

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 12403 - DIALYSIS SUPPLIES, PERFUSION PRODUCTS (Statewide)
Award Number	:	01198 (Replaces 3428-G)
Contract Period	:	November 1, 2001 to October 31, 2003
Bid Opening Date	:	July 3, 2001
Date of Issue	:	September 12, 2001
Specification Reference:		As Incorporated Herein

Address Inquiries To:

All State Agencies	Non-State Agencies
Name : James A. Gelston Title : Purchasing Officer I Phone : 518-474-6705 Fax : 518-474-1563 E-mail : james.gelston@ogs.state.ny.us	Name : Judy Gibbons Title : Purchase Coordinator Phone : 518-474-6717 Fax : 518-474-2437 E-mail : customer.services@ogs.state.ny.us

Description

A single contract award providing for various product lines of disposable dialyzers, peritoneal supplies, solutions, associated products, oxygenators, cardiotomy reservoirs, and other perfusion products. Equipment and rental items are excluded from this contract award, as are delivery services.

PR # 01198

(continued)

<u>CONTRACT #</u>	<u>CONTRACTOR & ADDRESS</u>	<u>TELEPHONE #</u>	<u>FED.IDENT.#</u>
PC58265	BAXTER HEALTHCARE CORP. Renal Division 1620 Waukegan Road McGaw Park, IL 60085	847/473-6499 Cynthia M. Dovas Fax: 847/473-6915	362604143
PC58266	COBE CARDIOVASCULAR, INC. Division of Sorin Biomedical 14401 W 65th Way Arvada, CO 80004	800/221-7943 ext. 6234 Laurie Bond Fax: 970/858-3674 Email: laurie.bond@cobecv.com Website: www.cobecv.com	841491245
PC58267	FRESENIUS USA MARKETING, INC. 95 Hayden Ave. Lexington, MA 02420	800/662-1237 ext. 4528 Robert Quinn Fax: 781/402-9023	218350755
PC58268	MEDTRONIC INC. 7601 Northland Drive Minneapolis, MN 55428	800/804-0789 ext. 9803 763/391-9803 Cynthia Biddle Foy Fax: 763/391-9285 Website: www.medtronic.com	411493213
PC58269	MINNTECH CORPORATION 14605 28th Ave. N. Plymouth, MN 55447 Disc: 2% - 15 Days	800/328-3345 ext. 462 763/553-3300 Jody Hartman Fax: 800/686-8493 Fax: 763/553-3387 Email: Jhartman@minntech.com	411229121
PC58270	TERUMO MEDICAL CORPORATION 2101 Cottontail Lane Somerset, NJ 08873 Disc: 1%-30 Days	800/283-7866 ext. 1-4249 732/302-4900 ext. 1-4249 Winnie L. Jenkins Fax: 800/411-5870 Fax: 732/302-3093 Email: winnie.jenkins@terumomedical.com Website: www.terumomedical.com	341112331
PC58271	TORAY MARKETING & SALES (America) INC. 600 Third Ave. New York, NY 10016	800/662-1777 281/587-2299 ext. 214 David Marsh Fax: 281/587-9933 Email: marshd@toray-tomac.com	133456904

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

INVOICES MUST BE SENT DIRECTLY TO THE ORDERING AGENCY FOR PAYMENT.

AGENCIES SHOULD NOTIFY THE PROCUREMENT SERVICES GROUP PROMPTLY IF THE CONTRACTOR FAILS TO MEET THE DELIVERY TERMS OF THIS CONTRACT. PRODUCT WHICH DOES NOT COMPLY WITH THE SPECIFICATIONS OR IS OTHERWISE UNSATISFACTORY TO THE AGENCY SHOULD ALSO BE REPORTED TO THE PROCUREMENT SERVICES GROUP.

(continued)

NOTE TO AGENCY:

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

NOTE TO ALL CONTRACT USERS:

The terms and conditions of the solicitation which apply to the award appear at the end of this document. We strongly advise all contract users to familiarize themselves with all terms and conditions before issuing a purchase order.

PRICE:

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

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

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LOT I - DIALYZERS AND RELATED ITEMS:

Product Line: Baxter Healthcare Renal Division

Items Offered: Hemodialysis Products as follows

Baxter HD Dialyzers

- AF-220 Althane Dialyzer
- CT-Series Cellulose Triacetate Dialyzers
- CA-90 Cellulose Acetate Dialyzer
- CAHP - 210 Cellulose Diacetate Dialyzer

Disposables

- Peritoneal Dialysis Supplies
- Hemodialysis Supplies including
 - A/V Blood Tubing & Fistula Sets
 - Dialyzer Priming Sets
 - Tubing & Bloodline Sets and associated products

Discount Offered: Net from N.Y. State Price List (see below)

Identity of Price List: Baxter Attachment One (1) dated 06/27/01

Manufacturer: Baxter Healthcare

Guaranteed Delivery: 14 Days A/R/O

Storage: Manufacturer recommends storage of dialysis products at room temperature, away from heat source and in a clean environment.

Minimum Order: Orders totaling less than \$250.00 will be assessed a minimum order charge of \$40.00. Agencies are advised to order in amounts over \$250.00 to avoid this additional charge.

Telephone Number for expediting New York State Contract orders:

Contract: Baxter Healthcare - Renal Div., Hospital Order Support Rep., 800/284-4060, ext. 2684, Fax: 800/284-4062.

Telephone Number to call in the event of an emergency occurring after business hours or on weekends/holidays.

Normal Business Hours: M-F - 8:30 AM - 6:00 PM EST

Contact: Baxter Healthcare - Renal Division, On-call Rep. 800/284-4060

CONTRACTOR: BAXTER HEALTHCARE CORP. - RENAL DIVISION

(continued)

LOT I DIALYZERS AND RELATED ITEMS

Product Line: Fresenius USA

Products Offered:

Products Offered: <u>Dialyzers</u>	Fresenius USA <u>Cat. No.</u>
F50NR Dialyzer	0500135N
F60A Dialyzer	0500136A
F60B Dialyzer	0500136B
F70NR Dialyzer	0500137N
F40 Hemoflow Dialyzer	0500141R
F6 Dialyzer	0500145A
F7NR Dialyzer	0500147N
F80A Dialyzer	0500154A
F80B Dialyzer	0500154B
F80M Dialyzer	0500154M
FUSA F4 (HF/PS/0.65/L)	0500161A
F5 Dialyzer	0500162R
F8 Dialyzer	0500164A
F3 Hemoflow Dialyzer	0500165A
OPTIFLUX 200NR Dialyzer	0500320N
F8 HPS St. Ster. Dialyzer	0500708X

Discount Offered: NET from State of New York Price List (see below)

Identity of Price List: State of New York, Bid #01198, dated July 2, 2001

Manufacturer: Fresenius USA

Guaranteed Delivery: 5 Days A/R/O

Minimum Order: Contractor will honor orders for less than minimum order (less than manufacturer's standard shipping package) however, additional shipping charge may be added. Agencies are advised to order in quantities over minimum order to avoid additional shipping charges.

Products have been ETO gas sterilized, Tyvek packaging.

Storage: Manufacturer recommends storage temperatures to be between +5° C to +30° C

Contractor accepts New York State Procurement Card for orders up to \$2,500.00. No additional discount is offered when using the NYS Procurement Card.

Telephone Number for expediting New York State Contract Orders: Customer Service - Gurnee Office, 800/323-5188.

Telephone Number to call in the event of an emergency occurring after business hours or on weekends/holidays:

Normal Business Hours: M-F 8AM - 7:00 PM EST

Contact: John Ahlstrom, Regional Sales Manager, 800/662-1237, ext. 7012.

CONTRACTOR: FRESENIUS USA, INC.

(continued)

LOT I - DIALYZERS AND RELATED ITEMS

Product Line: Terumo Medical Corp.

Products Offered: Terumo T, NT Series High Efficiency Dialyzers, Terumo C Series Sterilized Dialyzers

Fistula Needles, Blood tubing sets and related items.

Discount Offered: Net From NY State Price List (see below)

Identity of Price List: Terumo DL6, dated, 3/15/01, pages 1-4

Manufacturer: Terumo Medisystems

Guaranteed Delivery: 7-10 days A/R/O

Sterility: Products on ETO gas sterilized

Storage: Manufacturer recommends storage not to exceed 1° C - 40 ° C (34° F - 104° F). Avoid undue humidity (store under dry conditions).

Contractor has their catalog available on the Internet (website: www.terumomedical.com).

Contractor offers Electronic Access Ordering (EDI).

Contractor accepts the New York State Procurement Card for orders up to \$2,500.00. No additional discount is offered for purchases made by NYS Procurement Card.

Person to contact for expediting New York State contract orders: Lillie Davidson

Telephone Number: 732/302-4900, ext. 1- 4230

Toll Free Telephone No.: 800/283-7866, ext.1-4230

Toll Free Fax Number: 800/411-5870; Fax Number: 732/302-3093

Email: Lilly.Davidson@Terumomedical.com

Person to contact in the event of an emergency occurring after business hours on weekend/holidays:

Normal Business Hours: M-F 8:00 AM - 5:00 PM EST

Contact: Susan McKeown, Accn't/Territory Manager

Telephone Number: 732/302-4900, ext. 1-4761

Fax Number: 908/522-3008

Cell Number: 908/803-7639

CONTRACTOR: TERUMO MEDICAL CORPORATION

(continued)

LOT I - DIALYZERS AND RELATED ITEMS

Product Line: Toray Marketing & Sales

Products Offered: Toray Filtryzer Hollow Fiber Dialyzers

Model Nos.:	B3-1.0A	BK-1.6U
	B3-1.3A	BK-2.1U
	B3-1.6A	

Discount Offered: 53%

Identity of Price List: Toray Marketing & Sales (America) Inc., Confidential Price List dated, January 1, 2001

Manufacturer: Toray Industries

Guaranteed Delivery: 7-10 Days A/R/O

Products are sterilized via Gamma Ray Irradiation

Storage: Manufacturer recommends storage of products at 5C-30C

Contractor accepts the New York State Procurement Card for orders up to \$2,500.00. No additional discount is offered when using the NYS Procurement Card.

Minimum Order: Contractor will ship orders less than minimum, however shipping costs may be added. Agencies are encouraged to keep orders above minimum to avoid additional shipping costs.

Person to contact for expediting New York State contract orders and in the event of an emergency occurring after business hours:

Normal business hours: M-F 9:30 AM - 6:00 PM EST

Contact: Margaret Staples, Sales Coordinator

Toll Free telephone Number: 800/662-1777

Fax Number: 281/587-9933

E-mail: maggies@toray-tomac.com

CONTRACTOR: TORAY MARKETING & SALES (America) Inc.

Product Line: GAMBRO

NO AWARD

Note to Agencies: Should agencies have requirements for products shown as no award, please call the Procurement Services Group at 518/474-6705.

(continued)

LOT II - DIALYSIS CONCENTRATION SOLUTIONS (including peritoneal dialysis solutions and accessories)

Product Line: Baxter Healthcare Renal Division

Products Offered: Peritoneal Dialysis Solutions including:

- PD-1
- PD-2
- Low Calcium
- Peritoneal Solutions
- Sodium Chloride Injection in plastic containers for home dialysis patients,
Cat Nos 2B 1321, 2B 1322Q,
2B 1323Q, 2B 1324

Discount Offered: NET from N.Y. State Price List (see below)

Identity of Price List: Baxter Attachment one (1) dated 06/27/01

Manufacturer: Baxter Healthcare

Guaranteed Delivery: 14 Days A/R/O

Note: For storage, expediting NY State ordering, and emergency ordering for Baxter Renal Products see Lot I, Baxter Healthcare, page 4

CONTRACTOR: BAXTER HEALTHCARE CORP. - RENAL DIVISION

Product Line: Fresenius USA

Items Offered: Naturalyte Peritoneal Dialysis Solutions including:

- With Dextrose
- Dry Bulk
- Dry Pack
- Low Mg.
- Also, Naturalyte with dextrose in drum containers

Discount Offered: Net from State of New York Price List (see below)

Identity of Price List: State of New York Bid #01198, dated July 2, 2001.

Manufacturer: Fresenius USA, Inc.

Guaranteed Delivery: 5 Days A/R/O

Minimum Order: Contractor will honor orders for less than minimum order (less than manufacturer's standard shipping package) however, additional shipping charge may be added. Agencies are advised to order in quantities over minimum order to avoid additional shipping charges.

Note: For storage, expediting NY State ordering, and emergency ordering for Fresenius Products see Lot I, Fresenius USA page 5

CONTRACTOR: FRESENIUS USA, INC.

(continued)

LOT II - DIALYSIS CONCENTRATION SOLUTIONS (including peritoneal dialysis solutions and accessories)
cont'd:

Product Line: Minntech Renal Systems

Products Offered: Hemodialysis Concentrate

- SB-100 Series Centrisol Bicarbonate
- MB-330 Series Centrisol Bicarbonate Proportioning Components
- SB-1000 Series Acidified Renasol
- BC-1 Series Renasol Liquid Bicarbonate and Bicarbonate Powder

Discount Offered: NET from N.Y. State Contract Price List (see below)

Identity of Price List: Minntech Renal Systems, Hemodialysis Concentrate, NY State Contract Price List, Bid No. 01198

Manufacturer: Renal Systems

Guaranteed Delivery: 10 Days A/R/O

Credit Cards: Minntech Corp. accepts VISA and MasterCard for placing orders. No further discounts are offered by using credit cards.

Minimum Order: Contractor will honor for orders less than minimum order (less than manufacturer's standard shipping package) however, additional shipping charge may be added. Agencies are advised to order in quantities over minimum order to avoid additional shipping charges.

Storage: Manufacturer has provided MSDS sheets for products herein. Should you wish to receive a copy, please call this office at 518/474-6705.

Telephone Number for expediting New York State Contract orders and in the event of an emergency after normal business hours:

Normal Business Hours: M-F 9:00 AM - 6:00 PM EST

Contact: Misty Bojar, Customer Service Manager

Toll Free Telephone Number: 800/328-3340

Fax Number: 763/553-3387

Toll Free Fax No.: 800/686-8493

Email: mbojar@minntech.com

CONTRACTOR: MINNTECH CORPORATION

(continued)

LOT III - DISPOSABLE PERFUSION PRODUCTS:

Product Line: COBE Cardiovascular

Products Offered: COBE Oxygenators Perfusion Packs, Cardioplegia Sets and Related Products

Discounts offered for the following items:

PRODUCT	CAT. NO.	DISCOUNT
Membrane Oxygenator COBE VPCML	050125500	32%
Membrane Oxygenator COBE Neonatal Micro Syst.	050218000	33%
Membrane Oxygenator Open Syst. w/integral filter	050316400 (replaces 050212000)	29%
Membrane Oxygenator Open Syst. w/integral filter	050214000	15%
Cardiotomy Reservoir without filter	050430000	40%
Cardiotomy Reservoir with filter	050431000	28%
Venous Reservoir COBE VRB-1800 closed bag	050260000	25%
Hollow Fiber Oxygenator	050255500 (replaces 050255000)	27%
Cardioplegia Delivery System	027323200	21%

Discount Offered, all other products: 15%

Identify of Price List: COBE 1999 Cardiopulmonary and Blood Recovery Products - Disposable Products only.

Manufacturer: COBE Cardiovascular, Inc.

Guaranteed Delivery: 7-10 Days A/R/O

***CONTRACTOR: COBE CARDIOVASCULAR, DIVISION OF SORIN BIOMEDICAL**

*For sterility and storage, additional contractor, ordering information, please see following page, COBE and Sorin Biomedical.

Product Line: EDWARDS LIFESCIENCES

NO AWARD

Note to Agencies: Should agencies have requirements for products shown as no award, please call the Procurement Services Group at 518/474-6705.

(continued)

LOT III - DISPOSABLE PERFUSION PRODUCTS:

Product Line: Sorin Biomedical

Products Offered: Sorin Oxygenators and Reservoirs, Cardioplegia Sets and Related Products

PRODUCT	CAT. NO.	DISCOUNT
Cardiotomy Reservoir with filter	CRF 40	53%
Membrane Oxygenator	M302	47%
Monolyth Softshell Venous Reservoir	MVR1200	57%
Membrane Oxygenator	M303D	47%
BCD Vanguard 4 Cardioplegia Set	027770201(replaces BCDVAN4)	24%
Surgical Wash Set	WS225C	21%
Monolyth Integrated Membrane	M13500	58%

Discount Offered, all other products: 15%

Identity of Price List: Sorin Biomedical Price List dated July 1, 1998. Disposable products only.

Manufacturer: Sorin Biomedical

Guaranteed Delivery: 7-10 Days A/R/O

CONTRACTOR: COBE Cardiovascular Division of Sorin Biomedical

COBE and Sorin Biomedical Products

COBE Cardiovascular and Sorin Biomedical Products are packaged in cardboard, high impact polystyrene Tyvek and nylon. Trays in PETG. Products in ETO gas sterilized. Manufacturer recommends storage at -20° to 60° C.

Contractor accepts the New York State Procurement Card for orders up to \$2,500.00. No further discounts offered when using the NYS Procurement Card.

Contractor will accept orders for less than minimum order at no additional cost.

Person to contact for expediting New York State contract orders: Chanda Spritzer, Customer Service Manager

Telephone Number: 800/221-7943 ext. 6792 or 800/650-2623

Toll Free Fax Number: 800/323-4031

Person to contact in the event of an emergency occurring after business hours or on weekends/holidays:

Normal business hours: M-F 8:00 AM-8:00PM EST

Sat/Sun and after hours, contact Mr. Jep Possee, Sales Rep.

Telephone Number.: 800/221-7943, ext. 5644

Pager Number: 800/217-0727

(continued)

LOT III - DISPOSABLE PERFUSION PRODUCTS:

Product Line: Medtronic

<u>Items Offered</u>	<u>Cat. No.</u>	<u>Discount Offered</u>	<u>Price List Page</u>
Trillium Coated Oxygenator	511T	61.6%	G-4
Trillium Coated Oxygenator w/CVR	541T	64.2%	G-4
Myotherm Cardioplegia & Delivery System	XP4:1B	50.6%	G-10
Affinity Cardiotomy/Venous Reservoir w/Filter	540	42.7%	G-3
4 Liter Hardshell Cardiotomy Reservoir w/20 micron Filter	EL402	61.9%	H-16
4 Liter Hardshell Blood Collection Reservoir w/120 micron filter	EL2120	53.3%	H-16

Identity of Price List: Medtronic Cardiopulmonary Products dated May 1, 2001 U.S. and Medtronic Blood Management Products dated May 1, 2001 U.S.

Manufacturer: Medtronic

Guaranteed Delivery: 3-5 Days A/R/O

Products are packaged in poly bag with Tyvec Header and are ETO gas sterilized.

Medtronic's Catalog is available on the Internet, web site: www.medtronic.com

Contractor offers Electronic Access Ordering (EDI)

Contractor accepts the New York State Procurement Card for orders up to \$2,500.00. No further discounts are offered when using the NYS Procurement Card.

Telephone number for expediting New York State contract orders and in the event of an emergency occurring after business hours or on weekends/holidays: Normal Business hours: M-F 8:00 AM - 8:00 PM EST

Contract: Customer Service Organization, Telephone Number: 800/854-3570

Fax Number: 763/514-2097, Toll Free Fax Number: 800/477-5467

Order Placement:

Medtronic requests agency orders be received no later than the 20th of each month. This will ensure delivery is made by the 20th of each month. Orders received by Medtronic after the 20th of each month will be held for shipment on the 1st of the following month. Agencies are advised to schedule ordering accordingly.

CONTRACTOR: MEDTRONIC

(continued)

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.

CONTRACT PAYMENTS:

Payments cannot be processed by State facilities until the contract products have been delivered in satisfactory condition. 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 No., description of product, 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.

If the contract terms indicate political subdivisions and others authorized by law are allowed to participate, they 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.

NOTE TO CONTRACTOR:

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

NOTE TO AGENCY:

Orders under this contract are to be submitted directly to the contractor.

OVERLAPPING CONTRACT ITEMS:

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

NON-STATE AGENCIES PARTICIPATION IN CENTRALIZED CONTRACTS:

New York State political subdivisions and others authorized by New York State law may participate in this contract award. 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) under "Non-State Agency Legal References." 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.

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MINIMUM ORDER:

Minimum order shall be manufacturer's standard shipping package.

Contractor may elect to honor orders for less than the minimum order. For such orders, at the contractor's option, shipping costs from the contractor's address (as stated in bid) may be added to invoice with a copy of the freight bill. Shipping costs are to be prepaid by contractor and such orders are to be shipped on an F.O.B. destination basis. All such orders must be shipped by the most economical method for the proper delivery of the product unless special instructions are stated on the order by the agency.

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 commodities or services, the Commissioner reserves the right to obtain such commodities 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 commodities or services procured from other sources pursuant to this paragraph.

DELIVERY:

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

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.

CONTRACT PERIOD AND RENEWAL:

The State may unilaterally cancel the contract on a monthly basis any time after the initial twelve (12) months by providing written notification at least three (3) months prior to the requested date of cancellation. Cancellation will become effective the first of the month following the 3-month notification. The minimum term of the contract shall be twelve (12) months. This provision does not affect the State's right of suspension or cancellation contained in the "Suspension of Work" and "Cancellation" clauses in Appendix B, OGS General Specifications.

If mutually agreed between the Procurement Services Group and the contractor, the contract may be renewed under the same terms and conditions for an additional period not to exceed twenty-four (24) months. Price decreases or discount increases are permitted at any time.

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.

ESCALATOR CLAUSE FOR TWO YEAR CONTRACT:

Prices quoted are based on the manufacturer's established price list in effect at the time of the bid opening and be for a period of one year from the commencement date of the contract. Only one request for price escalation will be considered by the State. Such request will not be entertained any earlier than twelve (12) months nor any later than eighteen (18) months after commencement of the contract. Any price increase must be based on the manufacturer's established price list in effect at the time of the increase. Any increase shall be proportionate to the discount formula reflected in the original bid price. No escalation of price shall be allowed until such request has been reviewed in this office, and the contractor notified in writing of acceptance. Price decreases or discount increases are permitted at any time.

In the event the State finds the increase to be excessive, the right is reserved to unilaterally terminate the contract upon 90 days notice to the contractor.

The State must be notified of any and all price reductions subsequent to the contract commencement as evidenced by the manufacturer's established price list, and any such reduction must be extended to the State.

PRICE SHEETS 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 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.

Upon request the contractor shall assist authorized users in the use of catalogs and price lists.

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.

REPORT OF CONTRACT PURCHASES:

Contractor shall furnish report of purchases made from contract the fifteenth of the month following the end of each six month period. The reports shall be in the following format:

<u>Item/ SubItem Number</u>	<u>Product Description</u> (Size, Stock No., etc.)	<u>Total Quantity Shipped</u> (To be in Units listed in the Invitation for Bids)	<u>Total \$ Value</u>
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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 commodity group number, the Invitation for Bids number, contract number, sales period, and contractor's name.

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

USE OF RECYCLED OR REMANUFACTURED MATERIALS:

New York State, as a member of the Council of Great Lakes Governors, supports and encourages vendors to use recycled, remanufactured or recovered materials in the manufacture of products and packaging to the maximum extent practicable without jeopardizing the performance or intended end use of the product or packaging unless such use is precluded due to health or safety requirements or product specifications contained herein. Refurbished or remanufactured components or products are required to be restored to original performance and regulatory standards and functions and are required to meet all other requirements of this bid solicitation. See "Recycled or Recovered Materials" in Appendix B, OGS General Specifications.

"OGS OR LESS" GUIDELINES APPLY TO THIS CONTRACT:

Purchases of the product(s) 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 product(s) from sources other than the contractor provided that such product(s) are substantially similar in function, form or utility to the product(s) 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.

DISTRIBUTION SCHEDULE:

Bidders should note that the following State agencies are major users of the products listed in this award:

State University of New York
Health Science Center, Brooklyn
Brooklyn, NY 11203

State University of New York
Health Science Center, Syracuse
Syracuse, NY 13210

State University of New York, Stony Brook,
University Hospital
Stony Brook, NY 11794

(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, Room 3711
Corning 2nd Tower - Empire State Plaza
Albany, New York 12242
* * * * *

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