NATIONAL JOINT POWERS ALLIANCE COOPERATIVE

PARTICIPATING ADDENDUM

AMENDMENT #1

for
OFFICE SUPPLIES AND ACCESSORIES
Between
The State of Delaware (Delaware) and STAPLES ADVANTAGE (Staples)
Contract # 031210

Vendor Name: STAPLES CONTRACT & COMMERCIAL, INC, operating as STAPLES ADVANTAGE (Staples)

Delaware Contract Number: GSS11489-OFFICSUPPLIES
OFFICE SUPPLIES AND ACCESSORIES

This Amendment One ("Amendment") is to distinguish the special approval process as applicable to Covered Agencies and Non-Covered Agencies utilizing contract GSS11489-OFFICSUPPLIES ("Agreement"), between STAPLES CONTRACT & COMMERCIAL and the State of Delaware effective February 2, 2011. The terms, words, and phrases used in this Amendment shall have the same meaning as set forth under the Agreement, unless expressly stated otherwise. If there is a direct conflict between a term of this Amendment and the terms of the Agreement with respect to the subject matter of this Amendment, the terms of this Amendment shall prevail.

WHEREAS, The State of Delaware desires to obtain Office Supplies and Accessories on the terms set forth below;

WHEREAS, STAPLES CONTRACT & COMMERCIAL desires to provide Office Supplies and Accessories on the terms set forth below;

WHEREAS, The State of Delaware and STAPLES CONTRACT & COMMERCIAL represent and warrant that each party has full right, power and authority to enter into and perform under this Agreement;

FOR AND IN CONSIDERATION OF the premises and mutual agreements herein, The State of Delaware and STAPLES CONTRACT & COMMERCIAL agree as the Agreement may be amended as follows:

1. **DEFINITIONS:**

   "Covered agency" means every board, department, bureau, commission, person or group of persons or other authority which directly receives monies under any budget appropriation act or supplemental appropriation act except Non-Covered Agencies as defined.

"Non-Covered Agency" means school districts, Delaware Technical & Community College, the Delaware State University and the Legislative Branch of State government.

2. **Paragraph ae. OTHER ITEMS is amended as follows**

For Covered Agencies:

Products that do not fall under the overlapping product list and are not approved as a "Delaware Preferred Product" will be restricted. All items within the category shall be restricted on the website and routed for approval by Government Support Services before the entire order is submitted for fulfillment by the vendor should an agency place an order for any item within these categories.

For Non-Covered Agencies:

Products that may fall under the overlapping product list or are not approved as a "Delaware Preferred Product" will not be restricted. Non-Covered Agencies shall have all items identified by the vendor under this contract available for purchase.

No clause of this Amendment shall be considered a waiver of any portion of the Agreement as previously executed between STAPLES CONTRACT & COMMERCIAL and the State of Delaware.

This Amendment was drafted with the joint participation of the undersigned parties and shall be construed neither against nor in favor of either, but rather in accordance with the fair meaning thereof.

IN WITNESS THEREOF, the Parties hereto have caused this Agreement to be duly executed as of the date and year first above written.

State of Delaware

By: Original on File
Name: William W. Pickrum
Title: Deputy Director
Date: 1/2/15

Contractor: Staples Contract & Commercial, Inc. operating as Staples Advantage

By: Original on File
Name: Thomas W. Wilkinson
Title: VP Sales
Date: Dec 24, 2014