**PARTICIPATING ADDENDUM**
**for**
**STATE OF NEW MEXICO**
**WESTERN STATES CONTRACTING ALLIANCE**

**ELLUCRE CORPORATION**
**MASTER PRICE AGREEMENT NO. AR-1474**
**for**
**DATA COMMUNICATIONS EQUIPMENT**

1. **Scope**: This Participating Addendum adds the State of New Mexico as a Participating State to purchase from WSCA Master Price Agreement No. AR-1474 with Ellucre Corporation. All governmental entities within the State of New Mexico including all State agencies and political subdivisions (cities, counties, courts, public schools and institutions of higher education) are authorized to purchase Data Communications Equipment Products and Services under Master Price Agreement No. AR-1474.

2. **Changes to Master Price Agreement:** The following provision is applicable to this Participating Addendum only and is in addition to the provisions contained in the Master Price Agreement.

   New Mexico Quarterly Reporting and Administrative Fee

   Ellucre Corporation will provide a quarterly sales report showing the gross New Mexico sales for the quarterly period just ended to the New Mexico Primary Contact (Paragraph 4. below) in accordance with the following schedule:

| Quarter Ending | Report Due |
|---|---|
| March 31 | April 30 |
| June 30 | July 31 |
| September 30 | October 31 |
| December 31 | January 31 |

   The quarterly report will be subtotaled by Purchasing Entity name by State agency or political subdivision. The quarterly report will also include any adjustments from prior periods, if applicable.

   The quarterly report shall be accompanied by a check payable to the New Mexico Purchasing Division for an amount equal to fifteen hundredths of one percent (0.0015) of the Net Sales for the period (the "Administrative Fee"). The Net Sales shall be calculated by subtracting from the gross sales for the period any amounts refunded to Purchasing Entities during the period. The Net Sales are exclusive of any applicable taxes. The Administrative Fee to be collected by Ellucre Corporation on behalf of the State of New Mexico shall be included in the charges for the Products and Services set forth in Contractor's WSCA Price List for the State of New Mexico.

3. **Lease Agreements:** Lease agreement terms and conditions have not been approved for use by Purchasing Entities under this Participating Addendum.

4. **Primary Contact:** The primary government contact individual for this Participating Addendum is as follows:

| | |
|---|---|
| Name: | Ramona Gutierrez, Information Systems Procurement Specialist |
| Address: | Purchasing Division<br>1100 Saint Francis Drive, Suite 2016<br>Santa Fe, NM 84505<br>P. O . Drawer 26110<br>Santa Fe, New Mexico 87502-00110 |
| Telephone: | (505) 827-2360 |
| Fax: | (505) 827-2484 |
| e-mail: | Ramona.Gutierrez@state.nm.us |

5. **Price Agreement Number:** All purchase orders issued by Purchasing Entities within the jurisdiction of this Participating Addendum shall include the following: Master Price Agreement number: AR-1474. All purchase orders shall also reference State Purchasing Division price agreement number 20-000-00-00133.

This Participating Addendum and the WSCA Master Price Agreement No. AR-1474, (administered by the State of Utah) together with its exhibits and attachments, sets forth the entire agreement between the parties and supersedes 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 Participating Addendum and the Master Price Agreement, together with its exhibits and attachments, shall not be added to or incorporated into this Participating Addendum or the Master Price Agreement and its exhibits and attachments, 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 Participating Addendum and the Master Price Agreement and its exhibits and attachments shall prevail and govern in the case of any such inconsistent or additional terms.

**IN WITNESS WHEREOF,** the parties have executed this Participating Addendum as of the date of execution by the duly authorized representatives of the parties below.

**Participating State:**
**State of New Mexico**

By: Louis T. Higgins

Name: Louis T. Higgins

Title: State Purchasing Agent

Date: September 9, 2002

**Contractor:**
**Ellucre Corporation**

By: Frank Caruso

Name: FRANK CARUSO

Title: PRESIDENT

Date: 9/20/02