



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.
 ORACLE01

PAGE
 1

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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
 8

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

INVOICE TO

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

AGENCY COPY

VENDOR

*709065834 01 703-364-2657
 ORACLE CORPORATION
 2 WOODLAND COURT

 BALLSTON SPA NY 12020

SHIP TO

VARIOUS AGENCY LOCALES
 AS INDICATED BELOW

DATE PRINTED		TERMS OF SALE		FEIN/SSN		FUND	
02/08/2007		NET 30		942871189		MUL	
SHIP VIA		F.O.B.		FREIGHT TERMS		ACCOUNT NUMBER	
BEST WAY		DESTINATION		PREPAID		MUL-MUL -MUL	
LINE	QUANTITY	UOP	VENDOR ITEM NO.		UNIT PRICE	AMOUNT	
	DELIVERY DATE	CAT. NO.	ITEM NUMBER				
			CHANGE ORDER #08				
TO EXTEND AND INCREASE THE ORIGINAL CONTRACT ACCORDING TO ALL TERMS, CONDITIONS, AND SPECIFICATIONS CONTAINED IN THE ORIGINAL CONTRACT INCLUDING ALL AUTHORIZED CHANGE ORDERS. THE CONTRACT (UNIT PRICES, HOURLY RATES ANNUAL FEE, ETC.) IS INCREASED AS DEFINED IN THE ATTACHED AMENDMENT NINE TO THE LICENSE AGREEMENT.							
EFFECTIVE DATE OF EXTENSION: 12/30/2006							
THROUGH 02/28/2007							
*****NO ADDITIONAL CHANGES*****							
PREVIOUS PO TOTAL==> OPEN END							
PO NET CHANGE (+)==>							
IF APPROVAL AS TO FORM IS REQUIRED BY ATTORNEY GENERAL, CHECK HERE <input checked="" type="checkbox"/> 187 28-07						OPEN END	
						TOTAL	

**PURCHASING DIVISION
 CERTIFIED ENCUMBERED**
 FEB 12 2007
Beverly Tolson

George Weisfeld
 APPROVED AS TO FORM BY
 ASSISTANT ATTORNEY GENERAL

BY *Krista Ferrell* 304-558-2596
 PURCHASING DIVISION AUTHORIZED SIGNATURE

**GENERAL TERMS & CONDITIONS
REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)**

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. All quotations are governed by the *West Virginia Code* and the *Legislative Rules* of the Purchasing Division.
4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125.00 registration fee.
5. All services performed or goods delivered under State Purchase Orders/Contracts are to be continued for the term 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.
6. Payment may only be made after the delivery and acceptance of goods or services.
7. Interest may be paid for late payment in accordance with the *West Virginia Code*.
8. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
9. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
11. 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.
12. 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 is automatically null and void, and is 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 Covered Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.

INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division.
2. **SPECIFICATIONS:** Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Complete all sections of the quotation form.
4. Unit prices shall prevail in cases of discrepancy.
5. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
6. **BID SUBMISSION:** All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications.

SIGNED BID TO:

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

**AMENDMENT NINE
to the
LICENSE AGREEMENT
between
ORACLE USA, INC.
and
THE STATE OF WEST VIRGINIA**

This Amendment Nine ("Amendment Nine") shall amend the Oracle License Agreement Amendment Eight ("Amendment Eight"), between Oracle USA, Inc., ("Oracle") and the State of West Virginia ("you" and "your") dated September 1, 2006.

The parties hereby agree to amend Amendment Eight as follows:

1. Section 1 entitled "Term": the date of December 29, 2006 shall be deleted and replaced with "February 28, 2007".
2. Section 2 entitled "Pricing and Discounting Terms for New Program Licenses and First-Year Technical Support": the date of December 29, 2006 shall be deleted and replaced with "February 28, 2007".
3. Section 6 entitled "Oracle Education": the date of December 29, 2006 shall be deleted and replaced with "February 28, 2007".
4. Section 7 entitled "Advanced Product Support": is hereby deleted and replace with the following:

A description of Oracle's Advance Product Support offerings is set forth at:
<http://www.oracle.com/support/assist/index.html>.

Until February 28, 2007, you may purchase Advance Product Support at the rates specified below:


<u>APS Rates per Day with Discount Levels</u>	
Up to 31 days	\$1,913 per day
31 – 100 days	\$1,817 per day
100 – 200 days	\$1,722 per day
200 or more days	\$1,626 per day

5. Other than the amended terms set forth herein, the terms and conditions of the agreement shall remain unchanged and in full force and effect.
6. The Effective Date of this Amendment Nine shall be December 30, 2006.

STATE OF WEST VIRGINIA

ORACLE USA, INC.

By:



Name:

James A. Kirby, III

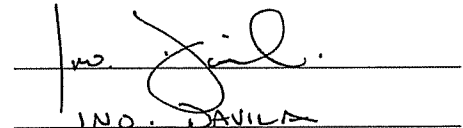
Title:

General Counsel
Department of Administration

Date:

2/5/07

By:



Name:

INO. DAVILA

Title:

CONTRACTS MANAGER

Date:

31 JANUARY 2007



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
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LINE	QUANTITY	UOP	VENDOR ITEM NO.		UNIT PRICE	AMOUNT	
	DELIVERY DATE	CAT. NO.	ITEM NUMBER				
			RECEIPT TICKET FOR PURCHASE ORDER:			ORACLE01	
LINE	CATNO	ITEM	NUMBER	DESCRIPTION		QTY	DATE
0001		920-49		ORACLE SOFTWARE AND SERVICES PER TH			
		SIGNATURE _____		DATE _____			

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

TOTAL

APPROVED AS TO FORM BY
 ASSISTANT ATTORNEY GENERAL

BY _____
 PURCHASING DIVISION AUTHORIZED SIGNATURE