

AMENDMENT #2 TO DPA

THIS AMENDMENT #2 to Direct Purchasing Agreement No. FCSO032416 (hereinafter "Amendment #2") is made and entered into this 26th day of February, 2019, by and between COUNTY OF FRESNO, a Political Subdivision of the State of California, (hereinafter "COUNTY"), and HITACHI VANTARA CORPORATION, a Delaware Corporation, whose address is 2845 Lafayette Street, Santa Clara, CA 95050-2639, (hereinafter "CONTRACTOR"), for the purposes of amending the Direct Purchasing Agreement No. FCSO032416 (hereinafter "Agreement as amended"), including certain language within the "Maintenance Agreement; Exhibit A" (hereinafter "Maintenance Agreement"), which is attached to the Agreement as amended.

WITNESSETH:

WHEREAS, COUNTY and CONTRACTOR fully executed the Agreement as amended on the 28th day of February, 2017, pursuant to which CONTRACTOR agreed to perform video infrastructure installation and maintenance; and

WHEREAS, COUNTY and CONTRACTOR executed the Agreement as amended when CONTRACTOR's name was "Hitachi Data Systems Corporation", CONTRACTOR changed its name to "Hitachi Vantara Corporation" on September 25, 2017, and so COUNTY and CONTRACTOR want this Amendment #2 to explicitly reference the name change;

WHEREAS, CONTRACTOR's name change does not and did not change any of the terms of the Agreement and CONTRACTOR has provided services and performed, continues to provide services and perform, and will continue to provide all services and perform, under the Agreement as amended as though no name change occurred;

1 WHEREAS, COUNTY and CONTRACTOR now desire to amend the Maintenance
2 Agreement, in order to increase the maximum to \$1,200,000.00.

3 NOW, THEREFORE, for good and valuable consideration, the receipt and
4 adequacy of which is hereby acknowledged, COUNTY and CONTRACTOR agree to
5 amend the Agreement as amended (which includes Amendment #1), along with all
6 exhibits attached to the foregoing, as follows:
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8 1. CONTRACTOR changed its legal name on September 25, 2017, to
9 "Hitachi Vantara Corporation". COUNTY and CONTRACTOR agree that
10 CONTRACTOR's name change did not result in the need for an assignment of the
11 Agreement as amended, that CONTRACTOR is and was at all times bound to all
12 terms in the Agreement as amended, and that all references in the Agreement as
13 amended, including all exhibits attached thereto, to "Hitachi Data Systems
14 Corporation", "HDS", "Hitachi", and "CONTRACTOR", as of the date of
15 CONTRACTOR's name change, i.e. September 25, 2017, going forward, refer to
16 "Hitachi Vantara Corporation", i.e. CONTRACTOR.
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18 NOW, THEREFORE, for good and valuable consideration, the receipt and
19 adequacy of which is hereby acknowledged, COUNTY and CONTRACTOR agree to
20 amend the Maintenance Agreement as follows:
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22 1. Section One (1) (COMPENSATION/INVOICING) of the Maintenance
23 Agreement, Page One (1), lines Fourteen (14) through Eighteen (18) are deleted
24 in their entirety and replaced with the following:
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26 "In no event shall products provided together with services performed under
27 the DPA and this Maintenance Agreement be in excess of One Million-Two-
28

1 Hundred-Thousand-Dollars and No Cents (\$1,200,000.00) during the term
2 of this Agreement. It is understood that all expenses incidental to
3 CONTRACTOR'S performance of services under this Agreement shall be
4 borne by CONTRACTOR."
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6 COUNTY and CONTRACTOR agree that this Amendment #2, is sufficient to
7 amend the Agreement as amended and, that upon execution of this Amendment #2, the
8 Agreement as amended and this Amendment #2, together shall be considered the
9 Agreement.
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11 The Agreement, as hereby amended, is ratified and continued. All provisions,
12 terms, covenants, conditions and promises contained in the Agreement and not amended
13 herein shall remain in full force and effect.
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EXECUTED AND EFFECTIVE as of the date first above set forth.

CONTRACTOR

COUNTY OF FRESNO

K L Barnes 2-7-2019

[Signature]

(Authorized Signature)

Nathan Magsig, Chairman of the Board of
Supervisors of the County of Fresno

K. L. Barnes - Division Sales Controller

Print Name & Title

2845 Lafayette Street

Santa Clara, CA 95050

Mailing Address

ATTEST:

Bernice E. Seidel
Clerk of the Board of Supervisors
County of Fresno, State of California

By:

Susan Bishop
Deputy

FOR ACCOUNTING USE ONLY:

ORG No.: 31116396

Account No.: 8300