

## STATEWIDE AUCTION SERVICES

CONTRACT NO. 17730

PROPOSAL NO: EVT0008710 OPENED: September 14, 2022

**THIS AGREEMENT**, entered into by and between the State of South Dakota through its Office of Procurement Management, Pierre, South Dakota, party of the first part, and **Purple Wave Inc. dba Purple Wave Auction of 825 Levee Dr., Manhattan, KS 66502-5012** party of the second part.

**WITNESSETH**, Whereas the Contractor has heretofore been awarded the contract to furnish and deliver to the State certain services, all of which are more specifically itemized, described, and enumerated in the schedules and specifications of Request For Proposals #EVT0008710 and Contract Number 52954, issued by the State of Kansas, and made a part thereof by reference. **Exceptions to the State of Kansas contract are listed below:**

1. The parties agree that this contract shall be governed by and construed in accordance with the laws of the State of South Dakota. Venue for any action, claim, dispute, or litigation pertaining to or affecting this contract shall be in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.
2. The Contractor 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 hereinafter 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 contract.
3. This contract is valid as long as the referenced contract of the State of Kansas is active, or unless otherwise terminated by either party in accordance with the terms of that contract. If at any time the State of Kansas contract expires or is terminated by the State of Kansas, or the party of the second part, this agreement is automatically terminated.
4. The Contractor shall provide reports to the State in the same manner specified in Section 1.41 Quarterly Reports of the Contract Award section of State of Kansas Contract Number 52954, except the reports required shall be submitted to: Heather King, Procurement Specialist, Office of Procurement Management, PMB 01231, 523 East Capitol Avenue, Pierre, South Dakota 57501.
5. **Restriction of Boycott of Israel**

Pursuant to Executive Order 2020-01, for contractors, vendors, suppliers, or subcontractors with five (5) or more employees who enter into a contract with the State of South Dakota that involves the expenditure of one hundred thousand dollars (100,000.00) or more, by signing this Agreement Contractor certifies and agrees that it has not refused to transact business activities, has not terminated business activities, and has not taken other similar actions intended to limit its commercial relations, related to the subject matter of this Agreement, with a person or entity that is either the State of Israel, or a company doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel to do business, or doing business in the State of Israel, with the specific intent to accomplish a boycott or divestment of Israel in a discriminatory manner. It is understood and agreed that, if this certification is false, such false certification will constitute grounds for the State to terminate this Agreement. Contractor further agrees to provide immediate written notice to the State if during the term of this Agreement it no longer complies with this certification and agrees such noncompliance may be grounds for termination of this Agreement.

**THEREFORE**, in consideration of the covenants on the part of the State which are fully set and enumerated in the State of Kansas Request for Proposals and resulting contract, the Contractor agrees to furnish and deliver to the State all of the said awarded services enumerated in the said Request for Proposals and contract, at the price and according to the terms and conditions, and of the kind, quality, and amounts and at the times specified in said Request for Proposals and contract. The Contractor may extend the services authorized by this contract to political subdivisions of the State of South Dakota under the same terms and conditions.

In Witness whereof the parties hereto have caused their Agreement to be executed as of the date of execution by both parties below.

**STATE OF SOUTH DAKOTA  
OFFICE OF PROCUREMENT MANAGEMENT**

**PURPLE WAVE**



**(SIGNATURE)**



**(SIGNATURE)**

**Steven L. Berg, Director**

**Richard E. Bates, VP of Sales**

**(SIGNATURE)**

**11/18/2022**  
**DATE**

**11/21/22**  
**DATE**