

HiveLOCITY Solution Portability Program

HiveLOCITY is dedicated to helping its customers operate the right environment and platform for its workload. As a service provider, minimum contract terms are an essential part of HiveLOCITY's business model and enable us to invest significant capital to deliver the services our Customer's rely upon. However, we also understand that sometimes a Customer may want to make changes to their environment to optimise their workload and performance however their existing contracted services may have a minimum contract term that means making a change is cost prohibitive.

In certain circumstances, HiveLOCITY can help such customers by allowing them to port their minimum contract term to a new contract for new services. We call this Solution Portability.

Solution Portability is provided at the discretion of HiveLOCITY and a Customer's suitability is subject to the further conditions and qualifications below.

1. Solution Portability requires an initial Service Order for services with HiveLOCITY or one of its affiliates ("Porting Solution"). Solution Portability is not available from a third-party service provider.
2. HiveLOCITY is unable to offer Solution Portability on certain services. Services excluded from Solution Portability include: Third party services (such as unique data centre deployments or builds, connectivity or third-party software solutions) that were procured specifically for the Customer; and custom equipment procured for the customer including servers, storage, networking equipment as well as any support or maintenance agreements associated with the equipment. All such excluded services shall be subject to early termination fees as specified in the applicable Service Order.
3. Your account representative will work with you to understand your requirements for a new solution ("New Solution"). To qualify for Solution Portability the New Solution will be subject to a new minimum committed Term. The minimum committed term of the New Solution will be determined by the availability of equipment, the agreed Monthly Recurring Charges of the New Solution, the ability of HiveLOCITY to reuse the Porting Solution equipment, and whether new equipment is required to be purchased for the New Solution. Minimum committed term on the Porting Solution will be credited to the new minimum committed term for the New Solution which must, at a minimum, be coterminous with the Porting Solution and have an MRC that is equal to or greater than the Porting Solution.
4. Solution Portability is only available on a prospective basis and customers cannot retrospectively request a Service Order become a Porting Solution in connection with a new Service Order that has already been accepted by HiveLOCITY.