# OFFICE OF THE CITY ATTORNEY CHARLES PARKIN, City Attorney 333 West Ocean Boulevard, 11th Floor Long Beach. CA 90802-4664

### SECOND AMENDMENT TO AGREEMENT NO. 34146

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THIS SECOND AMENDMENT TO AGREEMENT NO. 34146 is made and entered, in duplicate, as of December 13, 2018 for reference purposes only, pursuant to Resolution No. RES-15-0145 adopted by the City Council of the City of Long Beach at its meeting on November 17, 2015, by and between OFFICE DEPOT, INC., a Delaware corporation ("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, Section 1802 of the Long Beach City Charter permits the City to make purchases under the purchasing contracts of other governmental agencies when authorized to do so by a resolution; and

WHEREAS, the Region 4 Education Service Center through the Cooperative Purchasing Network has a contract for the purchase of office supplies, Contract No. R141703 ("TCPN Contract"); and

WHEREAS, Resolution No. RES-15-0145 authorizes the City to purchase office supplies by virtue of the TCPN Contract; and

WHEREAS, City and Contractor (the "Parties") entered into Agreement No. 34146 whereby Contractor agreed to provide City with office supplies; and

WHEREAS, the Parties entered into a First Amendment to Agreement No. 34146 to extend the term to January 3, 2019; and

WHEREAS, the Parties desire to extend the term one (1) additional one-year period;

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

- 1. Section 1.D of Agreement No. 34146 is hereby amended to read as follows:
  - "D. The term of this Agreement shall commence at midnight on January

4, 2016, and shall terminate at 11:59 p.m. on January 3, 2020. The Parties have the option to extend the term for one (1) additional one-year period. In the event the underlying Agreement expires prior to the renewal term, Contractor will enter into a new Agreement with substantially similar terms and conditions."

 Except as expressly modified herein, all of the terms and conditions contained in Agreement No. 34146 are ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have caused this document to be duly executed with all formalities required by law as of the date first stated above.

	OFFICE DEPOT, INC., a Delaware corporation
DECEMBER 29, 2018	Name ELIZABETH GIRAY Title VICE PRESIDENT
, 2018	By Name Title
	"Contractor"
	CITY OF LONG BEACH, a municipal corporation
, 2018	By City Manager
	"City"
This Second Amendment to Ag	greement No. 34146 is approved as to form or
State of Washington County of King I certify that I know or have satisfactory evidence that Elizabeth Gay	CHARLES PARKIN, City Attorney  By
is / are the person who appeared before me, and signed and sworn on 12/29/18 (date).  Signature Notary Public Commission Expires	Deputy Deputy
ARW:bg A15-02408 00963110.docx	23.22 Land

## Office DEPOT.

#### OFFICE DEPOT, INC.

### ASSISTANT SECRETARY'S CERTIFICATE

The undersigned, Joseph White, hereby certifies that he is the Assistant Secretary of Office Depot, Inc., a corporation incorporated under the General Corporation Law of the State of Delaware (the "Corporation"), and that, as such, he is authorized to execute this Certificate on behalf of the Corporation, and further certifies that:

- 1. The Corporation is a corporation duly incorporated and in good standing under the laws of the State of Delaware; and
- 2. Elizabeth Gray serves as Vice President, Emerging Growth, West Region, and as such, she is authorized to execute bids and contracts for the sale of office supplies on behalf of the Corporation.

IN WITNESS WHEREOF, the undersigned has hereunder set his hand as of this 15th day of May, 2018.

OFFICE DEPOT, INC.

Joseph White

**Assistant Secretary**