

**Amendment Number 1**  
**to**  
**Contract Number DIR-TSO-4160**  
**between**  
**State of Texas, acting by and through the Department of Information Resources**  
**and**  
**Hewlett Packard Enterprise Company**

This Amendment Number 1 to Contract Number DIR-TSO-4160 (“Contract”) is between the Department of Information Resources (“DIR”) and Hewlett Packard Enterprise Company (“Vendor”). DIR and Vendor agree to modify the terms and conditions of the Contract as follows:

1. **Contract, Section 1.C. Order of Precedence** is hereby amended and replaced in its entirety as follows:

**C. Order of Precedence**

For purchase transactions under this Contract, the order of precedence shall be as follows: this Contract; Appendix A, Standard Terms and Conditions For Products and Related Services Contracts; Appendix B, Vendor’s Historically Underutilized Businesses Subcontracting Plan; Appendix C, Pricing Index; Appendix D, Software Licensing and Software and Hardware Support Agreement; Appendix E, SaaS and Nonstop Products and Services; Appendix F, Master Lease Agreement; Appendix F-1, Master Lease Agreement Lease Purchase Schedule; Appendix F-2, Master Lease Agreement Schedule (FMV); Exhibit 1, Vendor’s Response to RFO DIR-TSO-TMP-417, including all addenda; and Exhibit 2, RFO DIR-TSO-TMP-417, including all addenda are incorporated by reference and constitute the entire agreement between DIR and Vendor governing purchase transactions. For lease transactions under this Contract, the order of precedence shall be as follows: this Contract; Appendix F, Master Lease Agreement; Appendix F-1, Master Lease Agreement Lease Purchase Schedule; Appendix F-2, Master Lease Agreement Schedule (FMV); Appendix A, Standard Terms and Conditions For Products and Related Services Contracts; Appendix B, Vendor’s Historically Underutilized Businesses Subcontracting Plan; Appendix C, Pricing Index; Appendix D, Software Licensing and Software and Hardware Support Agreement; Appendix E, SaaS and Nonstop Products and Services; Exhibit 1, Vendor’s Response to RFO DIR-TSO-TMP-417, including all addenda; and Exhibit 2, RFO DIR-TSO-TMP-417, including all addenda; are incorporated by reference and constitute the entire agreement between DIR and Vendor governing lease transactions. In the event of a conflict between the documents listed in this paragraph related to purchases, the controlling document shall be this Contract, then Appendix A, then Appendix B, then Appendix C, then Appendix D, then Appendix E, then Exhibit 1, and finally Exhibit 2. In the event of a conflict between the documents listed in this paragraph related to lease transactions, the controlling document shall be this Contract, then Appendix F, then Appendix F-1, then Appendix F-2, then Appendix A, then Appendix B, then Appendix C, then Appendix D, then Appendix E, then Exhibit 1, and finally Exhibit 2. In the event and to the extent any provisions contained in multiple documents address the same or substantially the same subject matter but do not actually conflict, the more recent provisions shall be deemed to have superseded earlier provisions.

2. **Appendix F, Master Lease Agreement** is hereby added in its entirety.
3. **Appendix F-1, Master Lease Agreement Lease Purchase Schedule** is hereby added in its entirety.
4. **Appendix F-2, Master Lease Agreement Schedule** is hereby added in its entirety.

All other terms and conditions of the Contract as amended, not specifically modified herein, shall remain in full force and effect. In the event of conflict among the provisions, the order of precedence shall be Amendment Number 1, and then the Contract.

**(Remainder of this page intentionally left blank.)**

**IN WITNESS WHEREOF**, the parties hereby execute this amendment to be effective as of the date of the last signature.

**Hewlett Packard Enterprise Company**

**Authorized By:** Signature on File

**Name:** Mary A. Reuss

**Title:** Contract Negotiator

**Date:** April 12, 2019

**The State of Texas, acting by and through the Department of Information Resources**

**Authorized By:** Signature on File

**Name:** Hershel Becker

**Title:** Chief Procurement Officer

**Date:** April 17, 2019

**Office of General Counsel:** DB April 16, 2019  
Initial Date Signed