



## Participating Addendum

### Hazardous Incident Response Equipment (HIRE)

#### Award #22872

#### Participation in the HIRE Contract

This Participating Addendum form is supplied on the HIRE contract website:

<https://www.ogs.ny.gov/purchase/spg/pdfdocs/3823222872Participation.pdf> for use by other States that are interested in participating in the Award.

States requiring the addition of significant terms and conditions to those already accepted by the contractors should attach them to the Participating Addendum and submit to each Contractor from which they wish to purchase. OGS will review, approve, sign and return the Participating Addendum if acceptable. If no additional terms are needed, Participating States should have the Participating Addendum signed by the contractor(s) under the resulting Contract Number (i.e. **PC12345**) and forward a copy of the signed agreement to the NYS OGS Contract Administrator at: [bradford.deforge@ogs.ny.gov](mailto:bradford.deforge@ogs.ny.gov)

**The following is a listing of current Participating States as of February 27, 2019:**

State	Contact Person Name	Contact Phone No.	Email Address
Alaska	Jason Soza	907-465-5684	<a href="mailto:jason.soza@alaska.gov">jason.soza@alaska.gov</a>
Connecticut	Carol Wilson	860-713-5093	<a href="mailto:carol.wilson@ct.gov">carol.wilson@ct.gov</a>
Vermont	Steve Smith	802-828-4681	<a href="mailto:steven.smith@state.vt.us">steven.smith@state.vt.us</a>
Maine	Donny Crockett	207-624-7336	<a href="mailto:donny.crockett@maine.gov">donny.crockett@maine.gov</a>
South Dakota	Steven Berg	605-773-5270	<a href="mailto:steven.berg@state.sd.us">steven.berg@state.sd.us</a>
Pennsylvania	Tammy Klusman	717-240-6160	<a href="mailto:tklusman@ccpa.net">tklusman@ccpa.net</a>
Florida	Kasey Faulk	850-717-3682	<a href="mailto:kasey.faulk@fdc.myflorida.com">kasey.faulk@fdc.myflorida.com</a>
Maryland	Dennis Dudley	301-600-1746	<a href="mailto:ddudley@frederickcountymd.gov">ddudley@frederickcountymd.gov</a>

**Participating Addendum Agreement****HIRE Award No. 22872****PURPOSE**

The purpose of this Agreement is to provide other States with the opportunity to participate in the NYS OGS HIRE contracts. The Participating Addendum identifies the interested parties who intend to order from each contract.

**I. EFFECTIVE DATES OF THIS INTENT TO CONTRACT**

This agreement shall remain in effect until the term of the contract, stated within the Contract Award Notification Document, has ended or has been terminated for cause.

**II. SCOPE OF THE CONTRACT**

The State of New York is authorized by agreement of the participants to act as the Lead State in this Contract to provide Authorized Users, (including other participating States) with a means of acquiring various types of Hazardous Incident Response Equipment as per, but not limited to, the Department of Homeland Security (DHS) Authorized Equipment List (AEL). Products provided within the contract must be within the general scope of a specific AEL category. Submissions for any equipment not specifically listed in the DHS Authorized Equipment List categories will be evaluated on a case by case basis as to eligibility for inclusion on the NYS HIRE contract. OGS reserves the right to exclude any item(s) deemed to be out of scope of the Contract.

Multiple Contracts were awarded to responsive and responsible Bidders who are able to meet the terms and conditions of the IFB, and whose product offerings met the scope of the IFB.

**III. GOVERNING LAW**

This procurement and the resulting agreement shall be governed by and construed in accordance with the laws of the state of New York (the state sponsoring and administering the procurement). The construction and effect of any Participating Addendum or order against the contract(s) shall be governed by and construed in accordance with the laws of the Participating Entity's State. Venue for any claim, dispute or action concerning an order placed against the contract(s) or the effect of a Participating Addendum shall be in the Purchasing Entity's State.

POLITICAL SUBDIVISION PARTICIPATION: Participation under this contract by political subdivisions (i.e., colleges, school districts, counties, cities, etc.) of the participating states shall be voluntarily determined by the political subdivision. The contractor agrees to supply the political subdivisions based upon the same terms, conditions and prices.

ENTITY PARTICIPATION (outside NYS): Use of this cooperative contracts by state agencies, political subdivisions and other entities (including cooperatives) authorized by individual state's statutes to use state contracts are subject to the approval of the respective State Chief Procurement Official. Issues of interpretation and eligibility for participation are solely within the authority of the respective State Chief Procurement Official.

**IV. ADMINISTRATIVE AND REPORTING REQUIREMENTS**

Contractor shall furnish a report of purchases made from the awarded contract on the fifteenth day of the month following the end of each six month period. For example, sales for January thru June would due by July 15th (a contract start date of June 1st would require sales reports for June 1st thru November 30th be submitted no later than December 15th).

Reports of New York State sales and total contract sales including other state purchases are to be submitted to OGS NYS Procurement (NYSPRO), to the attention of the Contract Administrator, as shown on the front page of the Contract Award Notification document. The report must be completed in its entirety. NYSPRO reserves the right to request additional information if needed.

Participating State reports should be submitted to the participating state as required by the State.

Administrative Fee:

An administrative fee of one-half of one percent (0.5%) will be collected from each contractor for purchases under the contract.

**V. TERM OF THE CONTRACT**

The contract will be established for five (5) years.

**VI. PARTIES TO THIS AGREEMENT**

The parties to this Agreement have affixed their signatures below in witness and in execution of this Participating Addendum, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Printed Name and Title (Participating State)**

\_\_\_\_\_

**Signature**

\_\_\_\_\_

**State**

\_\_\_\_\_

**Printed Name and Title (Participating HIRE Contractor)**

\_\_\_\_\_

**Signature**

\_\_\_\_\_

**HIRE Contractor**

\_\_\_\_\_

**Participating State information-** Please provide the following information for your state:

<b>Participating State</b>	
<b>Contact Name</b>	
<b>Phone Number</b>	
<b>Fax Number</b>	
<b>Email</b>	
<b>Mailing Address</b>	
<b>HIRE Contract Number</b>	
<b>HIRE Contractor Name</b>	
<b>Additional Terms/Conditions (Yes/No) If yes, please attach</b>	
<b>Date</b>	

**Please send the completed form to:**

Bradford Deforge  
NYS Office of General Services  
Procurement Services  
Corning Tower, 38<sup>th</sup> Floor  
ESP, Albany, NY 12242  
Phone: 518-473-3876  
Email: [bradford.deforge@ogs.ny.gov](mailto:bradford.deforge@ogs.ny.gov)