

New York State Office Of General Services
New York State Procurement (NYSPRO)
38th Floor, Corning Tower
Empire State Plaza
Albany, New York 12242
<http://www.ogs.ny.gov>

PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: [21142](#)

DATE: September 6, 2013

GROUP: 37700 Culvert & Underdrain Pipe & Tubing
(w/Arches, Bands & Accessories)
Metal & Plastic Based
(Statewide)

PLEASE ADDRESS INQUIRIES TO:
STATE AGENCIES & CONTRACTORS

Jim Malone
Purchasing Officer I
(518) 473-2428
James.Malone@ogs.ny.gov

CONTRACT PERIOD: November 28, 2008
to September 30, 2013

OTHER AUTHORIZED USERS

Customer Services
(518) 474-6717
customer.services@ogs.ny.gov

UPDATED CONTRACT PERIOD: October 1, 2013
to December 31, 2013

CONTRACTORS: Advanced Drainage Systems, Inc., Contech Construction Products, Inc.,
ISCO Industries, LLC,, Lane Enterprises Inc., Poly Systems, Inc.

CONTRACT #.: PC64151, PC64152, PC64153, PC65016, PC65017

SUBJECT: CONTRACT EXTENSION

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

This contract has been extended for an additional period of three (3) months; effective October 1, 2013.

All pricing, terms, and conditions of the above contract award remain unchanged. Please audit all purchase orders and invoices accordingly. We suggest that you attach this memorandum to the front of your contract award.

All other terms and conditions of the contract award remain in effect and unchanged.

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PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: [21142](#)

DATE: August 13, 2013

GROUP: 37700 Culvert & Underdrain Pipe & Tubing
(w/Arches, Bands & Accessories)
Metal & Plastic Based
(Statewide)

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS

Jim Malone
Contract Management Specialist I
(518) 473-2428
James.Malone@ogs.ny.gov

CONTRACT PERIOD: November 28, 2008
to September 30, 2013

OTHER AUTHORIZED USERS

Customer Services
(518) 474-6717
customer.services@ogs.ny.gov

CONTRACTOR: Contech Engineered Solutions LLC
CONTRACT #.: PC64152

SUBJECT: Change of Contact Information

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

Effective immediately, the company's servicing representative is Patrick G. O'Rourke . All orders, inquiries, and requests for expedited services should be addressed to Patrick at:

Patrick G. O'Rourke
Northeast Region Vice President
16 Cassidy Drive
Saratoga Springs, NY 12866
Phone: 518-424-3236
Fax: 518-824-8973
porourke@conteches.com

All other terms and conditions of the contract award remain in effect and unchanged.

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<http://www.ogs.ny.gov>

PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: 21142

DATE: August 13, 2013

GROUP: 37700 **Culvert & Underdrain Pipe & Tubing**
(w/Arches, Bands & Accessories)
Metal & Plastic Based
(Statewide)

PLEASE ADDRESS INQUIRIES TO:
STATE AGENCIES & CONTRACTORS

Jim Malone
Contract Management Specialist I
(518) 473-2428
James.Malone@ogs.ny.gov

CONTRACT PERIOD: **November 28, 2008**
to September 30, 2013

OTHER AUTHORIZED USERS

Customer Services
(518) 474-6717
customer.services@ogs.ny.gov

CONTRACTOR: **Contech Construction Products, Inc.**
CONTRACT #.: **PC64152**

SUBJECT: Change of Company Name

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

Effective immediately, Contech Construction Products, Inc., name has been changed to Contech Engineered Solutions LLC.

The company will continue to use the FEIN (311177165) and NYS Vendor Identification (1000009073) numbers of record. No other changes to the company's information have been made.

All other terms and conditions of the contract award remain in effect and unchanged. If there are any questions relating to this change, contact the representative listed above or the NYSPRO Customer Service Department.

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Albany, New York 12242
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PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: [21142-RA](#)

DATE: July 17, 2013

GROUP: 37700 Culvert & Underdrain Pipe & Tubing
(w/Arches, Bands & Accessories)
Metal & Plastic Based
(Statewide)

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS

Jim Malone
Contract Management Specialist I
(518) 473-2428
James.Malone@ogs.ny.gov

CONTRACT PERIOD: November 28, 2008
to September 30, 2013

OTHER AUTHORIZED USERS

Customer Services
(518) 474-6717
customer.services@ogs.ny.gov

CONTRACTOR: ISCO Industries, LLC
CONTRACT #.: PC64153

SUBJECT: Change of Company Corporate Structure

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

Effective immediately, ISCO Industries corporate structure has been changed from a Limited Liability Corporation (LLC) to a conventional incorporation (Inc.), and with the organizations name having transitioned to become **ISCO Industries, Inc.**

The company will continue to use the FEIN (610600157) and NYS Vendor Identification (1000009588) numbers of record. No other changes to the company's information have been made.

All other terms and conditions of the contract award remain in effect and unchanged. If there are any questions relating to this change, contact the representative listed above or the NYSPRO Customer Service Department.

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<http://www.ogs.state.ny.us>

PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: [21142-RA](#)

DATE: July 26, 2010

GROUP: 37700 Culvert & Underdrain Pipe & Tubing
(w/Arches, Bands & Accessories)
Metal & Plastic Based
(Statewide)

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS

Jim Malone
Purchasing Officer I
(518) 473-2428
James.Malone@ogs.state.ny.us

CONTRACT PERIOD: November 28, 2008
to September 30, 2013

OTHER AUTHORIZED USERS

Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

CONTRACTORS: Advanced Drainage Systems, Inc., Contech Construction Products, Inc.,
ISCO Industries, LLC., Lane Enterprises Inc., Poly Systems, Inc.

CONTRACT #.: PC64151, PC64152, PC64153, PC64153, PC65016, PC65017

SUBJECT: Publication of Revised Award and Changes to Price Information Section

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

A revised award has been posted to the contract web for this commodity. The revision incorporates the recent supplemental award, updates the contact information for all contractors and eliminates an incorrect reference in the contract data on the Lane Enterprises chart.

Additionally, the Price Information Section of the contract web has been updated to include the price lists for Lane Enterprises and Poly Systems. Individual contact information for the contractors has also been added to the cover sheets of each price list.

All other terms and conditions of the contract award remain in effect and unchanged.

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Procurement Services Group
Corning Tower Building
Empire State Plaza
Albany, New York 12242
<http://www.ogs.state.ny.us>

PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: [21142](#)

DATE: April 15, 2010

GROUP: 37700 Culvert & Underdrain Pipe & Tubing
(w/Arches, Bands & Accessories)
Metal & Plastic Based
(Statewide)

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS

Jim Malone
Purchasing Officer I
(518) 473-2428
James.Malone@ogs.state.ny.us

CONTRACT PERIOD: November 28, 2008
to September 30, 2013

OTHER AUTHORIZED USERS

Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

CONTRACTOR: Contech Construction Products, Inc.
CONTRACT #.: PC64152

SUBJECT: Change of Contact Information

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

The above noted contractor has announced the retirement of their Customer Service Representative handling this contract, Linda Moreland.

Effective immediately, the company's servicing representative is Sandra Cwiok. All orders, inquiries, and requests for expedited services should be addressed to Sandra at:

Contech Construction Products Inc.
41 Fenton Street
Palmer, MA 01069
[Phone] (413)283-9731
[Fax] (413)283-4793
[e-mail] CwiokS@contech-cpi.com.

Additionally, calls to the Contech Customer Service Center at (800) 847-5885 will be handled by Customer Service Representative Erin Keith, who will coordinate with Ms. Cwiok to handle the needs and concerns of contract users.

Patrick O'Rourke, Atlantic Region Sales Manager, remains the lead contract administrator, per the information in the Contract Award Notification.

The Office of General Services Procurement Services Group's Road Materials Team wishes to thank Ms. Moreland for her attentiveness to the State's needs through her years of service with CCP and extends its congratulations and best wishes to her on her retirement.

All other terms and conditions of the contract award remain in effect and unchanged.

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PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: [21142](#)

DATE: December 17, 2009

GROUP: 37700 Culvert & Underdrain Pipe & Tubing
(w/Arches, Bands & Accessories)
Metal & Plastic Based
(Statewide)

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS

Jim Malone
Purchasing Officer I
(518) 473-2428
James.Malone@ogs.state.ny.us

CONTRACT PERIOD: November 28, 2008
to September 30, 2013

OTHER AUTHORIZED USERS

Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

CONTRACTOR: Contech Construction Products, Inc.
CONTRACT #.: PC64152

SUBJECT: Change of Remittance Address

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

The above noted contractor has advised the State of a change of address to be used for the remittance of payments.

Effective immediately, all payments should be directed to the following:

Contech Construction Products Inc.
16445 Collections Center Drive
Chicago, IL 60693

If submitting via overnight mail please include: "Bank of America Lockbox Services" as an additional header on the above listing.

All other addresses, terms and conditions of the contract award remain in effect and unchanged.

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<http://www.ogs.state.ny.us>

PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: [21142-RA](#)

DATE: May 6, 2009

GROUP: 37700 Culvert & Underdrain Pipe & Tubing
(w/Arches, Bands & Accessories)
Metal & Plastic Based
(Statewide)

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS

Jim Malone
Purchasing Officer I
(518) 473-2428
James.Malone@ogs.state.ny.us

CONTRACT PERIOD: November 28, 2008
to September 30, 2013

OTHER AUTHORIZED USERS

Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

CONTRACTOR: Contech Construction Products, Inc.
CONTRACT #.: PC64152

SUBJECT: Price List Update

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

The above noted contractor has submitted an update to their current price list.

This update reduces price of Aluminum Structural Plate Products by an average of 30%. For the complete listing, please refer to pages 20 through 27 of the contractor's price list in the Pricing Information Section of the Award Directory found at <http://www.ogs.state.ny.us/purchase/spg/awards/3770021142CAN.HTM>.

All other terms and conditions of the contract award remain in effect and unchanged.

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<http://www.ogs.state.ny.us>

PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: [21142-RA](#)

DATE: January 28, 2009

GROUP: 37700 Culvert & Underdrain Pipe & Tubing
(w/Arches, Bands & Accessories)
Metal & Plastic Based
(Statewide)

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS

Jim Malone
Purchasing Officer I
(518) 473-2428
James.Malone@ogs.state.ny.us

CONTRACT PERIOD: November 28, 2008
to September 30, 2013

OTHER AUTHORIZED USERS

Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

CONTRACTOR: Advanced Drainage Systems, Inc.
CONTRACT #.: PC64151

SUBJECT: Revision to Contractor's Price List #1

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

The above noted contractor has submitted a revision to their current price list.

The revision changes the originally posted toll free phone number for the contractor to 1 (800)733-3555 and revises the originally posted price of the 15" Split snap coupler from \$785.00 to the items actual price of \$7.85.

All other terms and conditions of the contract award remain in effect and unchanged.

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

CONTRACT AWARD NOTIFICATION

Title	:	TITLE: Group 37700 - Culvert & Underdrain Pipe & Tubing (w/Arches, Bands & Accessories) -Metal & Plastic Based (Statewide)
Award Number	:	<u>21142-RA</u> (Replaces Awards 02865 & 02866)
Contract Period	:	November 28, 2008 to September 30, 2013
Bid Opening Date	:	June 3, 2008
Date of Issue	:	November 28, 2008
Specification Reference	:	As Incorporated in the Invitation For Bids
Contractor Information	:	Appears on Page 2 of this Award

Address Inquiries To:

State Agencies & Vendors	Political Subdivisions & Others
Name : James E. Malone Title : Purchasing Officer 1 Phone : 518-473-2428 Fax : 518-474-8676 E-mail : james.malone@ogs.state.ny.us	Customer Services Phone : 518-474-6717 Fax : 518-474-2437 E-mail : customer.services@ogs.state.ny.us

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

Description

These contracts are for the purchase of plastic, polyethylene, polyvinylchloride, steel and aluminum culvert and drainage system pipe, tubing, arches, bands end sections, accessories and parts for culvert and underground drain installations, service and rehabilitations, for delivery to various locations throughout the State. The contracts provide comprehensive multiple manufacturer's product lines and may be utilized by New York State agencies, authorities, counties, towns, cities, and others authorized by law.

PR # [21142](#)

(continued)

NOTE: See individual contract items to determine actual awardees.

<u>CONTRACT #</u>	<u>CONTRACTOR & ADDRESS</u>	<u>TELEPHONE #</u>	<u>FED.IDENT.#</u>
PC64151	Advanced Drainage Systems, Inc. 58 Wyoming Street Ludlow, MA 01056	(413) 589-0515 Toll Free - (800) 773-3555 Fax - (413) 589-7926 Rich Tomasetti rich.tomasetti@ads-pipe.com www.ads-pipe.com	510105665

Advanced Drainage Systems will accept the New York State Procurement Card for purchases up to and including \$15,000.

PC64152	Contech Construction Products, Inc. Forward All Contract Information to: P. O. Box 455 Round Lake, NY 12151 Forward All Payments to: P. O. Box 92578 Chicago, IL 60675 Forward All Orders & Inquiries to: 105 Southside Drive, Box E Owego, NY 13827	(607) 687-4210 Toll Free - (800) 847-5885 Fax - (607) 687-5863 Linda Moreland morelandl @contech-cpi.com www.contech-cpi.com	311177165
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PC64153	ISCO Industries, LLC. 926 Baxter Avenue Louisville, KY 40204	(502) 318-6651 Toll Free - (800)345-4726 ext.6551 Fax - (502) 238-8102 Larry Caple Larry.Caple@isco-pipe.com www.culvert-rehab.com	610600157
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ISCO Industries, LLC. will accept the New York State Procurement Card for purchases up to and including \$15,000.

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

(continued)

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

AGENCIES SHOULD NOTIFY THE PROCUREMENT SERVICES GROUP 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 THE PROCUREMENT SERVICES GROUP.

RECYCLED, REMANUFACTURED AND ENERGY EFFICIENT PRODUCTS:

The Procurement Services Group 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.

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

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).

PSG's DISPUTE RESOLUTION POLICY:

It is the policy of the Office of General Services' Procurement Services Group (PSG) to provide vendors with an opportunity to administratively resolve disputes, complaints or inquiries related to PSG bid solicitations or contract awards. PSG encourages vendors to seek resolution of disputes through consultation with PSG staff. All such matters will be accorded impartial and timely consideration. Interested parties may also file formal written disputes. A copy of PSG's Dispute Resolution Procedures for Vendors may be obtained by contacting the person shown on the front of this document or through the OGS website (www.ogs.state.ny.us).

ELECTRONIC PAYMENTS:

The Office of the State Comptroller (OSC) offers an "electronic payment" option in lieu of issuing checks. To obtain an electronic payment authorization form visit the OSC website at www.osc.state.ny.us or contact them by e-mail at epunit@osc.state.ny.us or by phone at 518-474-4032.

(continued)

The following are terms and conditions and additional discounts relating to purchase from these contracts:

PRICE:

General - 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 dock delivery and tailgating of load.

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

Discounts - Prices are from the manufacturer's nationally published Retail Price List as designated. Discount rates bid are generally in effect for the entire contract period. Decreases of the discount rates bid will not be allowed at any time. However, discount rates may be increased at the contractors' option on either an individual order or long term basis at any time. In the event of a long term increase in the discount rate, the Purchasing Officer should be notified as to the discount rate and duration.

Price lists submitted with the bid are to remain in effect until November 30, 2008. After that time contractor may submit new retail price lists when they **normally** are published. Effective date of new price lists will be when they have been **reviewed and approved by OGS and a notification to participating agencies is published on the OGS website**. Review will include a comparison with market trends at the time of the submission versus those at the time of the bid opening and may include research data collected and published by both private sector and public sector agencies and services. The benchmarks for this process will include and be based on:

- American Metals Market Steel Base Price - Hot Dipped Galvanized Sheet Steel - May 29, 2008 -- 63.60
- Steel Benchmarker Bi-Weekly Index - Hot Rolled Band - USA, East of Mississippi - May 26, 2008 - 1158 net ton
- Plastics News Volume Thermoplastics - HDPE Extrusion Pipe - Low Volume Ave.- May 26, 2008 - 110.5
- U.S. Dept of Labor - Bureau of Labor Statistics - Producer Price Indices Industrial Data Preliminary for June 2008:
 - Series ID: Fabricated Structural Metal Manufacturing - ID# PCU332312332312P - 214.6
 - Series ID: Plate Work Manufacturing - ID# PCU 332313332313P - 148.6
 - Series ID: Aluminum Sheet and Strip Manufacturing - ID# PCU 331315331315A - 202.7
 - Series ID: Aluminum Plate Manufacturing 0.25" or thicker - ID# PCU 331315331351 - 203.8
 - Series ID: Thermoplastic Resins and Plastics Material Manufacturing - ID# PCU 3252113252111 - 232.7
 - Series ID: Plastics Pipe and Pipe Fitting Manufacturing - ID# PCU 326122326122P - 204.2

If any of the referenced indices changes or is removed, an index deemed appropriate by the Procurement Service Group will be used in its place. In such instance, the base would change to that of the new referenced index.

Should new submissions be found to be not reasonable, contractor may submit a revision upon notification. Contractor shall submit new price lists prior to publishing date if possible.

If a situation exists where the contractor sells product to the public at large with pricing that is lower than the application of the bid/contract discount to the full list price, then the price that is charged to the public at large should be charged to contract participants. This should be clearly shown on the invoice as a "Special Value", or as "Lower Than Application of Discounts to Full List Price", or by some other phrase or identifying designation.

Minimum Order - Minimum order shall be \$500 per order, per contractor. Items under the same contract number may be combined to reach minimum value.

Contractor **may** elect to honor orders for less than the minimum order. Shipping Costs will be borne by the contractor.

Government Mandated Program Adjustment - An adjustment in product and/or price may be permitted if a government mandated program, such as a new Federal Highway Administration Specification Standards, take effect and suitable documentation is furnished to the State and the State determines the requested change is verifiable and is reasonable. Replacement product would be subject to NYS Department of Transportation testing and approval. Such a price adjustment may be permitted for only a limited time since such an adjustment would eventually be reflected in the price list(s).

Catalog Contents - The catalog should be inclusive of replacement parts and products which may be necessary for field service as well as including options and additional accessories that may be available for this commodity.

Price List Updates - Please see the section titled "**Discounts**" as found above.

(continued)

PRICE: (Continued)

Inclusion of New Products - Contractor shall offer products that are openly listed in the catalog and price list. New products added to the manufacturer's catalog may be accepted after review and approval by OGS Procurement Services Group when they are introduced. In the event new products are announced during the contract period, contractor agrees to furnish in triplicate any catalog amendment showing list and net prices at which new products may be purchased. These new items placed on the market during the contract period are to be offered at the percentage discount rate that has been previously bid. Contractors should note, any new items that are to be added to the catalog require pre audit and pre approval by the Office of the State Comptroller.

It is the contractor's responsibility to inform the OGS Purchasing Officer of any new products in a timely manner. A Purchasing Memorandum notification from OGS to participating agencies will be published to announce any changes in the catalog, and said changes become effective on the date of memorandum publication.

Discontinuation of Catalog Item - Contractor shall notify the Purchasing Officer, in a timely fashion of any discontinuation of items covered by the catalog. The notification should include the date of loss of availability and the current inventory level for the product. If there is a catalog replacement for an item, the vendor shall follow the instructions of the previous paragraph and include it with their notification to the purchasing officer. The vendor shall provide with the notification, complete information on the replacement product including, but not limited to: a Specification List, Function and Feature List, and Comparison of Performance between the new and old product.

Contractor should note discontinuations approved by OGS are subject to a post audit by the Office of the State Comptroller. Items discontinued from production without replacement may have a notification Purchasing Memorandum issued by the Office of General Services to announce the discontinuation. Unless otherwise specified, any substitution of product prior to approval by the Office of General Services may be cause for cancellation of contract.

Catalog Exclusions - The New York State Office of General Services Procurement Services Group reserves the right to delete before or after award any of the products included in the contractor's catalog. Catalog may list products covered by other State contracts as well as those available from preferred sources. It is the obligation of the agencies to order from the appropriate source. (See also "Overlapping Contract Items" Section beginning on 12).

Update Publication - For both price list updates and new products, the contractor shall send three copies to the OGS Purchasing Officer. New pricing will not be effective until reviewed, approved and published by OGS. It is the contractor's responsibility to inform OGS in a timely manner of these changes. In all situations, a Purchasing Memorandum notification from OGS to participating agencies will be published to announce any changes in the catalog, and said changes become effective on the date of memorandum publication. Should new submissions be found to be not reasonable, contractor may submit a revision upon notification.

Unworkable Price Structure - Should the price structure utilized by the parties become unworkable, detrimental or injurious to the State and/or Contractor or result in prices which are not truly reflective of current market conditions, and the price is deemed unreasonable or excessive by the Commissioner and no adjustment in price is mutually agreeable, the Commissioner reserves the sole right upon 10 days written notice mailed to the contractor to terminate any contract resulting from this bid opening. If the contractor is unable or unwilling to meet contractual requirements in whole or in part based on an unworkable price structure, it shall immediately notify the State of that fact in order that the State may take appropriate action. Such notification shall be in writing and shall be directed to the Office of General Services, Procurement Services Group. Such notification shall not relieve the contractor of its responsibilities under the contract.

The State reserves the right to implement changes in price based on unforeseen factors such as dramatic changes in availability, delivery, costs, etc., for product, supplies, etc., that substantively affect the contractor's business processes or that may impact contract pricing. Such changes may be based on information from the U.S. Bureau of Labor Statistics, industry data, or other sources. Such changes that substantially alter the contract will be subject to approval by the Office of the State Comptroller.

NEW YORK STATE PROCUREMENT CARD:

Some Contractors have indicated that they will accept the NYS Purchasing Card for orders not to exceed \$15,000.00. See page 2 for indication of acceptance.

(continued)

ITEMS BID:

ITEM #1	
Vendor: Advanced Drainage Systems, Inc.	
Multiple Product Groups w/Individual Group Discount Rates	
PRODUCT Group #1	
Catalog Identification:	ADS Water Management Product Catalog
Dated:	2007 - Revised 6/07
Price List Identification:	ADS/Hancor Distributor Price List
Dated:	June 1, 2008
Price List Identification:	ADS Single Wall Fittings Price List
Dated:	January 1, 2008
Discount Rate:	12%
Brand:	ADS/Hancor
Catalog Pages:	2-8, 11-16
CATALOG EXCLUSIONS:	Pages 9, 10, 17-49
Will Contractor Accept Orders for Less than \$500 Minimum:	NO
DELIVERY:	5 Calendar Days ARO
Distribution Centers:	Ludlow, Ma, Williamsport, PA, Wooster OH, Waverly, NY
Warranty	Per Appendix B

ITEM #1 Awarded to Advanced Drainage Systems, Inc. Ludlow, MA

(continued)

ITEMS BID: (Continued)

ITEM #2	
Vendor: Contech Construction Products, Inc.	
Multiple Product Groups w/ Single Discount Rate for All.	
Discount Rate:	10% off
PRODUCT Group #1	
Catalog Identification:	Corrugated Metal Pipe -09/07 & Corrugated Metal Pipe Design Guide 01/08
Dated:	September, 2007 & January 2008
Price List Identification:	Corrugated Metal Pipe & End Section - Pages 1-8
Dated:	May 1, 2008
PRODUCT Group #2	
Catalog Identification:	Structural Plate Design Guidelines
Dated:	July 2007
Price List Identification:	Steel & Aluminum Structural Plate - Pages 1-13
Dated:	May 1, 2008
PRODUCT Group #3	
Catalog Identification:	2-Flange Tunnel Liner Plate
Dated:	October 2001
Price List Identification:	Tunnel Liner - Pages 1-2
Dated:	May 1, 2008
PRODUCT Group #4	
Catalog Identification:	A2 Liner Pipe for Trenchless Rehabilitation
Dated:	June 2002
Price List Identification:	A-2 Liner Pipe - Page 1
Dated:	May 1, 2008
Brand:	Contech - CPI
Catalog Pages:	ALL
CATALOG EXCLUSIONS:	NONE
Will Contractor Accept Orders for Less than \$500 Minimum:	YES
DELIVERY	14 Calendar Days, ARO
Distribution Center:	Palmer, MA
Warranty:	Per Appendix B

ITEM #2 Awarded to Contech Construction Products, Inc., Round Lake, NY

(continued)

ITEMS BID (Cont'd):

ITEM #3	
Vendor: ISCO Industries, Inc.	
Single Catalog w/Single Product Group Discount	
Product Group # 1:	
Discount Rate:	0% Price per List
Catalog Identification:	Snap Tite Manual - Version 2.1
Dated:	2006
Price List Identification:	Snap-Tite Culvert Liner Price List
Dated:	June 1, 2008
Brand:	ISCO Industries
Catalog Pages:	ALL
CATALOG EXCLUSIONS:	NONE
Will Contractor Accept Orders for Less than \$500 Minimum:	NO
DELIVERY:	30 Calendar Days ARO
Warranty:	1 Year
Distribution Center:	Louisville, KY

ITEM #3 Awarded to ISCO Industries, LLC., Louisville, KY

(continued)

ADMINISTRATIVE CONTACTS:

PC64151	Contractor: <u>Advanced Drainage Systems, Inc.</u>	
Lead Contract Administrator:	Rich Tomasetti, Northeastern Zone Sales & Marketing Manager	
	Orders, Inquiries and Expediting	After Hours Emergency Contact & Technical Information
Name:	Rich Tomasetti	Mike Swedick
Title:	Northeastern Zone Sales & Marketing Manager	Assistant NE-Zone Manager
Telephone Number:	(413) 589-0515	(413) 589-0515
Toll Free Telephone Number:	(800) 733-3555	(800) 733-3555
Fax Number:	(413) 589-7926	(413) 589-7926
Cellular Phone Number:	N/A	(585) 329-6430
E-Mail Address:	<u>Rich.Tomasetti@ads-pipe.com</u>	<u>Mike.Swedick@hancor.com</u>
Company's Normal Business Hours:	8:00 A. M. to 5:00 P. M. (Eastern Time), Monday thru Friday	

PC64152	Contractor: <u>Contech Construction Products, Inc</u>	
Lead Contract Administrator:	Patrick O'Rourke, Atlantic Region Sales Manager	
	Orders, Inquiries and Expediting	After Hours Emergency Contact & Technical Information
Name:	Linda Morland	Patrick O'Rourke
Title:	Customer Service Representative	Sales Manager
Telephone Number:	(607) 687-4210	(518) 899-5265
Toll Free Telephone Number:	(800) 847-5885	N/A
Fax Number:	(607) 687-5863	(518) 899-5147
Cellular Phone Number:	N/A	(518) 424-3236
E-Mail Address:	morelandl@contech-cpi.com	porourke@contech-cpi.com
Company's Normal Business Hours:	8:00 A. M. to 5:00 P. M. (Eastern Time), Monday thru Friday	

PC64153	Contractor: <u>ISCO Industries, Inc.</u>	
Lead Contract Administrator:	Larry Caple, Inside Sales, ISCO Industries, LLC.	
	Orders, Inquiries and Expediting	After Hours Emergency Contact & Technical Information
Name:	Larry Caple	Larry Dyer
Title:	Inside Sales	Sales Representative
Telephone Number:	(502) 318-6651	(518) 875-6161
Toll Free Telephone Number:	(800) 345-4726 Ext 6651	N/A
Fax Number:	(502) 238-8102	(518) 875-6391
Cellular Phone Number:	N/A	(518) 281-4331
E-Mail Address:	Larry.Caple@isco-pipe.com	Ldyer3@nycap.rr.com
Company's Normal Business Hours:	8:00 A. M. to 5:00 P. M. (Eastern Time), Monday thru Friday	

(continued)

PURCHASE ORDERS AND INVOICING:

General – All orders and invoices/vouchers should include the contract number and a line by line listing of separate charges.

Invoices - Contract users are instructed not to process invoices without needed information. Invoices must be detailed and include **all** of the following:

- Contract Number
- Purchase Order Number
- Item Number
 - Should not be something that is “unique” to dealer or distributor.
 - Should be something that can be tracked by a third party.
 - Preferably a manufacturer’s code or identifying number.
- Line item breakdown of all charges:
- Line item breakdown of any deletion:

Failure to comply may result in lengthy payment delays.

NOTE TO AGENCY - Orders under this contract are to be submitted directly to the contractor. NYS agencies and/or political subdivisions whose receiving facilities cannot accommodate entrance of an over the road trailer with a height of 13'-6" or overall length of 40' must specify on their purchase order; ie: "Maximum trailer height (or length) for delivery to this location is ____." (insert dimension in this space). Buyers may be responsible for additional freight charges if redelivery is necessary or if special handling requests are made to the trucker.

DELIVERY:

General - Delivery is expressed in number of calendar days required to make delivery after receipt of a purchase order (ARO). Product will be required as soon as possible.

Purchase Order Instructions - 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 Group. (See also: separate clause on: “PURCHASE ORDERS AND INVOICING” as found above)

Shipping Dates And Delivery Time -

- Contractor shall provide written acknowledgement of orders within five (5) business days after receipt of order which will include an anticipated shipping date of each order.
- If shipment will not be made within the delivery time, the contractor is required to notify the agency in writing at least two weeks prior to the latest date of the original delivery obligation. This notification must include the reasons for the delay and the latest date the product will be shipped. Should the delay not be acceptable to the using agency, appropriate contract default proceedings will be initiated. Failure to supply timely written notification of delay may be cause for default proceedings.
- All correspondence on shipping dates and delivery time shall be directed to the ordering agency's contact person.

Expansion of Delivery Points - Upon mutual agreement, delivery locations may be expanded per the "Non-State Agencies Participation in Centralized Contracts" and "Extension of Use" clauses incorporated herein.

Delivery Condition - Contractor shall be responsible to make no shipment of the product that will be exposed to conditions during transit, detrimental to the product. Product must be delivered strictly in accordance with specifications, including appropriate product certifications and documentation and shall be "Ready for Use."

Delivery Certification - Contractor shall secure a signed receipt from agency certifying to delivery of product. In the event deficiencies are later noted and a properly signed receipt is not available, contractor will be responsible.

(continued)

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 also "Contract Billings" in Appendix B, OGS General Specifications and separate clause above on "PURCHASE ORDERS AND INVOICING".

PERIODIC RECRUITMENT:

The State reserves the right to consider additional vendors beginning in September 2008 and at six month intervals thereafter during the course of the contract or at any time determined by the State to be in its best interest. Vendors shall be required to submit an original bid document which may include an addendum containing additional applicable statutory requirements currently in effect at the time of the new bid solicitation. Bids shall be evaluated under similar terms and conditions. Once awarded a contract, a vendor may not resubmit a bid for future consideration until the original bids have been evaluated and contracts awarded.

ESTIMATED QUANTITIES:

The historical dollar value of all contracts issued under previous awards was approximately \$700,000.00 annually. However, each contract shall be for the quantities or dollar values actually ordered during the contract period. The individual value of each contract is indeterminate and will depend upon the number of contracts issued and the competitiveness of the pricing offered. Agencies will be encouraged to purchase from contractors who offer the supplies, services, and pricing that best meet their needs in the most practical and economical manner. See "Estimated/Specific Quantity Contracts" and "Participation in Centralized Contracts" in Appendix B, OGS General Specifications

CANCELLATION FOR CONVENIENCE

The State of New York retains the right to cancel this contract, in whole or in part without reason provided that the Contractor is given at least sixty (60) days notice of its intent to cancel. This provision should not be understood as waiving the State's right to terminate the contract for cause or stop work immediately for unsatisfactory work, but is supplementary to that provision. Any such cancellation shall have no effect on existing Agency agreements, which are subject to the same 60 day discretionary cancellation or cancellation for cause by the respective user Agencies

CONTRACT PERIOD AND RENEWALS:

General - It is the intention of the State to enter into a contract for the term as stated on the Invitation for Bids except, that per the terms of the Contract Period and Extension/Renewal clause of the Invitation for Bids, the commencement and termination dates appearing on the Invitation for Bids have been adjusted forward unilaterally by the State for this contract by two calendar months, as indicating said change on this Contract Award Notification.

Contract Renewal - If mutually agreed between the Procurement Services Group and the contractor, the contract may be renewed under the same terms and conditions for additional period(s) not to exceed a total contract term of five (5) years.

(continued)

SHORT TERM EXTENSION:

In the event the replacement contract has not been issued, any contract let and awarded hereunder by the State, may be extended unilaterally by the State for an additional period of up to one month upon notice to the contractor with the same terms and conditions as the original contract including, but not limited to, quantities (prorated for such one month extension), prices, and delivery requirements. With the concurrence of the contractor, the extension may be for a period of up to three months in lieu of one month. However, this extension terminates should the replacement contract be issued in the interim.

EXTENSION OF USE:

These contracts 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.

NON-STATE AGENCIES PARTICIPATION IN CENTRALIZED CONTRACTS:

New York State political subdivisions and others authorized by New York State law may participate in these 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 Group's Customer Services at 518-474-6717.

CONTRACT MIGRATION:

State Agencies or any other authorized user holding individual contracts with contractors under this centralized contract shall be able to migrate to this contract award with the same contractor, effective on the contract begin date (retroactively, if applicable). Migration by an agency or any other authorized user to the centralized contract shall not operate to diminish, alter or extinguish any right that the agency or other authorized user otherwise had under the terms and conditions of the original contract.

EMERGENCY PURCHASING:

In the event that a disaster emergency is declared by Executive Order under Section 28 of Article 2-B of the Executive Law, or that the Commissioner determines pursuant to his/her authority under Section 163(10)(b) of the State Finance Law that an emergency exists requiring the prompt and immediate delivery of products or services, the Commissioner reserves the right to obtain such products or services from any source, including but not limited to this contract, as the Commissioner in his/her sole discretion determines will meet the needs of such emergency. Contractor shall not be entitled to any claim or lost profits for products or services procured from other sources pursuant to this paragraph.

RESERVATION:

The State reserves the right to negotiate lower pricing, or to advertise for bids, any unanticipated excessive purchase. An "unanticipated excessive purchase" is defined as an unexpected order for a contract product(s) totaling \$100,000.00.

WARRANTIES:

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

Product offered must meet all requirements of this solicitation including full commercial/retail availability.

Product literature and specifications must also be readily available.

(continued)

NOTE TO BUYERS AND CONTRACTORS:

Only the Contractors listed in on page 2 of this Contract Award Notification, or listed on any subsequent Supplemental Award Notification, are authorized to use the P-Contract numbers, exclusively assigned to each individual contractor, to conduct transactions attached to these contracts. **There are no provisions authorizing Sub-Contractors** to use this procurement. **All purchase orders and payments must be directed to the listed contractors** to constitute a contract purchase. Should a contractor wish to use additional parties to facilitate product distribution, compensation to those third parties is wholly between the contractor and the third party, and such use is at the contractor's discretion and liability.

Any buyer who uses a P-Contract number listed herein to order product from anyone other than the listed contractor, should be aware that such use **does not** constitute a New York State Contract Sale, but would be considered an **OPEN MARKET** purchase, **subject to your entity's specific rules and regulations for open market or discretionary purchasing as specified by law.**

"OGS OR LESS" GUIDELINES APPLY TO THIS CONTRACT:

Purchases of the products included in the Invitation For Bids and related Contract Award Notification are subject to the "OGS or Less" provisions of Section 163.3.a.v., Article XI, of the New York State Finance Law. This means that State agencies can purchase products from sources other than the contractor provided that such products are substantially similar in form, function or utility to the products herein and are:

1. lower in price
-and/or-
2. available under terms which are more economically efficient to the State agency (e.g. delivery terms, warranty terms, etc.).

Agencies are reminded that they must provide the State contractor an opportunity to match the non-contract savings at least two business days prior to purchase. In addition, purchases made under "OGS or Less" flexibility must meet all requirements of law including, but not limited to, advertising in the New York State Contract Reporter, prior approval of the Comptroller's Office and competitive bidding of requirements exceeding the discretionary bid limit. State agencies should refer to Procurement Council Bulletin "OGS or Less Purchases" for complete procedural and reporting requirements.

OVERLAPPING CONTRACT ITEMS:

Products/services available in the resulting contract may also be available from other New York State contracts. Contract users will be advised to select the most cost effective procurement alternative that meets their program requirements and to maintain a procurement record documenting the basis for this selection.

PREFERRED SOURCE PRODUCTS:

Section 162 of the State Finance Law requires that agencies afford first priority to the products/services of preferred source suppliers such as Correctional Industries (Corcraft), Industries for the Blind of NYS, and NYS Industries for the Disabled, when such products/services meet the form, function and utility of the agency. Some products/services in the resultant contract(s) may be available from one or more preferred sources. In the Contract Award Notification, agencies will be reminded to comply with the statutory requirements and resulting guidelines with respect to affording first priority to the preferred sources.

Resultant contractors will be required to prominently display the following language on all price lists and contract updates to agencies relative to the award:

Agencies Note: Some products/services in this contract may be available from one or more preferred sources.

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/services available from preferred sources which meet your form, function and utility.

(continued)

PRODUCT DISCONTINUATION AND SUBSTITUTION:

In the event a specified manufacturer's product listed in the Contract becomes unavailable or cannot be supplied by the Contractor for any reason (except as provided for in the Savings/Force Majeure

Provision of Appendix B, General Specifications) a product deemed in writing by the Office of General Services to be equal to or better than the specified product must be substituted by the Contractor at no additional cost or expense to the Authorized User.

It is the vendor's responsibility to inform the Office of General Services, Purchasing Officer, in a timely fashion. The notification should include the date of loss of availability and the current inventory level for the product. The contractor shall provide to OGS PSG, complete information on the replacement product including, but not limited to: a Specification List, Function and Feature list and Comparison of Performance between the new and old product. Upon approval by the Office of General Services

Unless otherwise specified, any substitution of Product prior to the Commissioner's written approval may be cause for cancellation of contract. In the event that a contractor is unable to provide a replacement, it is the State's right to cancel the contract.

REQUEST FOR CHANGE:

Any request by the agency or contractor regarding changes in any part of the contract must be made in writing to the Office of General Services, Procurement Services Group, prior to effectuation.

DIESEL EMISSION REDUCTION ACT OF 2006 (NEW REQUIREMENT OF LAW):

On February 12, 2007 the Diesel Emissions Reduction Act took effect as law (the "Law"). Pursuant to new §19-0323 of the N.Y. Environmental Conservation Law ("NYECL") it is now a requirement that heavy duty diesel vehicles in excess of 8,500 pounds use the best available retrofit technology ("BART") and ultra low sulfur diesel fuel ("ULSD"). The requirement of the Law applies to all vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities. They need to be operated exclusively on ULSD by February 12, 2007. It also requires that such vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities with more than half of its governing body appointed by the Governor utilize BART.

As a contract vendor the Law may be applicable to vehicles used by contract vendors "on behalf of" State agencies and public authorities. Thirty-three percent (33%) of affected vehicles must have BART by December 31, 2008, sixty-six percent (66%) by December 31, 2009 and one-hundred percent (100%) by December 31, 2010. The Law provides a list of exempted vehicles. Regulations currently being drafted will provide further guidance as to the effects of the Law on contract vendors using heavy duty diesel vehicles on behalf of the State. The Law also permits waivers of ULSD and BART under limited circumstances at the discretion of the Commissioner of Environmental Conservation. The Law will also require reporting from State agencies and from contract vendors in affected contracts.

Therefore, the bidder hereby certifies and warrants that all heavy duty vehicles, as defined in NYECL §19-0323, to be used under this contract, will comply with the specifications and provisions of NYECL §19-0323, and any regulations promulgated pursuant thereto, which requires the use of BART and ULSD, unless specifically waived by NYSDEC. Qualification and application for a waiver under this Law will be the responsibility of the bidder.

RECALLS:

The contractor must immediately notify the Office of General Services, Procurement Services Group of any recalls pertaining to product on contract.

POOR PERFORMANCE:

Agencies should notify Procurement Services' Customer Services promptly if the contractor fails to meet the requirements of this contract. Performance which does not comply with requirements or is otherwise unsatisfactory to the agency should also be reported to Customer Services:

Office of General Services	Tel: 518/474-6717
Procurement Services Group	Fax: 518/474-2437
Customer Services Coordination	E-mail: customer.services@ogs.state.ny.us
37th Floor Corning Tower	
Empire State Plaza	
Albany, NY 12242	

(continued)

PERFORMANCE REQUIREMENTS:

Customer Support - The contractor shall provide toll-free telephone support/assistance at no extra charge to all customers.

Discrepancies - The contractor shall resolve all order and invoice discrepancies (e.g., shortages, breakages, etc.) within five business days from notification.

Product Returns - Problem Products - Products returned because of quality problems, duplicated shipments, outdated product, etc., shall be picked up by the contractor within five business days after notification with no restocking charge and shall be replaced with specified products or the agency shall be credited/refunded for the full purchase price.

Product Returns, Agency Error - Standard stock products ordered in error by agencies must be returned for credit within 15 days of receipt. Product must be in resalable condition (original container, unused). There shall be no restocking fee if returned products are resalable.

Price Lists and Catalogs - Contractor shall be required to furnish, without charge, catalog and price lists identical to those accepted with their bid, including any changes (additions, deletions, etc.) pursuant to the contract, to all authorized users which request them. Catalogs and price lists provided must reflect all products excluded from the resultant contract either through the omission of those portions or by obvious indications within the catalogs and price lists. Fulfillment of any request must be made within 14 calendar days of the request.

Catalogs and price lists may be furnished in either hard-copy or electronic format. If available in both formats, they shall be furnished in the format preferred by the requesting authorized user. Upon request the contractor shall assist authorized users in the use of catalogs and price lists. Price lists provided to contract users under this contract should contain Net Prices reflecting the proper discounts for appropriate product lines.

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 diagrams, preventive and corrective maintenance procedures, and complete parts lists, manufacturer's catalog numbers, and ordering information, if applicable.

Report of Contract Purchases - Contractor shall furnish a report containing both state agency and authorized non-state agency contract purchases by the fifteenth of the month following the end of each six month period. In addition to contractor direct sales, contractor shall submit sales information for all resellers, dealers, distributors or other authorized distribution channels, where such contract sales are provided by other than the contractor. Contractors shall verify if each alternate vendor is a NYS Certified Minority (MBE) or Women (WBE) Owned Businesses. Contractors shall verify such status through the Empire State Development Minority and Women Owned Businesses Database web site at: <http://205.232.252.35/>.

A separate report shall be provided in the following format for each authorized distribution channel.
(SEE NOTICE TO BUYERS AND CONTRACTORS on PAGE 13)

The sales report form is forwarded to each contractor at time of award for completion in accordance with the contract terms and conditions.

The reports shall be in the following format:

Catalog #	Product Description	Sold to/Shipped to	Quantity	Unit Price	Total Dollar Value
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The report is to be submitted to the Office of General Services, Procurement Services Group, Tower Bldg., Empire State Plaza, Albany, NY 12242, to the attention of the individual shown on the front page of the Contract Award Notification and shall reference the Group Number, the Invitation for Bids Number, Contract Number, sales period, and contractor's name.

Additional related sales information, such as monthly reports, and/or detailed user purchases may be required and must be supplied upon request.

Failure to submit the required report may be cause for disqualification of contractor for future contracts.

(continued)

NOTE TO CONTRACTOR:

Due to the impact on public safety, prior to the initial purchase of any road construction product, the State reserves the right to request submission of product samples for testing, approval and subsequent listing on the New York State Department of Transportation's Approved Lists. This requirement may be waived for products that have previously been appointed to and are currently on the list; however the **State may at anytime request a product be retested.**

Testing of these items will require contractors to prepare and submit copies of drawings, specifications, test reports, and Federal acceptance letters as directed. The review process requires a minimum of 30 calendar days. Physical inspection of the product will be at the request of the State. Upon approval, the name of the manufacturer and the product will be placed on the Approved List. **Failure of a product to qualify will result in the issuance of a Purchasing Memorandum to advise buyers of the test results.**

Contractors shall also supply upon request a certified test report for tensile strength, yield point, drop-weight tear requirements or any other parameters specified in the IFB for the products listed in your offering.

The State also reserves the right to test any product and/or material supplied by a contractor at any time for compliance to specifications, and assess to the contractor total test cost for non-compliance. **It is the contractor's responsibility to make sure that all items delivered meet the State's specifications at all times.**

NOTE TO CONTRACTOR:

As per the Detailed Specifications found in the Invitation for Bid, product acceptance for the following product categories requires certification of material compliance to accompany all deliveries:

- SMOOTH INTERIOR CORRUGATED POLYETHYLENE PIPE (706-12)
- PERFORATED CORRUGATED POLYETHYLENE UNDERDRAIN TUBING (706-13)
- CORRUGATED INTERIOR POLYETHYLENE PIPE (706-14)
- PERFORATED POLYVINYL-CHLORIDE (PVC) UNDERDRAIN PIPE: (706-18)
- HDPE POLYETHYLENE PLASTIC LINER PIPE
- CORRUGATED STEEL PIPE (707-02)
- TUNNEL LINER PLATE (relining) (707-05)
- CORRUGATED STRUCTURAL STEEL PLATE FOR PIPE, PIPE ARCHES & UNDERPASSES (707-09)
- GALVANIZED STEEL END SECTIONS (707-10)
- ALUMINUM END SECTIONS (707-11)
- CORRUGATED ALUMINUM PIPE (707-13)
- CORRUGATED ALUMINUM STRUCTURAL PLATE FOR PIPE AND PIPE ARCHES (707-14)

Shipments arriving without certification, or arriving with improper certification may be rejected and returned to the contractor at contractors expense.

Additionally, as per the Detailed Specifications found in the Invitation for Bid, product acceptance for the following product categories requires prior approval by the Department of Transportation's Materials Division by virtue of either the Manufacturer's or Fabricator's; or where specified both; name be listed on the Department's Qualified Products List per the list as published in the IFB **or** where amended by the Materials Division and published by the Procurement Services Group in a subsequent Purchasing Memoranda:

- POLYVINYL CHLORIDE (PVC) RELINING PIPE (706-10)
- HIGH DENSITY POLYETHYLENE (HDPE) RELINING PIPE (706-11)
- SMOOTH INTERIOR CORRUGATED POLYETHYLENE PIPE (706-12)
- PERFORATED CORRUGATED POLYETHYLENE UNDERDRAIN TUBING (706-13)
- CORRUGATED INTERIOR POLYETHYLENE PIPE (706-14)
- CORRUGATED STEEL PIPE (707-02)
- TUNNEL LINER PLATE (relining) (707-05)
- CORRUGATED STRUCTURAL STEEL PLATE FOR PIPE, PIPE ARCHES AND UNDERPASSES (707-09)
- GALVANIZED STEEL END SECTIONS (707-10)
- ALUMINUM END SECTIONS (707-11)
- CORRUGATED ALUMINUM PIPE (707-13)

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.

(continued)

State of New York
 Office of General Services
PROCUREMENT SERVICES GROUP
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 GROUP
 Customer Services, 37th Floor
 Corning 2nd Tower - Empire State Plaza
 Albany, New York 12242

* * * * *

(continued)

SUPPLEMENTAL CONTRACT AWARD NOTIFICATION

Title	:	Group 37700 - Culvert & Underdrain Pipe & Tubing (w/Arches, Bands & Accessories) Metal & Plastic Based (Statewide)
Award Number	:	<u>21142-RA</u> (Replaces Awards 02865 & 02866)
Contract Period	:	November 28, 2008 to September 30, 2013
Bid Opening Date	:	Periodic Recruitment #1 - April 30, 2009
Date of Issue	:	July 12, 2010
Specification Reference	:	As Incorporated in the Invitation For Bids & the Periodic Recruitment
Contractor Information	:	Appears on Pages 2 & 22 of this Award

Address Inquiries To:

State Agencies & Vendors	Political Subdivisions & Others
Name : James E. Malone Title : Purchasing Officer 1 Phone : 518-473-2428 Fax : 518-474-8676 E-mail : james.malone@ogs.state.ny.us	Procurement Services Group Customer Services Phone : 518-474-6717 Fax : 518-474-2437 E-mail : customer.services@ogs.state.ny.us

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

Description

These contracts are for the purchase of plastic, polyethylene, polyvinylchloride, steel and aluminum culvert and drainage system pipe, tubing, arches, bands end sections, accessories and parts for culvert and underground drain installations, service and rehabilitations, for delivery to various locations throughout the State. The contracts provide comprehensive multiple manufacturers product lines and may be utilized by New York State agencies, authorities, counties, towns, cities, and others authorized by law.

PR # 21142

(continued)

CONTRACTOR LISTING

NOTE: See the individual contract line items and price lists to determine actual awards.

CONTRACT #	CONTRACTOR & ADDRESS	TELEPHONE # & Additional Contact Information	Fed. ID #
PC65016	Lane Enterprises, Inc. 825 Route 67 Ballston Spa, NY 12020	(518) 885-4385 Toll Free - (800) 575-7679 Fax - (518) 885-3388 Annette Bliss abliss@lane-enterprises.com www.lane-enterprises.com	232383584
PC65017	Poly Systems, Inc. P. O. Box 1157 #3 Industrial Drive Steelville, MO 65565	(573) 775-3300 Toll Free - (800) 829-3904 Fax - (573) 775-3388 Julie Boswell culvertr@misn.com www.culvertrenew.com	431567967
Contractor offers Electronic Access Ordering (EDI)			

No additional Cash Discounts were offered.

SCOPE (BID SYNOPSIS):

This offering establishes a comprehensive multiple manufacturers product lines contract for procurement of **Culvert and Underdrain Pipe, Tubing, Arches, Bands, Accessories and Parts (Metal and Plastic Based)**. The contract(s) may be utilized by New York State agencies, towns, cities, and others authorized by law.

NOTE:

All other terms and conditions of the original award apply to this supplemental award except as noted on Page 23. We strongly advise all contract users to familiarize themselves with all terms and conditions before issuing a purchase order. Please attach this supplemental to your copy of the Contract Award Notification.

(continued)

The following terms and conditions apply only to the above noted contracts:

PRICE:

Discounts - Prices are from the manufacturer's nationally published Retail Price List as designated. Discount rates bid are generally in effect for the entire contract period. Decreases of the discount rates bid will not be allowed at any time. However, discount rates may be increased at the contractors' option on either an individual order or long term basis at any time. In the event of a long term increase in the discount rate, the Purchasing Officer should be notified as to the discount rate and duration.

Contractors may submit new price lists when they are **normally** published by the contractor's company, manufacturer or supplier. The **effective date of new price lists will be:** when they have been **reviewed and approved by OGS and the Office of the State Comptroller, and a notification to participating agencies is published on the OGS website.**

Review will include a comparison with market trends at the time of the submission verses those at the time of the bid opening and may include research data collected and published by both private sector and public sector agencies and services. The benchmarks for this process will include and be based on:

- Plastics News Volume Thermoplastics - HDPE Extrusion Pipe - Low Volume Ave.- March 23, 2009 - 81.5
- U.S. Dept of Labor - Bureau of Labor Statistics - Producer Price Indices Industrial Data Preliminary for February 2009:
 - Series ID: Thermoplastic Resins and Plastics Material Manufacturing - ID# PCU 3252113252111 - 195.6
 - Series ID: Plastics Pipe and Pipe Fitting Manufacturing - ID# PCU 326122326122P - 195.1

(continued)

ITEMS BID:

ITEM #4	
Vendor: Lane Enterprises, Inc.	
Single Catalog w/Single Product Group Discount	
PRODUCT Group #1	
Catalog Identification:	Land HDPE Pipe
Dated:	May , 2007
Price List Identification:	Land HDPE Price List
Dated:	November 1, 2008
Price List Identification:	ADS Single Wall Fittings Price List
Dated:	January 1, 2008
Discount Rate:	10%
Brand:	Lane Enterprises
Catalog Pages:	All
CATALOG EXCLUSIONS:	None
Will Contractor Accept Orders for Less than \$500 Minimum:	NO
DELIVERY:	5 Calendar Days ARO
Distribution Centers:	16 May Street, Bath, NY 14810 & 825 Route 67, Ballston Spa, NY 12020
Warranty	70 Year - Per Appendix B

ITEM #4 Awarded to Lane Enterprises, Ballston Spa, NY.

ITEM #5	
Vendor: Poly Systems, Inc.	
Single Catalog w/Single Product Group Discount	
Product Group # 1:	
Discount Rate:	0% - Prices per List
Volume Discount:	2% discount on orders exceeding \$20,000.00, shipping to a single location
Catalog Identification:	The Polyethylene Pipe Advantage
Dated:	Open date
Price List Identification:	Retail Price List
Dated:	January 1, 2009
Brand:	Poly Profiles Tech - Culvert Renew
Catalog Pages:	ALL
CATALOG EXCLUSIONS:	NONE
Will Contractor Accept Orders for Less than \$500 Minimum:	Yes
DELIVERY:	10 Calendar Days ARO
Warranty:	2 Year - Per Appendix B
Distribution Center:	#3 Industrial Drive, Steelville, MO 65565

ITEM #5 Awarded to Poly Systems Inc., Steelville, MO

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PRICE LISTS MAY BE FOUND ON THE CONTRACT WEB AT:
<http://www.ogs.state.ny.us/purchase/spg/awards/3770021142CAN.HTM>

ADMINISTRATIVE CONTACTS:

PC65016	Contractor: <u>Lane Enterprises, Inc.</u>	
Lead Contract Administrator:	Annette Bliss, Vice President	
	Orders, Inquiries, Expediting & After Hours Emergency Contact	Orders, Inquiries, Expediting & Technical Information
Name:	Annette Bliss	Tim Lang
Title:	Vice President	Manager
Telephone Number:	(518) 885-4385	(607) 776-3366
Toll Free Telephone Number:	(800) 575-7679	N/A
Fax Number:	(518) 885-0545	(607) 776-3899
Cellular Phone Number:	(518) 605-3808	(607) 661-7138
E-Mail Address:	abliss@lane-enterprises.com	tlang@lane-enterprises.com
Company's Normal Business Hours:	<u>7:00 A. M. to 5:00 P. M. (Eastern Time), Monday thru Friday</u>	

PC65017	Contractor: <u>Poly Systems, Inc.</u>	
Lead Contract Administrator:	Julie Boswell, Sales Coordinator	
	Orders, Inquiries, Expediting, After Hours Emergency Contact & Technical Information	
Name:	Julie Boswell	
Title:	Sales Coordinator	
Telephone Number:	(573) 775-3300	
Toll Free Telephone Number:	(800) 829-3904	
Fax Number:	(573) 775-3388	
Cellular Phone Number:	(573) 263-1561	
E-Mail Address:	culvertr@misn.com	
Company's Normal Business Hours:	<u>9:00 A. M. to 4:00 P. M. (Eastern Time), Monday thru Friday</u>	

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