PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: 21091

DATE: June 25, 2014

PLEASE ADDRESS INQUIRIES TO:

GROUP: 11903–Orthopedic Equipment (Implantables, Prosthesis Appliances and Associated Products) (Statewide)

STATE AGENCIES & CONTRACTORS
Vivian Basile
Contract Management Specialist
(518) 474-0912
Vivian.basile@ogs.ny.gov

CONTRACT PERIOD: July 30, 2008-July 28, 2014

OTHER AUTHORIZED USERS
Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

CONTRACTORS/
CONTRACT NOS.: Smith & Nephew /PC63949
Zimmer US, Inc. /PC63951

SUBJECT: CONTRACT EXPIRATION UPDATE

TO ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

Effective July 28, 2014, the above referenced contracts will lapse and a future bid is not anticipated. Agencies are encouraged to follow their purchasing and discretionary guidelines when procuring all products.

Please contact the purchasing officer listed above if you should have any questions.
PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: 21091

DATE: April 15, 2014

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS
Vivian Basile
Contract Management Specialist
(518) 474-0912
Vivian.basile@ogs.ny.gov

OTHER AUTHORIZED USERS
Customer Services
(518) 474-6717
customer.services@ogs.ny.gov

GROUP: 11903-Orthopedic Equipment (Implantable Prosthesis Appliances and Associated Products)

CONTRACT PERIOD: July 30, 2008- July 28, 2014

CONTRACTOR/ CONTRACT NO.: Zimmer US, Inc. PC63951

SUBJECT: PRICE LIST UPDATE

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

Effective April 15, 2014, Zimmer US, Inc. PC63951 has added 934 products to their Price List.

Please refer to the (CAN) Contract Award Notification for a complete price list update and revised AWARD: http://www.ogs.ny.gov/purchase/spg/awards/1190321091CAN.HTM

All other terms and conditions remain the same.

Please contact the Purchasing Officer above if you should have any questions.
PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: 21091

DATE: April 15, 2014

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS
Vivian Basile
Contract Management Specialist
(518) 474-0912
Vivian.basile@ogs.ny.gov

OTHER AUTHORIZED USERS
Customer Services
(518) 474-6717
customer.services@ogs.ny.gov

GROUP: 11903-Orthopedic Equipment (Implantable Prosthesis Appliances and Associated Products)

CONTRACT PERIOD: July 30, 2008-
January 31, 2013

CONTRACTOR/ CONTRACT NO.: Zimmer US, Inc.
PC63951

SUBJECT: PRICE LIST UPDATE

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

Effective April 15, 2014, Synthes USA, PC63951 has added 934 products to their Price List.

Please refer to the (CAN) Contract Award Notification for a complete price list update and revised AWARD:
http://www.ogs.ny.gov/purchase/spg/awards/1190321091CAN.HTM

All other terms and conditions remain the same.

Please contact the Contract Management Specialist above if you should have any questions.
PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: 21091

DATE: November 14, 2013

PLEASE ADDRESS INQUIRIES TO:
STATE AGENCIES & CONTRACTORS
Christopher Rochester
Contract Management Specialist I
(518) 474-0912
Christopher.rochester@ogs.ny.gov

OTHER AUTHORIZED USERS
Customer Services
(518) 474-6717
customer.services@ogs.ny.gov

GROUP: 11903-Orthopedic Equipment (Implantable Prosthesis Appliances and Associated Products)

CONTRACT PERIOD: July 30, 2008-
July 28, 2014

CONTRACTOR/ CONTRACT NO.: Smith & Nephew, Inc./PC63949
Zimmer US, Inc./PC63951

SUBJECT: Contract Extension, Price List Update, and Purchase Instructions

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

Smith & Nephew, Inc. and Zimmer US, Inc. have extended their contracts through July 28, 2014.

Synthes USA has not been extended. Their contract expired July 28, 2013.

Smith & Nephew will hold current pricing through the contract extension period (July 28, 2014).

Zimmer US, Inc. has reduced pricing in the 3% to 10% range on approximately 4543 items. See updated price list.

PURCHASING INSTRUCTIONS

Please be reminded that items on the awarded price list are the only items available to purchase against this contract as a contract purchase. Items not on the price list may be purchased as a non-contract purchase through an alternate procurement method (i.e. Discretionary purchasing for NY State Agencies and Authorized Users). Non contract items must be on separate purchase orders and not combined with contract item purchase orders.

All other terms and conditions remain the same.

Please contact the Contract Management Specialist above if you have any questions.
Purchasing Memorandum

Contract Award Notification Update

Award Number: 21091

Date: May 21, 2013

Please address inquiries to:

State Agencies & Contractors
Mary P. Schneider
Contract Management Specialist I
(518) 474-0912
mary.schneider@ogs.ny.gov

Other Authorized Users
Customer Services
(518) 474-6717
customer.services@ogs.ny.gov

Group: 11903-Orthopedic Equipment (Implantable Prosthesis Appliances and Associated Products)


Contractor/Contract No.: Smith & Nephew, Inc. PC63949

Subject: Contact Information Update / Revised Award

All State Agencies and Others Authorized to Use State Contracts:

The contract contact information for Smith & Nephew Inc. as listed on page (2) of the Contract Award has changed as follows:

Rusty Palmer
Director of Pricing / Advanced Surgical Devices
Email: rusty.palmer@smith-nephew.com
Phone: 901-399-5229
Cell: 901-849-2598
www.smith-nephew.com

Please refer to the Contract Award Notification (CAN) for a revised award at:
http://www.ogs.ny.gov/purchase/spg/awards/1190321091CAN.HTM

All other terms and conditions remain the same.

Please contact the Contract Management Specialist I above if you have any questions.
PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: 21091

DATE: April 19, 2012

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS
Ayana Mendoza
Purchasing Officer I
(518) 474-3034
ayana.mendoza@ogs.ny.gov

GROUP: 11903 - Orthopedic Equipment (Implantable Prosthesis Appliances and Associated Products)

CONTRACT PERIOD: July 30, 2008 -
July 28, 2013

CONTRACTORS/ CONTRACT NOS.: Smith & Nephew, Inc. / PC63949
Synthes USA/ PC63950
Zimmer US, Inc. / PC63951

SUBJECT: REVISED AWARD

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

The contract Group 11903 Award 21091 for Orthopedic Equipment (Implantable Prosthesis Appliances and Associated Products) has been revised to reflect the corrected contract period (July 30, 2008 – July 28, 2013). The contract administrator contact information has been updated.

The revised award is located on the following website:

http://www.ogs.ny.gov/purchase/spg/awards/1190321091CAN.HTM

Please direct communications pertaining to the above referenced contract to the Purchasing Officer listed above.

All other terms and conditions of the award remain the same.
Purchasing Memorandum

Contract Award Notification Update

Award Number: 21091

Date: February 1, 2012

Please address inquiries to:
STATE AGENCIES & CONTRACTORS
Mary P. Schneider
Purchasing Officer I
(518) 474-0912
mary.schneider@ogs.ny.gov

Other Authorized Users
Customer Services
(518) 474-6717
customer.services@ogs.ny.gov

Subject: Price List Update / Revised Award

All State Agencies and Others Authorized To Use State Contracts:

Effective February 1, 2012, Synthes USA, PC63950 has updated their entire price list which includes: Orthopedic Trauma, CranialMaxillofacial (CMF) and Spine.

Please refer to the (CAN) Contract Award Notification for a complete price list update and revised AWARD: http://www.ogs.ny.gov/purchase/spg/awards/1190321091CAN.HTM

All other terms and conditions remain the same.

Please contact the Purchasing Officer above if you should have any questions.
New York State Office Of General Services  
Procurement Services Group  
Corning Tower Building  
Empire State Plaza  
Albany, New York 12242  
http://www.ogs.state.ny.us

PURCHASING MEMORANDUM  
CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: 21091  
DATE: March 23, 2011

GROUP: 11903-Orthopedic Equipment (Implantable Prosthesis Appliances and Associated Products)  
PLEASE ADDRESS INQUIRIES TO:  
STATE AGENCIES & CONTRACTORS  
Mary P. Schneider  
Purchasing Officer I  
(518) 474-0912  
mary.schneider@ogs.state.ny.us

CONTRACT PERIOD: July 30, 2008-  
January 21, 2012

OTHER AUTHORIZED USERS  
Customer Services  
(518) 474-6717  
customer.services@ogs.state.ny.us

CONTRACTOR/ CONTRACT NO.: Synthes USA  
PC63950

SUBJECT: PRICE LIST UPDATE / REVISED AWARD

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

Effective immediately, Synthes USA, PC63950 has updated their entire price list which includes: Orthopedic Trauma, CranialMaxillofacial (CMF) and Spine.

Please refer to the (CAN) Contract Award Notification for a complete price list update and revised AWARD:  
http://www.ogs.state.ny.us/purchase/spg/awards/1190321091Can.htm

All other terms and conditions remain the same.

Please contact the Purchasing Officer above if you should have any questions.
PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: 21091

DATE: November 23, 2010

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS
Mary P. Schneider
Purchasing Officer I
(518) 474-0912
mary.schneider@ogs.state.ny.us

OTHER AUTHORIZED USERS
Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

GROUP: 11903-Orthopedic Equipment (Implantable Prosthesis Appliances and Associated Products)

CONTRACT PERIOD: July 30, 2008 - January 31, 2013

CONTRACTOR/ CONTRACT NO.: Zimmer US, Inc. PC63951

SUBJECT: PRICE LIST UPDATE/REVISED CONTRACT AWARD

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

Effective immediately, the above referenced Contract Award Notification (CAN) has been revised to include the addition of spine applications which were not included in the original contract agreement. New items will carry a minimum 10% discount. The revised contract award is now available at http://www.ogs.state.ny.us/purchase/spg/awards/1190321091CAN.HTM

Please contact the Purchasing Officer above if you should have any questions.

All other terms and conditions remain unchanged.
PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: 21091

DATE: September 29, 2010

PLEASE ADDRESS INQUIRIES TO:

GROUP: 11903-Orthopedic Equipment (Implantable Prosthesis Appliances and Associated Products)

STATE AGENCIES & CONTRACTORS
Mary P. Schneider
Purchasing Officer I
(518) 474-0912
mary.schneider@ogs.state.ny.us

OTHER AUTHORIZED USERS
Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

CONTACT INFORMATION UPDATE / REVISED AWARD

CONTRACT PERIOD: July 30, 2008 - January 31, 2013

CONTRACTOR/ CONTRACT NO.: Smith & Nephew, Inc. PC63949

SUBJECT: CONTACT INFORMATION UPDATE / REVISED AWARD

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

The contract expediting contact information for Smith & Nephew, Inc. (LOT 1, Item 1) as listed on page (3) of the Contract Award has changed as follows:

Michael Timperio
Email: michael.timperio@smith-nephew.com
Phone: (781) 935-7455

Please refer to the Contract Award Notification (CAN) for a revised award at:
http://www.ogs.state.ny.us/purchase/spg/awards/1190321091Can.htm

All other terms and conditions remain the same.

Please contact the Purchasing Officer above if you have any questions.
PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: 21091

DATE: June 1, 2010

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS
Mary P. Schneider
Purchasing Officer I
(518) 474-0912
mary.schneider@ogs.state.ny.us

GROUP: 11903-Orthopedic Equipment (Implantable Prosthesis Appliances and Associated Products)

CONTRACT PERIOD: July 30, 2008- January 21, 2012

OTHER AUTHORIZED USERS
Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

CONTRACTOR/ CONTRACT NO.: Synthes USA PC63950

SUBJECT: PRICE LIST UPDATE / REVISED AWARD / SECOND SUBMISSION / OF PRICE LIST POSTED MAY 6, 2010-CORRESPONDING PURCHASING MEMORANDUM DATED MAY 7, 2010

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

Effective immediately, Synthes USA, PC63950 has updated their entire price list which includes: Orthopedic Trauma, CranialMaxillofacial (CMF) and Spine.

Please refer to the (CAN) Contract Award Notification for a complete price list update and revised AWARD: http://www.ogs.state.ny.us/purchase/spg/awards/1190321091CAN.HTM

All other terms and conditions remain the same.

Please contact the Purchasing Officer above if you should have any questions.
PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: 21091

DATE: May 7, 2010

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS
Mary P. Schneider
Purchasing Officer I
(518) 474-0912
mary.schneider@ogs.state.ny.us

GROUP: 11903 - Orthopedic Equipment (Implantable Prosthesis Appliances and Associated Products)

OTHER AUTHORIZED USERS
Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

CONTRACT PERIOD: July 30, 2008 - January 31, 2013

CONTRACT NO.: PC63950

CONTRACTOR/ Synthes USA

SUBJECT: PRICE LIST UPDATE / REVISED AWARD

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

Effective immediately, Synthes USA, PC63950 has updated their entire price list inclusive of the following categories: Orthopedic Trauma, CranialMaxillofacial (CMF) and Spine.

Please refer to the (CAN) Contract Award Notification for a complete price list update and revised AWARD: http://www ogs.state.ny.us/purchase/spg/awards/1190321091CAN.HTM

All other terms and conditions remain the same.

Please contact the Purchasing Officer above if you should have any questions.
PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER:  21091

DATE:  March 26, 2010

PLEASE ADDRESS INQUIRIES TO:
STATE AGENCIES & CONTRACTORS
Mary P. Schneider
Purchasing Officer I
(518) 474-0912
mary.schneider@ogs.state.ny.us

OTHER AUTHORIZED USERS
Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

GROUP:  11903 - Orthopedic Equipment (Implantable
        Prosthesis Appliances and Associated Products)

CONTRACT PERIOD:  July 30, 2008-
                   January 31, 2013

CONTRACTOR/  Synthes USA
CONTRACT NO.:  PC63950

SUBJECT:  PRICE LIST UPDATE / REVISED AWARD

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

Effective immediately, Synthes USA, PC63950 has updated their price list for the following categories: Orthopedic Trauma, CranialMaxillofacial (CMF) and Spine.

Please refer to the (CAN) Contract Award Notification for a complete price list update and revised AWARD:
http://www.ogs.state.ny.us/purchase/spg/awards/1190321091CAN.HTM

All other terms and conditions remain the same.

Please contact the Purchasing Officer above if you should have any questions.
PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: 21091

DATE: March 23, 2010

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS
Mary P. Schneider
Purchasing Officer I
(518) 474-0912
mary.schneider@ogs.state.ny.us

OTHER AUTHORIZED USERS
Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

GROUP: 11903 - Orthopedic Equipment (Implantable Prosthesis Appliances and Associated Products)

CONTRACT PERIOD: July 30, 2008 - January 31, 2013

CONTRACTOR/ CONTRACT NO(S): Smith & Nephew, Inc. PC63949

SUBJECT: CONTRACT INFORMATION UPDATE / NEW CONTACT / REVISED AWARD

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

PLEASE NOTE THE FOLLOWING CONTACT INFORMATION UPDATE IN THE TABLE BELOW:

<table>
<thead>
<tr>
<th>PC#</th>
<th>Company</th>
<th>Product Type</th>
<th>Dept.</th>
<th>New Contact Person to Expedite NYS Orders</th>
<th>Phone #</th>
<th>Fax#</th>
</tr>
</thead>
</table>

A revised contract award is now available at:
http://www ogs.state.ny.us/purchase/spg/awards/1190321091CAN.HTM

All other terms and conditions remain the same.

Please contact the Purchasing Officer above if you should have any questions.
PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: 21091

DATE: May 8, 2009

PLEASE ADDRESS INQUIRIES TO:

STATE AGENCIES & CONTRACTORS
Mary P. Schneider
Purchasing Officer I
(518) 474-0912
mary.schneider@ogs.state.ny.us

OTHER AUTHORIZED USERS
Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

GROUP: 11903 - Orthopedic Equipment (Implantable Prosthesis Appliances and Associated Products)

CONTRACT PERIOD: July 30, 2008-
January 31, 2013

CONTRACTOR/ CONTRACT NO.: Smith & Nephew, Inc. PC63949

SUBJECT: CONTRACT INFORMATION UPDATE / NEW CONTACT

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

PLEASE NOTE THE FOLLOWING INFORMATION UPDATE FOR THE ABOVE CONTRACTOR:

<table>
<thead>
<tr>
<th>PC#</th>
<th>Company</th>
<th>Product Type</th>
<th>Dept.</th>
<th>New Contact Person</th>
<th>Phone #</th>
<th>Fax#</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC63949</td>
<td>Smith &amp; Nephew Inc.</td>
<td>Orthopedic Equipment</td>
<td>Pricing Administration</td>
<td>Roxanne Anderson</td>
<td>901-399-5423</td>
<td>901-566-7554</td>
</tr>
</tbody>
</table>

All other terms and conditions remain the same.

Please contact the Purchasing Officer above if you should have any questions.
PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: 21091

DATE: February 25, 2009

PLEASE ADDRESS INQUIRIES TO:

GROUP: 11903 - Orthopedic Equipment (Implantable Prosthesis Appliances and Associated Products)

Mary P. Schneider
Purchasing Officer I
(518) 474-0912
mary.schneider@ogs.state.ny.us

CONTRACT NO.: PC63950

CONTRACT PERIOD: July 30, 2008-January 31, 2013

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

Effective immediately, Synthes USA has updated their price list for the following categories: Orthopedic Trauma, CranialMaxillofacial (CMF) and Spine.

Please refer to the pricing information button on the Contract Award Notification (CAN) for the updated price list.

All other terms and conditions remain the same.

Please contact the Purchasing Officer above if you should have any questions.
PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: 21091

DATE: October 30, 2008

PLEASE ADDRESS INQUIRIES TO:
STATE AGENCIES & CONTRACTORS
Mary P. Schneider
Purchasing Officer I
(518) 474-0912
mary.schneider@ogs.state.ny.us

OTHER AUTHORIZED USERS
Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

GROUP: 11903 - Orthopedic Equipment (Implantable Prosthesis Appliances and Associated Products)

CONTRACT PERIOD: July 30, 2008-
January 31, 2013

CONTRACTOR/ CONTRACT NO.: Zimmer US, Inc. PC63951

SUBJECT: PRICE LIST UPDATE

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

We have accepted an updated Price List for Zimmer US, Inc., dated October 29, 2008 which is effective immediately.

Please refer to the pricing information button on the Contract Award Notification (CAN) for the updated price list.

All other terms and conditions remain the same.

Please contact the Purchasing Officer above if you should have any questions.
PURCHASING MEMORANDUM

CONTRACT AWARD NOTIFICATION UPDATE

AWARD NUMBER: 21091

DATE: August 26, 2008

PLEASE ADDRESS INQUIRIES TO:
STATE AGENCIES & CONTRACTORS
Mary P. Schneider
Purchasing Officer I
(518) 474-0912
mary.schneider@ogs.state.ny.us

CONTRACT PERIOD: July 30, 2008 - January 31, 2013

OTHER AUTHORIZED USERS
Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

CONTRACTOR: Smith & Nephew, Inc.
CONTRACT NO.: PC63949

SUBJECT: PRICE LIST UPDATE

ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS:

We have accepted an updated Price List for Smith & Nephew, Inc, dated August 15, 2008 which is effective immediately.

Please refer to the pricing information button on the Contract Award Notification (CAN) for the updated price list.

All other terms and conditions remain the same.

Please contact the Purchasing Officer above if you should have any questions.
CONTRACT AWARD NOTIFICATION

Title : Group 11903 - ORTHOPEDIC EQUIPMENT
(Implantable Prosthesis Appliances and Associated Products)

Classification Code: 42

Award Number : 21091 (Replaces Award 01612)

Contract Period : July 30, 2008 through January 31, 2013

Bid Opening Date : November 15, 2007

Date of Issue : July 30, 2008

Specification Reference : As Incorporated In The Invitation for Bids

Contractor Information : Appears on Page 2 of this Award

Address Inquiries To:

<table>
<thead>
<tr>
<th>State Agencies &amp; Vendors</th>
<th>Political Subdivisions &amp; Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name : Mary P. Schneider</td>
<td>Customer Services</td>
</tr>
<tr>
<td>Title : Purchasing Officer I</td>
<td>Phone : 518-474-6717</td>
</tr>
<tr>
<td>Phone : 518-474-0912</td>
<td>Fax : 518-474-2437</td>
</tr>
<tr>
<td>Fax : 518-474-5052</td>
<td>E-mail : <a href="mailto:customer.services@ogs.state.ny.us">customer.services@ogs.state.ny.us</a></td>
</tr>
<tr>
<td>E-mail : <a href="mailto:mary.schneider@ogs.state.ny.us">mary.schneider@ogs.state.ny.us</a></td>
<td></td>
</tr>
</tbody>
</table>

The Procurement Services Group values your input.

Description

This award offers the Orthopedic Equipment product lines of Smith & Nephew, Synthes USA and Zimmer US, Inc. to New York State Agencies and Political Subdivisions which includes implantable knee, hip and shoulder systems, other implantable prosthesis appliances and associated products.

PR #21091

(continued)
NOTE: See individual contract items to determine actual awardees.

<table>
<thead>
<tr>
<th>CONTRACT #</th>
<th>CONTRACTOR &amp; ADDRESS</th>
<th>TELEPHONE #</th>
<th>FED.IDENT.#</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC63949</td>
<td>SMITH &amp; NEPHEW, INC.</td>
<td>800/832-5700</td>
<td>510123924</td>
</tr>
<tr>
<td></td>
<td>1450 Brooks Road</td>
<td>901/399-5916</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Memphis, TN 38116</td>
<td>Andrew Holman</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fax: 800/621-6924</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>E-mail: <a href="mailto:andrew.holman@smithnephew.com">andrew.holman@smithnephew.com</a></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Website: <a href="http://www.smithnephew.com">www.smithnephew.com</a></td>
<td></td>
</tr>
<tr>
<td>PC63950</td>
<td>SYNTHESES USA</td>
<td>800/523-0322</td>
<td>232465165</td>
</tr>
<tr>
<td></td>
<td>1301 Goshen Parkway</td>
<td>610/719-6568</td>
<td></td>
</tr>
<tr>
<td></td>
<td>West Chester, PA 19380</td>
<td>Louis Yannarell</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Manager - Contracts</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fax: 800/796-8437</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>E-mail: <a href="mailto:yannarell@synthes.com">yannarell@synthes.com</a></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Website: <a href="http://www.synthes.com">www.synthes.com</a></td>
<td></td>
</tr>
<tr>
<td>PC63951</td>
<td>ZIMMER US, INC</td>
<td>574/372-4185</td>
<td>810550219</td>
</tr>
<tr>
<td></td>
<td>345 East Main Street</td>
<td>David Alcorn</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Warsaw, IN 46582</td>
<td>Senior Contract Specialist</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fax: 574-372-4576</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>E-mail: <a href="mailto:david.alcorn@zimmer.com">david.alcorn@zimmer.com</a></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Website: <a href="http://www.zimmer.com">www.zimmer.com</a></td>
<td></td>
</tr>
</tbody>
</table>

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 PROCUREMENT SERVICES GROUP 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 PROCUREMENT SERVICES GROUP.

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 Procurement Services Group 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.

<table>
<thead>
<tr>
<th>RS, RP, RA</th>
<th>Recycled</th>
</tr>
</thead>
<tbody>
<tr>
<td>RM</td>
<td>Remanufactured</td>
</tr>
<tr>
<td>SW</td>
<td>Solid Waste Impact</td>
</tr>
<tr>
<td>EE</td>
<td>Energy Efficient</td>
</tr>
<tr>
<td>E*</td>
<td>EPA Energy Star</td>
</tr>
<tr>
<td>ES</td>
<td>Environmentally Sensitive</td>
</tr>
</tbody>
</table>

(continued)
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,
- 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).

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.

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

LOT I – ORTHOPEDIC EQUIPMENT (Implantable Prosthesis Appliance and Associated Products)

Item 1. Product Line: SMITH & NEPHEW, INC.

Identity of Price List:

Price List Title: Orthopedic Price List
Price List Date: Effective May 1, 2007
Manufacturer: Smith & Nephew, Inc.
Guaranteed Delivery: 10 days ARO

Price List Categories:

<table>
<thead>
<tr>
<th>Category</th>
<th>Discount from List</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Internal/External Trauma</td>
<td>5%</td>
</tr>
<tr>
<td>2. Hips, Knees &amp; Shoulders</td>
<td>5%</td>
</tr>
<tr>
<td>3. Cement &amp; Accessories</td>
<td>5%</td>
</tr>
</tbody>
</table>

Contractor offers Electronic Access Ordering (EDI)

Contractor accepts the NYS Procurement Card for orders up to $15,000.00

Person to contact for expediting NYS orders:
Name: Don Hilliard
Title: Director of Customer Services
Telephone Number: (901) 399-5127
Toll Free Telephone Number: (800) 832-5700
Toll Free Fax Number: (800) 621-6924
E-Mail Address: donhilliard@smithnephew.com

Person or persons to contact in case of an emergency occurring after business hours or on weekend/holidays: Same as above.

CONTRACTOR: SMITH & NEPHEW, INC.

(continued)
LOT I – ORTHOPEDIC EQUIPMENT (Implantable Prosthesis Appliance and Associated Products) (Cont’d)

Item 2. Product Line: SYNTHES USA

Identity of Price List:
Price List Title: Synthes USA
Price List Date: Effective December 31, 2007
Manufacturer: Synthes
Guaranteed Delivery: 2-4 days ARO

Price List Categories:
1. Orthopedic Trauma
   ~ Trauma Screws 6% - 28.26% (depending on type of screw)
2. CranialMaxilloFacial
   ~ CMF Screws 6% - 15.22% (depending on type of screw)
3. Spine 6%

Contractor offers Electronic Access Ordering (EDI)
Contractor accepts the NYS Procurement Card for orders up to $15,000.00

Person to contact for expediting NYS orders and in case of an emergency occurring after business hours or on weekend/holidays:
Name: Customer Service
Toll Telephone Number: (800) 523-0322
Toll Free Fax Number: (800) Synthes (796-8437)

CONTRACTOR: SYNTHES USA


Identity of Price List:
Price List Title: 2007 Price List
Price List Date: Effective January 1, 2007
Manufacturer: Zimmer, Inc.
Guaranteed Delivery: 2-4 days ARO

Price List Categories:
1. Orthopedic Implants, Accessories & related products
   0% *** Net prices to be held firm for entire term of contract.

Contractor offers Electronic Access Ordering (EDI)
Contractor accepts the NYS Procurement Card for orders up to $15,000.00

Person to contact for expediting NYS orders and in case of an emergency occurring after business hours or on weekend/holidays:
Name: Customer Service
Toll Free Telephone Number: (800) 999-6630
Fax Number: (508) 653-9181
E-Mail Address: zimmer.newengland@zimmer.com

CONTRACTOR: ZIMMER US, INC. (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 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.


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.

PSG's DISPUTE RESOLUTION POLICY:
It is the policy of the Office of General Services’ Procurement Services Group (PSG) to provide vendors with an opportunity to administratively resolve disputes, complaints or inquiries related to PSG bid solicitations or contract awards. PSG encourages vendors to seek resolution of disputes through consultation with PSG staff. All such matters will be accorded impartial and timely consideration. Interested parties may also file formal written disputes. A copy of PSG’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.state.ny.us).

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.

(continued)
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.state.ny.us/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 bars 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/dshm/redrecy/c145home.html

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.state.ny.us). 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.

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:

There is no minimum order.

(continued)
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, Procurement Services Group.

CONTRACT PERIOD AND RENEWALS:

It is the intention of the State to enter into a contract for a term of five (5) years as stated herein.
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.

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.

Catalogs and price lists may be furnished in either hard-copy or electronic format. If available in both formats, they shall be furnished in the format preferred by the requesting authorized user. Upon request the contractor shall assist authorized users in the use of catalogs and price lists.

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.
REPORT OF CONTRACT PURCHASES: (Cont'd)

<table>
<thead>
<tr>
<th>Item/ SubItem Number</th>
<th>Product or Service Catalog Number</th>
<th>Product/ Service Description</th>
<th>Total Quantity Shipped to State Agencies</th>
<th>Total Quantity Shipped to Authorized Non-State Agencies</th>
<th>Total $ Value</th>
</tr>
</thead>
</table>

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 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:

Additional vendors may be considered for award on manufacturer's lines or categories that are not covered on the award; 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 it's 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 the original IFB 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.
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.

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<thead>
<tr>
<th></th>
<th>Excellent</th>
<th>Good</th>
<th>Acceptable</th>
<th>Unacceptable</th>
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<tbody>
<tr>
<td>Product meets your needs</td>
<td></td>
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<td></td>
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<tr>
<td>Product meets contract specifications</td>
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<tr>
<td>Pricing</td>
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**CONTRACTOR**

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<thead>
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<th></th>
<th>Excellent</th>
<th>Good</th>
<th>Acceptable</th>
<th>Unacceptable</th>
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<tbody>
<tr>
<td>Timeliness of delivery</td>
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<tr>
<td>Completeness of order (fill rate)</td>
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<tr>
<td>Responsiveness to inquiries</td>
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<tr>
<td>Employee courtesy</td>
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<tr>
<td>Problem resolution</td>
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Comments:

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________________________________________________________________________

________________________________________________________________________

(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, 37th Floor
Corning 2nd Tower - Empire State Plaza
Albany, New York 12242

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