

# Purchase Order



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

|                    |
|--------------------|
| PURCHASE ORDER NO. |
| CPHONE07A          |

|      |
|------|
| PAGE |
| 1    |

|                 |
|-----------------|
| BLANKET RELEASE |
| 00              |

CORRECT PURCHASE ORDER NUMBER MUST APPEAR ON ALL PACKAGES, INVOICES, AND SHIPPING PAPERS. QUESTIONS CONCERNING THIS PURCHASE ORDER SHOULD BE DIRECTED TO THE BUYER AS NOTED BELOW.

|              |
|--------------|
| CHANGE ORDER |
| 9            |

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

## AGENCY COPY

INVOICE TO

ALL STATE AGENCIES  
 AND POLITICAL SUBDIVISIONS  
 VARIOUS LOCALES AS INDICATED  
 BY ORDER

VENDOR

\*C20134352      304-353-8908  
 NTELOS  
 500 SUMMERS STREET  
 CHARLESTON WV 25301

SHIP TO

ALL STATE AGENCIES  
 AND POLITICAL SUBDIVISIONS  
 VARIOUS LOCALES AS INDICATED  
 BY ORDER

| DATE PRINTED   |               | TERMS OF SALE |   | FEIN/SSN      | FUND           |
|--|---------------|---------------|---|---------------|----------------|
| 05/16/2009   |               | NET 30        |   | 541859455     |                |
| SHIP VIA   |               | F.O.B         |   | FREIGHT TERMS | ACCOUNT NUMBER |
| BEST WAY   |               | DESTINATION   |   | PREPAID       | MUL-MUL        |
| LINE   | QUANTITY      | UOP           | VENDOR ITEM NO.   | UNIT PRICE    | AMOUNT         |
|  | DELIVERY DATE | CAT. NO.      | ITEM NUMBER   |               |                |
|  |               |               | CHANGE ORDER #09  |               |                |
|  |               |               | TO ADD NEW HANDSET OPTIONS AND SERVICES PER THE ATTACHED. |               |                |
|  |               |               | ***** NO ADDITIONAL CHANGES *****                         |               |                |
|  |               |               | PREVIOUS PO TOTAL==>                                      | OPEN          | END            |
|  |               |               | PO NET CHANGE (+)==>                                      |               |                |
| PURCHASING DIVISION<br>CERTIFIED ENCUMBERED<br>MAY 19 2009<br><i>Beverly Toler</i> |               |               |   |               |                |
| OPEN END   |               |               |   |               |                |
| TOTAL  |               |               |   |               |                |

IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE  *AS/16/09*

*Sawyer Wayfield*

APPROVED AS TO FORM BY ASSISTANT ATTORNEY GENERAL

BY *JO ANN ADKINS* 304-558-8802  
 PURCHASING DIVISION AUTHORIZED SIGNATURE

## GENERAL TERMS & CONDITIONS PURCHASE ORDER/CONTRACT

1. **ACCEPTANCE:** Seller shall be bound by this order and its terms and conditions upon receipt of this order.
2. **APPLICABLE LAW:** The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
3. **NON-FUNDING:** All services performed or goods delivered under State Purchase Orders/Contracts are to be continued for the terms of the Purchase Order/Contract, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
4. **COMPLIANCE:** Seller shall comply with all Federal, State and local laws, regulations and ordinances including, but not limited to, the prevailing wage rates of the WV Division of Labor.
5. **MODIFICATIONS:** This writing is the parties final expression of intent. No modification of this order shall be binding unless agreed to in writing by the Buyer.
6. **ASSIGNMENT:** Neither this Order nor any monies due, or to become due hereunder may be assigned by the Seller without the Buyer's consent.
7. **WARRANTY:** The Seller expressly warrants that the goods and/or services covered by this order will: {a} conform to the specifications, drawings, samples or other description furnished or specified by the Buyer; {b} be merchantable and fit for the purpose intended; and/or {c} be free from defect in material and workmanship.
8. **CANCELLATION:** The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
9. **SHIPPING, BILLING & PRICES:** Prices are those stated in this order. No price increase will be accepted without written authority from the Buyer. All goods or services shall be shipped on or before the date specified in this Order.
10. **LATE PAYMENTS:** Payments may only be made after the delivery of goods or services. Interest may be paid on late payments in accordance with the *West Virginia Code*.
11. **TAXES:** The State of West Virginia is exempt from Federal and State taxes and will not pay or reimburse such taxes.
12. **RENEWAL:** Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, this Contract may be deemed null and void, and terminated without further order.
14. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vrc/hipaa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
15. **WEST VIRGINIA ALCOHOL & DRUG-FREE WORKPLACE ACT:** If this Contract constitutes a public improvement construction contract as set forth in Article 1D, Chapter 21 of the West Virginia Code ("The West Virginia Alcohol and Drug-Free Workplace Act"), then the following language shall hereby become part of this Contract: "The contractor and its subcontractors shall implement and maintain a written drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act, as set forth in Article 1D, Chapter 21 of the West Virginia Code. The contractor and its subcontractors shall provide a sworn statement in writing, under the penalties of perjury, that they maintain a valid drug-free work place policy in compliance with the West Virginia and Drug-Free Workplace Act. It is understood and agreed that this Contract shall be cancelled by the awarding authority if the Contractor: 1) Fails to implement its drug-free workplace policy; 2) Fails to provide information regarding implementation of the contractor's drug-free workplace policy at the request of the public authority; or 3) Provides to the public authority false information regarding the contractor's drug-free workplace policy."



April 17, 2009  
JoAnn Adkins  
Senior Buyer  
State Purchasing Division  
2019 Washington Street, East  
Charleston, WV 25301

Ms. Adkins:

This is a Change Order to notify the state of West Virginia that NTELOS would like to immediately offer the following new handset options with corresponding pricing:

|                    |          |
|--------------------|----------|
| <b>Add:</b>        |          |
| Motorola VE 465    | \$ 49.99 |
| Motorola K1M KRAZR | \$ 9.99  |
| HTC 6950 Diamond   | \$149.99 |

In addition to these new handsets we would like to add the our new Wireless GPSTRACKING/TIMESHEET- "Time Card" Software by ECONZ

Timecard price is:  
\$12.49 per handset  
\$9.99 Data Plan (unlimited)  
\$15.00 per user setup fee

Please remove the following handset:

**Remove:**

Motorola RAZR

RECEIVED  
2009 APR 21 PM 3:52  
WV PURCHASING  
DIVISION

Please approve these changes and add to the CPHONE07A Purchase Agreement so that we can better serve the needs of the State.

Sincerely,

Carter Brown  
NTELOS/Director of Business Sales  
434.465.0406



State of West Virginia  
 Department of Administration  
 Purchasing Division  
 2019 Washington Street East  
 Post Office Box 50130  
 Charleston, WV 25305-0130

# Purchase Order

PURCHASE ORDER NO.  
 CPHONE07A

PAGE  
 [ ]

BLANKET RELEASE  
 00

CORRECT PURCHASE ORDER NUMBER  
 MUST APPEAR ON ALL PACKAGES,  
 INVOICES, AND SHIPPING PAPERS.  
 QUESTIONS CONCERNING THIS PUR-  
 CHASE ORDER SHOULD BE DIRECTED  
 TO THE BUYER AS NOTED BELOW.

CHANGE ORDER  
 9

SEE REVERSE SIDE FOR  
 TERMS AND CONDITIONS

INVOICE TO

ALL STATE AGENCIES  
 AND POLITICAL SUBDIVISIONS  
 VARIOUS LOCALES AS INDICATED  
 BY ORDER

VENDOR

\*C20134352      304-353-8908  
 NTELOS  
 500 SUMMERS STREET  
 CHARLESTON WV 25301

SHIP TO

ALL STATE AGENCIES  
 AND POLITICAL SUBDIVISIONS  
 VARIOUS LOCALES AS INDICATED  
 BY ORDER

| DATE PRINTED                                 |               | TERMS OF SALE |                                     | FEIN/SSN      |            | FUND           |       |
|--|---------------|---------------|-------------------------------------|---------------|------------|----------------|-------|
| 05/16/2009                                   |               | NET 30        |                                     | 541859455     |            |                |       |
| SHIP VIA                                     |               | F.O.B         |                                     | FREIGHT TERMS |            | ACCOUNT NUMBER |       |
| BEST WAY                                     |               | DESTINATION   |                                     | PREPAID       |            | MUL-MUL        |       |
| LINE   | QUANTITY      | UOP           | VENDOR ITEM NO.                     |               | UNIT PRICE | AMOUNT         |       |
|  | DELIVERY DATE | CAT.NO.       | ITEM NUMBER                         |               |            |                |       |
| RECEIPT TICKET FOR PURCHASE ORDER: CPHONE07A |               |               |                                     |               |            |                |       |
| LINE   | CATNO         | ITEM NUMBER   | DESCRIPTION                         |               | QTY        | DATE           |       |
| 0001   |               | 985-77        | STATEWIDE CONTRACT FOR CELL SERVICE |               |            |                |       |
|  |               |               | SIGNATURE _____                     |               | DATE _____ |                |       |
|  |               |               |                                     |               |            |                | TOTAL |

IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE

APPROVED AS TO FORM BY  
 ASSISTANT ATTORNEY GENERAL

BY \_\_\_\_\_  
 PURCHASING DIVISION AUTHORIZED SIGNATURE