

PARTICIPATING ADDENDUM

[hereinafter "Addendum"]

For

WSCA/NASPO PC Contracts 2009-2014

COMPUTER EQUIPMENT, PERIPHERALS, AND RELATED SERVICES

MASTER PRICE AGREEMENT NUMBERB 27158

Between

Apple Inc

[hereinafter "Contractor"]

and

State of Nevada

[hereinafter "Participating State" or "Participating Entity" (if not a state)]

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1. Scope

This Participating Addendum adds the State of Nevada as a Participating State to purchase Computer Equipment, Peripherals and Related Services from the WSCA/NASPO 2009-2014 PC Contracts led by the State of Minnesota; specifically WSCA Master Agreement B27158 with Apple Inc. All governmental entities within the State of Nevada including all State Agencies, the Nevada System of Higher Education, the Court System, the Legislative Counsel Bureau and all Political Subdivisions within the State of Nevada are authorized to purchase computer equipment, peripherals and related services. This Participating Addendum does NOT include the purchase of Microsoft products other than operating system software; or, any licensed server software not installed on a server or SAN Equipment. Individual units/configurations for servers and storage (SAN's etc.) are not to exceed \$300,000 each; desktop per units/configurations are not to exceed \$100,000; printer per units/configurations shall not exceed \$50,000 each. Equipment shall be defined as workstations, desktops, laptops (including Tablet PC's and handheld (PDA) devices), projectors, servers, printers, monitors, computing hardware, including upgrade components such as memory, storage drives and spare parts. Audio Visual Products (digital cameras, televisions, whiteboards, etc.) are NOT included under this Participating Addendum, except for whiteboards which can be sold as part of the Instructional Bundles but not as a stand-alone item.

2. Participation

Use of specific WSCA/NASPO cooperative contract by state agencies, political subdivisions and other entities (including cooperatives) authorized by an individual state's statutes to use state contracts are subject to the approval of the respective State Chief Procurement Official. Issues of interpretation and eligibility for participation are solely within the authority of the State Chief Procurement Official.

3. Changes:

No changes are required.

4. Purchase Orders:

Orders for Nevada State Agencies will be placed by formal purchase order issued by the Nevada State Purchasing Division. All orders will be shipped promptly in accordance with the terms of the Master Price Agreement and invoices shall be submitted to Nevada State Purchasing for payment. Invoices and all correspondence related to an individual order will reflect the purchase order number issued by Nevada State Purchasing. With the exception of computers, laptops, storage devices or any equipment utilizing

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hard drives, orders under \$5,000.00 (effective October 1, 2009) may be placed direct by a using entity to the contract vendor.

5. Lease Agreements

Equipment lease agreement terms and conditions included in the Master Price Agreement are NOT approved for use by the State of Nevada.

6. Primary Contacts

The primary government contact individuals for this Addendum are as follows (or their named successors):

Lead State

Name: Bernadette Kopischke
Address: 112 Admin Bldg, St Paul, MN 55155
Telephone: (651) 201-2450
Fax: (651) 297-3996
E-mail: bernie.kopischke@state.mn.us

Contractor

Name: Michael Tallof
Address: 1 Infinite Loop, MS 90-2CM, Cupertino, CA 95014
Telephone: 408-974-3245
Fax: 408-974-4908
E-mail: Taloff@apple.com

Name: Marti Marsh
Address: 515 East Musser St., Ste 300, Carson City, NV 89701
Telephone: (775) 684-0180
Fax: (775) 684-0188
E-mail: mmarsh@purchasing.state.nv.us

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7. Servicing Subcontractors:

Apple may utilize all Contractor authorized business partners in the State of Nevada to perform Services.

All purchase orders are to be issued directly to:

Apple Inc
12545 Riata Vista Circle, MS 198-3ED
Austin, TX 78727
Fax: 800-490-0325

And all payments are to be issued to:

Apple Inc
PO Box 84095
Dallas, TX 75284

The terms of the Master Price Agreement shall apply each time Customer engages Contractor to provide services.

All onsite Services such as installation, de-installation, training or ongoing maintenance, excluding warranty and break/fix support, requested by state agencies will require the implementation of an Independent Contract for Services per NRS 333, NAC 333 and SAM 0300.

All purchase orders issued by purchasing entities with the jurisdiction of this Addendum must include the Master Price Agreement Number: B27158.

8. Evaluation Equipment

If the Contractor, by mutual agreement with the Participating Entity, wishes to allow the use of equipment for the purposes of evaluation prior to purchase, these "try and buy" acquisitions must be approved in writing by the Budget Division and the Purchasing Division prior to the evaluation period per SAM 1511.0 (5). Final purchases of the equipment shall comply with the terms of the Master Price Agreement and Participating Addendum.

9. Compliance with reporting requirements of the "American Recovery and Reinvestment Act of 2009" ("ARRA"): If or when contractor is notified by ordering entity that a specific purchase or purchases are being made with ARRA funds, contractor agrees to comply with the data element and reporting requirements as currently defined in Federal Register Vol 74 #61, Pages 14824-14829 (or

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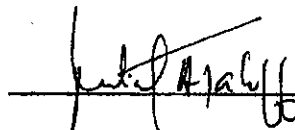
subsequent changes or modifications to these requirements as published by the Federal OMB). Ordering entity is responsible for informing contractor as soon as the ordering entity is aware that ARRA funds are being used for a purchase or purchases. Contractor will provide the required report to the ordering entity with the invoice presented to the ordering entity for payment. The contractor, as it relates to purchases under this contract, is not a subcontractor or subgrantee, but simply a provider of goods and related services.

This Addendum and the Master Price Agreement together with its exhibits, 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, contrary or in addition to the terms and conditions of this Addendum and the Master Price Agreement, together with its exhibits, shall not be added to or incorporated into this Addendum or the Master Price Agreement and 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 Addendum and the Master Price Agreement and its exhibits shall prevail and govern in the case of any such inconsistent or additional terms. This Addendum applies only in the jurisdiction of the Participating State or Participating Entity which has executed this Addendum.

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

Participating Entity: State of Nevada

Contractor: Apple Inc.



Name: Marti Marsh
Title: Purchasing Officer
Date: 9/3/09

Name: Michael Taloff
Title: Education Contracts Manager
Date: 9/2/09