Washington State Department of
Enterprise Services
Contracts and Legal Services

AMENDMENT 14-01 to
PARTICIPATING ADDENDUM
(hereinafter "Addendum")
WESTERN STATES CONTRACTING ALLIANCE
COMPUTER EQUIPMENT PERIPHERALS, & RELATED SERVICES
Administered by the State of Minnesota (hereinafter "Lead State")

State of Washington, Department of Enterprise Services
Participating Entity Contract Number: 06112 (T11-MST-461)
And
Xiotech Corporation (hereinafter "Contractor")
Minnesota Contract Number: B27179

Date Issued: 3/12/14
Effective Date: Upon Signature of MCC Authorizing Manager

1. **Purpose:** The purpose of this Amendment 14-01 by and between the State of Washington and Xiotech Corporation is to change the method by which contractor submits Contract Activity Reports, and to remove the name Department of Information Services (DIS) and replace with Department of Enterprise Services (DES)

2. **Modifications to Participating Addendum:**

A. Effective immediately upon signature of approving official, remove in its entirety on the MLA, Addendums, Forms, Exhibits, and Schedules the old customer name of Department of Information Services (DIS) Technology Brokering Services 605 E 11th Ave, PO Box 42445 Olympia , WA 98504-2445 and replace with Department of Enterprise Services (DES) 1500 Jefferson St. SE, Olympia WA 98501.

B. Section 10. Article 44.B "Participating Entity Reports and Fees: delete in its entirety and replace by the following:

The contractor shall pay the Department of Enterprise Services (DES) a fee equal to 1.5% (management fee) of the total price, less any taxes, returns, credits or adjustments, of all sales (total net sales) under this master license agreement. Contractor shall hold the management fee in trust for DES until such fees are remitted to DES.

The management fee will be included in contractor's pricing as set forth in the contract (including all amendments), and will not be included as a separate line item on any invoice submitted to a purchaser.

DES may, at its sole discretion, increase, decrease, or eliminate the management fee upon thirty (30) days written notice to contractor. Any decrease to or elimination of the management fee, shall be reflected in the contract pricing commensurate with the adjustment. DES reserves the right to negotiate contract pricing with the contractor in the case of an upward adjustment of the management fee.

Contractor will provide DES with a sales report detailing total net sales for the preceding quarter ("Sales Report"), in accordance with the Sales & Subcontractors Report of this amendment using the requirements and schedules set forth below. DES will send an invoice within 30 days after each quarter, based on the sales report. Payment of the management fee is due within (30) days of the date of the DES invoice.

The state reserves the right to audit, or have a designated third party audit, applicable records to ensure that the state has been properly invoiced and all management fees have been paid. Failure to accurately report the total net sales to submit a timely sales report, or remit timely payment of the management fee, may be cause for contract termination, the charging of interest or penalties, or the exercise of other remedies provided by law.

Management fee payment must reference the contract number, Work Request Number (if applicable), the year and quarter of which the management fee is being remitted, and the contractor's name as it is known to DES, if not already included on the face of the check. All payments must be sent to:

Name:	State of Washington, Dept of Enterprise Services Finance Dept
Address:	1500 Jefferson Street Mail Stop 41460 Olympia WA 98501
Additional:	Contract #: Quarter/Year: Contractor's Name as it is known to DES (if not already included on face of the check)

Contract Sales and Reporting System

Contract Sales and Reporting System is the on-line usage reporting system which will be available as a tool to report quarterly contract sales by customer. Prior to the due date for your report, an account will be established, and a log-in provided. The location of the tool is Https://fortress.wa.gov/ga/apps/CSR/login.aspx.

Reports will be submitted in the month following the quarter-end and before the "Report Due" dates as shown below:

Quarter	Quarter Ends	Report Due
1st	March 31st	April 30th
2nd	June 30th	July 31st
3rd	September 30th	October 31st
4th	December 31st	January 31st

3. **Other Terms and Conditions**: All other terms and conditions of Participating Addendum Number 06112 (T11-MST-451), WSCA Contract # B27179 and all addenda and amendments thereto, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment 1 as of the date of execution by both parties below.

Washington State Office of Authorizing Manager:	Contractor: Xiotech Corporation
By:	By:
Name: Dale Colbert	Name: Edward F. Welch
Title: Procurement Unit Manager	Title:
Date: 3-13-14	Date: 3/13/2014