**TENNESSEE TECHNOLOGICAL UNIVERSITY**  
OFFICE OF BUSINESS SERVICES  
FACILITIES AND BUSINESS SERVICES BUILDING  
P.O. Box 5041, 220 W. 10th St.  
Cookeville, TN 38505-0001  
Phone (931) 372-3491 Fax (931) 372-3727  
www.tntech.edu/purchasing

**PURCHASE ORDER**

PO Number: P0002869  
Issue Date: 04/30/09  
Page No: 1  
Delivery Date:

Please supply the following items or services in accordance with terms of your quotation, to TENNESSEE TECHNOLOGICAL UNIVERSITY Cookeville, Tennessee. ALL DELIVERY CHARGES ARE TO BE PREPAID AND INCLUDED IN THE PRICES SHOWN UNLESS OTHERWISE INDICATED BELOW. Cash discounts, when authorized, will be computed from the date of delivery or from the date correct invoice is received, whichever is later.

**SHIP TO:**

220 W 10th St  
Facilities  
Cookeville TN 38505

**BILLING**

Tennessee Technological University  
Business Office, Box 5037  
Cookeville, Tennessee 38505-0001

**TENNESSEE TECHNOLOGICAL UNIVERSITY IS AN EQUAL OPPORTUNITY, NON-RACIALLY IDENTIFIABLE, EDUCATIONAL INSTITUTION THAT DOES NOT DISCRIMINATE AGAINST INDIVIDUALS WITH DISABILITIES.**

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<th>EXTENSION</th>
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<tbody>
<tr>
<td>1</td>
<td>40,000.00</td>
<td>EA</td>
<td>To provide Tennessee Technological University the following from April 30, 2009, through April 29, 2010, with the option to renew up to four (4) additional years with mutual consent of the University and Contractor in accordance with the provisions outlined herein and those of Tennessee Technological University Request for Quotation TAC-Andover Controls dated 4/6/09. For Information, Contact: Andy Loftis / Facilities (931) 372-3227 / <a href="mailto:aloftis@tntech.edu">aloftis@tntech.edu</a></td>
<td>1.0000</td>
<td>40,000.00</td>
</tr>
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**TOTAL:**

CONTINUED

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**AUTHORIZED SIGNATURE:**

FOR TENNESSEE TECHNOLOGICAL UNIVERSITY

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<tr>
<td>- Control Technician</td>
<td>$65.00</td>
<td>hour</td>
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<tr>
<td>- Electrician / Mechanic</td>
<td>$55.00</td>
<td>hour</td>
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<tr>
<td>- Helper</td>
<td>$45.00</td>
<td>hour</td>
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<td></td>
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<tr>
<td>- AutoCad / Drafting</td>
<td>$45.00</td>
<td>hour</td>
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<tr>
<td>- Telephone Diagnostics</td>
<td>NO CHARGE</td>
<td>hour</td>
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<tr>
<td>- The per hour labor rates, as quoted above, are to include all miscellaneous costs such as per diem, tools, equipment, overhead, etc. In emergency situations, the vendor shall respond on campus within two (2) hours after notification by University personnel.</td>
<td></td>
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<tr>
<td>- Materials furnished by the vendor (other than TAC-Andover Controls parts) shall be at cost plus. Cost is defined as the invoiced cost plus tax. Vendor’s amount: Cost + 25%.</td>
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<td>Warranty:</td>
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FOR TENNESSEE TECHNOLOGICAL UNIVERSITY

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<td></td>
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<td>- One year warranty on parts</td>
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<td>- Parts purchased from vendor stored onsite will</td>
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<td>be warrantied additional time for one year</td>
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<td>after part is put into service by vendor.</td>
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Controllers shall use the same Ethernet fiber optic protocol as the existing Andover "Continuum Infinet II" system. Interface devices and multi-plexers are not acceptable.

- All shipping/handling charges are included.
- All freight must be prepaid and added to the invoice.

NOTE: Prices quoted are to be firm for a one (1) year period. At the time of renewal, vendor may

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request price increase to the extent such increase has been experienced by vendor and written substantiation of increase can be provided by publisher. University may accept requested price increase or choose to rebid, at its sole discretion.

**OTHER CONSIDERATIONS:**

Conflict of Interest. The Contractor warrants that no part of the total amount provided herein shall be paid directly or indirectly to any officer, agent, employee, sub-contractor or consultant in connection with any work contemplated or performed relative to this purchase order.

---

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www.tntech.edu/purchasing

PURCHASE ORDER

PO Number: P0002869
Issue Date: 04/30/09
Page No: 5
Delivery Date:

ISSUED TO: Tennessee Direct Digital Controls Inc
PO Box 11723
Murfreesboro TN 37129-0035

Please supply the following items or services in accordance with terms of your quotation, to TENNESSEE TECHNOLOGICAL UNIVERSITY
Cookeville, Tennessee. ALL DELIVERY CHARGES ARE TO BE PREPAID AND INCLUDED IN THE PRICES SHOWN UNLESS
OTHERWISE INDICATED BELOW. Cash discounts, when authorized, will be computed from the date of delivery or from the
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<td>Non-Discrimination. The parties agree to comply</td>
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<td>with Titles VI and VII of the Civil Rights Act of</td>
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<td>1964. Title IX of the Education Amendments of</td>
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<td>1972, Section 504 of the Rehabilitation Act of</td>
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<td>1973, Executive Order 11,246, Americans with Disa-</td>
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<td>bilities Act of 1990 and the related regulations</td>
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<td>to each. Each party assures that it will not</td>
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<td>discriminate against any individual including, but</td>
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<td>not limited to, employees or applicants for</td>
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<td>employment and/or students because of race,</td>
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<td>religion, creed, color, sex, age, disability,</td>
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<td>veteran status or national origin.</td>
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<td>The parties also agree to take affirmative</td>
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<td>action to ensure that applicants are employed and</td>
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<td>that employees are treated during their employ-</td>
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without regard to their race, religion, creed, color, sex, age, disability, veteran status or national origin. Such demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection available to employees and applicants for employment.

Independent Contractor. The Contractor being an independent contractor and not an employee of the University, agrees to carry adequate public liability and other appropriate forms of insurance on the Contractor's employees, and to pay all applicable taxes incident to this Contract.

Insurance. The Contractor, being an independent

TOTAL:

CONTINUED

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contractor and not an employee of the University, agrees to carry adequate public liability and other appropriate forms of insurance, to pay all taxes incurred in performance of this purchase order, and otherwise protect and hold the University harmless from any and all liability arising as a result of this purchase order which does not result from the University’s own negligence.

Early Termination. This purchase order may be terminated by either party by giving written notice to the other, at least thirty (30) days before the effective date of termination. In that event, the Contractor shall be entitled to receive just and equitable compensation for any satisfactory authorized work completed as of the

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<td>termination date.</td>
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<td></td>
<td>Termination Due to Lack of Funds. The University reserves the right to cancel this purchase order at June 30 of any year covered by this purchase order including any renewals thereof, if sufficient funding is not available from state and/or federal funds.</td>
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|      |          |      | Termination for Cause. If the Contractor fails to fulfill in a timely and proper manner its obligations under this purchase order, or if the Contractor shall violate any of the terms of this purchase order, the University shall have the right to immediately terminate this purchase order and withhold payments in excess of fair compen-

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<td>sation for work completed.</td>
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Notwithstanding the above, the Contractor shall not be relieved of liability to the University for damages sustained by virtue of any breach of this purchase order by the Contractor.

Amendment. This purchase order may only be modified by written amendment executed by all parties hereto.

Audit. The Contractor shall maintain documentation for all charges against the University under this purchase order. The books, records and documents of the Contractor, insofar as they relate to work performed or money received under this purchase order, shall be maintained for a period of three years.

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(3) full years from the date of the final payment, and shall be subject to audit, at any reasonable time and upon notice, by the University or the Comptroller of the Treasury, or their duly appointed representatives.

Assignment. The Contractor shall not assign this purchase order or enter into sub-contracts for any of the work described herein without obtaining the prior written approval of the University or Tennessee Board of Regents, as appropriate. Approval shall not be given if the proposed subcontractor was or is currently ineligible to bid on the purchase order.

Extension to Other Entities. The terms, conditions

**TOTAL:**

The terms and conditions printed on the reverse side of this purchase order and any duly authorized change orders shall be the sole terms and conditions that apply to this purchase and shall prevail over any subsequent terms and conditions set forth by the Vendor on invoices or in any other manner, unless otherwise expressly agreed to in writing by the University.

**AUTHORIZED SIGNATURE:**
FOR TENNESSEE TECHNOLOGICAL UNIVERSITY
TENNESSEE TECHNOLOGICAL UNIVERSITY
OFFICE OF BUSINESS SERVICES
FACILITIES AND BUSINESS SERVICES BUILDING
P.O. Box 5041, 220 W. 10th St.
Cookeville, TN 38505-0001
Phone (931) 372-3491 Fax (931) 372-3727
www.tntech.edu/purchasing

PURCHASE ORDER

ISSUED TO: Tennessee Direct Digital Controls Inc
PO Box 11723
Murfreesboro TN 37129-0035

Please supply the following items or services in accordance with terms of your quotation, to TENNESSEE TECHNOLOGICAL UNIVERSITY Cookeville, Tennessee. ALL DELIVERY CHARGES ARE TO BE PREPAID AND INCLUDED IN THE PRICES SHOWN UNLESS OTHERWISE INDICATED BELOW. Cash discounts, when authorized, will be computed from the date of delivery or from the date correct invoice is received, whichever is later.

SHIP TO:

| S H I P P I N G | 220 W 10th St  |
| Facilities     | Cookeville TN 38505 |

SEND INVOICE IN DUPLICATE TO:

| B I L L I N G |
| Tennessee Technological University |
| Business Office, Box 5037 |
| Cookeville, Tennessee 38505-0001 |

TENNESSEE TECHNOLOGICAL UNIVERSITY IS AN EQUAL OPPORTUNITY, NON-RACIALLY IDENTIFIABLE, EDUCATIONAL INSTITUTION THAT DOES NOT DISCRIMINATE AGAINST INDIVIDUALS WITH DISABILITIES.

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and pricing of this purchase order are extended to other institution(s) within the Tennessee Board of Regents and/or University of Tennessee systems.

Governing Law. This purchase order shall be construed in accordance with the laws and Constitution of the State of Tennessee.

The terms and conditions of this purchase order and any duly authorized change orders shall be the sole terms and conditions that apply to this purchase. Any subsequent terms and conditions set forth by the vendor on invoices or in any other manner, shall not apply unless expressly agreed to in writing by the University.

TOTAL: CONTINUED

The terms and conditions printed on the reverse side of this purchase order and any duly authorized change orders shall be the sole terms and conditions that apply to this purchase and shall prevail over any subsequent terms and conditions set forth by the Vendor on invoices or in any other manner, unless otherwise expressly agreed to in writing by the University.

AUTHORIZED SIGNATURE:
FOR TENNESSEE TECHNOLOGICAL UNIVERSITY
The Contractor acknowledges and understands that, for a period of two (2) years beginning August 16, 2008, restrictions are imposed on former state employees who received a State of Tennessee Voluntary Buyout Program (VBP) severance payment with regard to contracts with state agencies that participated in the VBP.

a. The State will not contract with either a former state employee who received a VBP severance payment or an entity in which a former state employee who received a VBP severance payment or the spouse of such an individual holds a controlling financial interest.

b. The State may contract with an entity with which a former state employee who

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**TOTAL:**

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**AUTHORIZED SIGNATURE:**

FOR TENNESSEE TECHNOLOGICAL UNIVERSITY
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## SHIP TO:

| 220 W 10th St |
| Facilities |
| Cookeville TN 38505 |

## BILL TO:

| Tennessee Technological University |
| Business Office, Box 5037 |
| Cookeville, Tennessee 38505-

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<td>received a VBP severance payment is not an employee or an independent contractor. Notwithstanding the foregoing, the Contractor understands and agrees that there may be unique business circumstances under which a return to work by a former state employee who received a VBP severance payment as an employee or an independent contractor of a State contractor would not be appropriate, and in such cases the State may refuse Contractor personnel. Inasmuch, it shall be the responsibility of the State to review Contractor personnel to identify any such issues. c. With reference to either subsection a. or</td>
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**TOTAL:**

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PURCHASE ORDER

PO Number: P0002869
Issue Date: 04/30/09
Page No: 14
Delivery Date: 

ISSUED TO: Tennessee Direct Digital Controls Inc
PO Box 11723
Murfreesboro TN 37129-0035

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SHIP TO: 220 W 10th St
Facilities
Cookeville TN 38505

BILLING
Tennessee Technological University
Business Office, Box 5037
Cookeville, Tennessee 38505-0001

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b. above, a contractor may submit a written request for a waiver of the VBP restrictions regarding a former state employee and a contract with a state agency that participated in the VBP. Any such request must be submitted to the State in the form of the VBP Contracting Restriction Waiver Request format available from the state and the Internet: www.state.tn.us/finance/rra/ocr/waiver.html. The determination on such a request shall be at the sole discretion of the head of the state agency that is a Party to this Contract, the Commissioner of Finance and Administration, and the Commissioner of Human Resources.

DISCOUNT: .00

TOTAL: 40,000.00

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AUTHORIZED SIGNATURE: [Signature]
FOR TENNESSEE TECHNOLOGICAL UNIVERSITY