" or "Lessee"), and the City and County of San Francisco, a municipal corporation ("City" or "Lessor"), acting by and through its Department of Technology.

RECITALS

WHEREAS, Lessor and Lessee have entered into the Agreement (as defined below); and WHEREAS, Lessor and Lessee desire to modify the Agreement on the terms and conditions set forth herein;

NOW, THEREFORE, Lessee and the Lessor agree as follows:

1. Definitions. The following definitions shall apply to this Amendment:

a. Agreement. The term "Agreement" shall mean the Agreement dated May 25, 2011 between Lessee and City, as amended by the First Amendment, dated July 17, 2012 and the Second Amendment, dated December 17, 2012.

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

2. Modifications to the Agreement. The Agreement is hereby modified as follows:

Exhibit 2 – Fiber Acceptance Criteria Shall be amended as follows:

Fiber Turnover Package
After acceptance, the fiber turn-over package shall include the following information about the cable(s) used to provide the end-end path: Cable manufacturer, cable type (buffer/ribbon), fiber type, number of fibers, number of fibers per tube, distance of each section of cable between splice points.

All other terms and conditions in Exhibit 2 remain the same.

3. Effective Date. Each of the modifications set forth in Section 2 shall be effective on and after the date of this amendment.

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, Lessee and Lessor have executed this Amendment as of the date first referenced above.

LESSOR

Recommended by

Marc Touitou
Chief Information Officer
City and County of San Francisco

LESSEE

Corporation for Education Network Initiatives in California

Louis Fox
President & CEO

Approved as to Form:

Dennis J. Herrera
City Attorney

By: Margarita Gutierrez
Deputy City Attorney