

Bill No. 183  
2020

By-law No. A.- \_\_\_\_\_ -\_\_\_\_\_

A by-law to approve the Amending Agreement to the “Publicly Funded Organization Agreement” between The Corporation of the City of London and CompuCom Canada Co; and to authorize the Mayor and City Clerk to execute the Amending Agreement.

WHEREAS subsection 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 The Corporation of the City of London and CompuCom Canada Co. entered into an Agreement in 2016 regarding desktop management services and products, under substantially the same terms as an agreement between the Province and CompuCom Canada Co. (DMSP-03);

AND WHEREAS The Corporation of the City of London and CompuCom Canada Co. wish to amend the Agreement;

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

1. The Amending Agreement to the Publicly Funded Organization Agreement entered into between The Corporation of the City of London and CompuCom Canada Co., attached as Schedule “A” to this by-law, is authorized and approved.
2. The Mayor and the City Clerk are authorized to execute the Amending Agreement authorized and approved under section 1 of this by-law.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council June 2, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First reading – June 2, 2020  
Second reading – June 2, 2020  
Third reading – June 2, 2020

## SCHEDULE "A"

**THIS AMENDING AGREEMENT** made as of May 7, 2020.

B E T W E E N:

**COMPUCOM CANADA CO.**  
(the "Supplier")

- and -

**THE CORPORATON OF THE CITY OF LONDON**  
(the "Buyer")

**WHEREAS** the Supplier and the Buyer entered into a Publicly Funded Organization Agreement in 2016, regarding desktop management services and products (the "Agreement");

**AND WHEREAS** the Supplier and Her Majesty the Queen in right of Ontario amended the DMSP Agreement, effective November 4<sup>th</sup>, 2019, to *inter alia* establish a new Expiry Date of November 7, 2021;

**AND WHEREAS** the Supplier and the Buyer wish to amend the Agreement;

**NOW THEREFORE THIS AMENDING AGREEMENT WITNESSES** that in consideration of the premises and the mutual covenants contained in the Agreement, and subject to the terms and conditions of this Amending Agreement, the parties agree as follows:

### 1.0 AMENDMENTS

Subparagraph b(iv) on the first page of the Agreement is amended by deleting the date "May 7, 2018" and replacing it with the new termination dated of "November 7, 2021".

### 2.0 AGREEMENT BINDING

- 2.1 Except as amended by this Amending Agreement, the Agreement shall remain binding and in full force and effect.
- 2.2 This Amending Agreement shall be binding on the parties and their respective successors and assigns.

### 3.0 EXECUTION

- 3.1 The Buyer and the Supplier acknowledge that it has each read this Amending Agreement, understands it and agrees to be bound by its terms and conditions.
- 3.2 This Amending Agreement may be executed in counterparts, each of which shall be deemed an original but both of which taken together shall constitute one and the same agreement. The exchange of copies of this Amending Agreement and of signature pages by facsimile or electronic transmission shall constitute effective execution and delivery of this Amending Agreement as to the parties and may be used in lieu of the original Amending Agreement for all purposes. Signatures of the parties transmitted by facsimile or electronic transmission shall be deemed to be their original signatures for all purposes.
- 3.3 The Parties represent and warrant that the execution and delivery of this Agreement have been duly authorized, and when executed and delivered will constitute a legal, valid and binding obligation of the Parties enforceable on its terms.

IN WITNESS WHEREOF the City and the Parties have signed this Amending Agreement by their duly authorized representatives.

**SIGNED, SEALED AND DELIVERED**

**THE CORPORATION OF THE CITY OF LONDON**

Date:

\_\_\_\_\_

Ed Holder, Mayor

\_\_\_\_\_

Catharine Saunders, City Clerk

**COMPUCOM CANADA CO.**

Date:

\_\_\_\_\_

\*Per:

Name:

Title:

Date:

\_\_\_\_\_

\*Per:

Name:

Title:

\*I/We have authority to bind the corporation.