



# UNIVERSITY OF CALIFORNIA

## Amendment to Agreement #088/OP/242

This Amendment #4 to Agreement #088-OP-242 ("Agreement") is entered into between The Regents of the University of California ("UC") and FM Systems LLC d/b/a/ Tuition Management Systems or "TMS" ("Supplier").

### AMENDMENT TO AGREEMENT

The Agreement is hereby amended as follows:

**A. Article II, TERM OF AGREEMENT shall be amended as follows:**

1. The Period of Performance for this Agreement shall be from November 12, 2018 through November 11, 2019.
2. Subject to Mutual Agreement in writing by both Parties, may be extended for up to one (1) additional one (1) year Periods.

**B. Article V, REPORTING shall be amended as follows:**

1. In performing services hereunder, Retained Search Firm shall report to a University of California point of contact, to be determined in each Recruitment Engagement Letters, as well as to:

Dolores Niccolai  
Principal Loan & Contract Analyst  
Student Financial Services/Student Affairs  
Office of the President  
The University of California  
1111 Franklin Street  
Dolores.Niccolai@ucop.edu

**C. Article XXI, REPRESENTATIVES is amended as follows:**

1. Any changes to this Agreement may be made only by the following Representative of The University of California, or their Successors as designated in writing:

Lesley Clark  
Senior Commodity Manager  
Procurement Services  
University of California/Office of the President  
1111 Franklin Street  
Oakland, CA 94607  
Lesley.Clark@ucop.edu

- D. TERMS AND CONDITIONS:** The University of California is providing its Suppliers with an updated version of the following Document to reflect updates in Federal Law, State of California Law, and The University of California Policies. This Document will now become part of the Agreement referenced above and where conflict exists between the Original Agreement and the updated Terms and Conditions Document, the Terms and Conditions Document will supersede, unless as stated below, any Term or Condition is not applicable to this Agreement:

1. The UC Terms & Conditions of Purchase (dated 9/4/2018).

**E. AMENDMENTS TO THE UNIVERSITY OF CALIFORNIA TERMS AND CONDITIONS:** The University of California Terms and Conditions of Purchase (dated 9/4/2018) are amended as follows:

- a. Article 7 – Intellectual Property, Copyright, and Patents is deleted in its entirety.
- b. Article 11 – Federal Acquisitions Regulations – Commercial Goods and Services is deleted in its entirety.
- c. Article 14 – Premises Where Services Are Provided is deleted in its entirety.
- d. Article 15 – Liability for UC – Furnished Property is deleted in its entirety.
- e. Article 17 – Additional Terms Applicable to the Furnishing of Goods is deleted in its entirety.
- f. Article 22 – Sustainable Procurement is deleted in its entirety.
- g. Article 23 – Patient Protection and Affordable Care Act (PPACA) Employer Shared Responsibility is deleted in its entirety.
- h. Article 24 – Prevailing Wage is deleted in its entirety.
- i. Article 25 – Fair Wage/Fair Work is deleted in its entirety.
- j. Article 26 – Medical Devices is deleted in its entirety.

**F. APPENDIX DATA SECURITY AND PRIVACY:** The University of California is providing its Suppliers with an updated version of the following Document to reflect updates in Federal Law, State of California Law, and The University of California Policies. This Document will now become part of the Agreement referenced above and where conflict exists between the Original Agreement and the updated Appendix, Data Security and Privacy Document, the Appendix, Data Security and Privacy Document will supersede, unless as stated below, any Term or Condition of this Document is not applicable to this Agreement:

- a. University of California Appendix-Data Security and Privacy (dated 5/24/2018).

**G. AMENDMENTS TO THE UNIVERSITY OF CALIFORNIA APPENDIX DATA SECURITY AND PRIVACY:**

- 1. The First Amendment to Appendix – Data Security and Privacy: General Data Protection Regulation Data Protection Amendment is deleted in its entirety.

All other Terms, Conditions and Provisions of the Agreement shall remain in full force and effect.

This Amendment is signed by the Parties' Duly Authorized Representatives, and shall be effective as of November 12, 2018.


**THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA**

  
\_\_\_\_\_  
(Signature)

Lesley Clark  
Senior Commodity Manager  
Professional Services Center of Excellence

11/8/18  
\_\_\_\_\_  
(Date)

**FM SYSTEMS LLC D/B/A TUITION MANAGEMENT  
SYSTEMS/TMS**

  
\_\_\_\_\_  
(Signature)

Carl J. Firliings, Jr.  
\_\_\_\_\_  
(Printed Name)

Senior Vice President  
\_\_\_\_\_  
(Title)

11/8/2018  
\_\_\_\_\_  
(Date)