

**AMENDMENT NO 2**  
**TO THE AGREEMENT WITH**  
**OFFICEMAX**  
**FOR**  
**CITYWIDE OFFICE SUPPLIES**

This Amendment is entered into this 7<sup>th</sup> day of June, 2016, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and **OfficeMax, Inc.**, a Delaware corporation registered to do business in California, hereafter referred to as "VENDOR".

**RECITALS**

WHEREAS, the parties entered into an Agreement for the purchase of citywide office supplies on October 15, 2013, which took effect upon approval by City Council on October 15, 2013; and was based on a solicitation conducted by Oakland County, Michigan under the Public Sourcing Solutions/OfficeMax – America Saves program; and

WHEREAS, on October 1, 2015 the parties OfficeMax North America, Inc. and the County of Oakland, Michigan issued Amendment No. Nine to the Agreement mutually agreeing to extend the contract end date to June 30, 2018; and

WHEREAS, the parties entered into Amendment No.1 to the agreement on March 16, 2016 to extend the contract end date to June 30, 2018 to coincide with the new end date set by OfficeMax North America, Inc. and the County of Oakland, Michigan; and

WHEREAS, the parties now desire to increase the total compensation to the CONTRACTOR by Forty-Five Thousand dollars (\$45,000) per year for years three, four and five covering the period October 15, 2015 to June 30, 2018 to continue to provide citywide office supplies.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. Section 2 – COMPENSATION is deleted in its entirety and replaced with  
“The amount to be paid from CITY to VENDOR under this Contract shall be Ninety-Five Thousand Dollars (\$95,000.00) per year for years one and two for the period October 15, 2013 to October 14, 2015, and shall be One Hundred Forty Thousand dollars (\$140,000) per year for years three through five for the period October 15, 2015 to June 30, 2018 and the total Contract Amount shall not exceed Six Hundred and Ten Thousand Dollars (\$610,000).
2. All other provisions of the Agreement not amended by this Amendment No. 2 shall remain in full force and effect.

This Amendment is executed as of the date written on page one.

APPROVED BY:

CITY OF MILPITAS

OFFICEMAX

\_\_\_\_\_  
Thomas C. Williams, City Manager

\_\_\_\_\_  
Vendor's Authorized Signature

Approved As  
To Form:

\_\_\_\_\_  
Vendor's Authorized Title

\_\_\_\_\_  
Christopher J. Diaz, City Attorney

Approved As  
To Content:

\_\_\_\_\_  
Chris Schroeder, Purchasing Agent