

STATE OF NEBRASKA CONTRACT AMENDMENT

State Purchasing Bureau
1526 K Street, Suite 130
Lincoln, Nebraska 68508

Telephone: (402) 471-6500
Fax: (402) 471-2089

CONTRACT NUMBER
14260 OC

PAGE 1 of 2	ORDER DATE 06/22/21
BUSINESS UNIT 9000	BUYER JOY FISCHER (AS)
VENDOR NUMBER: 1313069	
VENDOR ADDRESS: IBM CORPORATION CONTRACT SALES TEAM 7100 HIGHLANDS PKWY SE SMYRNA GA 30082-4859	

AN AWARD HAS BEEN MADE TO THE CONTRACTOR NAMED ABOVE FOR THE FURNISHING OF MATERIALS AND/OR SERVICES AS LISTED BELOW FOR THE PERIOD:

AUGUST 01, 2021 THROUGH JULY 31, 2022

NO ACTION ON THE PART OF THE CONTRACTOR NEEDS TO BE TAKEN AT THIS TIME. ORDERS FOR THE MATERIALS AND/OR SERVICES WILL BE MADE AS NEEDED BY THE VARIOUS AGENCIES OF THE STATE.

THIS CONTRACT IS NOT AN EXCLUSIVE CONTRACT TO FURNISH THE MATERIALS AND/OR SERVICES SHOWN BELOW, AND DOES NOT PRECLUDE THE PURCHASE OF SIMILAR MATERIALS AND/OR SERVICES FROM OTHER SOURCES.

THE STATE RESERVES THE RIGHT TO EXTEND THE PERIOD OF THIS CONTRACT BEYOND THE TERMINATION DATE WHEN MUTUALLY AGREEABLE TO THE CONTRACTOR AND THE STATE OF NEBRASKA.

Originally awarded from NASPO ValuePoint Contract MNWNC-116.

Supply and deliver Computer Equipment (Server and Storage), Peripherals and Related Services, FOB Destination, to the State of Nebraska per the following Contract Information and attached Participating Addendum.

IBM Corporation NASPO ValuePoint website: www.ibm.com/nebraska/naspo

The IBM Corporation's NASPO ValuePoint website will assist you with contact information, product and service information, product configuration, pricing, how to order, warranty support, etc.

The State Purchasing Bureau encourages agencies to contact the designated Inside Sales Representative/Account Representative to learn more about special promotions, and to obtain volume discount quotes.

The following configuration limits apply to this contract:

Server: \$500,000
Storage: \$500,000

The dollar limits identified above are based on a SINGLE computer configuration. This is NOT a restriction on the purchase of multiple configurations (e.g. an entity could purchase 2 Servers for a total purchase price of \$600,000).

The Purchase Order must include the State of Nebraska NASPO ValuePoint Contract #14260 OC and the IBM Corporation's NASPO ValuePoint Master Agreement Number MNWNC-116.

Leasing is outside the scope of the NASPO ValuePoint Agreement and this contract.

Political Subdivisions are responsible for processing Purchase Orders directly with the contracted vendor.

(For the File: This RFP and Contract are bid and awarded by the State of Minnesota. All backup bids, etc., are retained by the State of Minnesota, Department of Administration, Materials Management Division.)

(For the File: The NASPO ValuePoint/IBM Corporation Master Price Agreement contract period was effective on April 1, 2015. The NASPO/ValuePoint/IBM Corporation Participating Addendum became effective on December 15, 2015.)

DocuSigned by:
[Redacted] /25/2021
8D62163E69C44C
DocuSigned by:
[Redacted] BUYER
/28/2021
MATERIALS ADMINISTRATOR

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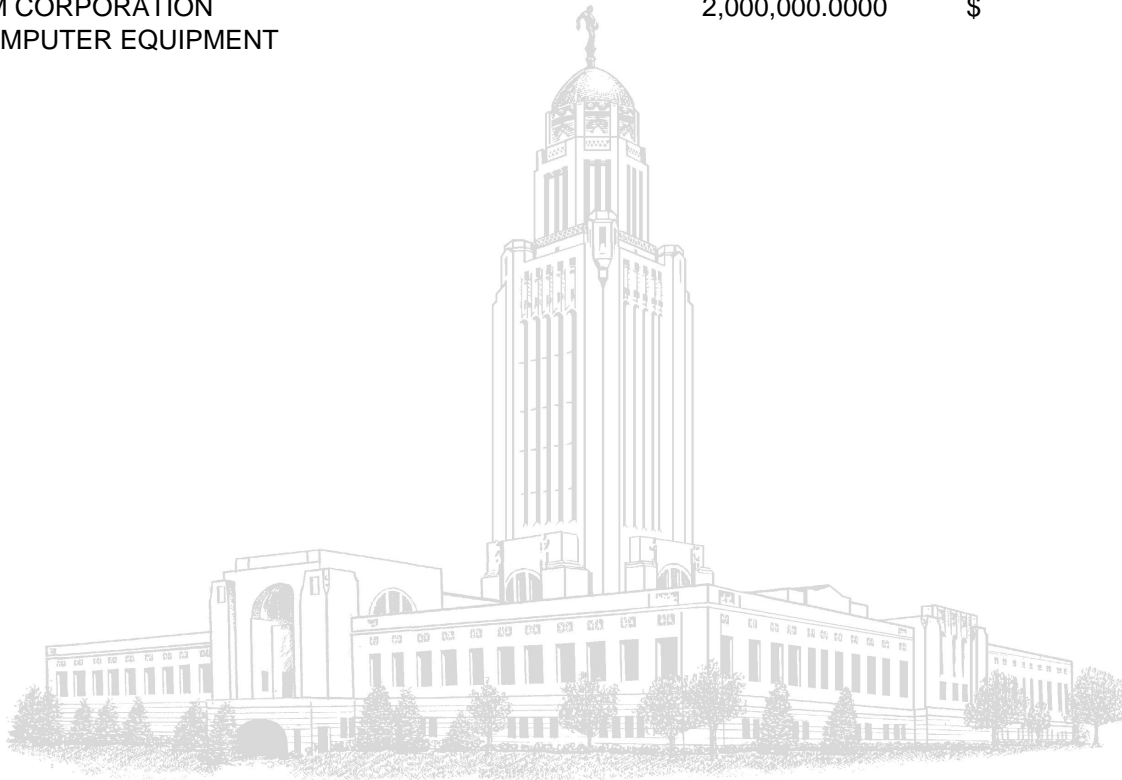
CONTRACT NUMBER
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PAGE 2 of 2		ORDER DATE 06/22/21	
BUSINESS UNIT 9000		BUYER JOY FISCHER (AS)	
VENDOR NUMBER: 1313069			

Vendor Contact: Karen Schneider
 Phone: 720-397-5563
 Email: kasch@us.ibm.com

PARTICIPATING ADDENDUM AMENDMENT FIVE (5) AS ATTACHED. (6/22/21 sc)

Line	Description	Estimated Quantity	Unit of Measure	Unit Price
1	IBM CORPORATION COMPUTER EQUIPMENT	2,000,000.0000	\$	1.0000



BUYER INITIALS

**PARTICIPATING ADDENDUM
Amendment Five
NASPO ValuePoint COOPERATIVE PURCHASING PROGRAM
Computer Equipment
Administered by the State of Minnesota (hereinafter "Lead State")**

MASTER AGREEMENT
Master Agreement No: MNWNC-116
IBM Corporation
(hereinafter "Contractor")
And
State of Nebraska
(hereinafter "Participating State/Entity")

Participating State Contract Number 14260 OC

THIS AMENDMENT is by and between the State of Nebraska ("Participating State/Entity"), and IBM Corporation (Contractor).

WHEREAS, the Lead State has a Contract with the Contractor identified as No. MNWNC-116 to provide Computer Equipment, the State of Nebraska has entered into a Participating Addendum (PA) with the Contractor identified as 14260 OC.

WHEREAS, the terms of the Contract specifically state that the contract may be amended per agreement by both parties. The State of Nebraska wishes to continue to take advantage of existing contract.


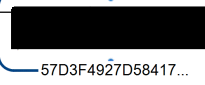
NOW, THEREFORE, it is agreed by the parties to amend the Contract as follows:

1. **CHANGES:** The purpose of this Amendment Five is as follows:

- a. Contract Period: Extended from August 1, 2021 through July 31, 2022.

Terms and conditions inconsistent with, contrary or in addition to the terms and conditions of this Addendum and the Price Agreement, together with its exhibits, shall not be added to or incorporated into this Addendum or the Price Agreement and its exhibits, by any subsequent purchase order or otherwise, and any such attempts to add or incorporate such terms and conditions are hereby rejected. The terms and conditions of this Addendum and the Price Agreement and its exhibits shall prevail and govern in the case of any such inconsistent or additional terms. This Addendum applies only in the jurisdiction of the Participating State or Participating Entity which has executed this Addendum.

IN WITNESS WHEREOF, the parties have executed this Addendum as of the date of execution by both parties below.

Participating State: State of Nebraska	Contractor: IBM Corporation
By:  <small>DocuSigned by: 4CFE2711162A4A2</small>	By:  <small>DocuSigned by: 57D3F4927D58417...</small>
Name: Amara Block	Name: KA Schneider
Title: Acting Materiel Administrator	Title: NASPO Program Manager
Date: 6/28/2021	Date: 6/17/2021



STATE OF MINNESOTA

Office of State Procurement
112 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155
Voice: 651.296.2600
Fax: 651.297.3996



May 14, 2021

Karen Schneider
IBM Corporation
4660 La Jolla Village Dr, Ste 300
San Diego, CA 92122

Dear Ms. Schneider:

Please find enclosed Amendment 5 to NASPO Master Agreement No. MNWNC-116 for you to complete and return.

Using the DocuSign process, please have the attached document(s) signed and routed for the State's execution by **May 21, 2021**.

A current certificate of insurance from your insurer, in the amounts called for in the contract, is required now to complete the contract document. The insurance requirements are attached for your convenience. Please have your insurance provider send a copy of the COI electronically to Elizabeth Randa at Elizabeth.Randa@state.mn.us. No contract document will be executed with your company until the COI has been received and approved.

If the Amendment is not properly executed it will be returned to you. Upon receipt of the properly executed document, and after signatures are obtained from the appropriate State authorities, a copy of the completed Amendment will be sent to your company.

If you have any questions, please feel free to contact me.

Sincerely,

Andy Doran
IT Acquisitions Supervisor
Enclosure(s)

AMENDMENT NO. 5 TO NASPO MASTER AGREEMENT NO. MNWNC-116

THIS AMENDMENT is by and between the State of Minnesota, acting through its Commissioner of Administration (“State”), and IBM Corporation, 4660 La Jolla Village Dr, Ste 300, San Diego, CA 92122 (“Contractor” or “Contract Vendor”).

WHEREAS, the State has a Contract with the Contractor identified as NASPO Master Agreement No. MNWNC-116, April 15, 2015, through July 31, 2021 (“Contract”), to provide Computer Equipment, Peripherals & Related Services; and

WHEREAS, Minn. Stat. § 16C.03, subd. 5, affords the Commissioner of Administration, or delegate pursuant to Minn. Stat. § 16C.03, subd. 16, the authority to amend contracts; and

WHEREAS, the terms of the Contract allow the State to amend the Contract as specified herein, upon the mutual agreement of the Office of State Procurement and the Contractor in a fully executed amendment to the Contract.




NOW, THEREFORE, it is agreed by the parties to amend the Contract as follows:

1. That NASPO Master Agreement No. MNWNC-116 is extended through July 31, 2022, at the same prices, terms, and conditions.

This Amendment is effective beginning August 1, 2021, or upon the date that the final required signatures are obtained, whichever occurs later, and shall remain in effect through contract expiration, or until the Contract is canceled, whichever occurs first.

Except as herein amended, the provisions of the Contract between the parties hereto are expressly reaffirmed and remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed intending to be bound thereby.

<p>1. IBM Corporation The Contractor certifies that the appropriate person(s) have executed this Amendment on behalf of the Contractor as required by applicable articles, bylaws, resolutions, or ordinances.</p> <p>DocuSigned by: By:  Signature ID: 3F4927D58417...</p> <p><u>KA Schneider</u> Printed Name</p> <p>Title: <u>NASPO Program Manager</u></p> <p>Date: <u>5/14/2021</u></p> <p>By: _____ Signature</p> <p>_____ Printed Name</p> <p>Title: _____</p> <p>Date: _____</p>	<p>2. Office of State Procurement In accordance with Minn. Stat. § 16C.03, subd. 3.</p> <p>DocuSigned by: By:  Signature ID: 742DE739C8ED492...</p> <p>Title: <u>Acquisition Management Specialist</u></p> <p>Date: <u>5/24/2021</u></p> <p>3. Commissioner of Administration Or delegated representative.</p> <p>DocuSigned by: By:  Signature ID: 68D02A26D7604BA...</p> <p>Date: <u>5/24/2021</u></p>
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