

PARTICIPATING ADDENDUM
State of Idaho Contract Number PADD1023

WESTERN STATES CONTRACTING ALLIANCE

Sun Microsystems, Inc.

MASTER PRICE AGREEMENT

Minnesota Price Agreement Number A85627

1. Scope: All state governmental entities within the State of Idaho and public agencies (as defined by Idaho Code, Section 67-2327) are authorized to purchase products and services under the terms and conditions of the Minnesota price agreement. These public agencies include any city or political subdivision of the State of Idaho, including, but not limited to counties, school districts, highway districts, port authorities, instrumentalities of counties, cities, or any political subdivision created under the laws of the State of Idaho; and public schools and institutions of higher education. It will be the responsibility of the public agency to independently contract (i.e., issue purchase orders) with the contractor and/or comply with any other applicable provisions of Idaho Code governing public contracts.

2. Applicable Approved Purchasing Agreement: The following provisions supplement and/or add to the Master Price Agreement.

Parties to this Participating Addendum

The parties to this Participating Addendum (PA) are Sun Microsystems, Inc. (Contractor) and the State of Idaho by and through its statutory agent, the Division of Purchasing within the Department of Administration (State) on behalf of the entities identified in the paragraph titled "Scope" of this Participating Addendum (procuring agencies).

Idaho Administration Reporting and Fees:

The contractor agrees to provide quarterly price agreement utilization reports to the Idaho administrator in accordance with the following schedule:

Period End	Report Due
June 30	July 31
September 30	October 31
December 31	January 31
March 31	April 30

The contractor will submit quarterly reports to the Idaho Administrator. These reports shall include the gross Idaho sales, less returns, cancellations, and replacements for the quarterly period subtitled by procuring agency name within procuring agency state name. The report shall be accompanied with a check payable to the Treasurer, State of Idaho for an amount equal to 1.25% of the gross Idaho sales (less returns and credits) for the quarterly period. The State understands and agrees that Contractor will raise the negotiated Minnesota Price Agreement prices by this amount. This report will be provided 30 calendar days from the close of the calendar quarter. Checks are to be submitted as follows:

Department of Administration – PADD1023 – Computers & Peripherals

State of Idaho
ATTN: Financial Officer
P.O. Box 83720
Boise, ID 83720-0004

Applicable Law:

Notwithstanding Paragraph 5 (Order of Precedence) of Minnesota Price Agreement No. A85627, Paragraph 32 (Governing Law) of Minnesota Price Agreement No. A85627 is supplemented with the following, which shall apply to this PA.

Sun Microsystems, Inc. PADD1023

The State of Idaho's PA and all purchase orders issued there under by procuring agencies shall be construed in accordance with, and governed by the laws of the State of Idaho. Except to the extent the provisions of the PA are clearly inconsistent therewith, the PA shall also be governed by the applicable provisions of the Idaho Uniform Commercial Code (UCC). To the extent this PA entails delivery or performance of services, such services shall be deemed "goods" within the meaning of the UCC, except where deeming such services as "goods" would result in a clearly unreasonable interpretation. Any action to enforce the provisions of this PA shall be brought in state district court in Ada County, Boise, Idaho. In the event any term of this PA is held to be invalid or unenforceable by a court, the remaining terms of this PA will remain in force.

3. Lease Agreements: A lease agreement has not been approved for use for procuring agencies within the State of Idaho.
4. This PA is not for major, large hardware or software offerings. Individual units/configurations cannot exceed \$50,000.00 each. This is not a restriction on how many units/configurations that can be purchased, but on the value of each individual unit/configuration. This PA includes Bands 1 File/Print Servers, Mid-Range Servers, Band 2 Workstations, and Band 4 Storage Solutions per the Minnesota Price Agreement. Requests for exceptions must be sent to the Division of Purchasing in writing by the requesting agency.
5. Primary Contact: The primary contact and administrator of this agreement for the State of Idaho is as follows:

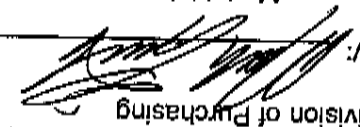
Gregory Lindstrom, IT Purchasing Officer
 Division of Purchasing
 5569 Kendall Street (Zip 83706-1231)
 P O Box 83720
 Boise, ID 83720-0075
 Ph: 208-332-1609

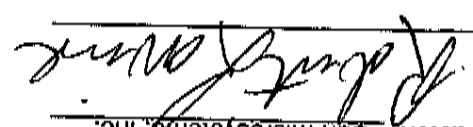
6. Price Agreement Number: All purchase orders issued by procuring agencies within the jurisdiction of this participating addendum shall include the following price agreement numbers:

A85627 (Minnesota)
 PADD1023 (Idaho)

This PA and Minnesota Price Agreement together with its exhibits and attachments, set forth the entire agreement between the parties with respect to the subject matter of all previous communications, representations or agreements, whether oral or written, with respect to the subject matter hereof. Terms and conditions inconsistent with, together with its exhibits, shall not be added to or incorporated into this PA or the Minnesota Price Agreement, together with its exhibits, by any subsequent purchase order or otherwise, and any such attempts to add or incorporate such terms and conditions are hereby rejected. The terms and conditions of this PA and the Minnesota Price Agreement and its exhibits shall prevail and govern in the case of any such inconsistent or additional terms.

IN WITNESS HEREOF, the parties have executed this Addendum as of the date of execution by both parties below.

State of Idaho
 Division of Purchasing
 By: 
 Name: Mark Little
 Title: State Purchasing Manager
 Date: 8/23/06
 Sun Microsystems, Inc. PADD1023

Sun Microsystems, Inc.
 Contractor:
 By: 
 Name: Robert Lavine
 Title: Director, State & Local Government
 Date: 8/25/2006
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Advanced Systems Group
950 West Bannock Street
Suite 630
Boise, ID 83702
Parrela Massey
(208) 333-7044

Authorized Resellers

Sun Authorized Resellers The below listed Sun Resellers have been approved by Sun and are eligible to support Master Price Agreement No. A85627. These approved Resellers will be responsible for performing all aspects of the Master Price Agreement and this Participating Addendum including taking Purchase Orders direct from State of Idaho Participating Entities as identified in Article 1 of this Addendum, fulfilling Purchase Orders, submitting invoices, and receiving payment direct. As the holder of the WSCA Master Price Agreement Sun will be responsible for the aggregated quarterly reports and fees as defined under Article 2, Idaho Administration Reporting and Fees of this Addendum.

**WESTERN STATES CONTRACTING ALLIANCE
PARTICIPATING ADDENDUM
State of Idaho Contract Number PADD1023
ATTACHMENT A**