OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 411 West Ocean Boulevard, 9th Floor Lona Beach. CA 90802-4664

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FIRST AMENDMENT TO AGREEMENT NO. 36210 36210

THIS FIRST AMENDMENT TO AGREEMENT NO. 36210 is made and entered, as of July 28, 2022 for reference purposes only, pursuant to Resolution No. RES-22-0033 adopted by the City Council of the City of Long Beach at its meeting on February 15, 2022, by and between ODP BUSINESS SOLUTIONS, LLC, successor-in-interest to OFFICE DEPOT, LLC, a Delaware limited liability company ("Contractor"), with a place of business located at 6600 North Military Trail, Boca Raton, Florida 33496, and the CITY OF LONG BEACH ("City"), a municipal corporation.

WHEREAS, City and Contractor (the "Parties") entered into Agreement No. 36210 (the "Agreement") whereby Contractor agreed to provide the City with custodial supplies of substantially the same type and kind purchased under the Region 4 Education Service Center through Omnia Partners, Agreement No. R211302, in an annual amount not to exceed Two Million Two Hundred Thousand Dollars (\$2,200,000), until the contract expires on January 31, 2025, with the option to renew for as long as Region 4 ESC Contract No. R211302 is in effect, at the discretion of the City Manager; and

WHEREAS, on May 1, 2022, Office Depot, LLC assigned all of its right, title, and interest to ODP Business Solutions, LLC; and

WHEREAS, the Parties desire to reflect the change in Contractor's name;

NOW, THEREFORE, in consideration of the terms, covenants and conditions herein contained, the Parties agree as follows:

- 1. The above recitals are true and correct and are incorporated herein by this reference.
- Except as expressly modified herein, all of the terms and conditions contained in Agreement No. 36210 are ratified and confirmed and shall remain in full force and effect.

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IN WITNESS WHEREOF, the Parties have caused this document to be duly 1 2 executed with all formalities required by law as of the date first stated above. 3 ODP BUSINESS SOLUTIONS, LLC, successor-in-interest to OFFICE DEPOT. 4 LLC, a Delaware limited liability corporation 5 6 2022 By Name 7 Title 8 By 9 Name Title 10 "Contractor" 11 CITY OF LONG BEACH, a municipal 12 corporation 13 <u>september 8</u>, 2022 14 15 **EXECUTED PURSUANT** "Citv" This First Amendment to Agreement No. 3621019 approved as to form on 16 September 6th, 2022. 17 18 CHARLES PARKIN, City Attorney 19 20 21 22 23 24 25 26 27 28

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ODP BUSINESS SOLUTIONS, LLC

SECRETARY'S CERTIFICATE AND INCUMBENCY

The undersigned, Joseph G. White, hereby certifies that he is the duly elected and acting Assistant Secretary of ODP Business Solutions, LLC, a Delaware limited liability company (the "Company"), and that, as such, he is authorized to execute and deliver this Secretary's Certificate on behalf of the Company and further certifies that:

- 1. The Company is duly formed and in good standing under the laws of the State of Delaware; and
- 2. Elizabeth P. Gray serves as Vice President, Business Development, and as such, she is authorized to execute bids and contracts for the sale of office supplies on behalf of the Company.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this <u>5th</u> day of May 2022.

ODP BUSINESS SOLUTIONS, LLC, a Delaware limited liability company

BA:

Joseph G. White

Assistant Secretary

