

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

Modification No. 3

THIS MODIFICATION (this "Modification") is made as of **December 1, 2020**, in San Francisco, California, by and between **KONE Inc.** ("Contractor"), and the City and County of San Francisco, a municipal corporation ("City"), acting by and through its Airport Commission, hereinafter referred to as "**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. 19-0098, the Commission awarded this Agreement to the Contractor for a two-year term commencing on July 1, 2019 in an amount not to exceed \$9,765,600; and
- D. On October 1, 2019, City and Contractor administratively modified the Agreement through Modification No. 1 to revise Appendix B by increasing the allowance for As-Needed Services with no change to the contract amount; and
- E. On July 1, 2020, City and Contractor administratively modified the Agreement through Modification No. 2 to reduce unit prices for preventative maintenance, adjust the preventative maintenance schedule, and update standard contractual terms; and
- F. City and Contractor desire to modify the Agreement on the terms and conditions set forth herein to increase the contract amount by \$9,000,000 for a new not-to-exceed amount of \$18,765,600, with no change to the contract term; and
- G. On December 1, 2020, by Resolution No. 20-0223, the Commission approved this Modification to the Agreement to increase the contract amount by \$9,000,000 for a not-to-exceed amount of \$18,765,600, with no change to the contract term; and
- H. On _____, by Resolution No. _____, the Board of Supervisors approved this Modification 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, City and Contractor agree as follows:

- 1. **Article 1. Definitions, 1.1 Agreement** is revised. The definition "Agreement" shall mean the Agreement dated May 7, 2019, Modification No. 1 dated October 1, 2019, Modification No. 2 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 3. Compensation, Section 3.3.1 Payment** is hereby amended to increase the total not-to-exceed compensation payable by Nine Million Dollars (\$9,000,000) for a new total not-to-exceed amount of Eighteen Million Seven Hundred and Sixty-Five Thousand Dollars (\$18,765,000):
3. **Appendix B, B. As-Needed Services** is hereby amended to increase the total Allowance for As-Needed Services by \$4,000,000, for a new total Allowance of \$9,000,000.
4. **Appendix B, Total Not-to-Exceed Contract Amount** is hereby removed, being duplicative of the total not-to-exceed contract amount in **Article 3. Compensation, Section 3.3.1 Payment**.
5. **Effective Date.** Each of the changes set forth in this Modification shall be effective on and after the date of this Modification.
6. **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.

CITY AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO	CONTRACTOR
By: _____ Ivar C. Satero, Airport Director	 _____ Authorized Signature
Attest: By _____ C. Corina Monzón, Secretary Airport Commission	Joe Harmeyer _____ Printed Name
Resolution No: <u>20-0223</u>	Vice President, Mid Pacific District _____ Title
Adopted on: <u>December 1, 2020</u>	KONE Inc. _____ Company Name
Approved as to Form: Dennis J. Herrera City Attorney	000003220 _____ City Supplier ID
By _____ Daniel A. Edington Deputy City Attorney	567 7 th Street _____ Address
	San Francisco, CA 94103 _____ City, State, ZIP
	415-554-0580 _____ Telephone Number
	36-2357423 _____ Federal Employer ID Number