

Bill No. 454
2021

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 Director of Information Technology Services is 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 on October 5, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First reading – October 5, 2021
Second reading – October 5, 2021
Third reading – October 5, 2021

SCHEDULE “A”

THIS AMENDING AGREEMENT made as of September 20, 2021.

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 4th, 2019, to *inter alia* establish a new Expiry Date of November 7, 2021;

AND WHEREAS the Supplier and the Buyer amended the Agreement on May 7, 2020 to establish a new termination date of November 7, 2021;

AND WHEREAS the Supplier and Her Majesty the Queen in right of Ontario further amended the DMSP Agreement, effective December 15th, 2020, to *inter alia* establish a new Expiry Date of November 7, 2022;

AND WHEREAS the Supplier and the Buyer wish to further 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 “November 7, 2021” and replacing it with the new termination date of “November 7, 2022”.

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.

IN WITNESS WHEREOF the parties have entered into this Amending Agreement by signed by their authorized officers.

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.