

New York State Office Of General Services
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: [21684](#)

DATE: May 23, 2011

GROUP: 05800 – LIQUEFIED PETROLEUM
(LP) GASES - PROPANE
(STATEWIDE)

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS

Ruth K. Quezada
Purchasing Officer I
(518) 474-5120
ruth.quezada@ogs.state.ny.us

CONTRACT PERIOD: July 1, 2009 to
June 30, 2011

OTHER AUTHORIZED USERS

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

CONTRACTOR(S)/ Adirondack Energy (PC64611)
CONTRACT NO(S): Amerigas Propane LP (PC64612)
Ferrellas Partners, LP (PC64613)
Griffith Energy (PC64614)
Morgan Fuel and Heating Co., Inc. (PC64615)
Paraco Gas (PC64616)

SUBJECT: **THIRTY (30) DAY PRICE REVISIONS**

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

The following price revision is in compliance with the price revisions clauses on page 16 of the award.

Price revisions under this contract are normally published and effective on a thirty (30) day basis. This memorandum covers the revision effective May 23, 2011 through June 21, 2011. The next date for a price revision is June 22, 2011.

All revisions per the Journal of Commerce Oil Price Daily under the heading of Propane – Selkirk, NY.

Invoice price **SHALL** match the OGS web based pricing – which is truncated at 4-decimal places.

Monthly Price Revision per gallon of Propane

+\$0.7475

PROPANE PRICE REVISION INFORMATION REQUESTS WILL BE
RECEIVED AT TELEPHONE NO. 518-474-5120 ONLY.

VISIT OUR WEB SITE AT: <http://www.ogs.state.ny.us>

Net Propane prices are now available at our web site at www.ogs.state.ny.us – EZ...Price – Try it!

THIS PRICE IS EFFECTIVE: May 23, 2011

New York State Office Of General Services
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: [21684](#)

DATE: February 22, 2011

GROUP: 05800 – LIQUEFIED PETROLEUM
(LP) GASES - PROPANE
(STATEWIDE)

PLEASE ADDRESS INQUIRIES TO:
STATE AGENCIES & CONTRACTORS

Ruth K. Quezada
Purchasing Officer I
(518) 474-5120
ruth.quezada@ogs.state.ny.us

CONTRACT PERIOD: July 1, 2009 to
June 30, 2011

OTHER AUTHORIZED USERS

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

CONTRACTOR(S)/ Adirondack Energy (PC64611)
CONTRACT NO(S): Amerigas Propane LP (PC64612)
Ferrellas Partners, LP (PC64613)
Griffith Energy (PC64614)
Morgan Fuel and Heating Co., Inc. (PC64615)
Paraco Gas (PC64616)

SUBJECT: **THIRTY (30) DAY PRICE REVISIONS**

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

The following price revision is in compliance with the price revisions clauses on page 16 of the award.

Price revisions under this contract are normally published and effective on a thirty (30) day basis. This memorandum covers the revision effective February 22, 2011 through March 23, 2011. The next date for a price revision is March 24, 2011.

All revisions per the Journal of Commerce Oil Price Daily under the heading of Propane – Selkirk, NY.

Invoice price **SHALL** match the OGS web based pricing – which is truncated at 4-decimal places.

Monthly Price Revision per gallon of Propane

+\$0.6400

PROPANE PRICE REVISION INFORMATION REQUESTS WILL BE
RECEIVED AT TELEPHONE NO. 518-473-6811 ONLY.

VISIT OUR WEB SITE AT: <http://www.ogs.state.ny.us>

Net Propane prices are now available at our web site at www.ogs.state.ny.us – EZ...Price – Try it!

THIS PRICE IS EFFECTIVE: February 22, 2011

New York State Office Of General Services
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: [21684](#)

DATE: 6/25/2010

GROUP: 05800-Liquid Propane (LP) Gases

PLEASE ADDRESS INQUIRIES TO:
STATE AGENCIES & CONTRACTORS

Ruth Quezada, PO I - Group 05800
(518) 474-5120
ruth.quezada@ogs.state.ny.us

OTHER AUTHORIZED USERS

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

CONTRACT PERIOD: July 1, 2009 thru June 30, 2011

CONTRACTOR(S)/

CONTRACT NO(S): ALL CONTRACTORS ON THE
ABOVE REFERENCED AWARD

SUBJECT: Repeal of the Centralized Procurement Contract Fee (§163-c of the State Finance Law)

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

Chapter 56 of the Laws of 2010 repealed §163-c of the State Finance Law effective June 22, 2010. With the repeal, the fee of one-half of one percent (.005) of the total sales made to authorized users that had been imposed on certain centralized contracts is eliminated. Contractor fees collected during the current reporting quarter up to the dates listed below should continue to be remitted to the Department of Taxation and Finance in accordance with the existing process and procedures.

The last date that fees are billed and collected is June 26, 2010. This date coincides with the price revision date established by contract for this fuel type. Fees shall be collected up to and including the June 26th date.

Fees will no longer be included in fuel prices listed on the OGS website after the referenced dates.

Please address any additional questions on this matter to the Purchasing Officer designated for each contract area.

New York State Office Of General Services
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: [21684-PF](#)

DATE: October 27, 2009

GROUP: 05800 – LIQUEFIED PETROLEUM
(LP) GASES - PROPANE
(STATEWIDE)
(Requirement Letter 165)

**PLEASE ADDRESS INQUIRIES TO:
STATE AGENCIES &**

Ruth K. Quezada
Purchasing Officer I
(518) 474-5120
ruth.quezada@ogs.state.ny.us

CONTRACT PERIOD: July 1, 2009 to
June 30, 2011

OTHER AUTHORIZED USERS

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

CONTRACTOR/

CONTRACT NO: AMERIGAS PROPANE LP (PC64612)

SUBJECT: CHANGE OF COMPANY CONTACT AND CONTACT INFORMATION

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

The company contact and contact information for Amerigas Propane, L.P. is now:

Dan Douris
Phone No.: (610) 768-3644
Fax No.: (610) 768-7694
E-mail: dourisd@amerigas.com

All other terms and conditions of these awards remain the same. Please contact this office if you have any questions.

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 | : | Group 05800 – LIQUEFIED PETROLEUM (LP) GASES – PROPANE (STATEWIDE) (REQUIREMENT LETTER 165) |
| | | Classification Code(s): 15 |
| Award Number | : | <u>21684-PF</u> (Replaces Award 20799) |
| Contract Period | : | July 1, 2009 to June 30, 2011 |
| Bid Opening Date | : | March 19, 2009 |
| Date of Issue | : | May 29, 2009 |
| 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 : Ruth Quezada Title : Purchasing Officer I Phone : 518-474-4576 Fax : 518-474-1160 E-mail : ruth.quezada@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

This contract is to provide a supply of “LPG” Liquid Propane Gas for use by State agencies and Non-State agencies.

PR # 21684-PF

(continued)

NOTE: See individual contract items to determine actual awardees.

CONTRACT # CONTRACTOR & ADDRESS TELEPHONE # FED.IDENT.#

PC64611 ADIRONDACK ENERGY 518-483-3835 141719550
SB PRODUCTS INC.
17 JUNCTION ROAD Brian Monette
PO BOX 355 FAX NO.: 518-483-2005
MALONE, NY 12953-0355 E-mail: bjmonette@aol.com

PC64612 AMERIGAS PROPANE, LP 901-481-9001 232787917
460 NORTH GULPH ROAD Greg Robey
KING OF PRUSSIA, PA 19406 FAX NO.: 866-610-3467
E-mail: katrina.robinson@amerigas.com
Web Site: www.amerigas.com

NOTE: AmeriGas accepts the NYS Procurement Card for purchases up to \$15,000.00 with no additional discount.
AmeriGas also offers Electronic Access Ordering (EDI).

PC64613 FERRELLGAS PARTNERS, LP 800-437-4856 431698481
5859 STATE RT. 31 315-363-6370
VERONA, NY 13478 Michael O'Brien
FAX NO.: 315-363-5663
E-mail: mikeobrien@ferrellgas.com
Web Site: www.ferrellgas.com

NOTE: Ferrellgas accepts the NYS Procurement Card for purchases up to \$15,000.00 with no additional discount.
Ferrellgas also offers Electronic Access Ordering (EDI).

PC64614 GRIFFITH ENERGY CO. INC. 800-724-2552 160736353
760 BROOKS AVENUE 585-783-2682
ROCHESTER, NY 14619 Paul Tandlmayer
FAX NO.: 585-235-6572
E-mail: ptandlmayer@griffithenergy.com
Web Site: www.griffithenergy.com

PC64615 MORGAN FUEL AND 800-836-3835 141420673
HEATING CO., INC. 845-297-5580 Ext. 1309
D/B/A BOTTINI FUEL Vincent Eagan Jr.
2785 WEST MAIN STREET FAX NO.: 845-297-0817
WAPPINGERS FALLS, NY 12590 E-mail: veaganjr@bottinifuel.com
Web Site: www.bottinifuel.com

NOTE: Morgan/Bottini Fuel offers Electronic Access Ordering (EDI).

PC64616 PARACO GAS 914-250-3737 Ext. 13737 131818234
800 WESTCHESTER AVENUE Arthur Ravo
RYE BROOK, NY 10573 FAX NO.: 914-250-3701
E-mail: aravo@paraco-gas.com
Web Site: www.paraco-gas.com

NOTE: Paraco Gas accepts the NYS Procurement Card for purchases up to \$15,000.00 with no additional discount.

(continued)

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 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.

SMALL, MINORITY AND WOMEN-OWNED BUSINESSES:

The letters SB listed under the Contract Number indicate the contractor is a NYS small business. Additionally, the letters MBE and WBE indicate the contractor is a Minority-owned Business Enterprise and/or Woman-owned Business Enterprise.

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).

PRICE:

Price shall be net, F.O.B. destination including all customs duties and charges and delivery into agency's storage tanks at the various locations.

The price shall include the cost of all tank and regulator installations, use of the equipment, initial leak testing, and operational instruction of agency personnel and periodic inspections of the installations to meet all safety requirements. Price does not apply to modifications to interior appliances to meet safety code requirements or additional piping required beyond the exterior wall of a building to bring a facility up to safety code compliance or the addition of an appliance.

LP GAS EQUIPMENT:

All equipment and the installation of same must meet the requirements of the National Fire Protection Association Code, latest edition. The contractor shall make or cause to be made by competent individuals' periodic inspections of the installation to meet all safety requirements.

(continued)

NOTE: PROPANE GAS is commercial propane in accordance to the ASTM Designation D1835-05 and NFPA58 2008 Ed. Standard for storage and handling, or latest revision thereof.

| <u>County</u> | <u>Item No./ LP Gas Type</u> | <u>Est. Annual Quantity Gallons</u> | <u>Item No.</u> | <u>Price Per Gallon</u> | <u>Contractor</u> |
|---------------------------|--------------------------------------|---|---------------------|---------------------------------|----------------------------|
| <u>Albany</u> | | | | | |
| 1 | LPG-34LB/CYL (7.9 GAL) | 2,752 | 1 | \$1.5000 | Ferrellgas |
| 2 | LPG-20LB/CYL (4.7 GAL) | 362 | 2 | \$1.5000 | Parteners, LP |
| 3 | LPG-BULK (GALLONS) | 41,500 | 3 | \$1.1800 | |
| <u>Allegany</u> | | | | | |
| 4 | LPG-BULK (GALLONS) | 4,300 | 4 | \$1.3300 | AmeriGas Propane, LP |
| <u>Bronx</u> | | | | | |
| 5 | LPG-100LB/CYL (23.6 GAL) | 700 | 5 | NO AWARD - BIDS RECEIVED | |
| 6 | LPG-34LB/CYL (7.9 GAL) | 175 | 6 | NO AWARD - BIDS RECEIVED | |
| <u>Broome</u> | | | | | |
| 7 | LPG-100LB/CYL (23.6 GAL) | 400 | 7 | \$1.8800 | AmeriGas |
| 8 | LPG-34LB/CYL (7.9 GAL) | 63 | 8 | \$1.8720 | Propane, LP |
| 9 | LPG-BULK (GALLONS) | 152,985 | 9 | \$1.1720 | |
| <u>Cattaraugus</u> | | | | | |
| 10 | LPG-100LB/CYL (23.6 GAL) | 60,000 | 10 | \$1.2300 | Ferrellgas |
| 11 | LPG-BULK (GALLONS) | 94,100 | 11 | \$1.1800 | Partners, LP |
| <u>Cayuga</u> | | | | | |
| 12 | LPG-100LB/CYL (23.6 GAL) | 2,558 | 12 | \$1.7120 | AmeriGas |
| 13 | LPG-BULK (GALLONS) | 35,325 | 13 | \$1.3300 | Propane, LP |
| <u>Chautauqua</u> | | | | | |
| 14 | LPG-100LB/CYL (23.6 GAL) | 722 | 14 | \$1.4500 | Ferrellgas |
| 15 | LPG-BULK (GALLONS) | 24,500 | 15 | \$1.2800 | Partners, LP |
| <u>Chemung</u> | | | | | |
| 16 | LPG-100LB/CYL (23.6 GAL) | 22 | 16 | \$1.8800 | AmeriGas |
| 17 | LPG-34LB/CYL (7.9 GAL) | 8 | 17 | \$1.8720 | Propane LP |
| 18 | LPG-20LB/CYL (4.7 GAL) | 305 | 18 | \$1.8720 | |
| 19 | LPG-BULK (GALLONS) | 24,005 | 19 | \$1.3300 | |
| <u>Chenango</u> | | | | | |
| 20 | LPG-BULK (GALLONS) | 13,400 | 20 | \$1.2300 | Ferrellgas Partners, LP |

(continued)

NOTE: PROPANE GAS is commercial propane in accordance to the ASTM Designation D1835-05 and NFPA58 2008 Ed. Standard for storage and handling, or latest revision thereof.

| <u>County</u> | <u>Item No./ LP Gas Type</u> | <u>Est. Annual Quantity Gallons</u> | <u>Item No.</u> | <u>Price Per Gallon</u> | <u>Contractor</u> |
|------------------------|--------------------------------------|---|---------------------|---------------------------------|----------------------------|
| <u>Clinton</u> | | | | | |
| 21 | LPG-100LB/CYL (23.6 GAL) | 90 | 21 | \$1.7120 | AmeriGas |
| 22 | LPG-34LB/CYL (7.9 GAL) | 570 | 22 | \$1.8720 | Propane, LP |
| 23 | LPG-20LB/CYL (4.7 GAL) | 87 | 23 | \$1.8720 | |
| 24 | LPG-BULK (GALLONS) | 101,364 | 24 | \$1.2990 | |
| <u>Columbia</u> | | | | | |
| 25 | LPG-100LB/CYL (23.6 GAL) | 100 | 25 | \$1.7120 | AmeriGas |
| 26 | LPG-BULK (GALLONS) | 33,243 | 26 | \$1.3300 | Propane, LP |
| <u>Cortland</u> | | | | | |
| 27 | LPG-BULK (GALLONS) | 7,800 | 27 | \$1.2500 | Ferrellgas Partners, LP |
| <u>Delaware</u> | | | | | |
| 28 | LPG-100LB/CYL (23.6 GAL) | 150 | 28 | \$1.8800 | AmeriGas |
| 29 | LPG-20LB/CYL (4.7 GAL) | 50 | 29 | \$1.8720 | Propane, LP |
| 30 | LPG-BULK (GALLONS) | 57,750 | 30 | \$1.2500 | |
| <u>Dutchess</u> | | | | | |
| 31 | LPG-100LB/CYL (23.6 GAL) | 250 | 31 | \$1.2790 | Morgan Fuel and |
| 32 | LPG-20LB/CYL (4.7 GAL) | 200 | 32 | \$1.2790 | Heating Co., Inc. |
| 33 | LPG-BULK (GALLONS) | 69,330 | 33 | \$1.2790 | D/B/A Bottini Fuel |
| <u>Erie</u> | | | | | |
| 34 | LPG-100LB/CYL (23.6 GAL) | 4,413 | 34 | \$1.4000 | Ferrellgas |
| 35 | LPG-34LB/CYL (7.9 GAL) | 3,200 | 35 | \$1.5000 | Partners, LP |
| 36 | LPG-BULK (GALLONS) | 29,000 | 36 | \$1.2300 | |
| <u>Essex</u> | | | | | |
| 37 | LPG-100LB/CYL (23.6 GAL) | 200 | 37 | \$1.7120 | AmeriGas |
| 38 | LPG-BULK (GALLONS) | 163,762 | 38 | \$1.2990 | Propane, LP |
| <u>Franklin</u> | | | | | |
| 39 | LPG-100LB/CYL (23.6 GAL) | 1,180 | 39 | \$1.6437 | Adirondack |
| 40 | LPG-20LB/CYL (4.7 GAL) | 114 | 40 | \$1.7937 | Energy |
| 41 | LPG-BULK (GALLONS) | 94,806 | 41 | \$1.2437 | |

(continued)

NOTE: PROPANE GAS is commercial propane in accordance to the ASTM Designation D1835-05 and NFPA58 2008 Ed. Standard for storage and handling, or latest revision thereof.

| <u>County</u> | <u>Item No./ LP Gas Type</u> | <u>Est. Annual Quantity Gallons</u> | <u>Item No.</u> | <u>Price Per Gallon</u> | <u>Contractor</u> |
|--------------------------|--------------------------------------|---|---------------------|---------------------------------|----------------------------|
| <u>Fulton</u> | | | | | |
| 42 | LPG-BULK (GALLONS) | 21,400 | 42 | \$1.2000 | Ferrellgas Partners, LP |
| <u>Genesee</u> | | | | | |
| 43 | LPG-100LB/CYL (23.6 GAL) | 866 | 43 | \$1.7120 | AmeriGas |
| 44 | LPG-34LB/CYL (7.9 GAL) | 63 | 44 | \$1.8720 | Propane, LP |
| 45 | LPG-20LB/CYL (4.7 GAL) | 100 | 45 | \$1.8720 | |
| 46 | LPG-BULK (GALLONS) | 5,000 | 46 | \$1.3300 | |
| <u>Greene</u> | | | | | |
| 47 | LPG-100LB/CYL (23.6 GAL) | 560 | 47 | \$1.7120 | AmeriGas |
| 48 | LPG-BULK (GALLONS) | 104,186 | 48 | \$1.2990 | Propane, LP |
| <u>Hamilton</u> | | | | | |
| 49 | LPG-100LB/CYL (23.6 GAL) | 5,351 | 49 | \$1.7120 | AmeriGas |
| 50 | LPG-BULK (GALLONS) | 24,804 | 50 | \$1.3300 | Propane, LP |
| <u>Herkimer</u> | | | | | |
| 51 | LPG-100LB/CYL (23.6 GAL) | 1,706 | 51 | \$1.7120 | AmeriGas |
| 52 | LPG-BULK (GALLONS) | 14,088 | 52 | \$1.3300 | Propane LP |
| <u>Jefferson</u> | | | | | |
| 53 | LPG-100LB/CYL (23.6 GAL) | 390 | 53 | \$1.2500 | Ferrellgas |
| 54 | LPG-BULK (GALLONS) | 104,354 | 54 | \$1.1800 | Partners, LP |
| <u>Lewis</u> | | | | | |
| 55 | LPG-BULK (GALLONS) | 24,140 | 55 | \$1.2000 | Ferrellgas Partners, LP |
| <u>Livingston</u> | | | | | |
| 56 | LPG-100LB/CYL (23.6 GAL) | 310 | 56 | \$1.5000 | Ferrellgas |
| 57 | LPG-34LB/CYL (7.9 GAL) | 3,502 | 57 | \$1.5000 | Partners, LP |
| 58 | LPG-20LB/CYL (4.7 GAL) | 10 | 58 | \$1.5000 | |
| 59 | LPG-BULK (GALLONS) | 33,105 | 59 | \$1.2500 | |

(continued)

NOTE: PROPANE GAS is commercial propane in accordance to the ASTM Designation D1835-05 and NFPA58 2008 Ed. Standard for storage and handling, or latest revision thereof.

| <u>County</u> | <u>Item No./ LP Gas Type</u> | <u>Est. Annual Quantity Gallons</u> | <u>Item No.</u> | <u>Price Per Gallon</u> | <u>Contractor</u> |
|--------------------------|--------------------------------------|---|---------------------|---------------------------------|-------------------|
| <u>Madison</u> | | | | | |
| 60 | LPG-100LB/CYL (23.6 GAL) | 225 | 60 | \$1.2500 | Ferrellgas |
| 61 | LPG-BULK (GALLONS) | 32,606 | 61 | \$1.1800 | Partners, LP |
| <u>Monroe</u> | | | | | |
| 62 | LPG-100LB/CYL (23.6 GAL) | 23 | 62 | \$1.5000 | Ferrellgas |
| 63 | LPG-34LB/CYL (7.9 GAL) | 452 | 63 | \$1.5000 | Partners, LP |
| 64 | LPG-20LB/CYL (4.7 GAL) | 24 | 64 | \$1.5000 | |
| 65 | LPG-BULK (GALLONS) | 31,800 | 65 | \$1.2800 | |
| <u>Montgomery</u> | | | | | |
| 66 | LPG-20LB/CYL (4.7 GAL) | 188 | 66 | \$1.8720 | AmeriGas |
| 67 | LPG-BULK (GALLONS) | 9,300 | 67 | \$1.3300 | Propane, LP |
| <u>Nassau</u> | | | | | |
| 68 | LPG-BULK (GALLONS) | 1,800 | 68 | \$2.1400 | Paraco Gas |
| <u>Niagara</u> | | | | | |
| 69 | LPG-34LB/CYL (7.9 GAL) | 158 | 69 | \$1.8720 | AmeriGas |
| 70 | LPG-BULK (GALLONS) | 25,050 | 70 | \$1.3300 | Propane, LP |
| <u>Oneida</u> | | | | | |
| 71 | LPG-100LB/CYL (23.6 GAL) | 3,108 | 71 | \$1.2000 | Ferrellgas |
| 72 | LPG-34LB/CYL (7.9 GAL) | 194 | 72 | \$1.2000 | Partners, LP |
| 73 | LPG-20LB/CYL (4.7 GAL) | 3,505 | 73 | \$1.2000 | |
| 74 | LPG-BULK (GALLONS) | 55,940 | 74 | \$1.1900 | |
| <u>Onondaga</u> | | | | | |
| 75 | LPG-100LB/CYL (23.6 GAL) | 1,836 | 75 | \$1.7120 | AmeriGas |
| 76 | LPG-34LB/CYL (7.9 GAL) | 1,600 | 76 | \$1.8720 | Propane, LP |
| 77 | LPG-BULK (GALLONS) | 22,682 | 77 | \$1.3300 | |
| <u>Ontario</u> | | | | | |
| 78 | LPG-100LB/CYL (23.6 GAL) | 1,718 | 78 | \$1.7120 | AmeriGas |
| 79 | LPG-34LB/CYL (7.9 GAL) | 110 | 79 | \$1.8720 | Propane, LP |
| 80 | LPG-BULK (GALLONS) | 11,670 | 80 | \$1.3300 | |

(continued)

NOTE: PROPANE GAS is commercial propane in accordance to the ASTM Designation D1835-05 and NFPA58 2008 Ed. Standard for storage and handling, or latest revision thereof.

| <u>County</u> | <u>Item No./ LP Gas Type</u> | <u>Est. Annual Quantity Gallons</u> | <u>Item No.</u> | <u>Price Per Gallon</u> | <u>Contractor</u> |
|---------------------------|--------------------------------------|---|---------------------|---------------------------------|----------------------------|
| <u>Orange</u> | | | | | |
| 81 | LPG-100LB/CYL (23.6 GAL) | 800 | 81 | \$1.2500 | Ferrellgas |
| 82 | LPG-BULK (GALLONS) | 88,886 | 82 | \$1.2500 | Partners, LP |
| <u>Orleans</u> | | | | | |
| 83 | LPG-100LB/CYL (23.6 GAL) | 1,500 | 83 | \$1.7120 | AmeriGas |
| 84 | LPG-BULK (GALLONS) | 6,950 | 84 | \$1.3300 | Propane, LP |
| <u>Oswego</u> | | | | | |
| 85 | LPG-100LB/CYL (23.6 GAL) | 1,535 | 85 | \$1.7120 | AmeriGas |
| 86 | LPG-BULK (GALLONS) | 15,400 | 86 | \$1.3300 | Propane, LP |
| <u>Otsego</u> | | | | | |
| 87 | LPG-100LB/CYL (23.6 GAL) | 400 | 87 | \$1.2500 | Ferrellgas |
| 88 | LPG-BULK (GALLONS) | 16,200 | 88 | \$1.2500 | Partners, LP |
| <u>Putnam</u> | | | | | |
| 89 | LPG-100LB/CYL (23.6 GAL) | 100 | 89 | \$2.1000 | Paraco Gas |
| 90 | LPG-BULK (GALLONS) | 25,725 | 90 | \$1.4000 | |
| <u>Queens</u> | | | | | |
| 91 | LPG-BULK (GALLONS) | 115,000 | 91 | \$1.1200 | Paraco Gas |
| <u>Rensselaer</u> | | | | | |
| 92 | LPG-BULK (GALLONS) | 26,400 | 92 | \$1.2000 | Ferrellgas Partners, LP |
| <u>Rockland</u> | | | | | |
| 93 | LPG-100LB/CYL (23.6 GAL) | 5,400 | 93 | \$2.1000 | Paraco Gas |
| 94 | LPG-34LB/CYL (7.9 GAL) | 1,300 | 94 | \$2.1000 | |
| 95 | LPG-BULK (GALLONS) | 89,200 | 95 | \$1.4000 | |
| <u>St Lawrence</u> | | | | | |
| 96 | LPG-100LB/CYL (23.6 GAL) | 1,280 | 96 | \$1.8230 | AmeriGas |
| 97 | LPG-34LB/CYL (7.9 GAL) | 832 | 97 | \$2.2230 | Propane, LP |
| 98 | LPG-BULK (GALLONS) | 32,350 | 98 | \$1.5330 | |

(continued)

NOTE: PROPANE GAS is commercial propane in accordance to the ASTM Designation D1835-05 and NFPA58 2008 Ed. Standard for storage and handling, or latest revision thereof.

| <u>County</u> | <u>Item No./ LP Gas Type</u> | <u>Est. Annual Quantity Gallons</u> | <u>Item No.</u> | <u>Price Per Gallon</u> | <u>Contractor</u> |
|---------------------------|--------------------------------------|---|---------------------|---------------------------------|----------------------------|
| <u>Saratoga</u> | | | | | |
| 99 | LPG-100LB/CYL (23.6 GAL) | 150 | 99 | \$1.4000 | Ferrellgas |
| 100 | LPG-34LB/CYL (7.9 GAL) | 2,100 | 100 | \$1.4000 | Partners, LP |
| 101 | LPG-20LB/CYL (4.7 GAL) | 50 | 101 | \$1.4000 | |
| 102 | LPG-BULK (GALLONS) | 22,750 | 102 | \$1.2000 | |
| <u>Schenectady</u> | | | | | |
| 103 | LPG-BULK (GALLONS) | 49,340 | 103 | \$1.1800 | Ferrellgas Partners, LP |
| <u>Schoharie</u> | | | | | |
| 104 | LPG-BULK (GALLONS) | 22,400 | 104 | \$1.3300 | AmeriGas Propane, LP |
| <u>Schuyler</u> | | | | | |
| 105 | LPG-BULK (GALLONS) | 25,800 | 105 | \$1.3300 | AmeriGas Propane, LP |
| <u>Seneca</u> | | | | | |
| 106 | LPG-100LB/CYL (23.6 GAL) | 650 | 106 | \$1.2500 | Ferrellgas |
| 107 | LPG-BULK (GALLONS) | 59,180 | 107 | \$1.2000 | Partners, LP |
| <u>Steuben</u> | | | | | |
| 108 | LPG-BULK (GALLONS) | 48,110 | 108 | \$1.3300 | AmeriGas Propane, LP |
| <u>Suffolk</u> | | | | | |
| 109 | LPG-100LB/CYL (23.6 GAL) | 21,600 | 109 | \$1.9030 | AmeriGas |
| 110 | LPG-34LB/CYL (7.9 GAL) | 150 | 110 | \$4.1530 | Propane, LP |
| 111 | LPG-BULK (GALLONS) | 56,662 | 111 | \$1.4900 | |
| <u>Sullivan</u> | | | | | |
| 112 | LPG-BULK (GALLONS) | 93,650 | 112 | \$1.2500 | Paraco Gas |
| <u>Tioga</u> | | | | | |
| 113 | LPG-BULK (GALLONS) | 11,600 | 113 | \$1.2500 | Ferrellgas Partners, LP |

(continued)

NOTE: PROPANE GAS is commercial propane in accordance to the ASTM Designation D1835-05 and NFPA58 2008 Ed. Standard for storage and handling, or latest revision thereof.

| <u>County</u> | <u>Item No./ LP Gas Type</u> | <u>Est. Annual Quantity Gallons</u> | <u>Item No.</u> | <u>Price Per Gallon</u> | <u>Contractor</u> |
|---------------------------|--------------------------------------|---|---------------------|---------------------------------|------------------------------|
| <u>Tompkins</u> | | | | | |
| 114 | LPG-100LB/CYL (23.6 GAL) | 55 | 114 | \$1.4500 | Ferrellgas |
| 115 | LPG-BULK (GALLONS) | 21,020 | 115 | \$1.2000 | Partners, LP |
| <u>Ulster</u> | | | | | |
| 116 | LPG-100LB/CYL (23.6 GAL) | 2,700 | 116 | \$1.2790 | Morgan Fuel and |
| 117 | LPG-34LB/CYL (7.9 GAL) | 258 | 117 | \$1.2790 | Heating Co., Inc. |
| 118 | LPG-20LB/CYL (4.7 GAL) | 500 | 118 | \$1.2790 | D/B/A Bottini Fuel |
| 119 | LPG-BULK (GALLONS) | 19,027 | 119 | \$1.2790 | |
| <u>Warren</u> | | | | | |
| 120 | LPG-100LB/CYL (23.6 GAL) | 1,000 | 120 | \$1.2500 | Ferrellgas |
| 121 | LPG-34LB/CYL (7.9 GAL) | 600 | 121 | \$1.2500 | Partners, LP |
| 122 | LPG-BULK (GALLONS) | 91,400 | 122 | \$1.1900 | |
| <u>Washington</u> | | | | | |
| 123 | LPG-34LB/CYL (7.9 GAL) | 500 | 123 | \$1.7120 | Amerigas |
| 124 | LPG-20LB/CYL (4.7 GAL) | 100 | 124 | \$1.8720 | Propane, LP |
| 125 | LPG-BULK (GALLONS) | 21,205 | 125 | \$1.3300 | |
| <u>Wayne</u> | | | | | |
| 126 | LPG-100LB/CYL (23.6 GAL) | 50 | 126 | \$1.7120 | AmeriGas |
| 127 | LPG-34LB/CYL (7.9 GAL) | 50 | 127 | \$1.8720 | Propane LP |
| 128 | LPG-BULK (GALLONS) | 13,706 | 128 | \$1.3300 | |
| <u>Westchester</u> | | | | | |
| 129 | LPG-100LB/CYL (23.6 GAL) | 2,865 | 129 | \$2.1000 | Paraco Gas |
| 130 | LPG-34LB/CYL (7.9 GAL) | 200 | 130 | \$2.1000 | |
| 131 | LPG-20LB/CYL (4.7 GAL) | 512 | 131 | \$2.1000 | |
| 132 | LPG-BULK (GALLONS) | 157,247 | 132 | \$1.5200 | |
| <u>Wyoming</u> | | | | | |
| 133 | LPG-BULK (GALLONS) | 64,900 | 133 | \$1.1150 | Griffith Energy Co., Inc. |
| <u>Yates</u> | | | | | |
| 134 | LPG-BULK (GALLONS) | 2,000 | 134 | \$1.3300 | AmeriGas Propane, LP |

(continued)

LPG – SOURCE INFORMATION

| Contractor | County Bid | Source | Location of Source | Guaranteed Delivery A/R/O |
|-------------------------|-------------|---------|--------------------|---------------------------|
| Ferrellgas Partners, LP | Albany | Selkirk | Selkirk, NY | 3 Days |
| AmeriGas Propane, LP | Allegany | Duke | Albany, NY | 3 Days |
| AmeriGas Propane, LP | Broome | Duke | Albany, NY | 3 Days |
| Ferrellgas Partners, LP | Cattaraugus | Selkirk | Selkirk, NY | 3 Days |
| AmeriGas Propane, LP | Cayuga | Duke | Albany, NY | 3 Days |
| Ferrellgas Partners, LP | Chautauqua | Selkirk | Selkirk, NY | 3 Days |
| AmeriGas Propane, LP | Chemung | Duke | Albany, NY | 3 Days |
| Ferrellgas Partners, LP | Chenango | Selkirk | Selkirk, NY | 3 Days |
| AmeriGas Propane, LP | Clinton | Duke | Albany, NY | 3 Days |
| AmeriGas Propane, LP | Columbia | Duke | Albany, NY | 3 Days |
| Ferrellgas Partners, LP | Cortland | Selkirk | Selkirk, NY | 3 Days |
| AmeriGas Propane, LP | Delaware | Duke | Albany, NY | 3 Days |
| Morgan/Bottini Fuel | Dutchess | Selkirk | Selkirk, NY | 3 Days |
| Ferrellgas Partners, LP | Erie | Selkirk | Selkirk, NY | 3 Days |
| AmeriGas Propane, LP | Essex | Duke | Albany, NY | 3 Days |
| Adirondack Energy | Franklin | Selkirk | Selkirk, NY | 2 Days |
| Ferrellgas Partners, LP | Fulton | Selkirk | Selkirk, NY | 3 Days |
| AmeriGas Propane, LP | Genesee | Duke | Albany, NY | 3 Days |
| AmeriGas Propane, LP | Greene | Duke | Albany, NY | 3 Days |
| AmeriGas Propane, LP | Hamilton | Duke | Albany, NY | 3 Days |
| AmeriGas Propane, LP | Herkimer | Duke | Albany, NY | 3 Days |
| Ferrellgas Partners, LP | Jefferson | Selkirk | Selkirk, NY | 3 Days |
| Ferrellgas Partners, LP | Lewis | Selkirk | Selkirk, NY | 3 Days |
| Ferrellgas Partners, LP | Livingston | Selkirk | Selkirk, NY | 3 Days |
| Ferrellgas Partners, LP | Madison | Selkirk | Selkirk, NY | 3 Days |
| Ferrellgas Partners, LP | Monroe | Selkirk | Selkirk, NY | 3 Days |
| AmeriGas Propane, LP | Montgomery | Duke | Albany, NY | 3 Days |
| Paraco Gas | Nassau | Selkirk | Selkirk, NY | 2 Days |

(continued)

LPG – SOURCE INFORMATION (Cont'd)

| Contractor | County Bid | Source | Location of Source | Guaranteed Delivery A/R/O |
|-------------------------|--------------|---------------------|--------------------|---------------------------|
| AmeriGas Propane, LP | Niagara | Duke | Albany, NY | 3 Days |
| Ferrellgas Partners, LP | Oneida | Selkirk | Selkirk, NY | 3 Days |
| AmeriGas Propane, LP | Onondaga | Duke | Albany, NY | 3 Days |
| AmeriGas Propane, LP | Ontario | Duke | Albany, NY | 3 Days |
| Ferrellgas Partners, LP | Orange | Selkirk | Selkirk, NY | 3 Days |
| AmeriGas Propane, LP | Orleans | Duke | Albany, NY | 3 Days |
| AmeriGas Propane, LP | Oswego | Duke | Albany, NY | 3 Days |
| Ferrellgas Partners, LP | Otsego | Selkirk | Selkirk, NY | 3 Days |
| Paraco Gas | Putnam | Selkirk | Selkirk, NY | 2 Days |
| Paraco Gas | Queens | Selkirk | Selkirk, NY | 2 Days |
| Ferrellgas Partners, LP | Rensselaer | Selkirk | Selkirk, NY | 3 Days |
| Paraco Gas | Rockland | Selkirk | Selkirk, NY | 2 Days |
| AmeriGas Propane, LP | St. Lawrence | Duke | Albany, NY | 3 Days |
| Ferrellgas Partners, LP | Saratoga | Selkirk | Selkirk, NY | 3 Days |
| Ferrellgas Partners, LP | Schenectady | Selkirk | Selkirk, NY | 3 Days |
| AmeriGas Propane LP | Schoharie | Duke | Albany, NY | 3 Days |
| AmeriGas Propane LP | Schuyler | Duke | Albany, NY | 3 Days |
| Ferrellgas Partners, LP | Seneca | Selkirk | Selkirk, NY | 3 Days |
| AmeriGas Propane, LP | Steuben | Duke | Albany, NY | 3 Days |
| AmeriGas Propane, LP | Suffolk | Duke | Albany, NY | 3 Days |
| Paraco Gas | Sullivan | Selkirk | Selkirk, NY | 2 Days |
| Ferrellgas Partners, LP | Tioga | Selkirk | Selkirk, NY | 3 Days |
| Ferrellgas Partners, LP | Tompkins | Selkirk | Selkirk, NY | 3 Days |
| Morgan/Bottini Fuel | Ulster | Selkirk | Selkirk, NY | 3 Days |
| Ferrellgas Partners, LP | Warren | Selkirk | Selkirk, NY | 3 Days |
| AmeriGas Propane, LP | Washington | Duke | Albany, NY | 3 Days |
| AmeriGas Propane, LP | Wayne | Duke | Albany, NY | 3 Days |
| Paraco Gas | Westchester | Selkirk | Selkirk, NY | 2 Days |
| Griffith Energy Co. | Wyoming | Griffith Bulk Plant | Pearl Creek, NY | 2 Days |
| AmeriGas Propane, LP | Yates | Duke | Albany, NY | 3 Days |

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ORDERING AND EMERGENCY DELIVERY CONTACTS

| <u>Contractor</u> | <u>Contact for Expediting NYS Contact Orders</u> | <u>Contact in the Event of an Emergency After Business Hours and on Weekends/Holidays</u> |
|--|--|--|
| Adirondack Energy | Sean Burke 518-483-3835 Fax No.: 518-483-2005 E-mail: sean@adirondackenergy.com | Brian Monette 518-483-3835 Fax No.: 518-483-2005 E-mail: bjmonette@aol.com |
| AmeriGas Propane, LP | Dan Douris 610-768-3644 Fax No. 610-768-7694 E-mail: dourisd@amerigas.com | Emergency Response Center 1-800-427-4968 |
| Ferrellgas Partners, LP | Michael O'Brien 518-527-2417 Fax No.: 315-363-5663 E-mail: mikeobrien@ferrellgas.com | Doug Muha 518-762-9817 Fax No.: 315-363-5663 E-mail: dougmuha@ferrellgas.com |
| Griffith Energy Co., Inc. | Paul Tandlmayer 1-800-724-2552 585-783-2682 Fax No.: 585-235-6572 E-mail: ptandlmayer@griffithenergy.com | 24 Hour Service Ctr. 1-800-955-5992 Fax No.: 585-235-6572 E-mail: dispatch@griffithenergy.com |
| Morgan Fuel and Heating Co., Inc. D/B/A Bottini Fuel | Vincent Eagan, Jr. 1-800-836-3835 845-297-5580 Fax No.: 845-297-0817 E-mail: veaganjr@bottinifuel.com | Vincent Eagan, Jr. 845-297-5580 Fax No.: 845-297-0817 E-mail: veaganjr@bottinifuel.com |
| Paraco Gas | Arthur Ravo 914-250-3737 Fax No.: 914-250-3701 E-mail: aravo@paraco-gas.com | After Hours Emergency Answering 914-250-3700 Fax No.: 914-251-9444 E-mail: aravo@paraco-gas.com |

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.

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

CENTRALIZED PROCUREMENT CONTRACT FEE (CPCF):

Amendments to State Finance Law §163-c imposed a centralized procurement contract fee (procurement fee) to be paid by contractors awarded OGS centralized contracts for the purchase of commodities, services or technology. The pricing offered by contractors for the commodity, service or technology is considered by the Office of General Services (OGS) to be inclusive of the fee. The procurement fee is one half of one percent (.005) of total sales made by Authorized Users of centralized contracts.

The fee, covering the applicable preceding calendar quarter, as well as an accompanying return, must be made by the contractor to the New York State Department of Taxation and Finance ("DTF") no later than forty-five (45) days after the close of each calendar quarter. Payment of the procurement fee, as well as filing of the accompanying return, must be made electronically to DTF. Prior to electronically filing the initial return and electronically paying the initial procurement fee, contractors must register on DTF's Online Tax Center:

<http://www.tax.state.ny.us/nyshome/online.htm>

Quarterly returns must be filed with DTF even if no sales were made under the centralized contract during the preceding calendar quarter. Simultaneously, the contractor must provide its sales report for such preceding calendar quarter to OGS in the format and with details set forth in this solicitation (even if no sales occurred). Contractors must fully cooperate with DTF and OGS relative to such payments and filings. Penalties for failure to comply with the filing and payment requirements are provided for by Article 27 of the Tax Law.

In addition to the penalties prescribed by Article 27 of the Tax Law, failure by a contractor to timely and accurately remit the procurement fee, provide the sales report and file the return for each calendar quarter shall constitute a breach of contract, and the Commissioner of General Services may exercise discretion to terminate such centralized contract on written notice to the contractor.

Additional information including FAQs is available at:

<http://www.ogs.state.ny.us/purchase/ProcurementContractFee.asp>

DEBRIEFING:

Contractors and bidders are accorded fair and equal treatment with respect to the opportunity for debriefing. OGS shall, upon request, provide a debriefing to any bidder or awarded contractor that responded to the IFB or RFP regarding the reason that the proposal or bid submitted by the unsuccessful bidder was not selected for a contract award. The post award debriefing should be requested by the bidder or awarded contractor within thirty days of posting of the contract award on the OGS website.

WAGE RATES:

It is incumbent upon the contractor(s) to pay the prevailing rate of wages as established by the New York State Department of Labor at the time of installation. Rates in effect at the time of the bid opening were contained in the bid documents for this contract award.

(continued)

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).

MERCURY-ADDED CONSUMER PRODUCTS:

Offerers are advised that effective January 1, 2005, Article 27, Title 21 of the Environmental Conservation Law bans the sale or distribution free of charge of fever thermometers containing mercury except by prescription written by a physician and bans the sale or distribution free of charge of elemental mercury other than for medical pre-encapsulated dental amalgam, research, or manufacturing purposes due to the hazardous waste concerns of mercury. The law further states that effective July 12, 2005, manufacturers are required to label mercury-added consumer products that are sold or offered for sale in New York State by a distributor or retailer. The label is intended to inform consumers of the presence of mercury in such products and of the proper disposal or recycling of mercury-added consumer products. Offerers are encouraged to contact the Department of Environmental Conservation, Bureau of Solid Waste, Reduction & Recycling at (518) 402-8705 or the Bureau of Hazardous Waste Regulation at 1-800-462-6553 for questions relating to the law. Offerers may also visit the Department's web site for additional information:
<http://www.dec.state.ny.us/website/dshm/redrecy/c145home.html>

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 Group's Customer Services at 518-474-6717.

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 these contracts 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.

NOTE:

The contractor is responsible for the removal of all tanks within thirty (30) days of the contract expiration unless contractor is either successful in obtaining a new contract for that particular agency or arranges to exchange tanks with the new successful contractor. If such tanks are not removed within the thirty (30) day period, they will become the property of the State of New York. Tanks are not to be replaced without prior authorization from the responsible agency.

(continued)

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 Group.

DELIVERY SCHEDULES:

The Delivery Schedules are available upon direct request to this office and/or at our web site at <http://www.ogs.state.ny.us>. Contractors should click on "Procurement Contracting Services" then click on "Seller Information and Bid Opportunities" and then click on "Delivery Schedules" (Liquid Propane and Road Salt) and pick the appropriate fuel group from the next screen. This schedule may be removed from the OGS web site on the date of the bid opening for security reasons.

Contractors shall be obligated to deliver under the contract to any State agency which places a purchase order under said contract, whether or not such delivery location is identified in the attached delivery schedule.

Any political subdivision or other non-state entity which has not filed a requirement with Procurement Services Group as of the date of the bid opening shall be eligible to receive deliveries at contractor's option only, upon placement of a valid purchase order to the contractor's address as indicated in the award.

NOTE: Contractor agrees to complete all installations within twenty-one (21) days after receipt of a purchase order. Contractor must set up delivery schedules with particular agency.

EMERGENCY DELIVERY:

Should the agency run out of propane at any time creating an emergency situation, the contractor shall be required to provide product within four (4) hours of a telephone call from the agency.

PRICE REVISIONS:

Contract bid prices are firm except that price revisions will be permitted on a monthly basis in accordance with the following procedure:

Separate revisions (Increases or Decreases) to the original contract price shall be based on prices in the Journal of Commerce Oil Price Daily under the heading of Propane – Selkirk, NY.

Procurement Services Group will compute any price revisions by determining the difference between the Posted Price on February 5, 2009 (\$.9300/gal.) and the Posted Price every thirty (30) days for the duration of the contract, beginning with the JOC Propane – Selkirk, NY Posted Price on July 1, 2009. The differential between these two (2) prices will be added or subtracted to the base bid price yielding the new thirty (30) day price. Applicable price changes will be effective the same day the price is posted in the JOC Oil Price Daily.

The terms "Posting Day" or "Posted Price" as used throughout the award and specification, refer to the actual day the prices are posted.

Should the thirty (30) day price revision cycle not provide adequate price adjustments, because of rapid changes in worldwide liquefied petroleum (LP) gases – propane prices, the State reserves the right to increase the frequency of the price revisions to a weekly basis. The weekly basis will utilize the Posted Price on the last business day of the week, to be effective the first business day of the following week.

NOTE: In the event the thirty (30) day "Posting Day" falls as a holiday, the State will utilize the next previous days' posting for the thirty (30) day period. Should postings differ from current description and/or format, a posting determined by the Commissioner in his sole discretion, to be most reflective of market conditions will be used. Same applies if we are utilizing a seven (7) day pricing schedule.

(continued)

The following clauses shall apply to all price adjustments under any contract awarded:

- 1) Price increases are limited to changes in pre-selected postings as noted above. Increases in contract costs or prices to compensate for other increases in the cost of doing business, regardless of the cause or nature of such costs of the contractor, will not be allowed during the contract period.
- 2) Should the price structure utilized by the parties become unworkable for the State, detrimental or injurious to the State, 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 ten (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, 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.
- 3) Price adjustments will continue using the same method if contract is extended.
4. To view daily contract pricing, visit our website at:

www.ogs.state.ny.us/asp/purchase/snt/fuels/index/asp

GUARANTEE:

The contractor guarantees that the product supplied will meet or exceed the ASTM Specifications for Liquefied Petroleum (LP) Gases, Designation D1835-05 and NFPA58 2008 Ed. Standard for storage and handling, or latest revision thereof.

ESTIMATED QUANTITIES:

The quantities or dollar values listed are estimated only. See "Estimated/Specific Quantity Contracts" and "Participation in Centralized Contracts" in Appendix B, OGS General Specifications.

CONTRACT PERIOD AND RENEWALS:

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.

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.

WARRANTIES:

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

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 more than \$50,000.00.

(continued)

NOTE:

Contractors must maintain service facilities and have trained personnel qualified to service the product furnished at the using agency within 48 hours.

VISIT TO THE SITE:

Each contractor may visit the site to familiarize itself with the facilities at the agency, and in particular with the area in which the equipment is installed. It shall be the contractor’s responsibility to inform the agency of any changes required before delivery. Some facilities may require vehicle fueling capability.

REPORT OF CONTRACT PURCHASES:

Contractor shall furnish quarterly reports containing total sales for both state agency and authorized non-state agency contract purchases no later than forty-five (45) days after the close of each calendar quarter. The Grand Total Sales Reports for State and Non-State Agencies are due at the same time the procurement fee is payable to the Department of Taxation and Finance, where applicable.

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://www.nylovesmwbe.ny.gov/cf/search.cfm>.

A separate report shall be provided in the following format for each authorized distribution channel. The sales report form is forwarded to each contractor at time of award for completion in accordance with the contract terms and conditions:

| | Total Gallons Purchased | Total Value Purchased (\$) |
|---|-------------------------|----------------------------|
| All Political Subdivisions/authorized users | | |
| All State Agencies | | |
| TOTAL SALES | | \$ |

The report is to be submitted electronically in Microsoft Excel 2003 or lower format 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 Award Number, Contract Number, sales period, and contractor's (or other authorized agent) name.

The outlined sales report is the minimum information required. Additional related sales information, such as monthly reports, and/or detailed user purchases may be required and must be supplied upon request.

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.

NEW YORK STATE PROCUREMENT CARD:

See "Procurement Card" in Appendix B, OGS General Specifications.

(continued)

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.

(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
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