

Bill No. 401
2011

By-law No. A.-

A By-law to ratify, confirm and approve various agreements between Hewlett-Packard Financial Services Canada Company (HPFS) and The Corporation of the City of London for the leasing of computer equipment; and to authorize the Mayor and City Clerk to execute the agreements.

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Municipal Council resolved at its October 4, 2010 meeting:

That, on the recommendation of the Chief Technology Officer, the following actions be taken with respect to computer equipment leasing services, namely:

- (a) the proposal submitted by Hewlett-Packard Financial Services to provide leasing services for a 36-month term, with an option for three (3) 12-month extensions, **BE ACCEPTED**;*
- (b) the Civic Administration **BE AUTHORIZED** to undertake all the administrative acts that are necessary in connection with this contract; and*
- (c) the approval given herein **BE CONDITIONAL** upon the Corporation entering into a formal contract or issuing a purchase order relating to this matter (RFP-09-46).*

AND WHEREAS the Mayor and City Clerk have signed the Master Lease and Financing Agreement, the Master Lease and Financing Agreement Pre-Schedule Rate Agreement, Master Lease and Financing Agreement Pre-Schedule Rate Agreement Rider, and various Master Lease and Financing Agreement Schedules and Acceptance Certificates;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Master Lease and Financing Agreement Number 2719215800, attached as Schedule 1, is ratified and confirmed.
2. (a) The Master Lease and Financing Agreement Pre-Schedule Rate Agreement, attached as Schedule 2, is ratified and confirmed; and
(b) The Chief Technology Officer, or written designate, is authorized to approve Pre-Schedule Rate Agreements, and the Mayor and City Clerk are authorized to execute these agreements where they have been approved by the Chief Technology Officer, or designate.
3. The Master Lease and Financing Agreement Pre-Schedule Rate Agreement Rider, attached as Schedule 3, is ratified and confirmed.
4. (a) The Master Lease and Financing Agreement Schedules (Exhibit A to Master Agreement) that have been signed by the Mayor and City Clerk as of the date of the coming into effect of this by-law are ratified and confirmed; and
(b) The Chief Technology Officer, or written designate, is authorized to approve the Master Lease and Financing Agreement Schedules, on the condition that they:
 - i) are consistent with the requirements contained in the Agreement authorized and approved in 1 above;
 - ii) comply with the Council Resolution of October 4, 2010;
 - ii) do not require additional funding or are provided for in the City's current budget; and,
 - iii) do not increase the indebtedness or liabilities of The Corporation of the City of London, subject to prior review and approval by the City Solicitor,

and the Mayor and City Clerk are authorized to execute these Schedules where they have been approved by the Chief Technology Officer, or designate.

5. (a) The Master Lease and Financing Agreement Acceptance Certificates (Exhibit B to Master Agreement) that have been signed by the Mayor and City Clerk as of the date of the coming into effect of this by-law are ratified and confirmed; and

(b) The Chief Technology Officer, or written designate, is authorized to approve the execution of the Acceptance Certificates, and the Mayor and City Clerk are authorized to execute these Acceptance Certificates where they have been approved by the Chief Technology Officer, or written designate.
6. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on October 3, 2011.

Joe Fontana
Mayor

Catharine Saunders
City Clerk