



**AMENDMENT NO. 2
TO THE
MASTER SERVICES AND PURCHASING AGREEMENT
WITH
AXON ENTERPRISE, INC.**

This Amendment No. 2 is entered into this _____ day of June 2020, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "City"), and Axon Enterprise, Inc., a Delaware corporation (hereafter referred to as "Vendor"). City and Vendor are sometimes individually referred to as "Party" and collectively as "Parties" in this Amendment No 2.

RECITALS

WHEREAS, on May 6, 2008, City Council pursuant to Municipal Code Section I-2-3.13 approved the Standardization of TASER International, Inc., conducted electrical weapons (tasers/stun guns) and accessories as the brand of choice for the City of Milpitas Police Department. Since March of 2007, the City of Milpitas Police Department has purchased forty-seven (47) conducted electrical weapons, including supplies, parts and training from TASER International, Inc. Over the next nine (9) years, the original forty-seven (47) conducted electrical weapons reached the end of their useful life and were replaced; and

WHEREAS, on February 7, 2017, the City entered into a Master Services and Purchasing Agreement with TASER International, Inc., effective December 31, 2016, and pursuant to Municipal Code Section I-2-3.09 approved the Sole Source purchase of sixty-five (65) body worn cameras, conducted electrical weapons, accessories and a supplemental subscription to Evidence.com, a cloud-based storage solution, for a total five (5) year cost of \$444,982.03 (the "Agreement"); and

WHEREAS, on April 5, 2017, TASER International, Inc., formally changed its business name to Axon Enterprise, Inc., to reflect the evolution of the company from a weapons manufacturer to a full solutions provider of cloud and mobile software, connected devices, wearable cameras, and conducted electrical weapons; and

WHEREAS, on April 16, 2019, the Milpitas City Council approved the Sole Source Purchase of an additional fifteen (15) Axon Enterprise, Inc., body worn cameras, conducted electrical weapons, accessories and a supplemental subscription to Evidence.com, a cloud-based storage solution, for \$85,734.83, for a new total not-to-exceed contract amount of \$530,716.86 pursuant to Amendment No. 1 dated April 24, 2019; and

WHEREAS, Axon International, Inc., is the only known entity that manufacturers and distributes this type of body worn cameras and conducted electrical weapons, both of which use the Evidence.com platform. No other vendor or manufacturer offers the same or similar products; and

WHEREAS, the Parties now desire to amend the Agreement to approve the purchase of an additional ten (10) Axon Enterprise, Inc., body worn cameras, conducted electrical weapons, accessories and a supplemental subscription to Evidence.com, a cloud-based storage solution, to accommodate an increase in staffing and maintain a sufficient surplus in the event of damage or malfunction over the remaining two years of the contract for \$53,965.45 for a new total contract amount not to exceed \$584,682.31.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained, the Parties agree to amend the Agreement as follows:

1. Increase the total not-to-exceed contract amount from Five Hundred Thirty Thousand Seven Hundred Sixteen Dollars and Eighty-Six Cents (\$530,716.86) by Fifty-Three Thousand Nine Hundred Sixty-Five Dollars and Forty-Five Cents (\$53,965.45), for a new total not-to-exceed contract amount of Five Hundred Eighty-Four Thousand Six Hundred Eighty-Two Dollars and Thirty-One Cents (\$584,682.31).
2. Exhibit A — Axon Enterprise, Inc. Quotation No. Q199765-43510.933CM, is attached hereto and incorporated herein, and shall be a “Quote” subject to all the terms, conditions, warranties and other rights set forth in the Master Services Agreement.
3. All other provisions of the Agreement not amended by this Amendment No. 2 shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 2 as of the date first written above.

[SIGNATURES ON THE FOLLOWING PAGE]

CITY OF MILPITAS

Approved By:

Steven G. McHarris, City Manager

Date

Approved As To Form:

Christopher J. Diaz, City Attorney

Approved:

Walter C. Rossmann, Risk
Manager/Director of Finance

Approved As To Content:

Armando Corpuz, Chief of Police

AXON ENTERPRISES, INC.

Signature

Name

Title

Date

DIR Registration Number (If
Applicable)

EXHIBIT A-1

(SEE ATTACHED: AXON ENTERPRISES QUOTE Q-239281-43944.745KP)