

**AMENDMENT NO. 5 TO AGREEMENT BETWEEN  
 SAN DIEGO UNIFIED PORT DISTRICT  
 and  
 EXCELERATE, LLC  
 for  
 AS NEEDED PROJECT MANAGEMENT OFFICE (PMO) SERVICES  
 AGREEMENT NO. 156-2014**

The parties to this Amendment No. 5 to Agreement are the SAN DIEGO UNIFIED PORT DISTRICT, a Public Corporation (District) and EXCELERATE, LLC, a California Limited Liability Corporation (Service Provider).

Recitals:

District and Service Provider are parties to an Agreement for As Needed Project Management Office (PMO) Services. The agreement is on file in the Office of the District Clerk as Document No. 62695 dated December 18, 2014, as amended by Assignment and Assumption Agreement between Acme Business Consulting, LLC. And Excelerate, LLC., Document No. 65787 dated November 14, 2016, as amended by Amendment No. 1 Document No. 65872 dated December 13, 2016, as amended by Amendment No. 2 Document No. 67686 dated January 18, 2018, as amended by Amendment No. 3 Document No. 68389 dated May 10, 2018, and as amended by Amendment No. 4 Document No. 68825 dated August 22, 2019. It is now proposed to extend the agreement from November 4, 2019 to March 31, 2020.

The Parties Agree:

1. Section 2, **TERM OF AGREEMENT**, is hereby amended to change the termination date from November 4, 2019 to March 31, 2020.

\*\*\*\*\*End of Page\*\*\*\*\*

2. All other terms, covenants, and conditions in the original Agreement shall remain in full force and effect and shall be applicable to this Amendment.

**SAN DIEGO UNIFIED PORT DISTRICT****EXCELERATE, LLC**

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Keith Coffey  
Chief Technology Officer, Information  
Technology

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Nilay Thakkar  
President

Approved as to form and legality:  
GENERAL COUNSEL



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By: Assistant/Deputy

A manually signed copy of this Amendment transmitted by email or any other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Amendment.



## Certificate Of Completion

Envelope Id: 43BCE3D79F2A4282A28EE1D8260B6671	Status: Completed
Subject: Please DocuSign: Amendment (5) to Agreement 156-2014 with Excelerate, LLC.doc	
Source Envelope:	
Document Pages: 2	Signatures: 3
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Rebecca Shults
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	3165 Pacific Highway
	San Diego, CA 92101
	rshults@portofsandiego.org
	IP Address: 207.215.153.162

## Record Tracking

Status: Original	Holder: Rebecca Shults	Location: DocuSign
8/27/2019 3:52:24 PM	rshults@portofsandiego.org	
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: San Diego Unified Port District	Location: DocuSign

## Signer Events

Signature	Timestamp
<b>Nilay Thakkar</b> nilay@exceleratellc.com CEO Excelerate Security Level: Email, Account Authentication (None)	Sent: 8/27/2019 3:54:09 PM Viewed: 8/27/2019 4:08:49 PM Signed: 8/27/2019 4:09:16 PM
Signature Adoption: Pre-selected Style Using IP Address: 195.249.119.98	

## Electronic Record and Signature Disclosure:

Accepted: 3/18/2019 6:33:41 PM  
ID: ff5c7e9d-c6c9-453e-aaa4-24e026afe377

<b>W.D. McMinn</b> bmcminn@portofsandiego.org Form and Legality/ Deputy General Counsel Security Level: Email, Account Authentication (None)	<b>W.D. McMinn</b> Signature Adoption: Pre-selected Style Using IP Address: 207.215.153.162	Sent: 8/27/2019 4:09:18 PM Viewed: 8/28/2019 11:07:49 AM Signed: 8/28/2019 11:08:24 AM
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## Electronic Record and Signature Disclosure:

Accepted: 8/28/2019 11:07:49 AM  
ID: ca9d78b6-7b8f-4e9a-9cac-72260b1dabc0

<b>Keith Coffey</b> kcoffey@portofsandiego.org CTO Port of San Diego Security Level: Email, Account Authentication (None)	<b>Keith Coffey</b> Signature Adoption: Uploaded Signature Image Using IP Address: 174.212.0.6 Signed using mobile	Sent: 8/28/2019 11:08:27 AM Viewed: 8/30/2019 11:26:19 AM Signed: 8/30/2019 11:28:20 AM
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## Electronic Record and Signature Disclosure:

Accepted: 12/21/2018 3:51:51 PM  
ID: bd4b287c-db56-42ce-869d-e40be61e380c

<b>ODC DocuSign Group</b> ODCDocuSign@portofsandiego.org Security Level: Email, Account Authentication (None)	<b>Completed</b> Using IP Address: 207.215.153.162	Sent: 8/30/2019 11:28:22 AM Viewed: 8/30/2019 11:36:45 AM Signed: 8/30/2019 11:40:01 AM
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## Electronic Record and Signature Disclosure:

Accepted: 11/5/2018 10:01:32 AM  
ID: 2ce25280-e9c3-4a4e-bdb7-699e901f800d

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Chrissy Joslin cjoslin@portofsandiego.org Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Accepted: 2/4/2019 3:38:25 PM ID: fdbdefa9-567a-4413-8d52-fa782bf18b2c	COPIED	Sent: 8/30/2019 11:40:04 AM
DocuSign Core Notify Group DocuSign_Core_Notify@portofsandiego.org Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign	COPIED	Sent: 8/30/2019 11:40:04 AM
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	8/30/2019 11:40:04 AM
Certified Delivered	Security Checked	8/30/2019 11:40:04 AM
Signing Complete	Security Checked	8/30/2019 11:40:04 AM
Completed	Security Checked	8/30/2019 11:40:04 AM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

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From time to time, San Diego Unified Port District (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign, Inc. (DocuSign) electronic signing system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

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If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of a DocuSign envelope instead of signing it. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

### **How to contact San Diego Unified Port District:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [rsanagus@portofsandiego.org](mailto:rsanagus@portofsandiego.org)

### **To advise San Diego Unified Port District of your new e-mail address**

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at [rsanagus@portofsandiego.org](mailto:rsanagus@portofsandiego.org) and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc. to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in the DocuSign system.

### **To request paper copies from San Diego Unified Port District**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to [rsanagus@portofsandiego.org](mailto:rsanagus@portofsandiego.org) and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

### **To withdraw your consent with San Diego Unified Port District**

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to [rsanagus@portofsandiego.org](mailto:rsanagus@portofsandiego.org) and in the body of such request you must state your e-mail, full name, US Postal Address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

Enabled Security Settings:	Allow per session cookies
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\*\* These minimum requirements are subject to change. If these requirements change, you will be asked to re-accept the disclosure. Pre-release (e.g. beta) versions of operating systems and browsers are not supported.

**Acknowledging your access and consent to receive materials electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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