



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.
 LAN10F

PAGE
 1

BLANKET RELEASE
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CORRECT PURCHASE ORDER NUMBER
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 QUESTIONS CONCERNING THIS PUR-
 CHASE ORDER SHOULD BE DIRECTED
 TO THE BUYER AS NOTED BELOW.

CHANGE ORDER

SEE REVERSE SIDE FOR
 TERMS AND CONDITIONS

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

AGENCY COPY

*709040115 01 304-768-3600
 SESCO ELECTRONICS DIV STATE EL
 405 12TH STREET
 DUNBAR WV 25064

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

DATE PRINTED		TERMS OF SALE		FEIN/SSN		FUND	
01/07/2011		NET 30		550384235			
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				
BLANKET OPEN-END STATEWIDE CONTRACT FOR LOCAL AREA NETWORK SOFTWARE, HARDWARE AND SERVICE NOTE: THIS VENDOR HAS BEEN PRE-QUALIFIED TO SELL THE FOLLOWING MANUFACTURER'S PRODUCTS: ENTERASYS INFRASTRUCTURE: ALL INFRASTRUCTURE PURCHASES, REGARDLESS OF DOLLAR VALUE, MUST BE REPORTED TO, AND APPROVED BY THE CTO ALL STATE ENTITIES, WITH THE EXCEPTION OF CONSTITUTIONAL OFFICERS, SHALL REQUEST THE APPROVAL OF THE CTO FOR, AT A MINIMUM, THE PURCHASE OF: SERVERS, STORAGE DEVICES, ROUTERS, HUBS, SWITCHES, FIREWALLS, VIDEO CONFERENCING, TELEPHONY EQUIPMENT, INCLUDING PBX SYSTEMS. THIS MANDATE ALSO INCLUDES, BUT IS NOT LIMITED TO: INFRASTRUCTURE SOFTWARE OF ALL TYPES, WHETHER IT BE EMAIL APPLICATIONS, ANTI-VIRUS SOFTWARE OR ANY OTHER INTEROPERABILITY APPLICATIONS THE CTO DEEMS NECESSARY IN THE FUTURE.							
						PURCHASING DIVISION CERTIFIED ENCUMBERED JAN 20 2011 <i>Beverly Toler</i>	
IF APPROVAL AS TO FORMS REQUIRED BY ATTORNEY GENERAL, CHECK HERE <input checked="" type="checkbox"/>						OPEN END	
						TOTAL	

**APPROVED FOR
 ONE FISCAL YEAR**
Dawn Workfield
 APPROVED AS TO FORM BY
 ASSISTANT ATTORNEY GENERAL

BY *Lucretia J. Jurell* 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, the State may deem this contract null and void, and terminate such contract without further order.
14. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at www.state.wv.us/admin/purchase/vrc/hipaa.htm and 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. **CONFIDENTIALITY:** The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures, and rules. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.
16. **LICENSING:** Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or any other state agency or political subdivision. Furthermore, the vendor must provide all necessary releases to obtain information to enable the Director or spending unit to verify that the vendor is licensed and in good standing with the above entities.
17. **ANTITRUST:** In accepting this purchase order or signing this contract with any agency for the State of West Virginia, the vendor agrees to convey, sell, assign, or transfer to the State of West Virginia 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 and the State of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the State of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to vendor. Vendor certifies that this purchase order or contract is accepted or entered into without any prior understanding, agreement, or connection to any other entity that could be considered a violation of law. Vendor further certifies that this purchase order or contract is in all respects fair and without collusion or fraud.



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	DELIVERY DATE	CAT.NO	ITEM NUMBER				
			ORDERING PROCEDURES				
			<p>THE AGENCY MUST SEND THEIR BID REQUEST IN A MICROSOFT WORD FORMAT TO CONSULTING.SERVICES@WV.GOV FOR REVIEW AND TO IP.BULLETIN@WV.GOV FOR POSTING ON THE BULLETIN BOARD.</p> <p>BIDS WILL BE REVIEWED AND EVALUATED BY THE CONTRACT ADMINISTRATOR. THE RESULTS ARE THEN SENT TO THE AGENCY AND OF THE AGENCY AGREES WITH THE RESULT, THE AGENCY SHALL PREPARE A WV-39.</p> <p>THE CTO APPROVAL LETTER WILL BE E-MAILED TO THE AGENCY TO BE INCLUDED WITH THE AGENCY COPY OF THE WV-39. THE ORIGINAL WV-39 SHALL BE SENT TO THE VENDOR WITH COPIES SENT TO THE PURCHASING DIVISION AND WVOT.</p> <p>**ALL ORDERS \$10,000 AND OVER CTO APPROVAL IS REQUIRED.</p> <p>ORDERING PROCEDURES LESS THAN \$10,000:</p> <p>THE AGENCY MUST USE THIS CONTRACT FOR ALL PURCHASES THE COMMODITIES INCLUDED AND FOLLOW THE STATE'S PURCHASE GUIDELINES, WHICH REQUIRE THREE BIDS FOR ANY PURCHASE.</p> <p>AGENCIES MAY TELEPHONE, FAX OR EMAIL BID REQUESTS TO A</p>				
<p>IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE <input type="checkbox"/></p>							TOTAL

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	MINIMUM OF THREE CONTRACT VENDORS OR FORWARD TO THE CONTRACT ADMINISTRATOR AT IP.BOARD@V.GOV. THE RECORD OF TRANSMISSION MUST BE MAINTAINED WITH THE AGENCY'S PROCUREMENT FILES FOR AUDITING PURPOSES. ELECTRONIC RESPONSES FOR THE VENDORS ARE ACCEPTABLE, BUT IF THE TOTAL OF THE RESPONSE EXCEEDS \$5,000, THE WINNING VENDOR MUST SUBMIT A SIGNED QUOTE TO THE AGENCY FOR PROCESSING. VENDORS WHO CHOSE NOT TO BID MUST RESPOND WITH A NO BID RESPONSE, WITHIN THE TIMEFRAME SPECIFIED. IF ALL QUOTES EXCEED THE \$10,000 LIMIT, THE BIDS WILL BE CANCELLED AND THE SPECIFICATIONS WILL BE RE-BID USING THE SWC-IP BULLETIN BOARD. NOTE: ALL REQUEST OVER \$10,000 MUST BE SUBMITTED TO: IP.BOARD@WV.GOV						
0001	01/31/2012	EA	205-43		.00000		
	LOCAL AREA NETWORK HARDWARE, SOFTWARE AND SERVICE						
	EXHIBIT 3						
	LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON FEBRUARY 1, 2011 AND EXTENDS FOR A PERIOD OF ONE (1)						
						TOTAL	

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	<p>YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.</p> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.</p> <p>RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY</p>						
						TOTAL	

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<p>AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY MAILED TO THE PURCHASING DIVISION, AND A THIRD COPY RETAINED BY THE SPENDING UNIT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THE STATE MAY DEEM THE CONTRACT NULL AND VOID, AND TERMINATE SUCH CONTRACT WITHOUT FURTHER ORDER.</p>							
						TOTAL	

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THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM. REV. 05/26/2009 PURCHASING CARD ACCEPTANCE: THE STATE OF WEST VIRGINIA CURRENTLY UTILIZES A VISA PURCHASING CARD PROGRAM WHICH IS ISSUED THROUGH A BANK. THE SUCCESSFUL VENDOR MUST ACCEPT THE STATE OF WEST VIRGINIA VISA PURCHASING CARD FOR PAYMENT OF ALL ORDERS PLACED BY ANY STATE AGENCY AS A CONDITION OF AWARD.							
						TOTAL	

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