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: P0003099
Issue Date: 06/12/09
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:
1010 N Peachtree Ave
Clement Hall
Cookeville TN 38505

SEND INVOICE IN DUPLICATE TO:
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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<tbody>
<tr>
<td>1</td>
<td>737.23</td>
<td>EA</td>
<td>To provide Tennessee Technological University the following from July 27, 2009, through July 26, 2010, with the option to renew for an additional four (4) years with mutual consent of the University and Contractor.</td>
</tr>
<tr>
<td></td>
<td></td>
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<td>For Information, Contact: Elaine Wells / ITS (931) 372-6526 / <a href="mailto:ewells@tntech.edu">ewells@tntech.edu</a></td>
</tr>
<tr>
<td>1</td>
<td>737.23</td>
<td>EA</td>
<td>PGI Cluster Development Kit for Linux 1 Year Maintenance Subscription</td>
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<td></td>
<td></td>
<td></td>
<td>- Product Code: 2183L-C2-16-A</td>
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<td></td>
<td>- Academic for 2 Users</td>
</tr>
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UNIT PRICE: 1.0000
EXTENSION: 737.23

TOTAL: CONTINUED

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AUTHORIZED SIGNATURE: FOR TENNESSEE TECHNOLOGICAL UNIVERSITY
Programmer's Paradise
1157 Shrewsbury Ave
Shrewsbury NJ 07702-4321

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<td>PIN 517738</td>
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Prices are to be firm for a one (1) year period. At the time of renewal, vendor may 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

TOTAL: CONTINUED

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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.

Non-Discrimination. The parties agree to comply with Titles VI and VII of the Civil Rights Act of 1964. Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Executive Order 11,246, Americans with Disabilities Act of 1990 and the related regulations to each. Each party assures that it will not discriminate against any individual including, but not limited to, employees or applicants for employment and/or students because of race,

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<td>religion, creed, color, sex, age, disability, veteran status or national origin.</td>
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<td></td>
<td>The parties also agree to take affirmative action to ensure that applicants are employed and that employees are treated during their employment 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.</td>
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<td>Independent Contractor. The Contractor being an</td>
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| TOTAL: | CONTINUED |

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AUTHORIZED SIGNATURE: [Signature] FOR TENNESSEE TECHNOLOGICAL UNIVERSITY
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<td>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.</td>
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<td></td>
<td>Insurance. 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, 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.</td>
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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 termination date.

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 funds.

TOTAL: CONTINUED

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PURCHASE ORDER

PO Number: P0003099
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Delivery Date:

ISSUED TO: Programmer’s Paradise
1157 Shrewsbury Ave
Shrewsbury NJ 07702-4321

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<td></td>
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<td>and/or federal funds.</td>
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<td>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 compensation for work completed. 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.</td>
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AUTHORIZED SIGNATURE: [Signature]
FOR TENNESSEE TECHNOLOGICAL UNIVERSITY
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 (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.

TOTAL: CONTINUED

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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 sub-contractor was or is currently ineligible to bid on the purchase order.

Extension to Other Entities. The terms, conditions and pricing of this purchase order are extended to other institution(s) within the Tennessee Board of Regents and/or University of Tennessee systems.

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<td>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. The Contractor acknowledges and understands that, for a period of two (2) years beginning August 16, 2008, restrictions are imposed on former state</td>
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<td>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.</td>
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<td>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.</td>
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<td>b. The State may contract with an entity with which a former state employee who received a VBP severance payment is not an employee or an independent contractor.</td>
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TOTAL: CONTINUED

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<td>Business Office, Box 5037</td>
</tr>
<tr>
<td>Cookeville, Tennessee 38505-0001</td>
</tr>
</tbody>
</table>

1010 N Peachtree Ave
Clement Hall
Cookeville TN 38505

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>QUANTITY</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>EXTENSION</th>
</tr>
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</table>

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 b. above, a contractor may submit a

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<th>TOTAL:</th>
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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.

ACCOUNTING INFORMATION:

AUTHORIZED SIGNATURE: [Signature]
FOR TENNESSEE TECHNOLOGICAL UNIVERSITY
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/rds/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.