

APPENDIX C

CONTRACT MODIFICATION PROCEDURE

The following guidelines are subject to change at the discretion of OGS. A Contract Amendment requires a formally executed document by mutual agreement of the Parties, to be provided by OGS Contract Administrator, after submission and approval of the Contract Modification Form.

- (1) **TYPES OF CONTRACT MODIFICATIONS:** In order to expedite processing of a contract modification, where proposed changes involve more than one category below, each change should be submitted to OGS as a separate request.
 - a) **UPDATES:** “Updates” are changes that do not require a change to the established Contract terms and conditions. Updates may include: adding new Products; deleting obsolete Products; increase pricing in accordance with the previously approved pricing formula (e.g. discount from list price); lowering pricing of Products already on Contract, changes to authorized Dealer/Distributor list; and other updates not listed above that are deemed to be in the best interest of the State and do not result in a change to the established Contract terms and conditions. Updates must be submitted to OGS for review and OGS will notify Contractor in writing if approved.
 - b) **AMENDMENTS:** “Amendments” are changes that are not specifically covered by the terms and conditions. agreement to new terms and conditions issues as part of a Periodic Recruitment by an existing Contractor; and additional applicable statutory requirements in effect at the time of Periodic Recruitment. The process for submitting and processing Amendments involving Periodic Recruitment will be included in the Periodic Recruitment version of IFB 23155. OGS will work directly with the Contractor to obtain the required documentation for each requested amendment and notify the Contractor in writing if approved.
- (2) **CONTRACTOR’S SUBMISSION OF CONTRACT MODIFICATIONS:** In connection with any Contract modification, OGS reserves the right to:
 - request additional information
 - reject Contract modifications
 - remove Products from Contract modification requests
 - request additional discounts for new or existing Products
- (3) **PRICE LEVEL JUSTIFICATION – FORMAT:** Contractor is required to submit the Product and price level information for the update in an Excel spreadsheet format electronically via e-mail (and in hard copy if requested by OGS) to the OGS Contract Administrator. The list must be dated. The Product and price level information should include and identify (e.g., by use of separate worksheets or by using italics, bold and/or color fonts):
 - Price level increases
 - Price level decreases
 - Products being added
- (4) **SUPPORTING DOCUMENTATION:** Each modification request must include the current contract pricing discount relevant to the Products included in the update.
- (5) **SUBMITTAL OF MODIFICATION REQUESTS:** A Contract modification request must be accompanied by a completed Contract Modification Form. Contractor should briefly describe the nature and purpose of the update (e.g., update requested in order to reflect a recently approved GSA schedule, to restructure the price level to its customers generally, and/or for new Products which fall into a new group or category that did not exist at the time of approval of the Contract by OGS). The Contract Modification Form must contain original signatures by an individual authorized to sign on behalf of Contractor and must be notarized.

INSTRUCTIONS:

1. This form is to be used for all Contract modifications. The form is to be completed in full, signed and submitted to OGS for final approval. Any submission that is not complete and signed will be rejected.
2. Contract updates must be in accordance with the Contract and submitted via e-mail to the OGS Contract Administrator for this Contract.
3. If more than one type of modification is being requested, each type should be submitted as a separate request.

The Contract modification request must be accompanied by the relevant current contract pricing discount information.

CONTRACT MODIFICATION FORM	
OGS CONTRACT NO.: _____ CONTRACT DESCRIPTION: Award 23155, Group 35200 - Firearms, Ammunition, and Less-Lethal Products (Statewide)	DATE OF SUBMISSION: _____
CONTRACT PERIOD: From: November 1, 2019 To: October 31, 2024	CONTRACTOR CONTACT: NAME: _____ PHONE NO: _____ E-MAIL: _____
NOTE: Submission of this FORM does not constitute acceptance by the State of New York until approved by the appropriate New York State representative(s).	

COMPLETE STATEMENTS 1 THROUGH 5 BELOW:

1. This request is for an: _____ Update _____ Amendment See Contract Modification Procedure for an explanation of these terms.	2. The intent of this submittal is to: _____ Add new Products _____ Delete Products _____ Increase Pricing _____ Reduce Pricing _____ Change Dealer/Distributor List _____ Other Update _____ Other Amendment
3. All discounts are: _____ GSA _____ Most Favored Nation* _____ *Prices offered are the lowest offered to any similarly situated entity.	4. Attached documentation includes: _____ Cover letter written on company’s letterhead _____ Current approved GSA Schedule, if applicable (labeled "For information only") _____ Current Manufacturer’s Nationally Published Price List(s) _____ Revised NYS Net Price List in same format required for this Contract, dated and new products indicated _____ Attachment 9 – <i>Dealer/Distributor Info</i> (if applicable) which lists ALL Dealers/Distributors for the Contract _____ Attachment 11 – <i>Product Detailed Specs</i> (if applicable)
5. Cover Letters: Describe the nature and purpose of the update/modification (e.g., update requested in order to reflect a recently approved GSA Schedule or WSCA Contract pricing update, to add/delete Products, etc.).	

