Resolution authorizing the license of space and services with Telx at 200 Paul Street for the Department of Technology.

WHEREAS, The Department of Technology requires connectivity to the internet and the fiber network to operate the City's mission critical data operations; and

WHEREAS, THE TELX GROUP, INC., a Delaware Corporation ("Licensor" or "Telx" provides the only interconnectivity services at 200 Paul Street; and

WHEREAS, The Department of Technology recommends the proposed lease; and;

now, therefore, be it

RESOLVED, That in accordance with the recommendation of the Director of the Department of Technology, the Director of Property is hereby authorized to take all actions on behalf of the City and County of San Francisco, as tenant, to execute a license (copy of the proposed license is on file with the Clerk of the Board) with THE TELX GROUP, INC., a Delaware corporation, on behalf of itself and its wholly-owned subsidiaries (collectively, "Licensor"), for server rack and space in the building commonly known as 200 Paul Street, San Francisco, California, for the 24 pair connectivity housed in cabinet 521 on the third floor as more particularly described in the license on the terms and conditions set forth herein, and on a form approved by the City Attorney; and, be it

FURTHER RESOLVED, That the Lease shall be for a term of two (2) years commencing on February 1, 2011 and terminating on January 31, 2013. The lease shall be include three (3) options to extend the term for one (1) year each on the same terms and conditions except the base rent shall be increased for each option period by three percent
(3%) by providing 9 months advance notice. The base rent during the initial term shall be $6,000 per month. The Landlord shall pay for utilities, janitorial services, and building maintenance and repairs; and, be it

FURTHER RESOLVED, That the License shall include a clause, indemnifying, holding harmless, and defending Telx, other related parties, and its agents from and against any and all claims, costs and expenses, including without limitation, reasonable attorneys' fees, incurred as a result of any default by the City in the performance of any of its material obligations under the License, or any negligent acts or omissions of the City or its agents, in, on, or about the Premises or the property on which the Premises are located, excluding those claims, costs and expenses incurred as a result of the negligence or willful misconduct of the Telx or its agents; and, be it

FURTHER RESOLVED, That all actions heretofore taken by the officers of the City with respect to such Lease are hereby approved, confirmed and ratified; and, be it

FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Property to enter into any amendments or modifications to the Lease (including, without limitation, the exhibits) that the Director of Property determines, in consultation with the City Attorney, are in the best interest of the City, do not increase the rent or otherwise materially increase the obligations or liabilities of the City and are necessary or advisable to effectuate the purposes of the Lease or this Resolution, and are in compliance with all applicable laws, including the City Charter; and, be it

FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Property to exercise any or all of the options to extend the term if the Director of Property determines, in consultation with the Director of the Department of Technology and the City
Attorney, that such extended term is in the best interest of the City and are in compliance with all applicable laws, including the City Charter; and, be it

FURTHER RESOLVED, That the City use the License for the full term of the License unless funds for the Department of Technology's rental payments are not appropriated in any subsequent fiscal year at which time the City may terminate the License. Said Lease shall be subject to certification as to funds by the Controller, pursuant to Section 6.302 of the City Charter; and, be it

FURTHER RESOLVED, That the Department of Technology shall provide written reports to the Board of Supervisors every six months on the progress made towards consolidation of information technology facilities, equipment and staff and the associated documented efficiencies and cost savings.

$30,000 Available (5 mos.@ $6,000 per month)
Project: PTI001
Index Code: 750600

Controller

RECOMMENDED:

Department of Technology

Director of Property

Real Estate Division

**Real Estate Division**
BOARD OF SUPERVISORS
Resolution authorizing the license of space and services with Telx at 200 Paul Street for the Department of Technology.

January 19, 2011 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

January 19, 2011 Budget and Finance Committee - RECOMMENDED AS AMENDED

January 25, 2011 Board of Supervisors - ADOPTED
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

I hereby certify that the foregoing Resolution was ADOPTED on 1/25/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwina Lee
Date Approved