

**GILBERT PUBLIC SCHOOLS
PURCHASE ORDER TERMS, CONDITIONS AND INSTRUCTIONS**

GENERAL

1. The term Purchaser means Gilbert Public Schools. The term Seller means the persons, firm or corporation from whom the merchandise/service has been ordered. The term Buyer means a person who buys, or contracts to buy goods and services, on behalf of Gilbert Public Schools.
2. No terms stated by Seller in accepting or acknowledging this order shall be binding upon Purchaser unless accepted in writing by Purchaser.
3. Seller may not assign this order without Purchaser's prior written consent.
4. Time is of the essences of this order.

COMPLIANCE

1. No change(s) will be made on this order without the approval of the Purchaser.
2. Unless otherwise specified in the Purchase Order, items not received by July 30 considered cancelled. Any and all disputes or claims relative to the Purchase Order are subject to resolution through the mechanisms of the Arizona Education Procurement Code. All signatories agree that if a claim is made against the District and the District prevails under the Procurement Code, the contract party shall be responsible for the District's attorney fees and costs.
3. This agreement is subject to cancellation pursuant to SA 38-511.
4. No waiver of a breach of any provision or any part of any provision of this order shall constitute a waiver of any other breach of such provision or any other provision.
5. Purchaser may at any time insist upon strict compliance with these terms and conditions, notwithstanding any course of dealing or usage of trade to the contrary.
6. Specifically written terms, conditions and instructions relating to advertised requests for quotes, bids, or proposals by Buyer written offers from Seller take precedence over these printed terms, conditions and instructions where conflict exists and the Purchase Order form is a part of the contract documents.

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