

**AMENDMENT NO. 4 TO CONTRACT MNWNC-121**

**THIS AMENDMENT** is by and between the State of Minnesota, acting through its commissioner of Administration ("State"), and NetApp, Inc., 495 E Java Dr., Sunnyvale, CA 94089 ("Contract Vendor").

**WHEREAS**, the State has a Contract with the Contract Vendor identified as Contract No. MNWNC-121, April 1, 2015, through March 31, 2020 ("Contract"), to provide Computer Equipment: Storage, including Related Peripherals and Services; and

**WHEREAS**, Minn. Stat. § 16C.03, subd. 5, affords the commissioner of Administration, or delegate pursuant to Minn. Stat. § 16C.03, subd. 16, the authority to amend contracts; and

**WHEREAS**, the terms of the Contract allow the State to amend the Contract as specified herein, upon the mutual agreement of the Office of State Procurement and the Contract Vendor in a fully executed amendment to the Contract.

**NOW, THEREFORE**, it is agreed by the parties to amend the Contract as follows:

1. The Contract Vendor may add a new category, Category H, for Hyper Converged Infrastructure and other hardware and related software, to their Contract Price Schedule.
2. Exhibit B: Pricing Schedule is **DELETED** in its entirety and **REPLACED** with the attached updated Exhibit B: Pricing Schedule.
3. The Contract Vendor shall provide Computer Equipment: Storage, including Related Peripherals and Services, at the prices set forth on the attached Exhibit B, Pricing Schedule.

This Amendment is effective beginning October 19, 2018, or upon the date that the final required signatures are obtained, whichever occurs later, and shall remain in effect through contract expiration, or until the Contract is canceled, whichever occurs first.

Except as herein amended, the provisions of the Contract between the parties hereto are expressly reaffirmed and remain in full force and effect.

**IN WITNESS WHEREOF**, the parties have caused this Amendment to be duly executed intending to be bound thereby.

<p><b>1. NETAPP, INC.</b> The Contractor certifies that the appropriate person(s) have executed this Amendment on behalf of the Contractor as required by applicable articles, bylaws, resolutions, or ordinances.</p> <p>By: <u>[Signature]</u> Signature <u>MATTHEW K. Fawcett</u> Printed Name Title: <u>Senior Vice President General Counsel &amp; SECRETARY</u> Date: <u>10/22/18</u></p> <p>By: _____ Signature Printed Name Title: _____ Date: _____</p>	<p><b>2. OFFICE OF STATE PROCUREMENT</b> In accordance with Minn. Stat. § 16C.03, subd. 3.</p> <p>By: <u>[Signature]</u> Title: <u>Acquisition Management Specialist</u> Date: <u>10/22/2018</u></p> <p><b>3. COMMISSIONER OF ADMINISTRATION</b> Or delegated representative.</p> <p>By: <u>[Signature]</u> Date: <u>10/22/18</u></p>
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**EXHIBIT B: Pricing Schedule**



**COMPUTER EQUIPMENT  
2014-2020  
Updated 11/01/2018**



**MINNESOTA WSCA-NASPO MASTER AGREEMENT AWARD**

<b>1. BASELINE PRICE LIST: NETAPP NORTH AMERICAN PRICE LIST</b>		<b>TO BE POSTED ON WEBSITE</b>
<b>2. BAND DISCOUNTS</b>	<b>CATEGORY</b>	<b>MINIMUM DISCOUNT</b>
<b>BAND 5: STORAGE</b>	A, B, C, D, E, F1, F3, G1, G2, H, J, K, L, M, N,	16.5%
<p><b>IMPORTANT:</b> The minimum discount is provided, refer to Contract Vendor's Website for any additional discounts and request a quote for bulk/volume discounts. All prices shall be FOB Destination, prepaid and allowed (with freight included in the price). If there is a special case where inside delivery fee must be charged, the Contract Vendor will notify the customer in advance.</p>		
<b>3. THIRD PARTY PRODUCTS - (APPLICABLE IN ALL BANDS)</b>	C	16.5%
<b>4. SERVICES – 16.5%</b>	F2, P, S, T, V, W	
<p>Services are at the option of Participating States. Participating Addendums by each State may address service agreement terms and related travel. States may negotiate additional services. Netapp hardware includes a three year warranty, software warranty is 90 days. Customer may purchase warranty extension or augment the existing warranty.</p>		
<b>5. LEASING</b>	Participating Addendum may identify if and how leasing agreement terms will be conducted.	
<b>6. ADDITIONAL DISCOUNTS – Request a quote for discounts on bulk/volume purchases.</b>	For one or more WSCA-NASPO purchase orders received at one time with a North American list price over \$750,000.00, NetApp will provide an additional 10% discount to the WSCA-NASPO end user customer for that order only.	