

**PARTICIPATING ADDENDUM**

[hereinafter "Addendum"]

**For**

**WSCA/NASPO PC Contracts 2009-2014**

**COMPUTER EQUIPMENT, PERIPHERALS, AND RELATED SERVICES**

**MASTER PRICE AGREEMENT NUMBERB27175**

Between

Sun Microsystems, Inc.

[hereinafter "Contractor"]

and

State of South Dakota

[hereinafter "Participating State"]

State of South Dakota Contract Number 15738

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**1. Scope**

This Addendum covers the WSCA/NASPO PC Contracts 2009-2014 (Computer Equipment, Peripherals and Related Services) lead by the State of Minnesota for use by state agencies and other entities located in the Participating State authorized by that state's statutes to utilize state contracts.

Eligible participants in this agreement include all agencies, institutions, officers, boards, commissions and public universities of the State of South Dakota, and all political subdivisions of the State, including counties, municipalities and public school corporations within the State of South Dakota.

All purchases made from this price agreement by agencies, institutions, public universities, officers, boards or commissions of the State of South Dakota must be routed through the Office of Procurement Management or as directed by the Bureau of Administration. A purchase order issued by the Office of Procurement Management will authorize the purchase.

Political subdivisions of the State of South Dakota may purchase directly from the Contractor according to their own procurement procedures.

The Contractor may, at the Contractor's discretion, extend pricing from this agreement to Indian tribal governments and non-profit organizations in South Dakota. Any sales made to Indian tribes and non-profit organizations from this agreement shall be included in any required reports and shall be subject to the WSCA administrative fee.

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### **2. Participation**

Use of specific WSCA/NASPO cooperative contract by state agencies, political subdivisions and other entities (including cooperatives) authorized by an individual state's statutes to use state contracts are subject to the approval of the respective State Chief Procurement Official. Issues of interpretation and eligibility for participation are solely within the authority of the State Chief Procurement Official.

### **3. Changes:**

No Changes Are Required

### **4. Continuation of Participation from WSCA/NASPO PC Contracts 2004-2009:**

Not Applicable

### **5. Lease Agreements**

Leasing is authorized under this addendum. Any lease agreement for state agencies or institutions must be authorized and approved by the Office of Procurement Management. Specific lease terms have not been pre-approved by the Office of Procurement Management. Contractor's lease terms are subject to review and negotiation by Procurement Management prior to lease authorization.

Contractor's Master Lease Terms and Conditions are available at the following website: [www.sun.com/wsca](http://www.sun.com/wsca)

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**6. Primary Contacts**

The primary government contact individuals for this Addendum are as follows (or their named successors):

Lead State

Name: Bernadette Kopischke

Address: 50 Sherburne Ave., 112 Admin Bldg, St Paul, MN 55155

Telephone: (651) 201-2450

Fax: (651) 297-3996

E-mail: [bernie.kopischke@state.mn.us](mailto:bernie.kopischke@state.mn.us)

Contractor

For Contract Matters

Name: Jack Nichols

Title: Manager, Contracts

Address: 7900 Westpark Drive

1700McLean, VA 22102

Telephone: (703) 204-4108

Fax: (703) 208-5830

E-mail: [jack.nichols@Sun.com](mailto:jack.nichols@Sun.com)

For Program Matters

Name: Chris Reaume

Title: WSCA Program Manager

Address: 1000 Town Center, Ste.

Southfield, MI 48075

Telephone: (248) 412-4067

Fax: (248) 412-4067

Email: [christopher.reaume@Sun.com](mailto:christopher.reaume@Sun.com)

Participating State

Name: Jeff T. Holden, Procurement Director

Address: 523 E. Capitol Avenue, Pierre, SD 57501

Telephone: 605-773-4280

Fax: 605-773-4840

E-mail: [jeff.holden@state.sd.us](mailto:jeff.holden@state.sd.us)

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**7. Servicing Subcontractors:**

Sun Resellers are eligible to support this Participating Addendum. Resellers are authorized to perform all aspects of the WSCA Contract and this Participating Addendum including taking Purchase Orders direct, fulfilling Purchase Orders, invoicing and receiving payment from Ordering Activities. As the holder of the WSCA Master Price Agreement (MPA) and the Participating Entity's Addendum, Sun is responsible for any reports and/or fees that are required per the terms of the MPA and the Participating Entity as set forth above.

**All contractor authorized business partners listed on the state's landing page on this website [www.sun.com/wsc](http://www.sun.com/wsc)**

**8. Orders and Payments:**

Unless otherwise identified under Paragraph 7 above, orders and payments may be made directly to Sun:

A. Orders are to be submitted to:

Sun Microsystems, Inc.  
4150 Network Circle  
Santa Clara, CA 95054  
Fax: 510-217-4296  
E-mail: [edu-csr@Sun.com](mailto:edu-csr@Sun.com)

B. Payments:

San Francisco, CA 94161  
Sun Microsystems, Inc.  
c/o Bank of America  
12120 Collection Center Drive  
Chicago, IL 60693

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**All purchase orders issued by purchasing entities with the jurisdiction of this Addendum must include the Participating State contract number: 15738; and the Master Price Agreement Number: B27175**

**8. Compliance with reporting requirements of the "American Recovery and Reinvestment Act of 2009" ("ARRA"):** If or when contractor is notified by ordering entity that a specific purchase or purchases are being made with ARRA funds, contractor agrees to comply with the data element and reporting requirements as currently defined in Federal Register Vol 74 #61, Pages 14824-14829 (or subsequent changes or modifications to these requirements as published by the Federal OMB). Ordering entity is responsible for informing contractor as soon as the ordering entity is aware that ARRA funds are being used for a purchase or purchases. Contractor will provide the required report to the ordering entity with the invoice presented to the ordering entity for payment. The contractor, as it relates to purchases under this contract, is not a subcontractor or subgrantee, but simply a provider of goods and related services. Contractor is not responsible to report any ARRA funded orders to the ordering entity unless the Contractor has been informed as required above.

This Addendum and the Master Price Agreement together with its exhibits, set forth the entire agreement between the parties with respect to the subject matter of all previous communications, representations or agreements, whether oral or written, with respect to the subject matter hereof. Terms and conditions inconsistent with, contrary or in addition to the terms and conditions of this Addendum and the Master Price Agreement, together with its exhibits, shall not be added to or incorporated into this Addendum or the Master Price Agreement and its exhibits, by any subsequent purchase order or otherwise, and any such attempts to add or incorporate such terms and conditions are hereby rejected. The terms and conditions of this Addendum and the Master Price Agreement and its exhibits shall prevail and govern in the case of any such inconsistent or additional terms. This Addendum applies only in the jurisdiction of the Participating State or Participating Entity which has executed this Addendum.

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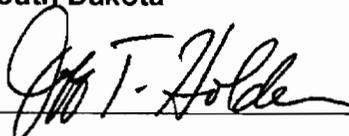
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IN WITNESS WHEREOF, the parties have executed this Addendum as of the date of execution by Contractor below.

**Signatures as required by State Statutes, Rules or Policies**

State of South Dakota

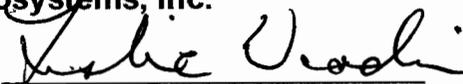
By: 

Name: Jeff T. Holden

Title: Director

Date: August 6, 2009

Sun Microsystems, Inc.

By: 

Name: Leslie Wooden

Title: RE S&LG Albany, NY

Date: 8/24/2009