

**CITY CLERK
ORIGINAL**

**C-8780
01/28/2014**

**LINKING AGREEMENT
BETWEEN
THE CITY OF GLENDALE, ARIZONA
AND
IBM Corporation**

THIS LINKING AGREEMENT (this "Agreement") is entered into as of January 14, 2014 between the City of Glendale, an Arizona municipal corporation (the "City"), and IBM Corporation, a New York corporation ("Contractor"), hereafter, the "Parties."

RECITALS

A. After a bid solicitation on November 20, 2009, the State of Arizona entered into Contract Number ADSPO10-00000018 with Contractor (the "Participating Addendum"), a copy of which is attached as Exhibit A and incorporated herein by this reference.

B. The City is permitted to purchase the goods and services described in the Participating Addendum without further public bidding, and Paragraph 2 of the Participating Addendum permits its cooperative use by other governmental agencies, including the City.

C. Section 2-149 of the City's Procurement Code permits the Materials Manager to authorize procurement through the use of a contract initiated by another governmental entity when that government entity's procurement actions complied with the intent of the City's purchasing procedures in City Code Sections 2-145 and 2-146 and such purchase is in the best interest of the City. The City believes these conditions are met for purposes of the Participating Addendum.

D. The City desires to contract with Contractor for supplies, goods or services identical, or nearly identical, to the supplies, goods or services Contractor is providing the State of Arizona under the Participating Addendum, Contractor consents to the City's utilization of the Participating Addendum as the basis of this Agreement, and Contractor desires to enter into this Agreement to provide the goods and services set forth in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, and the covenants and promises contained herein, the parties hereby agree as follows:

1. Term of Agreement. This Agreement shall be effective as of the date first set forth above and shall expire upon expiration or termination of WSCA-NASPO B27166 or State of Arizona Contract # ADSPO10-00000018, whichever occurs first.
2. Scope of Work; Terms, Conditions, and Specifications. Contractor agrees to comply with all the terms, conditions and specifications of the Participating Addendum for the purposes of this Agreement, and the terms, conditions, and specifications of the Participating Addendum are incorporated in the Agreement by this reference. The "City of Glendale"

shall be substituted for "State of Arizona" or similar reference to the State of Arizona throughout the Participating Addendum.

3. Compensation. The total purchase price for the individual purchase order(s) placed by the ordering authority will not exceed its stated dollar amount unless otherwise modified to increase the funded amount.
4. Payments. The City shall pay Contractor in the name of the ordering authority stated on the purchase order.
5. Cancellation. This Agreement may be cancelled pursuant to ARIZ. REV. STAT. § 38-511.
6. E-verify. Contractor complies with ARIZ. REV. STAT. § 23-214 and agrees to comply with the requirements of ARIZ. REV. STAT § 41-4401.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year set forth above.

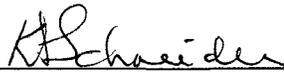
“City”

City of Glendale, an Arizona
municipal corporation

By: 
Brenda S. Fischer, City Manager

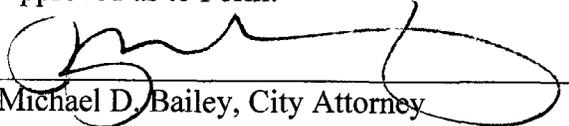
“Contractor”

International Business Machines Corporation
a New York corporation

By: 
Name: Karen Schneider

Title: WSCA-NASPO Nat'l Pgm. Mgr.

Approved as to Form:


Michael D. Bailey, City Attorney

ATTEST:

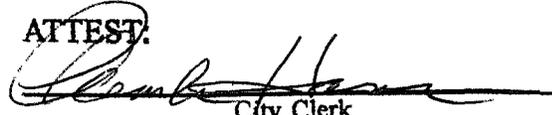

City Clerk

Exhibit A

[See copy of Contract Number ADSPO10-0000018 on file with Glendale Materials Management and the State of Arizona]