

**PROJECT NUMBER 47592
AMENDMENT # 5 TO
EXPRESS PRODUCTS LIST PURCHASE AGREEMENT
IT HARDWARE EPL RFP NUMBER 3760
BETWEEN
SYNERGETICS DCS, INC. DBA SYNERGETICS
AND
MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES
AS CONTRACTING AGENT FOR THE
AGENCIES, INSTITUTIONS, AND GOVERNING AUTHORITIES
OF THE STATE OF MISSISSIPPI
(ORIGINAL PROJECT NUMBER 40731)**

This document (hereinafter referred to as "Amendment Number 5") shall serve to amend the original Express Products List Purchase Agreement executed on October 17, 2014 and amended on June 30, 2017, June 29, 2018, June 28, 2019, and June 30, 2021 (hereinafter referred to as "EPL Agreement"), between Synergetics DCS, Inc. dba Synergetics, a Mississippi corporation having its principal place of business at 501 Highway 12 West, Suite 100, Starkville, Mississippi 39759 (hereinafter referred to as "Seller"), and the Mississippi Department of Information Technology Services having its principal place of business at 3771 Eastwood Drive, Jackson, Mississippi 39211 (hereinafter referred to as "ITS"), as contracting agent for the governmental agencies, governing authorities, and educational institutions of the State of Mississippi authorized to use the Express Products List ("EPL") (hereinafter referred to as "Purchaser"). ITS and Purchaser are sometimes collectively referred to herein as "State".

NOW THEREFORE, ITS and Seller, by entering into this Amendment Number 5, mutually agree that the following provisions shall modify the aforementioned EPL Agreement:

- 1) Article 1.1 under "Term of Agreement" shall be and hereby is amended so as to renew the EPL Agreement beginning July 1, 2023 through September 30, 2024.
- 2) Article 9.14 under "Warranties" shall be and hereby is deleted in its entirety.
- 3) Article 12 under "Assignment and Subcontracts" shall be and hereby is deleted in its entirety and replaced with the following: "Neither party may assign, subcontract or otherwise transfer this EPL Agreement or its obligations hereunder without the prior written consent of the other party, which consent shall not be unreasonably withheld. Any attempted assignment or transfer of its obligations without such consent shall be null and void. This Agreement shall be binding upon the parties' respective successors and assigns."

All other terms and conditions of the EPL Agreement executed on October 17, 2014 and amended on June 30, 2017, June 29, 2018, June 28, 2019, and June 30, 2021, shall remain unchanged and in full force and effect.

**State of Mississippi, Department of
Information Technology Services, on
behalf of the governmental agencies,
governing authorities, and educational
institutions of the State of Mississippi**

By: David Johnson
Authorized Signature

Printed Name: David C. Johnson

Title: Executive Director

Date: 6/20/23

Synergetics DCS, Inc. dba Synergetics

By: Kay Hall
Authorized Signature

Printed Name: Kay Hall

Title: Vice President of Sales

Date: 6/28/2023