

PARTICIPATING ADDENDUM
WSCA-NASPO COOPERATIVE PURCHASING ORGANIZATION
DATA COMMUNICATIONS PRODUCTS AND SERVICES 14-19
Administered by the State of Utah (hereinafter "Lead State")

MASTER AGREEMENT
Extreme Networks, Inc.
Master Agreement No: AR1470
(hereinafter "Contractor")

And

[State of South Dakota]
State Contract No.: 16661
(hereinafter "Participating State/Entity")

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1. **Scope:** This addendum covers the Data Communications Products and Services 14-19 contracts led by the State of Utah for use by state agencies and other entities located in the Participating **State/Entity** authorized by that state's statutes to utilize **state/entity** contracts with the prior approval of the state's chief procurement official.

2. **Participation:** Use of specific WSCA-NASPO cooperative contracts by agencies, political subdivisions and other entities (including cooperatives) authorized by an individual state's statutes to use **state/entity** contracts are subject to the prior 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.

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 state agency purchases from this agreement must be processed through the Bureau of Administration, Office of Procurement Management (OPM). Moratorium exemption approval from the Bureau of Information and Telecommunications (BIT) is required. A purchase order issued by OPM will authorize state agency purchases from this agreement.

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.

3. **Participating State Modifications or Additions to Master Agreement:**

Governing Law: The parties clarify that venue for any claim; dispute or action shall be Circuit Court Sixth Judicial Circuit Hughes County.

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Assignment of Antitrust Claims: The parties clarify that the Contractor hereby agrees to convey, assign and transfer to the State of South Dakota all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States, 15 U.S.C.A. §1, et seq. (1973), and under the antitrust laws of the State of South Dakota, SDCL 37-1, and amendments thereto, relating to the particular goods, services and materials purchased by the State of South Dakota in connection with this Participating Addendum

4. **Lease Agreements:** Lease agreement terms and conditions have not been approved under this Participating Addendum. Lease financing for entities that have the authority to enter into lease agreements may be allowable separately for under the terms and conditions of the lease financing arrangement with Extreme Networks or its designated and/or approved financing partner, as negotiated and agreed to by the participating entity.

5. **Primary Contacts:** The primary contact individuals for this Participating Addendum are as follows (or their named successors):

Contractor

Name	Michael Swierk
Address	9 Northeastern Boulevard, Salem, NH 03079
Telephone	603-952-5221
Fax	603-952-6909 (Email preferred)
E-mail	mswierk@extremenetworks.com

Participating Entity

Name	Chuck Clark
Address	523 E. Capitol Ave Pierre, SD 57501
Telephone	(605) 773-4276
Fax	(605) 773-4840
E-mail	Chuck.Clark@state.sd.us

6. **Subcontractors:** All [contractor] dealers and resellers authorized in the State of South Dakota, as shown on the dedicated [contractor] (cooperative contract) website, are

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approved to provide sales and service support to participants in the WSCA-NASPO Master Price Agreement. The [contractors] dealer's participation will be in accordance with the terms and conditions set forth in the aforementioned Master Agreement.

7. Orders: Any Order placed by a Participating Entity or Purchasing Entity for a Product and/or Service available from this Master Agreement shall be deemed to be a sale under (and governed by the prices and other terms and conditions) of the Master Agreement unless the parties to the Order agree in writing that another contract or agreement applies to such Order.

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

Participating State: South Dakota	Contractor:
By: 	By: 
Name: Steven L. Berg	Name: Allison Amadio
Title: Procurement Director	Title: General Counsel
Date: 7/30/2014	Date: 10/9/2014

[Additional signatures as required by Participating State]

Approved

By Legal

For questions on executing a participating addendum, please contact:

WSCA-NASPO	
Cooperative Development Coordinator	Paul Stembler
Telephone	651-206-3858
E-mail	pstembler@wsca-naspo.org

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**[Please email fully executed PDF copy of this document to
PA@wsca-naspo.org to support documentation of participation and
posting in appropriate data bases]**

