

CONTRACT AWARD NOTIFICATION

Title	:	Group 12605 - AUTOMATED EXTERNAL DEFIBRILLATORS (AED's) ACCESSORIES AND RELATED PRODUCTS (Statewide) Classification Code: 42
Award Number	:	<u>21270</u> (Replaces Award 02612)
Contract Period	:	December 1, 2008 – November 30, 2014
Bid Opening Date	:	January 24, 2008
Date of Issue	:	November 20, 2008 (Revised September 11, 2014)
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 : Vivian Basile Title : Contract Management Specialist Phone : 518-474-0912 Fax : 518-474-8676 E-mail : vivian.basile@ogs.ny.gov	Customer Services Phone : 518-474-6717 Fax : 518-474-2437 E-mail : customer.services@ogs.ny.gov

**The New York State Procurement values your input.
 Complete and return "Contract Performance Report" at end of document.**

Description

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

PR #21270

NOTE: See individual contract items to determine actual awardees.

<u>CONTRACT #</u>	<u>CONTRACTOR & ADDRESS</u>	<u>TELEPHONE #</u>	<u>FED.IDENT.#</u>
PC64094 WBE-SB	CARDIAC LIFE PRODUCTS, INC. P.O. Box 25755 Rochester, NY 14625	866-710-1970 Mary Wynne Email: cardiaclife@nysaed.com Fax No.: 585-267-5218 Cell: 585-738-1928 Website: www.nysaed.com	161666713 <u>VENDOR ID#</u> 1000029635
PC63996	CARDIAC SCIENCE CORPORATION N7W22025 Johnson Drive Waukesha, WI 531863-1856	800-426-0337 262-953-3543 Heather Reindl Email: bidadministration@cardiacscience.com Fax No.: 800-925-2825 Website: www.cardiacscience.com	943300396 <u>VENDOR ID#</u> 1000009806
PC64092 WBE-SB	NATIONWIDE INSTRUCTION FOR CARDIOVASCULAR EDUCATION d-b-a NICE, INC. 1 Gate Court Dix Hills, NY 11746	631-643-9896 Dr. Christopher and Marilyn Byron Fax No.: 631-643-2780 E-mail: nicecpr@aol.com Website: www.niceheart.com	113530300 <u>VENDOR ID#</u> 1000005986
PC64282	PHILIPS HEALTHCARE 3000 Minuteman Rd. - MS 400 Andover, MA 01810	800-934-7372 Fax No.800-947-3299 Trish Archambault Contracts Administrator Phone: 978-659-7747 Fax No.: 978-856-3148 E-mail: patricia.archambault@philips.com Website: www.medical.philips.com	133429115 <u>VENDOR ID#</u> 1000013122
PC63997	PHYSIO-CONTROL, INC. 11811 Willows Road NE PO Box 97023 Redmond, WA 98073-9723	800-442-1142 x 74246 Fax No: 425-867-4970 Mark Watson E-mail(s): mark.watson@physio-control.com rs.physiocontracts-south@physio-control.com Website: www.physio-control.com	910697691 <u>VENDOR ID#</u> 1000009759
To Order by Phone: 800-442-1142 To Order by Fax: 800-732-0956 Equipment 800-426-8049 Disposables, Accessories, Parts			
PC63999	ZOLL MEDICAL CORPORATION 269 Mill Road Chelmsford, MA 01824	800-348-9011 978-421-9655 Elizabeth McCaughey Email: EMcCaughey@zoll.com Fax No.: 978-421-0005 Website: www.zoll.com	042711626 <u>VENDOR ID#</u> 1000005261

AUTHORIZED DISTRIBUTOR INFORMATION:

The contractors listed below have given the following Authorized Distributors the ability to accept orders and remittances.

Please NOTE: Cardiac Life Products, Inc. is listed below as a distributor but is also a contractor on this Award (21270) under PC64094.

<u>Contractor</u>	<u>Authorized Distributor</u>	<u>Federal ID</u>	<u>Distributor Contact Information</u>
Cardiac Science Corporation	School Health Corporation	362425385	865 Muirfield Drive Hanover Park, IL 60133
		<u>VENDOR ID#</u> 1000017722	Susan Rogers - Owner John Rooney - Sales Manager Phone: 800-323-1305 Ext 7947 Fax: 800-235-1305
Cardiac Science Corporation	Cardiac Life Products, Inc.	161666713	PO Box 25755 Rochester, NY 14625
		<u>VENDOR ID#</u> 1000029635	Mary Wynne, Certified WOB Phone: 866-710-1970 Cell: 585-738-1928 Fax: 585-267-5218 Web address: www.nysaed.com
Philips Healthcare	Emergency Skills, Inc.	1328971529	350 Seventh Ave. Suite 505 New York, NY 10001
		<u>VENDOR ID#</u> 1000012809	Sarah V. Gillen Phone: 212-564-6833 Fax: 212-564-6793 Website: www.emergencyskills.com
Philips Healthcare	G.E.Pickering Inc.	112237845	263 Glen Cove Avenue Sea Cliff, NY 11579
		<u>VENDOR ID#</u> 1000005627	Wendy Martin Lisa Moraless Phone: 1-800-492-0255 Fax:516-671-9606
Philips Healthcare	CF Medical		12 Lakeview Ave. Danvers, MA, 01923
		<u>VENDOR ID#</u> 1000011096	Ms. Connie Frisch Phone: 978-750-6823 Website: www.cfmedical
Physio-Control Inc.	Advantage Emergency Devices, Inc.	460939720	PO Box 327 Amawalk, NY 10501
		<u>VENDOR ID#</u> 1100079524	John R. FitzGerald Cell: 914-645-5386 FAX: 914-245-6393 john@advantageaed.com www.advantageaed.com

AUTHORIZED DISTRIBUTOR INFORMATION: (continued)

Physio-Control Inc.	School Health Corporation	362425385	865 Muirfield Drive Hanover Park, IL 60133
		<u>VENDOR ID#</u>	Susan Rogers - Owner
		1000017722	John Rooney - Sales Manager Phone: 800-323-1305 Fax: 800-235-1305
Physio-Control Inc.	School Health Corporation	362425385	865 Muirfield Drive Hanover Park, IL 60133
		<u>VENDOR ID#</u>	Susan Rogers - Owner
		1000017722	John Rooney - Sales Manager Phone: 800-323-1305 Fax: 800-235-1305
Zoll Medical Corporation	ZEE Medical Inc.	952703273	931 C.Conklin Street Farmingdale, NY 11735
		<u>VENDOR ID#</u>	Alan Kittenplan
		1000005060	Phone: 516-249-4678
Zoll Medical Corporation	School Health Corporation	362425385	865 Muirfield Drive Hanover Park, IL 60133
		<u>VENDOR ID#</u>	John Rooney / VP of Sales
		1000017722	Douglas Zybrands, NE Territory Mgr. Phone:866-323-5465 & 800-323-1305 Ext 7913 Fax: 800-235-1305 & 630-582-0532 E-Mail(s): customerservice@schoolhealth.com dzybrands@schoolhealth.com
Zoll Medical Corporation	B-Lann Equipment Co., Inc.	141514230	2288 Fifth Avenue Troy, NY 12180
		<u>VENDOR ID#</u>	Phone: 518-274-7888
		1000006786	Fax: 518-274-4954 E-Mail(s): erin@blannequipment.com al@blannequipment.com
Zoll Medical Corporation	Cardiac Life Products	161666713	1280 Creek Street, Suite 1005 Webster, NY 14580
		<u>VENDOR ID#</u>	Mary Beke Wynne, President
		1000029635	Phone 585-267-7775 x105 Fax 585-267-5218 E-mail: mwynne@nysaed.com

NOTE: Zoll Medical Corporation has authorized Cardiac Life Products to accept orders, accept payments and ship products.

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 NEW YORK STATE PROCUREMENT 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 NEW YORK STATE PROCUREMENT.

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.

RECYCLED, REMANUFACTURED AND ENERGY EFFICIENT PRODUCTS:

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

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

NOTE TO AUTHORIZED USERS:

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

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

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

- a statement of need and associated requirements,
- a summary of the contract alternatives considered for the purchase,

NOTE TO AUTHORIZED USERS:

- 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).

HEARTSTART ESSENTIALS SERVICES AGREEMENTS:

Please refer to the OGS website at www.ogs.ny.gov to review HeartStart Essentials Services Agreements. These agreements are stated herein have become part of this Contract Supplemental Award. These changes are the result of negotiations between Philips Medical Systems and the Office of General Services. These revisions are unique to Supplemental Award 21270 and should be utilized appropriately for this specific contract.

APPENDIX A

Appendix A, Standard Clauses For New York State Contracts, dated June 2006, attached hereto, is hereby expressly made a part of this Agreement as fully as if set forth at length herein.

APPENDIX B

Appendix B, Office of General Services General Specifications, dated July 2006, incorporated by reference herein, is hereby expressly made a part of this Agreement as fully as if set forth at length herein and shall govern any situations not covered by this Agreement or Appendix A.

APPLICABLE LAW

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

PRICE:

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

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

LOT I – AUTOMATED EXTERNAL DEFIBRILLATORS
(AED) ACCESSORIES AND RELATED PRODUCTS

<u>Product Categories</u>	<u>Percent Discount Range</u>
1. Automated External Defibrillators (AED)	36%
2. Monitors-Defibrillators	N-A
3. AED Training Units	2%
4. Mounting Cabinetry & Appropriate Brackets	19%
5. Training Packages (Standard Line Item Training Packages)	N-A
6. Program Management	N-A
7. Options (Associated Accessories, Optional Equipment Disposables)	18%

NO ADDITIONAL DISCOUNTS OFFERED

Name of Price List: Heartsine Technologies – Samaritan 300P, Cardiac Life Products
21270ra26

Date of Price List: January 24, 2008 (Revised April 16, 2012)
 Manufacturer: Heartsine Technologies
 Address of Plant: 105 Terry Dr. Suite 116
 Newtown, PA 18940
 Products Offered: See Pricing Button on Contract Award Notification (CAN)
 Guaranteed Delivery: 14 days ARO
 Normal Business Hours: Monday - Friday 9:00 a.m. – 5:00 p.m. EST
 Person to contact in the event of an emergency occurring after business hours or on weekend-holidays:
 Name: Mary Wynne
 Toll Free Telephone Number: 866-405-6212
 Telephone Number: 585-787-9302
 Cellphone Number: 585-738-1928
 Fax Number: 585-267-5218
 E-mail Address: cardiacle@frontiernet.net

Contractor will accept the New York State Procurement Card for orders not to exceed \$15,000.00.

CONTRACTOR: CARDIAC LIFE PRODUCTS

**LOT I – AUTOMATED EXTERNAL DEFIBRILLATORS
 (AED) ACCESSORIES AND RELATED PRODUCTS**

<u>Product Categories</u>	<u>Percent Discount Range</u>
1. Automated External Defibrillators (AED)	26-36%
2. Monitors-Defibrillators	N-A
3. AED Training Units	1-57.30%
4. Mounting Cabinetry & Appropriate Brackets	16-60.13%
5. Training Packages (Standard Line Item Training Packages)	0-5.83%
6. Program Management	2-2.26%
7. Options (Associated Accessories, Optional Equipment Disposables)	2-70.54%
ADDITIONAL EDUCATIONAL DISCOUNTS	NONE
VOLUME DISCOUNTS AS FOLLOWS:	
10-25 Units	3%
26-49 Units	6%
50+ Units	10%

Name of Price List: Cardiac Science Net Price List
 Date of Price List: October 7, 2008, (Revised August 16, 2013)
 Manufacturer: Cardiac Science Corporation
 Address of Plant: Cardiac Science Corporation
 500 Burdick Parkway
 Deerfield, WI 53531
 Products Offered: See Pricing Button on Contract Award Notification (CAN)
 Guaranteed Delivery: 14 days ARO
 Normal Business Hours: Monday - Friday 24 hours per day pm EST 365 days per year
 21270ra26

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

Name: Marc Savino

Toll Free Telephone Number: 800-426-0337

Fax Number: 425-402-2022

E-mail Address: msavino@cardiacscience.com OR techsupport@cardiacscience.com

Contractor will accept the New York State Procurement Card for orders not to exceed \$15,000.00.

Trade in discounts: outdated equipment may be traded in for discounts off new equipment

CONTRACTOR: CARDIAC SCIENCE CORPORATION

**LOT I – AUTOMATED EXTERNAL DEFIBRILLATORS
(AED) ACCESSORIES AND RELATED PRODUCTS**

<u>Product Categories</u>	<u>Percent Discount Range</u>
1. Automated External Defibrillators (AED) (NOTE: Item 1 AED's are a ReviverR Product - Cintas Corporation)	50%
2. Monitors-Defibrillators	N-A
3. AED Training Units	38%
4. Mounting Cabinetry & Appropriate Brackets	20-25%
5. Training Packages (Standard Line Item Training Packages)	20-36%
6. Program Management	15%
7. Options (Associated Accessories, Optional Equipment Disposables)	10-50%

NO ADDITIONAL DISCOUNTS OFFERED

Name of Price List: State of New York IFB 21270 Price List

Date of Price List: January 18, 2008, revised: March 2009

Manufacturer: Defibtech, LLC **(distributed exclusively by Cintas Corporation)**

Address of Plant: 741 Boston Post Rd.

Guilford, CT 06437

Products Offered: See Pricing Button on Contract Award Notification (CAN)

Guaranteed Delivery: 30 days ARO

Normal Business Hours: 24-7

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

Name: Dr. Christopher and Marilyn Byron

Telephone Number: 631-643-9896

Cellphone Number: 516-369-4958

E-mail Address: nicecpr@aol.com

Contractor will not accept the New York State Procurement Card.

CONTRACTOR: NATIONWIDE INSTRUCTION FOR CARDIOVASCULAR EDUCATION (NICE)

LOT I – AUTOMATED EXTERNAL DEFIBRILLATORS
(AED) ACCESSORIES AND RELATED PRODUCTS

<u>Product Categories</u>	<u>Percent Discount Range</u>
1. Automated External Defibrillators (AED)	35%
2. Monitors-Defibrillators	30%
3. AED Training Units	35%
4. Mounting Cabinetry & Appropriate Brackets	30% Monitor-Defibrillators 35% AEDs
5. Training Packages (Standard Line Item Training Packages)	25%
6. Program Management	25%
7. Options (Associated Accessories, Optional Equipment Disposables)	23% Monitor-Defibrillators 35% AEDs

NO ADDITIONAL DISCOUNTS OFFERED

Name of Price List: IFB#21270-LOT 1- Defibrillator Equipment and Services Price List

Date of Price List: **January 2012**

Manufacturer: Philips North America Electronics Corporation d/b/a/ Philips Healthcare

Address of Plant: AED's: 2301 Fifth Avenue, Suite 200, Seattle, WA 98121

Defibrillator-Monitors: 22100 Bothell Everett Highway
Bothell, WA 98021

Placing Orders: 3000 Minuteman Road
Andover, MA 01810

Toll Free Telephone Number: **(800) 934-7372 (For AED Products-AED Services, & all Other Products)**

Fax: (800) 947-3299

E-mail: aed.market@philips.com

Products Offered: See Pricing on Contract Award Notification (CAN)

Guaranteed Delivery: 30 Calendar Days A-R-O

Normal Business Hours: Monday-Friday 7:30-4:30 pm-EST (eastern standard time)

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

Name: For AED-AED Services: (Customer Services Andover) 1-800-934-7372

For all other Products: (Atlanta Response Center) 1-800-722-9377

Electronic Access Ordering (EDI) is available. Contact Contractor for details.

Regional Sales Manager:

Stoddard, Paul

Cell: 917-751-4621

E-Mail: paul.stoddard@philips.com

The **Remit to Address** has also changed. It is:

Philips Healthcare

P.O. Box 100355

Atlanta GA 30384-0355

Sales Representative:

David Saltzman

Office phone: 516-759-3422

Cell phone: 516-459-1224

E-fax: 516-759-4545

Email: david.saltzman@philips.com

Contractor will accept the New York State Procurement Card for orders not to exceed \$15,000.00.

CONTRACTOR: PHILIPS HEALTHCARE

**LOT I – AUTOMATED EXTERNAL DEFIBRILLATORS
(AED) ACCESSORIES AND RELATED PRODUCTS**

<u>Product Categories</u>	<u>Percent Discount Range</u>
1. Automated External Defibrillators (AED)	29.23-35.09%
2. Monitors-Defibrillators	10.00-26.39%
3. AED Training Units	15%
4. Mounting Cabinetry & Appropriate Brackets	15%
5. Training Packages (Standard Line Item Training Packages)	N-A
6. Program Management	N-A
7. Options (Associated Accessories, Optional Equipment Disposables)	5-15%

ADDITIONAL DISCOUNTS % Offered: For orders over \$100,000 on the LIFEPAK 12 defibrillator-monitor device, the discount off List will be 25%. Accessories for this device remain at 15%.

Name of Price List: State of New York IFB 21270 Price List

Date of Price List: May 2012

Manufacturer: Physio-Control, Inc.

Address of Plant: 11811 Willows Road NE
Redmond, WA 98052-2003

Products Offered: See Pricing Button on Contract Award Notification (CAN)

Guaranteed Delivery: 30 days ARO (subject to availability)

Normal Business Hours: Monday - Friday 7:00 am - 5:30 pm EST

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

Name: Mark Anauo

Toll Free Telephone Number: 800-442-1142

Pager Number: 518-341-5087

E-mail Address: bidsinbox@medtronic.com

Contractor will accept the New York State Procurement Card for orders not to exceed \$15,000.00.

CONTRACTOR: PHYSIO-CONTROL, INC.

21270ra26

LOT I – AUTOMATED EXTERNAL DEFIBRILLATORS
(AED) ACCESSORIES AND RELATED PRODUCTS

<u>Product Categories</u>	<u>Percent Discount Range</u>
1. Automated External Defibrillators (AED)	28-31%
2. Monitors-Defibrillators	12-28%
3. AED Training Units	20%
4. Mounting Cabinetry & Appropriate Brackets	20%
5. Training Packages (Standard Line Item Training Packages)	N-A
6. Program Management	N-A
7. Options (Associated Accessories, Optional Equipment Disposables)	12-20%

NO ADDITIONAL DISCOUNTS OFFERED

Name of Price List: State of New York Bid 012408 Price List

Date of Price List: September 2011

Manufacture: Zoll Medical Corporation

Address of Plant: 269 Mill Road
Chelmsford, MA 01824

Products Offered: See Pricing Button on Contract Award Notification (CAN)

Guaranteed Delivery: 18-90 days ARO

Normal Business Hours: Monday - Friday 8:30 am - 6:00 pm EST

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

Name: Zoll Medical Corporation - Technical Support

*Toll Free Telephone Number: 800-348-9011

Pager Number: 978-421-0005

E-mail Address:

*Emergency telephone assistance available 24 hours a day 7 days a week.

Contractor will accept the New York State Procurement Card for orders not to exceed \$15,000.00.

CONTRACTOR: ZOLL MEDICAL CORPORATION

REQUEST FOR CHANGE:

21270ra26

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, New York State Procurement, prior to effectuation.

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.

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.

NOTE TO CONTRACTOR:

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

PREFERRED SOURCE PRODUCTS AND SERVICES:

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

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

OVERLAPPING CONTRACT ITEMS:

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

NYSPRO'S DISPUTE RESOLUTION POLICY:

It is the policy of the Office of General Services' New York State Procurement (NYSPRO) to provide vendors with an opportunity to administratively resolve disputes, complaints or inquiries related to NYSPRO bid solicitations or contract awards. NYSPRO encourages vendors to seek resolution of disputes through consultation with NYSPRO staff. All such matters will be accorded impartial and timely consideration. Interested parties may also file formal written disputes. A copy of NYSPRO'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.ny.gov).

PROCUREMENT LOBBYING TERMINATION:

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

SUMMARY OF POLICY AND PROHIBITIONS ON PROCUREMENT LOBBYING:

Pursuant to State Finance Law §§139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS and an Offerer-bidder during the procurement process. An Offerer-bidder is restricted from making contacts from the earliest notice of intent to solicit offers-bids through final award and approval of the Procurement Contract by OGS and, if applicable, the Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j (3) (a). Designated staff, as of the date hereof, is identified on the first page of this solicitation. OGS employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Offerer-bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the Offerer-bidder is debarred from obtaining governmental Procurement Contracts. Further information about these requirements can be found on the OGS website:

<http://www.ogs.ny.gov/aboutOgs-regulations-defaultAdvisoryCouncil.html>

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/dshh-redrecyc-c145home.html>.

SCOPE:

It is the intent of the State of New York, Office of General Services to establish a term contract to provide NY State agencies, political subdivisions and other authorized agencies with procurement options to meet their requirements for Automatic External Defibrillators (AED's), accessories and related products based on terms and conditions stated herein.

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.ny.gov). Questions regarding an organization's eligibility to purchase from New York State Contracts may also be directed to OGS New York State Procurement's Customer Services at 518-474-6717.

EXTENSION OF USE:

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

MINIMUM ORDER:

Minimum order is \$250.00.

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.

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 UPDATES - ADDITION AND DELETION PRODUCTS

Product changes to Contract are addressed in the following manner. In order to expedite processing of a change request that involves more than one specified category below, each request should be submitted separately to OGS.

a) **AUTO ADDS - DELETIONS** – “Auto Adds-Deletions” are Contract changes and updates made in accordance with the previously approved Contract pricing formula; e.g., a “discount from list” or pricing based on an approved GSA-based price Schedule. “Auto Adds-Deletions” include: i) adding new products within the established, previously approved pricing structure, ii) lowering pricing for Products previously incorporated under the Contract, and iii) deleting Products previously incorporated under the Contract. Contractor shall forward the updated Contract price list to OGS for prior approval before changes (additions or deletions) are made to the Contract. Contractor may not supply new product offerings until after receipt of OGS approval. While price decreases (ii) may take effect at any time, Contractor shall provide to OGS new updated price lists. For category (iii) Auto Deletions, Contractor must supply documentation supporting the unavailability of the product to the US market. Contractor should note, however, that all “Auto Adds” or Deletions approved by OGS are subject to a post audit by the Office of the State Comptroller.

b) **REGULAR ADD** - “Regular Adds” are requests for i) price increases for Products incorporated under the Contract for other than previously approved pricing structure, and ii) addition of new products to the Contract which do not fall under the previously established price structure or discounts for Product types previously approved under the Contract. Regular Adds include but are not limited to newly added manufacturer's product lines, re-bundled Products or Services, etc. Regular Adds must be submitted to OGS for prior approval, and must be accompanied by a justification of reasonableness of price. Regular Adds are subject to pre-audit by the Comptroller. If approved, OGS staff will notify Contractor in writing. Contractor may not supply new product offerings until after receipt of OGS approval of the “Regular Add.” When Contract pricing is based on GSA prices, the revised prices or prices of new Products must reflect current GSA prices adjusted as necessary for any additional discounts.

c) **SPECIAL ADD** – Contract changes and updates that do not fall within either of the above categories will be processed as “Special Adds”. Special Adds are changes that are not specifically covered by the terms of the Contract but inclusion is found to be in the best interest of the State. Contractor must provide a justification of reasonableness of the prices offered and a statement explaining why it is in the best interest of the State to approve the new Products. Special Adds are subject to pre-audit by the Office of the State Comptroller. If approved, OGS staff will notify Contractor in writing. Contractor may not supply new offerings until after receipt of OGS approval of the “Special Add.”

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, New York State Procurement.

CONTRACT PERIOD AND RENEWALS:

It is the intention of the State to enter into a contract for a term of four (4) years as stated herein. If mutually agreed between the New York State Procurement 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.

EPA ENERGY STAR PROGRAM:

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

INSTRUCTION MANUALS:

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

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

GROUP 12605 - AUTOMATED EXTERNAL DEFIBRILLATORS (AED's) AWARD PAGE 16
ACCESSORIES AND RELATED PRODUCTS (Statewide)

REPORT OF CONTRACT PURCHASES (Cont'd.):

<u>Item- SubItem Number</u>	<u>Product or Catalog Number</u>	<u>Product- Service Description</u>	<u>Total Quantity Shipped to State Agencies</u>	<u>Total Quantity Shipped to Authorized Non-State Agencies</u>	<u>Total \$ Value</u>
					\$
				Grand Total	\$

The report is to be submitted electronically in Microsoft Excel 2003 or lower format to the Office of General Services, New York State Procurement, 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.

"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.

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.

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

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.

PERIODIC RECRUITMENT:

The State reserves the right to consider additional vendors for award on manufacturer's lines or categories that are not covered on the awards resulting from this bid opening; starting approximately one year from the contract award beginning date and at yearly intervals during the course of the contract or at any time determined by the State to be in its best interest. Single-or Sole Source vendors shall be required to submit this 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 the same terms and conditions; with an additional requirement that the vendor provide information that is required under alternate bid section of this document and evidence that they are the sole-single source for this equipment offered. Once awarded a contract, a vendor may not resubmit a bid on an awarded line for future consideration until the new Invitation for Bids is issued.

For addition of Non-Single-non-Sole Source suppliers (brands for which competition exists) upon receipt of suitable "proof of need" and the requirements stated herein during the interim of the contract period if it is found that new product lines or categories are required by our NYS contract end users, the State reserves the right to bid for those products and add the newly awarded product to this contract.

**State of New York
Office of General Services
NEW YORK STATE PROCUREMENT
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 NEW YORK STATE PROCUREMENT
 Customer Services, 37th Floor
 Corning 2nd Tower - Empire State Plaza
 Albany, New York 12242

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