

“As part of this scope of work, BMC will ensure that response time in the development environment, once upgraded to Remedy OnDemand 2013.1, is on or below the 3 second threshold. (For purposes of this contract, response time is defines as how long it takes for a response to return back *from* the application.) If performance is deemed by the customer to be unsatisfactory in terms of response time (more than 3 seconds), BMC will commit resources, including but not limited to, additional memory/RAM, dedicated hardware, log analysis, load testing and monitoring to resolve the performance issues.”

*Drafted by Patricia Sheppard 2/25/2013*