

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.
 SAT07

PAGE
 1

BLANKET RELEASE
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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

SEE REVERSE SIDE FOR
 TERMS AND CONDITIONS

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

AGENCY COPY

*614155026 818-754-1100
 SPACE CONNECTION INC
 10530 VICTORY BLVD
 NORTH HOLLYWOOD CA 91606

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

DATE PRINTED		TERMS OF SALE		FEIN/SSN		FUND	
06/19/2007		NET 30		954106719			
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							
TO PROVIDE SATELLITE TRANSPONDER TIME FOR USE BY THE WV EDUCATIONAL NETWORK.							
0001	07/15/2007	EA	906-20		.00000		
SATELLITE TRANSPONDER TIME							
THIS AWARD IS PER THE FOLLOWING: REQUEST FOR QUOTATION DATED 04/19/2007. ALL SPECIFICATIONS AND ADDENDA THERETO. VENDOR'S BID DATED 05/04/2007.							
PRICING SHALL BE PER THE ATTACHED PRICING PAGE.							
ESTIMATED ANNUAL USAGE: PRIME & NON-PRIME TIME 200 HOUR							
FALL 2003.....80 HOURS SPRING 2004.....80 HOURS SUMMER 2004.....40 HOURS TOTAL...200 HOURS							

PURCHASING DIVISION
 CERTIFIED ENCUMBERED

JUL 6 2007

J. Adkins

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

OPEN END

TOTAL

JO ANN ADKINS

304-558-8802

BY

PURCHASING DIVISION AUTHORIZED SIGNATURE

APPROVED AS TO FORM BY
 ASSISTANT ATTORNEY GENERAL

**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 or 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 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 ü160.103) and will be disclosing Protected Health Information (45 CFR ü160.103) to the vendor.



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INVOICE TO

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 VARIOUS LOCALES AS INDICATED
 BY ORDER

VENDOR

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 SPACE CONNECTION INC
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SHIP VIA		F.O.B		FREIGHT TERMS		ACCOUNT NUMBER	
BEST WAY		DESTINATION		PREPAID		MUL-MUL	
LINE	QUANTITY	UQP	VENDOR ITEM NO.		UNIT PRICE	AMOUNT	
	DELIVERY DATE	CAT NO.	ITEM NUMBER				
			KU BAND.....		100 HOURS		
	SIMULTANEOUS TRANSPONDERS MUST BE ON THE SAME SATELLITTE						
	ALL SATELLITE TIME SHALL BE ORDERED IN FIFTEEN MINUTE INCREMENTS.						
	CUSTOMER HAS THE RIGHT TO CANCEL RESERVATION FOR SATELLITE TIME WITHOUT PENALTY UPON FOURTEEN (14) DAYS ADVANCE NOTICE.						
	CURRENTLY, THE WEST VIRGINIA EDUCATIONAL NETOWRK IS THE PRIMARY AGENCY USER; THEY PROVIDE EDUCATIONAL TELECOMMUNICATIONS BETWEEN THE INSTITUTIONS OF HIGHER EDUCATION AND OTHER STATE AGENCIES.						
	WEST VIRGINIA EDUCATIONAL NETWORK IS LOCATED ON THE CAMPUS OF WV STATE COLLEGE, INSTITUTE, WV. THEIR WEB SITE ADDRESS IS: WWW.WVSC.EDU/EDNET						
	EXHIBIT 3						
	LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON AUGUST 1, 2007 AND EXTENDS FOR A PERIOD OF ONE (1) 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						

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

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LINE	QUANTITY	UOP	VENDOR ITEM NO.		UNIT PRICE	AMOUNT	
	DELIVERY DATE	CAT. NO.	ITEM NUMBER				
	<p>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 FOUR (4) SIX (6) MONTH RENEWAL 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 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</p>						
						TOTAL	

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	<p>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; IF USING PROCUREMENT CARD, PURCHASING DOES NOT REQUIRE THE WV-39.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND</p>						

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	CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM. PURCHASING CARD ACCEPTANCE: THE STATE OF WEST VIRGINIA CURRENTLY UTILIZES A VISA PURCHASING CARD PROGRAM WHICH IS ISSUED THROUGH A LOCAL BANK. THE SUCCESSFUL VENDOR MUST ACCEPT THE STATE OF WEST VIRGINIA VISA PURCHASING CARD FOR PAYMENT OF ALL ORDERS PLACED BY ANY STATE AGENCY FOR ORDERS THAT ARE LESS THAN \$2,500 AS A CONDI- TION OF AWARD.						
						TOTAL	

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SAT07 CONTRACT PRICING PAGE

THE SPACECONNECTION

C-BAND TRANSPONDER TIMES AND RATES FOR WEEKDAYS, MONDAY THROUGH FRIDAY ONLY

Schedule of Hours/Rates	Week Day Timeframes	Hourly Rate	45 Minute Rate	30 Minute Rate	15 Minute Rate
Prime Time Hours	From: 1000 GM	\$ 320.00	\$ 240.00	\$ 160.00	\$ 80.00
	To: 0200 GMT	\$ 320.00	\$ 240.00	\$ 160.00	\$ 80.00
Non-Prime Time Hours	From: 0200 GM	\$ 320.00	\$ 240.00	\$ 160.00	\$ 80.00
	To: 0200 GMT	\$ 320.00	\$ 240.00	\$ 160.00	\$ 80.00
Prime Time Hours Ad-Hoc Time	From: 1000 GM	\$ 320.00	\$ 240.00	\$ 160.00	\$ 80.00
	To: 0200 GMT	\$ 320.00	\$ 240.00	\$ 160.00	\$ 80.00
Non-Prime Time Hours Ad-Hoc Time	From: 0200 GM	\$ 320.00	\$ 240.00	\$ 160.00	\$ 80.00
	To: 0200 GMT	\$ 320.00	\$ 240.00	\$ 160.00	\$ 80.00

KU-BAND TRANSPONDER TIMES AND RATES:

Schedule of Hours/Rates	Week Day Timeframes	Hourly Rate	45 Minute Rate	30 Minute Rate	15 Minute Rate
Prime Time Ad Hoc - Weekday	From: 1000 GM	\$ 425.00	\$ 318.75	\$ 212.50	\$ 106.25
	To: 0200 GMT	\$ 425.00	\$ 318.75	\$ 212.50	\$ 106.25
Non-Prime Time Ad-Hoc Weekday	From: 1000 GM	\$ 425.00	\$ 318.75	\$ 212.50	\$ 106.25
	To: 0200 GMT	\$ 425.00	\$ 318.75	\$ 212.50	\$ 106.25
Prime Time Ad-Hoc Weekends	From: 1000 GM	\$ 425.00	\$ 318.75	\$ 212.50	\$ 106.25
	To: 0200 GMT	\$ 425.00	\$ 318.75	\$ 212.50	\$ 106.25
Non-Prime Hours Ad-Hoc Weekends	From: 1000 GM	\$ 425.00	\$ 318.75	\$ 212.50	\$ 106.25
	To: 0200 GMT	\$ 425.00	\$ 318.75	\$ 212.50	\$ 106.25



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0001	906-20		SATELLITE TRANSPONDER TIME		_____	_____	
SIGNATURE _____			DATE _____				

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