



STATE OF UTAH COOPERATIVE CONTRACT AMENDMENT

AMENDMENT # 5
CONTRACT # AR233 - WESTERN STATES CONTRACTING ALLIANCE (WSCA)
CISCO NETWORKING COMMUNICATIONS & MAINTENANCE
MASTER AGREEMENT ("Contract" or "WSCA Master Agreement")
Original Starting Date: 10/01/07
Amended Expiration Date : 05/31/2012

TO BE ATTACHED AND MADE PART OF the specified Contract by and between the State of Utah Division of Purchasing and

CISCO SYSTEMS, INC
(Referred to as CONTRACTOR)

BOTH PARTIES AGREE TO AMEND THE CONTRACT AS FOLLOWS:

Effective Date of Amendment: Date of last signature of the Parties
The contract is amended to:

This Amendment #5 only applies to purchases made in the State of Utah. The purpose of this Amendment #5 is to add an administration state fee for the State of Utah that was not originally provided in the WSCA Master Agreement.

Please provide the following contact information.

Table with 4 columns: Name, Phone Number, Email Address. Rows include General Contact (Mimi Nguyen), Sales Contact (Greg Semler), and Quarterly Report Contact (Angelene (Gigi) Feril).

All other terms and conditions in the original contract remain the same.
IN WITNESS WHEREOF, the parties sign and cause this contract to be executed.

CONTRACTOR
Signature: Dana Gundersen
Date: 8/17/10
Contractor's Name (Print): Dana Gundersen
Title (Print): Director Finance

STATE OF UTAH
Signature: Kent Beers
Date: 8/23/10
Kent Beers, Director
State of Utah Division of Purchasing

Purchasing Agent: Debbie Gundersen
Phone #: (801) 538-3150
e-mail: dgundersen@utah.gov
Fax #: (801) 538-3882

AMENDMENT # 5

To

**AR-233 - WESTERN STATES CONTRACTING ALLIANCE (WSCA)
CISCO NETWORKING COMMUNICATIONS & MAINTENANCE
MASTER AGREEMENT ("Contract" or "WSCA Master Agreement")**

(Adding an administration state fee for purchases in the State of Utah only)

This Amendment # 5 is entered into between Cisco Systems, Inc. with its principal place of business at 170 Tasman Drive, San Jose, CA 95134 ("Cisco" or "Contractor") and the Division of Purchasing and General Services, an agency of the State of Utah ("State"), with its principal place of business at State Office Building, Capitol Hill, Salt Lake City, UT 84114-1061, and acting on its own behalf and as the lead state for the WSCA Master Agreement on behalf of the *Western States Contracting Alliance* ("WSCA"), (collectively, the "Parties"). This Amendment #5 is effective as of the date of last signature of the Parties below ("Effective Date"). Capitalized terms used herein and not so defined shall have the same meaning as set forth in the WSCA Master Agreement.

WHEREAS, the State of Utah did not sign a separate Participating Addendum to the WSCA Master Agreement. Since the State of Utah is the contract administrator for the WSCA Master Agreement, it was deemed that the State of Utah executed a Participating Addendum upon execution of the WSCA Master Agreement as set forth in Attachment B, Section 1.8 of the WSCA Master Agreement.

WHEREAS, the purpose of this Amendment #5 is to provide an administration state fee for the State of Utah (in addition to the WSCA Administration Fee) that was not originally provided in the WSCA Master Agreement. This Amendment #5 shall apply only to the State of Utah and all purchases made by State of Utah's authorized Customers under the WSCA Master Agreement.

NOW THEREFORE, the Parties agree to amend the WSCA Master Agreement as follows:

- 1. State of Utah Administration Fees. Add the following provisions to the WSCA Master Agreement, Attachment B, Section 16:

"A. STATE OF UTAH REPORTS AND FEES ONLY: The Contractor agrees to provide a quarterly administration fee to the State of Utah ("State of Utah Administration Fee") in the form of a Check or EFT payment as set forth hereunder. The State of Utah Administration Fee is in addition to the WSCA Administration Fee, but only applies to purchases made by authorized Customers in the State of Utah. The State of Utah Administration Fee will be payable to the "State of Utah Division of Purchasing" for an amount equal to one percent (1%) of the Net Purchase Price paid by the State of Utah's authorized Customer. The Contractor's WSCA pricing to the Customers in the State of Utah may be adjusted to offset for the equivalent fee amount. Contractor also agrees to provide quarterly sales volume reports in accordance with Amendment #3 to the WSCA Master Agreement and the following schedule:

<u>CY Quarter</u>	<u>Activity Period</u>	<u>Due Dates (Reports & UT Fees)</u>
Q1:	January 1 – March 31 st	May 31 st
Q2:	April 1 – June 30 th	August 31 st
Q3:	July 1 – September 30 th	November 30 th
Q4:	October 1 – December 31 st	February 28 th

The State of Utah Administration Fee will be effective and applied on all purchases made starting Q4 CY2010 or October 1, 2010.

B. STATE OF UTAH TAXES ONLY: Bid/proposal prices will be exclusive of state sales, use and federal excise taxes. The State of Utah's sales and use tax exemption number is 11736850-010-STC, located at <http://purchasing.utah.gov/contract/documents/salestaxexemptionformsigned.pdf>. The tangible personal property or services being purchased are being paid from STATE funds and used in

the exercise of that entity's essential functions. If the items being purchased are construction materials, they will be converted into real property by employees of this government entity, unless otherwise stated in the contract, or contract orders. The State of Utah's Federal excise exemption number is 87-780019K."

- 2. In all other respects, the WSCA Master Agreement remains unchanged.

This Amendment #5 represents the entire understanding of the Parties and merges, supersedes and replaces any prior oral, electronic or other written communications or understandings with respect to the subject matter herein, and may only be modified by a written document executed by the Parties. Each Party warrants and represents that its respective signatory appearing below is, as of the date of signature, duly authorized to execute this Amendment #5 on behalf of and with the intent to legally bind their respective principal first identified above.

[Affix signatures as required by State Statutes, Rules or Policies below.]

CISCO SYSTEMS, INC.

STATE OF UTAH, ON ITS OWN BEHALF AND ON BEHALF OF WSCA

Signature: *Dana Giampetroni*
 Print Name: DANA GIAMPETRONI
 Title: DIRECTOR FINANCE
 Date: 8/17/10

Signature: *Kent D Boers*
 Print Name: KENT D BOERS
 Title: Director, Purchasing
 Date: 8/23/10