

## Microsoft Government Eligibility Definition (United States)

Organizations that fall into one or more of the categories or criteria set forth below are eligible to participate in Microsoft volume licensing programs specifically designed for government organizations.

An “eligible entity” means any organization that does not operate for profit and that falls into one of the following categories:

Categories	
<b>A. Federal</b>	<ul style="list-style-type: none"> <li>A bureau, office, agency, department or other entity of the United States government (including executive, legislative, and judicial branches).</li> </ul>
<b>B. State and Local</b>	<ul style="list-style-type: none"> <li>Any executive, legislative or judicial government agency, bureau, department, office, instrumentality, division, or other entity of a state or local government.</li> <li>Any county, borough, commonwealth, city, municipality, town, township, special purpose district, or other similar type of governmental instrumentality established by the laws of a state and located within the state jurisdiction and geographic boundaries.</li> <li>Any other entity in a state expressly authorized by the laws of the state to purchase under state contracts.</li> </ul>
<b>C. Tribal Entity</b>	<ul style="list-style-type: none"> <li>A federally-recognized tribal entity performing governmental functions eligible for funding and services from the U.S. Department of Interior by virtue of its status as an Indian tribe, or, in Alaska, a Native village or Alaska Regional Native Corporation.</li> </ul>

If an organization fits into one of the categories above but operates for profit, the following criteria applies to determine whether the organization is an eligible entity:

1. Do the revenues/profits go solely to the government (or do they also go to private shareholders)?
2. Is the organization in question exempt from corporation tax?
3. Is the organization financed more than 50% by the government (i.e., does it derive less than 50% of its funding from commercial activities)?

If the answer to all of these questions is “yes,” then the organization is an eligible entity. If the answer to any of the questions above is “no,” then the organization is not an eligible entity. Generally, government-owned corporations, state-owned enterprises and government-owned organizations (whether incorporated or not) undertaking commercial activities (e.g., telecommunications, banking, transportation, etc.) do not qualify as eligible entities.

If an organization loses its status as an eligible entity after entering into a volume licensing agreement with Microsoft that requires it to be an eligible entity, the organization may continue to use the products and services for which it is licensed under its agreement with Microsoft, but it may not submit a new order for products or services under such agreement.

Microsoft offers government pricing to eligible public sector organizations (as defined and described above). Subject to such additional eligibility requirements as may be set forth in a particular volume licensing agreement, eligible organizations qualify to receive (1) price level D under the Enterprise, Enterprise Subscription, Select, or Select Plus volume licensing programs or (2) other discounts that may be available under other Microsoft volume licensing programs.