



## **Service Level Agreement (SLA)**

This Latin Servers Company Service Level Agreement ("SLA") applies to all shared and dedicated clients. The Client agrees that measurements via our third party establish the eligibility for any applicable Performance Credit. In the event that the Client determines that a discrepancy in such measurement exists, Client shall promptly notify Latin Servers Company and Latin Servers Company and Client will mutually agree upon the validity and accuracy of the measurement, and upon Client's eligibility for any applicable Performance Credits

This SLA may be amended at any time by Latin Servers Company.

Latin Servers Company Network is defined as the equipment, software, and facilities within the Latin Servers Company network segment, including Latin Servers Company's contracted ISP services to which the Latin Servers Company network segment is connected and collectively utilized by Latin Servers Company to provide dedicated and co-location services

Service Availability is the total time in a calendar month that the Latin Servers Company is available through the Internet, provided that Client has established connectivity. Latin Servers Company takes responsibility for the Service Availability within its immediate network segment, and cannot be held liable for problems directly related to an upstream bandwidth provider. The Latin Servers Company Network will be available to clients free of Network Outages for 99.9% of the time

Service Downtime is any unplanned interruption in Service Availability during which the Client is unable to access the services as described in preceding section, provided the interruption is determined to have been caused by a problem in the immediate Latin Servers Company network segment as confirmed by Latin Servers Company. Service Downtime is measured as the total length of time of the unplanned interruption in Service Availability during a calendar month. Latin Servers Company is not responsible for any unplanned outages due to third-party software failure are the direct responsibility of the software publisher and not of Latin Servers Company

Scheduled Service Downtime is any Latin Servers Company interruption of Hosting Services. Scheduled Service Downtime occurs during a Latin Servers Company server maintenance window, which occurs in conjunction with a 24 hour notice to the Client via electronic communication.

Performance Credit occurs when 99.9% uptime is not met. Latin Servers Company will refund the customer 5% of the monthly fee for each 30 minutes of downtime (up to 100% of the customer's monthly fee). Network downtime is measured from the time a trouble ticket is opened by a customer to the time the server is once again able to transmit and receive data.

Monitoring Service is the service Latin Servers Company provides in order to analyze availability of HTTP based services and applications through its third party monitoring system.

### **Service Downtime Performance Credit**

In the event of Service Downtime in which monthly Service Availability is less than 99.9%, Client will receive a Performance Credit as described above.

## **Service Exclusions**

This SLA does not cover Service Downtime caused by problems in the following:

- \* Client's local area network
- \* Client-provided Internet connectivity or end-user software
- \* Entities inside Client's internal network including, but not limited to, firewall configuration and bandwidth shaping, local area workstations, or other servers, equipment, and software that have a potential bearing on the local networking environment

## **Service Downtime Exclusions**

The following are excluded from the monthly calculation of Service Availability:

- \* Any utilized Scheduled Service Downtime
- \* Any problems beyond the immediate Latin Servers Company network segment
- \* Any interruptions, delays or failures caused by Client or Client's employees, agents, or subcontractors, such as, but not limited to, the following:
  - o Inaccurate configuration
  - o Non-compliant use of any software installed on the server
  - o Client initiated server over-utilization
  - o Any problems related to attacks on the machine such as hacking, bandwidth-based attacks of any nature, and service or operating system exploits