



**AUTHORIZED USER ATTACHMENT FOR LOT 1 ORDERS
SOLICITATION 22802 INFORMATION TECHNOLOGY UMBRELLA CONTRACT
CONTRACT PM67310 – VMWARE, INC**

Incorporation into Authorized User Agreement. The parties agree that the terms of this Attachment ('VMware General Terms'), found at <https://www.vmware.com/agreements.html>, apply as part of the pricing offered by the Contractor and are hereby incorporated into the agreement between the Authorized User and the Contractor. The parties acknowledge that the terms set forth in this Attachment are accepted by the Authorized User in connection with the pricing offered by the Contractor and are consistent with and fulfill the terms of Sections 8 and 28 of Appendix B as more advantageous to the Authorized User and the State than the terms set forth in the Contract and place no additional liability upon the Authorized User or the State.

Product Guide. In addition to the license grant set forth under Section 65 of Appendix B, the Authorized User's license to the VMware Software shall include the product details as set forth in the current version of the VMware Product Guide at the time of the Authorized User's order, copies of which are found under the 'Offering Specific Terms' tab at <https://www.vmware.com/agreements.html>

Open Source Software. Open Source Software or OSS means software components that are licensed under a license approved by the Open Source Initiative (OSI) or similar open source or freeware license and are embedded in the Software. Notwithstanding anything herein to the contrary, Open Source Software is licensed to the Authorized User under such OSS's own applicable license terms, which can be found in the open_source_licenses.txt file, the Documentation, or as applicable, the corresponding source files for the Open Source Software available at www.vmware.com/download/open_source.html. The OSS license terms are consistent with the license granted under the Contract and may contain additional rights benefiting the Authorized User. The OSS license terms shall take precedence over any license terms which impose greater restrictions on the Authorized User than the applicable OSS license terms. To the extent the license for any Open Source Software requires VMware to make available to the Authorized User the corresponding source code and/or modifications (the "Source Files"), the Authorized User may obtain a copy of the applicable Source Files from VMware's website at www.vmware.com/download/open_source.html or by sending a written request, with the requestor's name and address, to: VMware, Inc., 3401 Hillview Avenue, Palo Alto, CA 94304. All requests should clearly specify: Open Source Files Request, Attention: General Counsel. This offer to obtain a copy of the Source Files is valid for three years from the date the Authorized User acquires the Software.

Maintenance Terms. Subject to the requirements of Section 2.31 (Maintenance and Support Provisions) of the Contract, the Contractor offers support services to Authorized Users in accordance with VMware's then-current support policies, copies of which are posted at www.vmware.com/support/policies

Changes to Product or Service Offerings. Any replacement Product that the Contractor may be required to provide at no additional charge shall have similar features, functionality, and pricing as the discontinued Product. In the event of this occurrence, the Authorized User shall cease use of the discontinued Product and exchange the discontinued Product for the replacement Product.