

AMENDMENT NO. 5
TO
LINKING AGREEMENT WITH CDW GOVERNMENT, LLC
(City of Glendale, Contract No. C-11437)

This Amendment No. 5 (“Amendment”) to the Linking Agreement (“Agreement”) is made this _____ day of _____, 2022, (“Effective Date”), by and between the City of Glendale, an Arizona municipal corporation (“City”) and CDW Government, LLC, an Illinois corporation authorized to do business in Arizona (“Contractor”).

RECITALS

- A. City and CDW Government, LLC (“Contractor”) previously entered into Linking Agreement with State Cooperative contract Software Value Added Reseller (SVAR) Services Participating Addendum No. ADSPO17-149774, Contract No. C-11437, dated January, 10 2017 (“Agreement”); and
- B. On August 8, 2018, the City issued Contract Extension No. 1 (C-11437-1), which extended the term of the Agreement for a one-year period from September 30, 2018 through September 29, 2019; and
- C. On July 29, 2019, the City issued Contract Extension No. 2 (C-11437-2), which extended the term of the Agreement for a one-year period until September 29, 2020; and
- D. On October 22, 2022, the City and Contractor entered into Amendment No. 1 (C-11437-3), which increased the not to exceed amount by \$3,500,000 to a new ceiling of \$7,750,000; and
- E. On September 28, 2020, the City issued Contract Extension No. 3 (C-11437-4), which extended the term of the Agreement for five (5) months through April 7, 2021; and
- F. On February 26, 2021, the City and Contractor entered into Amendment No. 2 (C-11437-5), which extended the term of the Agreement from April 7, 2021 through January 7, 2022, based on the extension of the underlying Cooperative Purchase Agreement; and
- G. On January 10, 2022, the City and Contractor entered into Amendment No. 2 [sic]¹ (C11437-6), extending the Agreement for a three-month period from January 10, 2022 through April 7, 2022; and
- H. On March 21, 2022, the City and Contractor entered into Amendment No. 6 [sic]² (C-11437-7), extending the term of the Agreement from April 8, 2022 through June 30, 2022.

¹ This Amendment is misnumbered and should be renumbered as Amendment No. 3.

² This Amendment is also misnumbered and should be renumbered as Amendment No. 4.

- I. City and Contractor wish to modify and amend the Agreement subject to and strictly in accordance with the terms of this Amendment.

AGREEMENT

In consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Contractor hereby agree as follows:

1. **Recitals.** The recitals set forth above are not merely recitals but form an integral part of this Amendment. Accordingly, the misnumbered Amendments are renumbered as follows:

The second Amendment No. 2 dated January 10, 2022 is renumbered as Amendment No. 3 and the Amendment mislabeled as Amendment No. 6 dated March 21, 2022 is renumbered as Amendment No. 4.

2. **Term.** The term of the Agreement is extended until September 30, 2022.
3. **Scope of Work.** The Scope of Work remains unchanged.
4. **Compensation.** The total compensation available under this Agreement is increased by eight hundred thousand dollars (\$800,000) and shall not exceed \$8,550,000 for the entire term of the Agreement.
5. **Insurance Certificate.** Current certificate is up-to-date and will expire on October 1, 2022. No new certificate is required at this time.
6. **Non-discrimination.** Contractor must not discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, national origin, age, marital status, sexual orientation, gender identity or expression, genetic characteristics, familial status, U.S. military veteran status or any disability. Contractor will require any Sub-contractor to be bound to the same requirements as stated within this section. Contractor, and on behalf of any subcontractors, warrants compliance with this section.
7. **No Boycott of Israel.** To the extent A.R.S § 35-393 through § 35-393.03 are applicable, the parties hereby certify that they are not currently engaged in, and agree for the duration of the Agreement to not engage in, a boycott of goods or services from Israel, as that term is defined in A.R.S § 35-393.
8. **Attestation of PCI Compliance.** When applicable, the Contractor will provide the City annually with a Payment Card Industry Data Security Standard (PCI DSS) attestation of compliance certificate signed by an officer of Contractor with oversight responsibility.

9. **Ratification of Agreement.** City and Contractor hereby agree that except as expressly provided herein, the provisions of the Agreement shall be, and remain in full force and effect and that if any provision of this Amendment conflicts with the Agreement, then the provisions of this Amendment shall prevail. The parties also agree that any cost incurred for work performed between June 30, 2022 and the effective date will be paid in accordance with this agreement.

CITY OF GLENDALE, an Arizona
municipal corporation

Kevin R. Phelps, City Manager

ATTEST:

Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

Michael D. Bailey, City Attorney

CDW GOVERNMENT, LLC, an
Illinois corporation



By: Anup Sreedharan
Its: Sr, Manager, Program Management