

# STATE OF MONTANA TERM CONTRACT

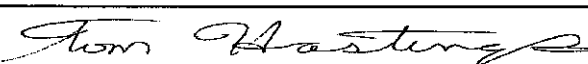
Department of Administration  
 State Procurement Bureau  
 165 Mitchell Building  
 PO Box 200135  
 Helena, MT 59620-0135  
 Phone: (406) 444-2575 Fax: (406) 444-2529  
 TTY Users-Dial 711  
<http://gsd.mt.gov/>

**T.C. #: 082114 PTA**  
**Title: Indoor-Outdoor Athletic Surfacing with Related Equipment Products,**  
**Supplies, Installation and Services**  
**NJPA Cooperative Purchasing**

|                |   |                    |                 |           |
|----------------|---|--------------------|-----------------|-----------|
| CONTRACT TERM  | FROM  | September 16, 2014 | CONTRACT STATUS | NEW (x)   |
|                | TO  | September 16, 2018 |                 | RENEW ( ) |
| VENDOR ADDRESS | Porter Athletic<br>601 Mercury Drive<br>Champaign, IL 61822 |                    | ORDER ADDRESS   |           |
| ATTN:          | Dan Powell  |                    | ATTN:           |           |
| PHONE:         | (217) 367-8438 ext. 509                                     |                    | PHONE:          |           |
| FAX:           | (217) 239-2218  |                    | FAX:            |           |
| E-MAIL:        | dpowell@porterathletic.com                                  |                    | E-MAIL:         |           |

PRICES: Per Contract Agreement  
 DELIVERY: Per Contract Agreement  
 F.O.B.: Per Contract Agreement  
 TERMS: Per Contract Agreement

REMARKS: \*\*\*FOR UNIVERSITY USE ONLY\*\*\*

|                             |   |                  |
|-----------------------------|---|------------------|
| IFB/RFP No.: 082114         | <br>Tom Hastings, CONTRACTS OFFICER | DATE: 02/24/2015 |
| <b>AUTHORIZED SIGNATURE</b> |   |                  |

**PARTICIPATING ADDENDUM**  
**NJPA Cooperative Purchasing**  
**Indoor-Outdoor Athletic Surfacing with Related Equipment Products,**  
**Supplies, Installation and Services**

MASTER AGREEMENT  
Porter Athletic  
(hereinafter "Contractor")  
Contract Number: 082114 PTA  
And  
Montana University System  
(hereinafter "Participating Entity")

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1. Scope: This addendum covers the NJPA Indoor-Outdoor Athletic Surfacing with Related Equipment Products, Supplies, Installation and Services for use by the Participating Entity, including all state universities and colleges therein.

2. Participation: Use of specific cooperative contracts by the Participating Entity is authorized by the State of Montana's statutes and is subject to the prior approval of the respective State Chief Procurement Official. Issues of interpretation and eligibility for participation are solely within the authority of the State Chief Procurement Official.

3. Participating Entity Modifications or Additions to Master Agreement:

**ACCESS AND RETENTION OF RECORDS**: The contractor agrees to provide the department, Legislative Auditor, or their authorized agents, access to any records necessary to determine contract compliance. (Section 18-1-118, MCA). The contractor agrees to create and retain records supporting the services rendered or supplies delivered for a period of three years after either the completion date of the contract or the conclusion of any claim, litigation, or exception relating to the contract taken by the State of Montana or third party.

**ASSIGNMENT, TRANSFER AND SUBCONTRACTING**: The contractor shall not assign, transfer or subcontract any portion of the contract without the express written consent of the department. (Section 18-4-141, MCA.)

**HOLD HARMLESS/INDEMNIFICATION**: The Contractor agrees to protect, defend, and save the State, its elected and appointed officials, agents, and employees, while acting within the scope of their duties as such, harmless from and against all claims, demands, causes of action of any kind or character, including the cost of defense thereof, arising in favor of the Contractor's employees or third parties on account of bodily or personal injuries, death, or damage to property arising out of services performed or omissions of services or in any way resulting from the acts or omissions of the Contractor and/or its agents, employees, representatives, assigns, subcontractors, except the sole negligence of the State, under this agreement.

**REDUCTION OF FUNDING**: The State must terminate this contract if funds are not appropriated or otherwise made available to support the State's continuation of performance in a subsequent fiscal period. (See section 18-4-313(4), MCA.)

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**VENUE:** This contract is governed by the laws of Montana. The parties agree that any litigation concerning this bid, request for proposal, limited solicitation, or subsequent contract, must be brought in the First Judicial District in and for the County of Lewis and Clark, State of Montana, and each party shall pay its own costs and attorney fees. (Section 18-1-401, MCA.)

4. Primary Contacts: The primary contact individuals for this participating addendum are as follows (or their named successors):

Contractor

|           |                                       |
|-----------|---------------------------------------|
| Name      | Dan Powell, Porter Athletic           |
| Address   | 601 Mercury Drive Champaign, IL 61822 |
| Telephone | 217-367-8438 ext. 509                 |
| Fax       | 217-239-2218                          |
| E-mail    | dpowell@porterathletic.com            |

Participating Entity

|           |  |
|-----------|--|
| Name      | Tom Hastings, State Procurement Office, State of Montana |
| Address   | 125 North Roberts, Rm 165 Helena, MT 59620               |
| Telephone | 406-444-0338   |
| Fax       | 406-444-2529   |
| E-mail    | thastings@mt.gov   |

Participating Entity

|           |  |
|-----------|--|
| Name      | Brian O'Connor, Montana State University |
| Address   | PO Box 172600, Bozeman, MT 59717-2600    |
| Telephone | 406-994-5016                             |
| Fax       | 406-994-3000                             |
| E-mail    | boconnor@montana.edu                     |

Participating Entity

|           |   |
|-----------|---|
| Name      | Robert Hlynosky, University of Montana    |
| Address   | 32 Campus Dr. MS 2304, Missoula, MT 59812 |
| Telephone | 406-243-5595                              |
| Fax       |   |
| E-mail    | Bob.Hlynosky@mso.umt.edu                  |

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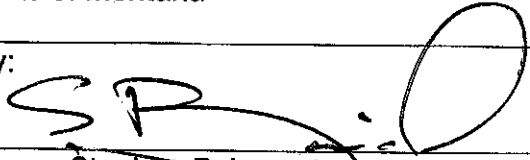

This Participating Addendum and the Master Agreement number 082114 PTA together with its exhibits, set forth the entire agreement between the parties with respect to the subject matter of all previous communications, representations or agreements, whether oral or written, with respect to the subject matter hereof. Terms and conditions inconsistent with, contrary or in addition to the terms and conditions of this Addendum and the Master Agreement, together with its exhibits, shall not be added to or incorporated into this Addendum or the Master Agreement and its exhibits, by any subsequent purchase order or otherwise, and any such attempts to add or incorporate such terms and conditions are hereby rejected. The terms and conditions of this Addendum and the Master Agreement and its exhibits shall prevail and govern in the case of any such inconsistent or additional terms within the Participating Entity.

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IN WITNESS WHEREOF, the parties have executed this Addendum as of the date of execution by both parties below.

|   |  |
|---|--|
| Participating Entity:<br>State of Montana   | Contractor: Porter Athletic  |
| By:  | By:  |
| Name: Stephen Baiamonte   | Name: Dan Powell   |
| Title: Administrator, General Services Division                                       | Title: National Sales Manager  |
| Date: 23 FEB 2015   | Date: 2/18/15  |