

APPENDIX D

CONTRACT MODIFICATION PROCEDURE

The following guidelines are subject to change at the discretion of OGS.

- (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 Centralized Contract terms and conditions. Updates may include: Adding new products or services within the established, previously approved pricing structure and category; lowering pricing of products or services already on Contract, deleting products or services available through the Centralized Contract, re-bundled products/new manufacturer/contract number, 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 Centralized Contract terms and conditions. Updates must be submitted to OGS for review and must be accompanied by a justification of reasonableness of price. OGS will notify Contractor in writing if approved. Awarded Bidders are required to honor their posted Contract pricing at all times and may not charge greater than Contract price at any time during the contract term. Contractors must adhere to the previously approved Contract pricing until Price List Update approval is provided by OGS.
- NOTE: Only Updates will be allowed for HIRE Award #23173.**
- b) **AMENDMENTS:** “Amendments” are changes that are not specifically covered by the terms and conditions of the Centralized Contract, but inclusion is found to be in the best interest of the State. Requests for product changes and other requests that would require changes to the terms and conditions of the Centralized Contract would fall into the Amendments category. Contractor must provide a written justification of reasonableness of the price levels offered in the applicable Program Agreement and a statement explaining why it is in the best interest of the State to approve the requested amendment. Amendments typically require negotiation between OGS and the Contractor. OGS will work directly with the Contractor to obtain the required documentation for each requested amendment and notify Contractor in writing if approved.
- NOTE: Amendments will not be allowed for HIRE Award #23173.**
- (2) **CONTRACTOR’S SUBMISSION OF CONTRACT MODIFICATIONS:** In connection with any Contract modification, OGS reserves the right to:
- Request additional information
 - Reject Contract Modifications/Updates
 - Remove Products from Contract Modification/Update 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, by use of Attachment 11 - Price List Update Template, the following:
- Current Approved Price List
 - Price level increases
 - Price level decreases
 - Products being added
 - Products being deleted
 - New Complete Price List

To expedite processing of a price list update, please follow these instructions:

- Request a copy of the HIRE Price List Update Template, via email, from the OGS Contract Administrator at: psghire@ogs.nv.gov.**

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- Complete the appropriate tabs for current price list, product additions, deletions, pricing increases, and decreases, and new complete updated price list.
 - Complete the Contract Modification/Price List Update Form (below).
 - Provide a cover letter on company letterhead, signed and dated, detailing the revisions you are requesting to make to your HIRE price list, and why the revisions are necessary.
 - Provide all necessary supporting pricing justification for the revisions you are requesting (i.e. manufacturer's price list, etc.).
 - Review and verify your information for completeness and accuracy.
 - Send your completed Price List Update Template, Contract Modification/Price List Update Form, Cover Letter and supporting documentation electronically to: psghire@ogs.ny.gov.
- (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/PRICE LIST UPDATE REQUESTS:** A Contract Modification/Price List Update request must be accompanied by a completed Contract Modification/Price List Update Form. Contractor should briefly describe the nature and purpose of the update (e.g., update requested to reflect revised manufacturer pricing and/or a recently approved GSA schedule (for same products). The Contract Modification Form must contain original signatures by an individual authorized to sign on behalf of Contractor and must be notarized.
- a) Contractors may update their OGS price list to include price increases and decreases, Product additions and deletions, and/or Product item number or description changes. New Products will be considered for inclusion provided they are within the Contract scope, are within the same DHS AEL Category(s) originally awarded to the Contractor and offered to the State under the same terms and conditions as per the Contract, and at discounts/pricing deemed to be reasonable and in the best interest of the State. The discount offered on new Products requested to be added to the Contractor's price list shall be no lower than the minimum established discount under the main DHS AEL Category in which the new Product corresponds.
 - b) New Manufacturer Product lines may be offered within a Price Update by a Contractor provided they are within Contract scope and within the DHS AEL Category(s) originally awarded to the Contractor. Products and/or product lines that fall within a DHS AEL Category(s) not originally awarded to a Bidder/Contractor will not be accepted. Category(s) not originally awarded to a Bidder/Contractor may not be added post award.

CONTRACT MODIFICATION/PRICE LIST UPDATE FORM

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. Contractor is required to submit the Product and price level information for the update electronically, via e-mail, within Attachment 11 – Price List Update Template, to the OGS Contract Administrator for this Contract.
3. Price level increase requests must be submitted in accordance with the Centralized Contract.
4. 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/PRICE LIST UPDATE FORM	
OGS CONTRACT NO.: _____ CONTRACT DESCRIPTION: Hazardous Incident Response Equipment (HIRE)	DATE OF SUBMISSION: _____
CONTRACT PERIOD: From: _____ To: _____	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 - ALL BOXES MUST BE COMPLETE:

1. This request is for an: <input type="checkbox"/> Update <input type="checkbox"/> Other (i.e. Revised Item #'s/Descriptions, etc.)	2. The intent of this submittal is to request: <input type="checkbox"/> Addition of new products or services <input type="checkbox"/> Deletion of products or services <input type="checkbox"/> Pricing Increases <input type="checkbox"/> Pricing Decreases
3. All discounts are based upon: <input type="checkbox"/> GSA <input type="checkbox"/> Most Favored Nation* <input type="checkbox"/> Other (i.e. discount % off list only, equal to other Gov't entity contract, etc.) _____ *Prices offered are the lowest offered to any similarly situated entity.	4. Attached documentation includes: <input type="checkbox"/> Current approved GSA or Other Supporting Pricing (labeled "For information only") <input type="checkbox"/> Current relevant Price List (labeled "For information only") <input type="checkbox"/> Revised HIRE Price List Update Template <input type="checkbox"/> Other: Detail any additional documentation provided

5. Briefly describe the nature and purpose of the modification.

The following CORPORATE ACKNOWLEDGEMENT statement must be signed by an individual authorized to sign on behalf of Contractor for the modification/update being requested in this Contract Modification document. The authorizing authority’s signature must be notarized.

Signature of Authorized Contractor Representative

CORPORATE ACKNOWLEDGMENT

STATE OF } : _____

ss.:

COUNTY OF } : _____

On the ____ day of _____ in the year 20____, before me personally came:

_____, to me known, who, being by me duly sworn, did depose and say that he/she/they reside(s) in _____; that he/she/they is (are) _____ (the President or other officer or director or attorney in fact duly appointed) of _____, the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by authority of the board of directors of said corporation.

Notary Public

OGS APPROVAL:

Approved _____ Approved as amended _____ *Disapproved _____

Name: _____

Title: _____ Date _____

*OGS has disapproved the modification/update request for the following reason(s):