



Contract Award Notification Update

Subject: Contractor Contact Information Update

DATE: December 7, 2016 **AWARD #:** [PGB-22835](#) **GROUP #:** 12605

AWARD DESCRIPTION: Automated External Defibrillators (AED's) Accessories and Related Products (Statewide)

CONTRACT PERIOD: July 26, 2015 to March 31, 2017

CONTACT: Vivian Basile | 518-474-0912 | Vivian.basile@ogs.ny.gov

CONTRACT NO.: PC66732 **CONTRACTOR:** Cardiac Science Corporation
 PC66735 Philips Healthcare
 PC66837 Physio-Control, Inc.
 PC66731 Zoll Medical Corporation

Contact information has been updated for the contractors listed above as follows:

OGS CONTRACT NUMBER	CONTRACTOR INFORMATION	
<p>PC66732 (Pending Contract Assignment)</p>	<p>CARDIAC SCIENCE CORP N7W22025 Johnson Drive Waukesha, WI 53186</p> <p>Federal Identification: 94-3300396</p> <p>Vendor Identification: 1000009806</p>	<p>Contact Information: Lorraine Murphy Sales Contract Administration Specialist Phone: 262-953-3540 E-mail: bidadministration@cardiacscience.com</p> <p>Toll Free: 800-426-0337</p>
<p>PC66735</p>	<p>PHILIPS HEALTHCARE 3000 Minuteman Rd. - MS 2214 Andover, MA 01810</p> <p>Federal Identification: 133429115</p> <p>Vendor Identification: 1000013122</p>	<p>Contact Information: Laura Hays Commercial Contract Manager Phone: 978-659-2512 Fax No.: 855-207-4468 E-mail: laura.hays@philips.com healthcare.orders@philips.com Website: www.medical.philips.com</p> <p>Toll Free: 800-943-7372 Fax No. 800-947-3299</p>

OGS CONTRACT NUMBER	CONTRACTOR INFORMATION	
PC66837	PHYSIO-CONTROL, INC. 11811 Willows Road NE Redmond, WA 98052 Federal Identification: 910697691 Vendor Identification: 1000009759	Contact Information: Andy Vanderklok Associate Strategic Pricing Manager Phone: 425-867-4847 Fax No.: 425-867-4970 E-mail: USContracts@physio-control.com Website: www.physio-control.com Toll Free: 800-442-1142
PC66731	ZOLL MEDICAL CORPORATION 269 Mill Road Chelmsford, MA 01824 Federal Identification: 042711626 Vendor Identification: 1000005261	Contact Information: Kinga Kardasinska Contracts Specialist Phone: 978-421-9674 Fax No.: 978-421-0005 Email: kkardasinska@zoll.com Website: www.zoll.com Toll Free: 800-348-9011

The Revised Contract Award Notification and the Contractor Information documents have been updated to reflect the changes. Please refer to the following links:
<http://www.ogs.ny.gov/purchase/spg/pdfdocs/1260522835ra.pdf> or
<http://www.ogs.ny.gov/purchase/spg/pdfdocs/1260522835ContractorInfo.pdf>

The award includes equipment and accessories only. There are New York State certified Woman Owned Business Enterprises/Small Businesses that can meet your organization's training needs for AED's. Contact Cardiac Life Products Inc. (<http://cardiaclife.net/ogs-nys-landing>), or Nationwide Instruction For Cardiovascular Education d-b-a NICE, Inc. (www.niceheart.com).



Contract Award Notification Update

Subject: Price List Update

DATE: October 17, 2016

AWARD #: [PGB-22835](#)

GROUP #: 12605

AWARD DESCRIPTION: Automated External Defibrillators (AEDs) Accessories and Related Products (Statewide)

CONTRACT PERIOD: January 26, 2015 to March 31, 2017

CONTACT: Julie Carlson

| 518-474-8077 |

Julie.carlson@ogs.ny.gov

CONTRACT NO.: PC66735

CONTRACTOR: Philips Healthcare

The Price List for Philips Healthcare has been updated to reflect additional product offerings.

The award includes equipment and accessories only. There are New York State certified Woman Owned Business Enterprises/Small Businesses that can meet your organization's training needs for AEDs. Contact Cardiac Life Products Inc. (<http://cardiaclife.net/ogs-nys-landing>), or Nationwide Instruction For Cardiovascular Education d-b-a NICE, Inc. (www.niceheart.com).



Contract Award Notification Update

Subject: Price List Update

DATE: 11/17/15

AWARD #: [PGB-22835](#)

GROUP #: 12605

AWARD DESCRIPTION: Automated External Defibrillators (AED's) Accessories and Related Products (Statewide)

CONTRACT PERIOD: January 26, 2015 to March 31, 2017

CONTACT: Kenneth Peek

| 518-473-8289 |

Kenneth.peek@ogs.ny.gov

CONTRACT NO.: PC66732

CONTRACTOR: Cardiac Science Corporation

The Price List for Cardiac Science Corporation has been updated to reflect additional product offerings.

The award includes equipment and accessories only. There are New York State certified Woman Owned Business Enterprises/Small Businesses that can meet your organization's training needs for AED's. Contact Cardiac Life Products Inc. (<http://cardiaclife.net/ogs-nys-landing>), or Nationwide Instruction For Cardiovascular Education d-b-a NICE, Inc. (www.niceheart.com).



Contract Award Notification Update

Subject: Addition of Cardiac Science Corporation and Philips Healthcare

DATE: February 25, 2015

AWARD #: [PGB-22835](#)

GROUP #: 12605

AWARD DESCRIPTION: Group 12605 – Automated External Defibrillators (AEDs) Accessories & Related Products (Statewide)

CONTRACT PERIOD: January 26, 2015 – March 31, 2017

CONTACT: Kenneth Peek | 518-473-8289 | kenneth.peek@ogs.ny.gov

CONTRACT NO.: PC66735 **CONTRACTOR:** Philips Healthcare

PC66731 Cardiac Science Corporation

Cardiac Science Corporation and authorized distributors have been added to Award PGB-22835. Philips Healthcare distributors have also been added. Both contract information pages have been updated to reflect these changes.

All terms and conditions of the current contract remain unchanged.



Contract Award Notification Update

Subject: ZOLL Medical Corporation Price List Correction

DATE: February 12, 2015

AWARD #: [PGB-22835](#)

GROUP #: 12605

AWARD DESCRIPTION: Group 12605 - AUTOMATED EXTERNAL DEFIBRILLATORS (AED's) ACCESSORIES AND RELATED PRODUCTS (Statewide)

CONTRACT PERIOD: January 26, 2015 – March 31, 2017

CONTRACT MANAGEMENT SPECIALIST: Kenneth Peek 518 473-8289

kenneth.peek@ogs.ny.gov

CONTRACT No.: PC66731 **CONTRACTOR:** ZOLL Medical Corporation

The price list for ZOLL Medical Corporation PC66731 has been corrected to reflect only ZOLL Medical Corporation products.

Please direct communications pertaining to the above referenced contract to the PSG Contract Management Specialist listed above.

All terms and conditions of the current contract remain unchanged.

State of New York Executive Department
Office Of General Services
New York State Procurement Services
Corning Tower Building - 38th Floor
Empire State Plaza
Albany, New York 12242
<http://nyspro.ogs.ny.gov>

CONTRACT AWARD NOTIFICATION

Title	:	Group 12605 - AUTOMATED EXTERNAL DEFIBRILLATORS (AED's) ACCESSORIES AND RELATED PRODUCTS (Statewide) Classification Code: 42
Award Number	:	PGB-22835 (Replaces Award 21270)
Contract Period	:	January 26, 2015 – March 31, 2017
Bid Opening Date	:	n/a
Date of Issue	:	January 26, 2015
Specification Reference	:	As Incorporated In The Piggyback Agreement
Contractor Information	:	Appears on Page 2 of this Award

Address Inquiries To:

State Agencies & Vendors	Political Subdivisions & Others
Name : Kenneth Peek Title : Contract Management Specialist Phone : 518-473-8289 Fax : 518-474-8676 E-mail : Kenneth.Peek@ogs.ny.gov	New York State Procurement Services Customer Services Phone : 518-474-6717 Fax : 518-474-2437 E-mail : customer.services@ogs.ny.gov

OGS Procurement Services values your input.
Complete and return "Contract Performance Report" at end of document.

Description

This contract award covers various product lines of Defibrillators including Automatic External Defibrillators (AED's) for use as emergency management in NYS facilities and political subdivisions. The award includes equipment and accessories only.
There are New York State certified Woman Owned Business Enterprises/Small Businesses that can meet your organization's training needs for AED's. Contact Cardiac Life Products Inc. (www.cardiaclife.net), or Nationwide Instruction For Cardiovascular Education d-b-a NICE, Inc. (www.niceheart.com).

PR #22835

NOTE REGARDING TRAINING: Contracts are for equipment and supplies only. Training needs can be met by the following New York State certified Woman Owned Business Enterprises/Small Businesses:

CARDIAC LIFE PRODUCTS INC. (www.cardiaclife.net), or
 NATIONWIDE INSTRUCTION FOR CARDIOVASCULAR EDUCATION D-B-A NICE, INC.
 (www.niceheart.com).

OGS CONTRACT NUMBER	CONTRACTOR INFORMATION		CONTRACT SPECIFICS
PC66735	PHILIPS HEALTHCARE 3000 Minuteman Rd. - MS 400 Andover, MA 01810 Federal Identification: 133429115 Vendor Identification: 1000013122	Contact Information: Trish Archambault Contracts Administrator Phone: 978-659-7747 Fax No.: 855-207-4468 E-mail: healthcare.orders@philips.com patricia.archambault@philips.com Website: www.medical.philips.com 800-943-7372 Fax No.800-947-3299	<p align="center"> <u>OGS Agreement</u> <u>Contract Price Lists</u> <u>Master Agreement</u> </p>
<ul style="list-style-type: none"> Philips Healthcare offers Electronic Access Ordering (EDI) but not all EDI transmissions are available and some protocols generate fees. Philips Healthcare accepts the New York State Procurement Card for orders not to exceed \$15,000. There are no additional discounts for purchases made with the NYS Procurement Card. Philips Healthcare does not offer a prompt payment discount for payments made in less than thirty (30) day after receipt of a proper invoice. There are no minimum order requirements under Philips' agreement. 			

OGS CONTRACT NUMBER	CONTRACTOR INFORMATION		CONTRACT SPECIFICS
PC66731	ZOLL MEDICAL CORPORATION 269 Mill Road Chelmsford, MA 01824 Federal Identification: 042711626 Vendor Identification: 1000005261	Contact Information: Heidi Eckhardt Contracts Specialist Phone: 978-421-9514 Fax No.: 978-421-0005 Email: HEckhardt@zoll.com Website: www.zoll.com 800-348-9011 978-421-9514	<p align="center"> <u>OGS Agreement</u> <u>Contract Price Lists</u> <u>Master Agreement</u> <u>Authorized Distributors</u> </p>
<ul style="list-style-type: none"> Zoll Medical offers Electronic Access Ordering (EDI). Zoll Medical accepts the New York State Procurement Card for orders not to exceed \$15,000. There are no additional discounts for purchases made with the NYS Procurement Card. Zoll Medical does not offer a prompt payment discount for payments made in less than thirty (30) day after receipt of a proper invoice. There are no minimum order requirements under Zoll's agreement. 			

Cash Discount, If Shown, Should be Given Special Attention.
INVOICES MUST BE SENT DIRECTLY TO THE ORDERING AGENCY FOR PAYMENT.
(See "Contract Payments" and "Electronic Payments" in this document.)

AGENCIES SHOULD NOTIFY OGS PROCUREMENT SERVICES PROMPTLY IF THE CONTRACTOR FAILS TO MEET DELIVERY OR OTHER TERMS OF THIS CONTRACT. PRODUCTS OR SERVICES WHICH DO NOT COMPLY WITH THE SPECIFICATIONS OR ARE OTHERWISE UNSATISFACTORY TO THE AGENCY SHOULD ALSO BE REPORTED TO NEW YORK STATE PROCUREMENT SERVICES.

SMALL, MINORITY AND WOMEN-OWNED BUSINESSES:

There are New York State certified Woman Owned Business Enterprises/Small Businesses that can meet your organization's training needs for AED's. Contact Cardiac Life Products Inc. (www.cardiaclife.net), or Nationwide Instruction For Cardiovascular Education d-b-a NICE, Inc. (www.niceheart.com).

RECYCLED, REMANUFACTURED AND ENERGY EFFICIENT PRODUCTS:

Procurement Services supports and encourages the purchase of recycled, remanufactured, energy efficient and "energy star" products. If one of the following codes appears as a suffix in the Award Number or is noted under the individual Contract Number(s) in this Contract Award Notification, please look at the individual awarded items for more information on products meeting the suffix description.

RS,RP,RA	Recycled
RM	Remanufactured
SW	Solid Waste Impact
EE	Energy Efficient
E*	EPA Energy Star
ES	Environmentally Sensitive

NOTE TO AUTHORIZED USERS:

When placing purchase orders under the contract(s), the authorized user should be familiar with and follow the terms and conditions governing its use which usually appears at the end of this document. The authorized user is accountable and responsible for compliance with the requirements of public procurement processes. The authorized user must periodically sample the results of its procurements to determine its compliance. In sampling its procurements, an authorized user should test for reasonableness of results to ensure that such results can withstand public scrutiny.

The authorized user, when purchasing from OGS contracts, should hold the contractor accountable for contract compliance and meeting the contract terms, conditions, specifications, and other requirements. Also, in recognition of market fluctuations over time, authorized users are encouraged to seek improved pricing whenever possible.

Authorized users have the responsibility to document purchases, particularly when using OGS multiple award contracts for the same or similar product(s)-service(s), which should include:

- a statement of need and associated requirements,
- a summary of the contract alternatives considered for the purchase,
- the reason(s) supporting the resulting purchase (e.g., show the basis for the selection among multiple contracts at the time of purchase was the most practical and economical alternative and was in the best interests of the State).

APPLICABLE LAW:

This Agreement shall be governed by and construed in accordance with the laws of the State of New York. Any claims or actions brought by Contractor against the State for monetary damages shall be brought in the New York State Court of Claims. See "Governing Law" in Appendix A, Standard Clauses for New York State Contracts.

PRICE:

Price includes all customs duties and charges and is net, F.O.B. destination any point in New York State as designated by the ordering agency including tailgate delivery.

In addition, upon mutual agreement, delivery locations may be expanded per the "Extension of Use" clause.

CONTRACT PAYMENTS:

Payments cannot be processed by State facilities until the contract products have been delivered in satisfactory condition or services have been satisfactorily performed. Payment will be based on any invoice used in the supplier's normal course of business. However, such invoice must contain sufficient data including but not limited to contract number, description of product or service, quantity, unit and price per unit as well as federal identification number.

State facilities are required to forward properly completed vouchers to the Office of the State Comptroller for audit and payment. All facilities are urged to process every completed voucher expeditiously giving particular attention to those involving cash discounts for prompt payment.

If the contract terms indicate political subdivisions and others authorized by law are allowed to participate, those entities are required to make payments directly to the contractor. Prior to processing such payment, the contractor may be required to complete the ordering non-State agency's own voucher form.

See "Contract Billings" in Appendix B, OGS General Specifications.

NOTE TO CONTRACTOR:

This Contract Award Notification is not an order. Do not take any action under this contract except on the basis of purchase order(s) from the agency or agencies.

PREFERRED SOURCE PRODUCTS AND SERVICES:

Some products-services in this contract may be available from one or more preferred source suppliers such as Correctional Industries (Corcraft), Industries for the Blind of NYS, and NYS Industries for the Disabled. Agencies are reminded to comply with the statutory requirements under Section 162 of the State Finance Law and the guidelines issued by the State Procurement Council to afford first priority to products and services available from preferred sources which meet your form, function and utility.

Contractors are required to include this notice in all price lists and contract updates.

OVERLAPPING CONTRACT ITEMS:

Products-services available in this contract may also be available from other New York State contracts. Agencies should select the most cost effective procurement alternative that meets their program requirements and maintain a procurement record documenting the basis for the selection.

PROCUREMENT LOBBYING TERMINATION:

OGS reserves the right to terminate this contract in the event it is found that the certification filed by the Offerer-bidder in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, OGS may exercise its termination right by providing written notification to the Offerer-bidder in accordance with the written notification terms of this contract.

NON-STATE AGENCIES PARTICIPATION IN CENTRALIZED CONTRACTS:

New York State political subdivisions and others authorized by New York State law may participate in contracts. These include, but are not limited to local governments, public authorities, public school and fire districts, public and nonprofit libraries, and certain other nonpublic-nonprofit organizations. See "Participation in Centralized Contracts" in Appendix B, OGS General Specifications. For purchase orders issued by the Port Authority of New York and New Jersey (or any other authorized entity that may have delivery locations adjacent to New York State), the terms of the "Price" clause shall be modified to include delivery to locations adjacent to New York State.

Upon request, all eligible non-State agencies must furnish contractors with the proper tax exemption certificates and documentation certifying eligibility to use State contracts. A list of categories of eligible entities is available on the OGS web site (www.ogs.state.ny.us). Questions regarding an organization's eligibility to

purchase from New York State Contracts may also be directed to OGS Procurement Services, Customer Services at 518-474-6717.

EXTENSION OF USE:

This contract may be extended to additional States or governmental jurisdictions upon mutual written agreement between New York State (the lead contracting State) and the contractor. Political subdivisions and other authorized entities within each participating State or governmental jurisdiction may also participate in any resultant contract if such State normally allows participation by such entities. New York State reserves the right to negotiate additional discounts based on any increased volume generated by such extensions.

DELIVERY:

Delivery is expressed in number of calendar days required to make delivery after receipt of a purchase order.

Product is required as soon as possible.

Delivery shall be made in accordance with instructions on Purchase Order from each agency. If there is a discrepancy between the purchase order and what is listed on the contract, it is the contractor's obligation to seek clarification from the ordering agency and, if applicable, from the Office of General Services, Procurement Services.

CONTRACT PERIOD AND RENEWALS:

It is the intention of the State to enter into a contract for a term as stated herein on the first page of this document. If mutually agreed between Office of General Services, Procurement Services and the contractor, the contract may be extended under the same terms and conditions as allowed under Appendix B, OGS General Specifications.

WARRANTIES:

See "Warranties" in Appendix B, OGS General Specifications.

EPA ENERGY STAR PROGRAM:

The Federal EPA, in cooperation with manufacturers, continues a program to foster the manufacture of energy efficient equipment. New York State fully supports this effort and requires all products offered to comply with EPA Energy Star guidelines for energy efficiency. The State may discontinue use of and-or delete from contract selected products as mandated by any NYS energy legislation that is enacted during the term of this contract. The contractor shall have no recourse with the State for such discontinuance-deletion.

INSTRUCTION MANUALS:

Simultaneous with delivery, the contractor(s) shall furnish to the authorized user a complete instruction manual for the product and for each component supplied. The manual shall include complete instructions for unpacking, inspecting, installing, adjusting, aligning, and operating the product, together with layout and interconnection diagrams, schematic and wiring diagrams, preventive and corrective maintenance procedures, and complete parts lists, manufacturer's catalog numbers, and ordering information, if applicable.

**State of New York
Office of General Services
PROCUREMENT SERVICES
Contract Performance Report**

Please take a moment to let us know how this contract award has measured up to your expectations. If reporting on more than one contractor or product, please make copies as needed. This office will use the information to improve our contract award, where appropriate. **Comments should include those of the product's end user.**

Contract No.: _____ **Contractor:** _____

Describe Product* Provided (Include Item No., if available): _____

***Note:** "Product" is defined as a deliverable under any Bid or Contract, which may include commodities (including printing), services and-or technology. The term "Product" includes Licensed Software.

	Excellent	Good	Acceptable	Unacceptable
• Product meets your needs				
• Product meets contract specifications				
• Pricing				

CONTRACTOR

	Excellent	Good	Acceptable	Unacceptable
• Timeliness of delivery				
• Completeness of order (fill rate)				
• Responsiveness to inquiries				
• Employee courtesy				
• Problem resolution				

Comments: _____

 _____ (over)

Agency: _____ Prepared by: _____
 Address: _____ Title: _____
 _____ Date: _____
 _____ Phone: _____
 _____ E-mail: _____

Please detach or photocopy this form & return by FAX to 518-474-2437 or mail to:

OGS PROCUREMENT SERVICES
 Customer Services, 38th Floor
 Corning Tower - Empire State Plaza
 Albany, New York 12242

* * * * *

CONTRACT AWARD NOTIFICATION SUPPLEMENTAL #1

Title	:	Group 12605 - AUTOMATED EXTERNAL DEFIBRILLATORS (AED's) ACCESSORIES AND RELATED PRODUCTS (Statewide) Classification Code: 42
Award Number	:	<u>PGB-22835</u> (Replaces Award 21270)
Contract Period	:	January 26, 2015 – March 31, 2017
Bid Opening Date	:	n/a
Date of Issue	:	February 24, 2015
Specification Reference	:	As Incorporated In The Piggyback Agreement
Contractor Information	:	Appears on Pages 2 and 3 of this Award

Address Inquiries To:

State Agencies & Vendors	Political Subdivisions & Others
Name : Kenneth Peek Title : Contract Management Specialist Phone : 518-473-8289 Fax : 518-474-8676 E-mail : Kenneth.PEEK@ogs.ny.gov	Procurement Services Customer Services Phone : 518-474-6717 Fax : 518-474-2437 E-mail : customer.services@ogs.ny.gov

**OGS Procurement Services values your input.
Complete and return "Contract Performance Report" at end of document.**

Description

This contract award covers various product lines of Defibrillators including Automatic External Defibrillators (AED's) for use as emergency management in NYS facilities and political subdivisions. The award includes equipment and accessories only.

There are New York State certified Woman Owned Business Enterprises/Small Businesses that can meet your organization's training needs for AED's. Contact Cardiac Life Products Inc. (www.cardiaclife.net), or Nationwide Instruction For Cardiovascular Education d-b-a NICE, Inc. (www.niceheart.com).

PR #22835

NOTE REGARDING TRAINING: Contracts are for equipment and supplies only. Training needs can be met by the following New York State certified Woman Owned Business Enterprises/Small Businesses:

CARDIAC LIFE PRODUCTS INC. (www.cardiaclife.net), or
 NATIONWIDE INSTRUCTION FOR CARDIOVASCULAR EDUCATION D-B-A NICE, INC.
 (www.niceheart.com).

OGS CONTRACT NUMBER	CONTRACTOR INFORMATION		CONTRACT SPECIFICS
PC66732	CARDIAC SCIENCE CORPORATION N7 W22025 Johnson Drive Waukesha, WI 53186 Federal Identification: 943300396 Vendor Identification: 1000009806	Contact Information: Heather Reindl Contracts Administrator Phone: 262-953-3543 Fax No.: 800-925-2825 Email: bidadministration@cardiacscience.com Website: www.cardiacscience.com 800-426-0337	<p style="text-align: center;"><u>OGS Agreement</u></p> <p style="text-align: center;"><u>Contract Price Lists</u></p> <p style="text-align: center;"><u>Master Agreement</u></p> <p style="text-align: center;"><u>Authorized Distributors</u></p>
<ul style="list-style-type: none"> • Cardiac Science does not offer Electronic Access Ordering (EDI). • Cardiac Science accepts the New York State Procurement Card for orders not to exceed \$15,000. There are no additional discounts for purchases made with the NYS Procurement Card. • Cardiac Science does not offer a prompt payment discount for payments made in less than thirty (30) day after receipt of a proper invoice. • There are no minimum order requirements under Cardiac Science' agreement. 			

Cash Discount, If Shown, Should be Given Special Attention.

INVOICES MUST BE SENT DIRECTLY TO THE ORDERING AGENCY FOR PAYMENT.
 (See "Contract Payments" and "Electronic Payments" in this document.)

AGENCIES SHOULD NOTIFY OGS PROCUREMENT SERVICES PROMPTLY IF THE CONTRACTOR FAILS TO MEET DELIVERY OR OTHER TERMS OF THIS CONTRACT. PRODUCTS OR SERVICES WHICH DO NOT COMPLY WITH THE SPECIFICATIONS OR ARE OTHERWISE UNSATISFACTORY TO THE AGENCY SHOULD ALSO BE REPORTED TO NEW YORK STATE PROCUREMENT SERVICES.

SMALL, MINORITY AND WOMEN-OWNED BUSINESSES:

There are New York State certified Woman Owned Business Enterprises/Small Businesses that can meet your organization's training needs for AED's. Contact Cardiac Life Products Inc. (www.cardiaclife.net), or Nationwide Instruction For Cardiovascular Education d-b-a NICE, Inc. (www.niceheart.com).

RECYCLED, REMANUFACTURED AND ENERGY EFFICIENT PRODUCTS:

Procurement Services supports and encourages the purchase of recycled, remanufactured, energy efficient and "energy star" products. If one of the following codes appears as a suffix in the Award Number or is noted under the individual Contract Number(s) in this Contract Award Notification, please look at the individual awarded items for more information on products meeting the suffix description.

RS,RP,RA	Recycled
RM	Remanufactured
SW	Solid Waste Impact
EE	Energy Efficient
E*	EPA Energy Star
ES	Environmentally Sensitive

NOTE TO AUTHORIZED USERS:

When placing purchase orders under the contract(s), the authorized user should be familiar with and follow the terms and conditions governing its use which usually appears at the end of this document. The authorized user is accountable and responsible for compliance with the requirements of public procurement processes. The authorized user must periodically sample the results of its procurements to determine its compliance. In sampling its procurements, an authorized user should test for reasonableness of results to ensure that such results can withstand public scrutiny.

The authorized user, when purchasing from OGS contracts, should hold the contractor accountable for contract compliance and meeting the contract terms, conditions, specifications, and other requirements. Also, in recognition of market fluctuations over time, authorized users are encouraged to seek improved pricing whenever possible.

Authorized users have the responsibility to document purchases, particularly when using OGS multiple award contracts for the same or similar product(s)-service(s), which should include:

- a statement of need and associated requirements,
- a summary of the contract alternatives considered for the purchase,
- the reason(s) supporting the resulting purchase (e.g., show the basis for the selection among multiple contracts at the time of purchase was the most practical and economical alternative and was in the best interests of the State).

APPLICABLE LAW:

This Agreement shall be governed by and construed in accordance with the laws of the State of New York. Any claims or actions brought by Contractor against the State for monetary damages shall be brought in the New York State Court of Claims. See "Governing Law" in Appendix A, Standard Clauses for New York State Contracts.

PRICE:

Price includes all customs duties and charges and is net, F.O.B. destination any point in New York State as designated by the ordering agency including tailgate delivery.

In addition, upon mutual agreement, delivery locations may be expanded per the "Extension of Use" clause.

CONTRACT PAYMENTS:

Payments cannot be processed by State facilities until the contract products have been delivered in satisfactory condition or services have been satisfactorily performed. Payment will be based on any invoice used in the supplier's normal course of business. However, such invoice must contain sufficient data including but not limited to contract number, description of product or service, quantity, unit and price per unit as well as federal identification number.

State facilities are required to forward properly completed vouchers to the Office of the State Comptroller for audit and payment. All facilities are urged to process every completed voucher expeditiously giving particular attention to those involving cash discounts for prompt payment.

If the contract terms indicate political subdivisions and others authorized by law are allowed to participate, those entities are required to make payments directly to the contractor. Prior to processing such payment, the contractor may be required to complete the ordering non-State agency's own voucher form.

See "Contract Billings" in Appendix B, OGS General Specifications.

NOTE TO CONTRACTOR:

This Contract Award Notification is not an order. Do not take any action under this contract except on the basis of purchase order(s) from the agency or agencies.

PREFERRED SOURCE PRODUCTS AND SERVICES:

Some products-services in this contract may be available from one or more preferred source suppliers such as Correctional Industries (Corcraft), Industries for the Blind of NYS, and NYS Industries for the Disabled. Agencies are reminded to comply with the statutory requirements under Section 162 of the State Finance Law and the guidelines issued by the State Procurement Council to afford first priority to products and services available from preferred sources which meet your form, function and utility.

Contractors are required to include this notice in all price lists and contract updates.

OVERLAPPING CONTRACT ITEMS:

Products-services available in this contract may also be available from other New York State contracts. Agencies should select the most cost effective procurement alternative that meets their program requirements and maintain a procurement record documenting the basis for the selection.

PROCUREMENT LOBBYING TERMINATION:

OGS reserves the right to terminate this contract in the event it is found that the certification filed by the Offerer-bidder in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, OGS may exercise its termination right by providing written notification to the Offerer-bidder in accordance with the written notification terms of this contract.

NON-STATE AGENCIES PARTICIPATION IN CENTRALIZED CONTRACTS:

New York State political subdivisions and others authorized by New York State law may participate in contracts. These include, but are not limited to local governments, public authorities, public school and fire districts, public and nonprofit libraries, and certain other nonpublic-nonprofit organizations. See "Participation in Centralized Contracts" in Appendix B, OGS General Specifications. For purchase orders issued by the Port Authority of New York and New Jersey (or any other authorized entity that may have delivery locations adjacent to New York State), the terms of the "Price" clause shall be modified to include delivery to locations adjacent to New York State.

Upon request, all eligible non-State agencies must furnish contractors with the proper tax exemption certificates and documentation certifying eligibility to use State contracts. A list of categories of eligible entities is available on the OGS web site (www.ogs.state.ny.us). Questions regarding an organization's eligibility to purchase from New York State Contracts may also be directed to OGS Procurement Services, Customer Services at 518-474-6717.

EXTENSION OF USE:

This contract may be extended to additional States or governmental jurisdictions upon mutual written agreement between New York State (the lead contracting State) and the contractor. Political subdivisions and other authorized entities within each participating State or governmental jurisdiction may also participate in any resultant contract if such State normally allows participation by such entities. New York State reserves the right to negotiate additional discounts based on any increased volume generated by such extensions.

DELIVERY:

Delivery is expressed in number of calendar days required to make delivery after receipt of a purchase order.

Product is required as soon as possible.

Delivery shall be made in accordance with instructions on Purchase Order from each agency. If there is a discrepancy between the purchase order and what is listed on the contract, it is the contractor's obligation to seek clarification from the ordering agency and, if applicable, from the Office of General Services, Procurement Services.

CONTRACT PERIOD AND RENEWALS:

It is the intention of the State to enter into a contract for a term as stated herein on the first page of this document. If mutually agreed between Office of General Services, Procurement Services and the contractor, the contract may be extended under the same terms and conditions as allowed under Appendix B, OGS General Specifications.

WARRANTIES:

See "Warranties" in Appendix B, OGS General Specifications.

EPA ENERGY STAR PROGRAM:

The Federal EPA, in cooperation with manufacturers, continues a program to foster the manufacture of energy efficient equipment. New York State fully supports this effort and requires all products offered to comply with EPA Energy Star guidelines for energy efficiency. The State may discontinue use of and-or delete from contract selected products as mandated by any NYS energy legislation that is enacted during the term of this contract. The contractor shall have no recourse with the State for such discontinuance-deletion.

INSTRUCTION MANUALS:

Simultaneous with delivery, the contractor(s) shall furnish to the authorized user a complete instruction manual for the product and for each component supplied. The manual shall include complete instructions for unpacking, inspecting, installing, adjusting, aligning, and operating the product, together with layout and interconnection diagrams, schematic and wiring diagrams, preventive and corrective maintenance procedures, and complete parts lists, manufacturer's catalog numbers, and ordering information, if applicable.

**State of New York
Office of General Services
PROCUREMENT SERVICES
Contract Performance Report**

Please take a moment to let us know how this contract award has measured up to your expectations. If reporting on more than one contractor or product, please make copies as needed. This office will use the information to improve our contract award, where appropriate. **Comments should include those of the product's end user.**

Contract No.: _____ **Contractor:** _____

Describe Product* Provided (Include Item No., if available): _____

***Note:** "Product" is defined as a deliverable under any Bid or Contract, which may include commodities (including printing), services and-or technology. The term "Product" includes Licensed Software.

	Excellent	Good	Acceptable	Unacceptable
• Product meets your needs				
• Product meets contract specifications				
• Pricing				

CONTRACTOR

	Excellent	Good	Acceptable	Unacceptable
• Timeliness of delivery				
• Completeness of order (fill rate)				
• Responsiveness to inquiries				
• Employee courtesy				
• Problem resolution				

Comments: _____

 _____ (over)

Agency: _____ Prepared by: _____
 Address: _____ Title: _____
 _____ Date: _____
 _____ Phone: _____
 _____ E-mail: _____

Please detach or photocopy this form & return by FAX to 518-474-2437 or mail to:

OGS PROCUREMENT SERVICES
 Customer Services, 38th Floor
 Corning Tower - Empire State Plaza
 Albany, New York 12242

* * * * *



2nd Supplemental Contract Award Notification

Title	:	Group 12605 - AUTOMATED EXTERNAL DEFIBRILLATORS (AED's) ACCESSORIES AND RELATED PRODUCTS (Statewide) Classification Code: 42
Award Number	:	<u>22835</u> (Replaces Award 21270)
Contract Period	:	January 26, 2015 – March 31, 2017
Bid Opening Date	:	n/a
Date of Issue	:	April 16, 2015
Specification Reference	:	As Incorporated In The Piggyback Agreement
Contractor Information	:	Appears on Pages 2 of this Award

Address Inquiries To:

State Agencies & Vendors	Political Subdivisions & Others
Name : Kenneth Peek Title : Contract Management Specialist Phone : 518-473-8289 Fax : 518-474-8676 E-mail : Kenneth.Peek@ogs.ny.gov	New York State Procurement Services Customer Services Phone : 518-474-6717 Fax : 518-474-2437 E-mail : customer.services@ogs.ny.gov

**OGS Procurement Services values your input.
Complete and return "Contract Performance Report" at end of document.**

Description

This contract award covers various product lines of Defibrillators including Automatic External Defibrillators (AED's) for use as emergency management in NYS facilities and political subdivisions. The award includes equipment and accessories only.
There are New York State certified Woman Owned Business Enterprises/Small Businesses that can meet your organization's training needs for AED's. Contact Cardiac Life Products Inc. (www.cardiaclife.net), or Nationwide Instruction For Cardiovascular Education d-b-a NICE, Inc. (www.niceheart.com).

PR #22835

NOTE REGARDING TRAINING: Contracts are for equipment and supplies only. Training needs can be met by the following New York State certified Woman Owned Business Enterprises/Small Businesses:

CARDIAC LIFE PRODUCTS INC. (www.cardiaclife.net), or
 NATIONWIDE INSTRUCTION FOR CARDIOVASCULAR EDUCATION D-B-A NICE, INC. (www.niceheart.com).

OGS CONTRACT NUMBER	CONTRACTOR INFORMATION		CONTRACT SPECIFICS
PC66736	DEFIBTECH, LLC 741 Boston Post Road Suite 201 Guilford, CT 06437 Federal Identification: 223677021 Vendor Identification: 1100132084	Contact Information: Al Raebuck Customer Service Manager Phone: 203-453-6654 Ext. 122 Fax No.: 203-738-1073 E-mail: araebuck@defibtech.com David Fritzsche E-mail: dfritzsche@defibtech.com Website: www.defibtech.com	<u>OGS Agreement</u> <u>Contract Price Lists</u> <u>Master Agreement</u> <u>Authorized Distributors</u>
<ul style="list-style-type: none"> Defibtech does not offer Electronic Access Ordering (EDI). Defibtech accepts the New York State Procurement Card for orders not to exceed \$15,000. There are no additional discounts for purchases made with the NYS Procurement Card. Defibtech does not offer a prompt payment discount for payments made in less than thirty (30) day after receipt of a proper invoice. There are no minimum order requirements under Defibtech' agreement. 			

Cash Discount, If Shown, Should be Given Special Attention.
INVOICES MUST BE SENT DIRECTLY TO THE ORDERING AGENCY FOR PAYMENT.
 (See "Contract Payments" and "Electronic Payments" in this document.)

AGENCIES SHOULD NOTIFY OGS PROCUREMENT SERVICES PROMPTLY IF THE CONTRACTOR FAILS TO MEET DELIVERY OR OTHER TERMS OF THIS CONTRACT. PRODUCTS OR SERVICES WHICH DO NOT COMPLY WITH THE SPECIFICATIONS OR ARE OTHERWISE UNSATISFACTORY TO THE AGENCY SHOULD ALSO BE REPORTED TO NEW YORK STATE PROCUREMENT SERVICES.

SMALL, MINORITY AND WOMEN-OWNED BUSINESSES:

There are New York State certified Woman Owned Business Enterprises/Small Businesses that can meet your organization's training needs for AED's. Contact Cardiac Life Products Inc. (www.cardiaclife.net), or Nationwide Instruction For Cardiovascular Education d-b-a NICE, Inc. (www.niceheart.com).

RECYCLED, REMANUFACTURED AND ENERGY EFFICIENT PRODUCTS:

Procurement Services supports and encourages the purchase of recycled, remanufactured, energy efficient and "energy star" products. If one of the following codes appears as a suffix in the Award Number or is noted under the individual Contract Number(s) in this Contract Award Notification, please look at the individual awarded items for more information on products meeting the suffix description.

RS,RP,RA	Recycled
RM	Remanufactured
SW	Solid Waste Impact
EE	Energy Efficient
E*	EPA Energy Star
ES	Environmentally Sensitive

NOTE TO AUTHORIZED USERS:

When placing purchase orders under the contract(s), the authorized user should be familiar with and follow the terms and conditions governing its use which usually appears at the end of this document. The authorized user is accountable and responsible for compliance with the requirements of public procurement processes. The authorized user must periodically sample the results of its procurements to determine its compliance. In sampling its procurements, an authorized user should test for reasonableness of results to ensure that such results can withstand public scrutiny.

The authorized user, when purchasing from OGS contracts, should hold the contractor accountable for contract compliance and meeting the contract terms, conditions, specifications, and other requirements. Also, in recognition of market fluctuations over time, authorized users are encouraged to seek improved pricing whenever possible.

Authorized users have the responsibility to document purchases, particularly when using OGS multiple award contracts for the same or similar product(s)-service(s), which should include:

- a statement of need and associated requirements,
- a summary of the contract alternatives considered for the purchase,
- the reason(s) supporting the resulting purchase (e.g., show the basis for the selection among multiple contracts at the time of purchase was the most practical and economical alternative and was in the best interests of the State).

APPLICABLE LAW:

This Agreement shall be governed by and construed in accordance with the laws of the State of New York. Any claims or actions brought by Contractor against the State for monetary damages shall be brought in the New York State Court of Claims. See "Governing Law" in Appendix A, Standard Clauses for New York State Contracts.

PRICE:

Price includes all customs duties and charges and is net, F.O.B. destination any point in New York State as designated by the ordering agency including tailgate delivery.

In addition, upon mutual agreement, delivery locations may be expanded per the "Extension of Use" clause.

CONTRACT PAYMENTS:

Payments cannot be processed by State facilities until the contract products have been delivered in satisfactory condition or services have been satisfactorily performed. Payment will be based on any invoice used in the supplier's normal course of business. However, such invoice must contain sufficient data including but not limited to contract number, description of product or service, quantity, unit and price per unit as well as federal identification number.

State facilities are required to forward properly completed vouchers to the Office of the State Comptroller for audit and payment. All facilities are urged to process every completed voucher expeditiously giving particular attention to those involving cash discounts for prompt payment.

If the contract terms indicate political subdivisions and others authorized by law are allowed to participate, those entities are required to make payments directly to the contractor. Prior to processing such payment, the contractor may be required to complete the ordering non-State agency's own voucher form.

See "Contract Billings" in Appendix B, OGS General Specifications.

NOTE TO CONTRACTOR:

This Contract Award Notification is not an order. Do not take any action under this contract except on the basis of purchase order(s) from the agency or agencies.

PREFERRED SOURCE PRODUCTS AND SERVICES:

New York State Finance Law §162 mandates that a New York State agency, public authority, political subdivision or public benefit corporation obtain certain commodities and services from preferred sources, such as Correctional Industries (Corcraft), the blind and the disabled, when such products or services meet the form, function and utility of the entity. Some products or services under this Piggyback Contract may be available from one or more preferred sources. The Contractor understands and agrees that such products and services must be purchased from a preferred source in accordance with New York State Law.

Contractors are required to include this notice in all price lists and contract updates.

OVERLAPPING CONTRACT ITEMS:

Products-services available in this contract may also be available from other New York State contracts. Agencies should select the most cost effective procurement alternative that meets their program requirements and maintain a procurement record documenting the basis for the selection.

PROCUREMENT LOBBYING TERMINATION:

OGS reserves the right to terminate this contract in the event it is found that the certification filed by the Offerer-bidder in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, OGS may exercise its termination right by providing written notification to the Offerer-bidder in accordance with the written notification terms of this contract.

NON-STATE AGENCIES PARTICIPATION IN CENTRALIZED CONTRACTS:

New York State political subdivisions and others authorized by New York State law may participate in contracts. These include, but are not limited to local governments, public authorities, public school and fire districts, public and nonprofit libraries, and certain other nonpublic-nonprofit organizations. See "Participation in Centralized Contracts" in Appendix B, OGS General Specifications. For purchase orders issued by the Port Authority of New York and New Jersey (or any other authorized entity that may have delivery locations adjacent to New York State), the terms of the "Price" clause shall be modified to include delivery to locations adjacent to New York State.

Upon request, all eligible non-State agencies must furnish contractors with the proper tax exemption certificates and documentation certifying eligibility to use State contracts. A list of categories of eligible entities is available on the OGS web site (www.ogs.state.ny.us). Questions regarding an organization's eligibility to purchase from New York State Contracts may also be directed to OGS Procurement Services, Customer Services at 518-474-6717.

EXTENSION OF USE:

This contract may be extended to additional States or governmental jurisdictions upon mutual written agreement between New York State (the lead contracting State) and the contractor. Political subdivisions and other authorized entities within each participating State or governmental jurisdiction may also participate in any resultant contract if such State normally allows participation by such entities. New York State reserves the right to negotiate additional discounts based on any increased volume generated by such extensions.

DELIVERY:

Delivery is expressed in number of calendar days required to make delivery after receipt of a purchase order.

Product is required as soon as possible.

Delivery shall be made in accordance with instructions on Purchase Order from each agency. If there is a discrepancy between the purchase order and what is listed on the contract, it is the contractor's obligation to seek clarification from the ordering agency and, if applicable, from the Office of General Services, Procurement Services.

CONTRACT PERIOD AND RENEWALS:

It is the intention of the State to enter into a contract for a term as stated herein on the first page of this document. If mutually agreed between Office of General Services, Procurement Services and the contractor, the contract may be extended under the same terms and conditions as allowed under Appendix B, OGS General Specifications.

WARRANTIES:

See "Warranties" in Appendix B, OGS General Specifications.

EPA ENERGY STAR PROGRAM:

The Federal EPA, in cooperation with manufacturers, continues a program to foster the manufacture of energy efficient equipment. New York State fully supports this effort and requires all products offered to comply with EPA Energy Star guidelines for energy efficiency. The State may discontinue use of and-or delete from contract selected products as mandated by any NYS energy legislation that is enacted during the term of this contract. The contractor shall have no recourse with the State for such discontinuance-deletion.

INSTRUCTION MANUALS:

Simultaneous with delivery, the contractor(s) shall furnish to the authorized user a complete instruction manual for the product and for each component supplied. The manual shall include complete instructions for unpacking, inspecting, installing, adjusting, aligning, and operating the product, together with layout and interconnection diagrams, schematic and wiring diagrams, preventive and corrective maintenance procedures, and complete parts lists, manufacturer's catalog numbers, and ordering information, if applicable.

**State of New York
 Office of General Services
 PROCUREMENT SERVICES
 Contract Performance Report**

Please take a moment to let us know how this contract award has measured up to your expectations. If reporting on more than one contractor or product, please make copies as needed. This office will use the information to improve our contract award, where appropriate. **Comments should include those of the product's end user.**

Contract No.: _____ **Contractor:** _____

Describe Product* Provided (Include Item No., if available): _____

***Note:** "Product" is defined as a deliverable under any Bid or Contract, which may include commodities (including printing), services and-or technology. The term "Product" includes Licensed Software.

	Excellent	Good	Acceptable	Unacceptable
• Product meets your needs				
• Product meets contract specifications				
• Pricing				

CONTRACTOR

	Excellent	Good	Acceptable	Unacceptable
• Timeliness of delivery				
• Completeness of order (fill rate)				
• Responsiveness to inquiries				
• Employee courtesy				
• Problem resolution				

Comments: _____

 _____ (over)

Agency: _____ Prepared by: _____

Address: _____ Title: _____

_____ Date: _____

_____ Phone: _____

_____ E-mail: _____

Please detach or photocopy this form & return by FAX to 518-474-2437 or mail to:

OGS PROCUREMENT SERVICES
 Customer Services, 38th Floor
 Corning Tower - Empire State Plaza
 Albany, New York 12242

* * * * *



3rd Supplemental Contract Award Notification

Title	:	Group 12605 - AUTOMATED EXTERNAL DEFIBRILLATORS (AED's) ACCESSORIES AND RELATED PRODUCTS (Statewide) Classification Code: 42
Award Number	:	<u>22835</u> (Replaces Award 21270)
Contract Period	:	January 26, 2015 – March 31, 2017
Bid Opening Date	:	n/a
Date of Issue	:	April 24, 2015
Specification Reference	:	As Incorporated In The Piggyback Agreement
Contractor Information	:	Appears on Pages 2 of this Award

Address Inquiries To:

State Agencies & Vendors	Political Subdivisions & Others
Name : Kenneth Peek	Procurement Services
Title : Contract Management Specialist	Customer Services
Phone : 518-473-8289	Phone : 518-474-6717
Fax : 518-474-8676	Fax : 518-474-2437
E-mail : Kenneth.Peek@ogs.ny.gov	E-mail : customer.services@ogs.ny.gov

**OGS Procurement Services values your input.
Complete and return "Contract Performance Report" at end of document.**

Description

This contract award covers various product lines of Defibrillators including Automatic External Defibrillators (AED's) for use as emergency management in NYS facilities and political subdivisions. The award includes equipment and accessories only.
There are New York State certified Woman Owned Business Enterprises/Small Businesses that can meet your organization's training needs for AED's. Contact Cardiac Life Products Inc. (www.cardiaclife.net), or Nationwide Instruction For Cardiovascular Education d-b-a NICE, Inc. (www.niceheart.com).

PR #22835

NOTE REGARDING TRAINING: Contracts are for equipment and supplies only. Training needs can be met by the following New York State certified Woman Owned Business Enterprises/Small Businesses:

CARDIAC LIFE PRODUCTS INC. (www.cardiaclife.net), or
 NATIONWIDE INSTRUCTION FOR CARDIOVASCULAR EDUCATION D-B-A NICE, INC.
 (www.niceheart.com).

OGS CONTRACT NUMBER	CONTRACTOR INFORMATION		CONTRACT SPECIFICS
PC66837	PHYSIO-CONTROL, INC. 11811 Willows Road NE Redmond, WA 98052 Federal Identification: 910697691 Vendor Identification: 1000009759	Contact Information: Rebecca Joseph Contract Analyst Phone: 425-867-4421 Fax No.: 425-867-4970 E-mail: rs.physiocontracts-east@physio-control.com Website: www.physio-control.com Toll Free: 800-442-1142 x74421	<p align="center"><u>OGS Agreement</u></p> <p align="center"><u>Contract Price Lists</u></p> <p align="center"><u>Master Agreement</u></p> <p align="center"><u>Authorized Distributors</u></p>
<ul style="list-style-type: none"> • Physio-Control does not offer Electronic Access Ordering (EDI). • Physio-Control accepts the New York State Procurement Card for orders not to exceed \$15,000. There are no additional discounts for purchases made with the NYS Procurement Card. • Physio-Control does not offer a prompt payment discount for payments made in less than thirty (30) day after receipt of a proper invoice. • There are no minimum order requirements under Physio-Control' agreement. 			

Cash Discount, If Shown, Should be Given Special Attention.

INVOICES MUST BE SENT DIRECTLY TO THE ORDERING AGENCY FOR PAYMENT.
 (See "Contract Payments" and "Electronic Payments" in this document.)

AGENCIES SHOULD NOTIFY OGS PROCUREMENT SERVICES PROMPTLY IF THE CONTRACTOR FAILS TO MEET DELIVERY OR OTHER TERMS OF THIS CONTRACT. PRODUCTS OR SERVICES WHICH DO NOT COMPLY WITH THE SPECIFICATIONS OR ARE OTHERWISE UNSATISFACTORY TO THE AGENCY SHOULD ALSO BE REPORTED TO PROCUREMENT SERVICES.

SMALL, MINORITY AND WOMEN-OWNED BUSINESSES:

There are New York State certified Woman Owned Business Enterprises/Small Businesses that can meet your organization's training needs for AED's. Contact Cardiac Life Products Inc. (www.cardiaclife.net), or Nationwide Instruction For Cardiovascular Education d-b-a NICE, Inc. (www.niceheart.com).

RECYCLED, REMANUFACTURED AND ENERGY EFFICIENT PRODUCTS:

Procurement Services supports and encourages the purchase of recycled, remanufactured, energy efficient and "energy star" products. If one of the following codes appears as a suffix in the Award Number or is noted under the individual Contract Number(s) in this Contract Award Notification, please look at the individual awarded items for more information on products meeting the suffix description.

RS,RP,RA	Recycled
RM	Remanufactured
SW	Solid Waste Impact
EE	Energy Efficient
E*	EPA Energy Star
ES	Environmentally Sensitive

NOTE TO AUTHORIZED USERS:

When placing purchase orders under the contract(s), the authorized user should be familiar with and follow the terms and conditions governing its use which usually appears at the end of this document. The authorized user is accountable and responsible for compliance with the requirements of public procurement processes. The authorized user must periodically sample the results of its procurements to determine its compliance. In sampling its procurements, an authorized user should test for reasonableness of results to ensure that such results can withstand public scrutiny.

The authorized user, when purchasing from OGS contracts, should hold the contractor accountable for contract compliance and meeting the contract terms, conditions, specifications, and other requirements. Also, in recognition of market fluctuations over time, authorized users are encouraged to seek improved pricing whenever possible.

Authorized users have the responsibility to document purchases, particularly when using OGS multiple award contracts for the same or similar product(s)-service(s), which should include:

- a statement of need and associated requirements,
- a summary of the contract alternatives considered for the purchase,
- the reason(s) supporting the resulting purchase (e.g., show the basis for the selection among multiple contracts at the time of purchase was the most practical and economical alternative and was in the best interests of the State).

APPLICABLE LAW:

This Agreement shall be governed by and construed in accordance with the laws of the State of New York. Any claims or actions brought by Contractor against the State for monetary damages shall be brought in the New York State Court of Claims. See "Governing Law" in Appendix A, Standard Clauses for New York State Contracts.

PRICE:

Price includes all customs duties and charges and is net, F.O.B. destination any point in New York State as designated by the ordering agency including tailgate delivery.

In addition, upon mutual agreement, delivery locations may be expanded per the "Extension of Use" clause.

CONTRACT PAYMENTS:

Payments cannot be processed by State facilities until the contract products have been delivered in satisfactory condition or services have been satisfactorily performed. Payment will be based on any invoice used in the supplier's normal course of business. However, such invoice must contain sufficient data including but not limited to contract number, description of product or service, quantity, unit and price per unit as well as federal identification number.

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If the contract terms indicate political subdivisions and others authorized by law are allowed to participate, those entities are required to make payments directly to the contractor. Prior to processing such payment, the contractor may be required to complete the ordering non-State agency's own voucher form.

See "Contract Billings" in Appendix B, OGS General Specifications.

NOTE TO CONTRACTOR:

This Contract Award Notification is not an order. Do not take any action under this contract except on the basis of purchase order(s) from the agency or agencies.

PREFERRED SOURCE PRODUCTS AND SERVICES:

New York State Finance Law §162 mandates that a New York State agency, public authority, political subdivision or public benefit corporation obtain certain commodities and services from preferred sources, such as Correctional Industries (Corcraft), the blind and the disabled, when such products or services meet the form, function and utility of the entity. Some products or services under this Piggyback Contract may be available from one or more preferred sources. The Contractor understands and agrees that such products and services must be purchased from a preferred source in accordance with New York State Law.

Contractors are required to include this notice in all price lists and contract updates.

OVERLAPPING CONTRACT ITEMS:

Products-services available in this contract may also be available from other New York State contracts. Agencies should select the most cost effective procurement alternative that meets their program requirements and maintain a procurement record documenting the basis for the selection.

PROCUREMENT LOBBYING TERMINATION:

OGS reserves the right to terminate this contract in the event it is found that the certification filed by the Offerer-bidder in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, OGS may exercise its termination right by providing written notification to the Offerer-bidder in accordance with the written notification terms of this contract.

NON-STATE AGENCIES PARTICIPATION IN CENTRALIZED CONTRACTS:

New York State political subdivisions and others authorized by New York State law may participate in contracts. These include, but are not limited to local governments, public authorities, public school and fire districts, public and nonprofit libraries, and certain other nonpublic-nonprofit organizations. See "Participation in Centralized Contracts" in Appendix B, OGS General Specifications. For purchase orders issued by the Port Authority of New York and New Jersey (or any other authorized entity that may have delivery locations adjacent to New York State), the terms of the "Price" clause shall be modified to include delivery to locations adjacent to New York State.

Upon request, all eligible non-State agencies must furnish contractors with the proper tax exemption certificates and documentation certifying eligibility to use State contracts. A list of categories of eligible entities is available on the OGS web site (www.ogs.state.ny.us). Questions regarding an organization's eligibility to purchase from New York State Contracts may also be directed to OGS Procurement Services, Customer Services at 518-474-6717.

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DELIVERY:

Delivery is expressed in number of calendar days required to make delivery after receipt of a purchase order.

Product is required as soon as possible.

Delivery shall be made in accordance with instructions on Purchase Order from each agency. If there is a discrepancy between the purchase order and what is listed on the contract, it is the contractor's obligation to seek clarification from the ordering agency and, if applicable, from the Office of General Services, Procurement Services.

CONTRACT PERIOD AND RENEWALS:

It is the intention of the State to enter into a contract for a term as stated herein on the first page of this document. If mutually agreed between Office of General Services, Procurement Services and the contractor, the contract may be extended under the same terms and conditions as allowed under Appendix B, OGS General Specifications.

WARRANTIES:

See "Warranties" in Appendix B, OGS General Specifications.

EPA ENERGY STAR PROGRAM:

The Federal EPA, in cooperation with manufacturers, continues a program to foster the manufacture of energy efficient equipment. New York State fully supports this effort and requires all products offered to comply with EPA Energy Star guidelines for energy efficiency. The State may discontinue use of and-or delete from contract selected products as mandated by any NYS energy legislation that is enacted during the term of this contract. The contractor shall have no recourse with the State for such discontinuance-deletion.

INSTRUCTION MANUALS:

Simultaneous with delivery, the contractor(s) shall furnish to the authorized user a complete instruction manual for the product and for each component supplied. The manual shall include complete instructions for unpacking, inspecting, installing, adjusting, aligning, and operating the product, together with layout and interconnection diagrams, schematic and wiring diagrams, preventive and corrective maintenance procedures, and complete parts lists, manufacturer's catalog numbers, and ordering information, if applicable.

**State of New York
 Office of General Services
 PROCUREMENT SERVICES
 Contract Performance Report**

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Contract No.: _____ **Contractor:** _____

Describe Product* Provided (Include Item No., if available): _____

***Note:** "Product" is defined as a deliverable under any Bid or Contract, which may include commodities (including printing), services and-or technology. The term "Product" includes Licensed Software.

	Excellent	Good	Acceptable	Unacceptable
• Product meets your needs				
• Product meets contract specifications				
• Pricing				

CONTRACTOR

	Excellent	Good	Acceptable	Unacceptable
• Timeliness of delivery				
• Completeness of order (fill rate)				
• Responsiveness to inquiries				
• Employee courtesy				
• Problem resolution				

Comments: _____

(over)

Agency: _____ Prepared by: _____

Address: _____ Title: _____

_____ Date: _____

_____ Phone: _____

_____ E-mail: _____

Please detach or photocopy this form & return by FAX to 518-474-2437 or mail to:

OGS PROCUREMENT SERVICES
 Customer Services, 38th Floor
 Corning Tower - Empire State Plaza
 Albany, New York 12242

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