

AMENDMENT NO. 12 TO NASPO MASTER AGREEMENT NO. MNWNC-121

THIS AMENDMENT is by and between the State of Minnesota, acting through its Commissioner of Administration ("State"), and NetApp, Inc., 3060 Olsen Drive, San Jose, CA 95128 ("Contractor" or "Contract Vendor").

WHEREAS, the State has a Contract with the Contractor identified as NASPO Master Agreement No. MNWNC-121, April 1, 2015, through July 31, 2023 ("Contract"), to provide Computer Equipment, Peripherals & Related 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 Contractor in a fully executed amendment to the Contract.

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

1. That NASPO Master Agreement No. MNWNC-121 is extended through October 31, 2023, at the same terms, and conditions.
2. Exhibit B: Pricing Schedule is **DELETED** in its entirety and **REPLACED** with the attached Exhibit B: Pricing Schedule, updated June 10, 2023

This Amendment is effective upon the date that the final required signatures are obtained, 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>1. NetApp, Inc.</p> <p>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>DocuSigned by:</p> <p>By: <u>Max Long</u></p> <p>Signature: <u>Max Long</u></p> <p>Printed Name: _____</p> <p>Title: <u>SVP North America</u></p> <p>Date: <u>6/25/2023</u></p> <p>By: _____</p> <p>Signature: _____</p> <p>Printed Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>2. Office of State Procurement</p> <p>In accordance with Minn. Stat. § 16C.03, subd. 3.</p> <p>DocuSigned by:</p> <p>By: <u>Elizabeth Randa</u></p> <p>742DE739C8ED492...</p> <p>Title: <u>Acquisition Management Specialist</u></p> <p>Date: <u>7/24/2023</u></p> <p>3. Commissioner of Administration</p> <p>Or delegated representative.</p> <p>DocuSigned by:</p> <p>By: <u>Andy Doran</u></p> <p>68D02A26D7604BA...</p> <p>Date: <u>7/24/2023</u></p>
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EXHIBIT B: Pricing Schedule



COMPUTER EQUIPMENT
2014-2020
Updated 6/10/2023



MINNESOTA WSCA-NASPO MASTER AGREEMENT AWARD

1. BASELINE PRICE LIST: NETAPP NORTH AMERICAN PRICE LIST		TO BE POSTED ON WEBSITE
2. BAND DISCOUNTS	CATEGORY	MINIMUM DISCOUNT
BAND 5: STORAGE	5B	16.5%
CATEGORY EXCEPTIONS: Public Cloud Services and Related Offerings		5Y 1%
IMPORTANT: 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.		
3. THIRD PARTY PRODUCTS - (APPLICABLE IN ALL BANDS)	5T	16.5%
4. SERVICES	5S	16.5%
CATEGORY EXCEPTIONS: Public Cloud Services and Related Offerings		5S-1 1%
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.		
5. LEASING		
Participating Addendum may identify if and how leasing agreement terms will be conducted.		
6. ADDITIONAL DISCOUNTS – Request a quote for discounts on bulk/volume purchases.		
For one or more 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 NASPO end user customer for that order only.		