

PARTICIPATING ADDENDUM
MULTI-STATE DRUG TESTING KIT(S)

CONTRACTOR

Instant Technologies

Contract Number: **SP-07-0437R**

1. Scope:

Eligible participants in this agreement include all agencies, institutions, officers, boards, commissions and public universities of the State of South Dakota, and all political subdivisions of the State, including counties, municipalities and public school corporations within the State of South Dakota.

South Dakota state agencies, institutions, and universities may make direct purchases from this price agreement.

All political subdivisions of the State, including counties, municipalities and public school corporations may purchase from this price agreement according to their own procurement guidelines.

2. Changes:

The following additional terms and conditions apply to the State of South Dakota's participation in Contract # SP-07-0437R

ASSIGNMENT OF ANTITRUST CLAIMS: The bidder hereby agrees to convey, assign and transfer to the State of South Dakota all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States, 15 U.S.C.A. §1, et seq. (1973), and under the antitrust laws of the State of South Dakota, SDCL 37-1, and amendments thereto, relating to the particular goods, services and materials purchased by the State of South Dakota in connection with this bid.

3. Primary Contact:

The primary participating entity contact for this participating addendum is as follows:

Name:	Kathy Stasch, Purchasing Specialist
Participating Entity Name:	SDOffice of Procurement Management
Address:	523 E. Capitol Avenue, Pierre, SD 57501
Telephone:	(605) 773-6877
Fax:	(605) 773-4840
E-mail:	Kathy.stasch@state.sd.us

The primary Contractor contact for this participating addendum is as follows:

Name:	Chuck Rudy
Contractor:	Instant Technologies
Address:	883 Norfolk Square, Norfolk, VA 23502
Telephone:	800.340.4029
Fax:	757.217.4163
E-mail:	crudy@tryi.com

4. **Contract Agreement Number:**

All purchase orders issued by procuring agencies within the jurisdiction of the participating addendum shall include the following contract number: **SP-07-0437R**

The Contract Number MUST be shown on all Purchase Orders issued against this Agreement.

This Addendum and the Contract set forth the entire agreement between the parties with respect to the subject matter of 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 Addendum and the Contract shall not be added to or incorporated into this Addendum or the Contract 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 Addendum and the Contract shall prevail and govern in the case of any such inconsistent or additional terms.

IN WITNESS WHEREOF, the parties have executed this Addendum as of the date of execution by Contractor below.

Signatures as required by State Statutes, Rules or Policies

State of: South Dakota

Contractor: Instant Technologies Inc.

Signature: 

Signature: 

Name: Jeff T. Holden

Name: Charles Rudy

Title: Procurement
Management Director

Title: Senior Government Account Manager

Date: May 2, 2008

Date: May 8, 2008