

STATE OF MONTANA TERM CONTRACT

Department of Administration
State Procurement Bureau
165 Mitchell Building
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Helena, MT 59620-0135
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TTY Users-Dial 711
http://mt.gov/doa/gsd

T.C. #: WSCA #06405-B
Title: VEHICLE LIFTS & RELATED GARAGE EQUIPMENT
This is a non-exclusive contract.


| | | | | |
|-----------------------|---|----------------|------------------------|-------------------------|
| CONTRACT TERM | FROM | APRIL 1, 2011 | CONTRACT STATUS | NEW () |
| | TO | MARCH 31, 2013 | | RENEW (xx) |
| VENDOR ADDRESS | MOHAWK RESOURCES LTD PO BOX 110 AMSTERDAM, NY 12010 | | ORDER ADDRESS | |
| ATTN: | STEVEN PERLSTEIN | | ATTN: | TIM MALONE |
| PHONE: | 518-842-1431 ext. 24 | | PHONE: | 518-842-1431 Ext. 13 |
| FAX: | 518-842-1289 | | FAX: | |
| E-MAIL: | sperlstein@mohawklifts.com | | E-MAIL: | tmalone@mohawklifts.com |

PRICES: 15.59% off current dealer list price.
DELIVERY: 8 to 10 Days ARO (Model Depending)
F.O.B.: PER CONTRACT
TERMS: PER CONTRACT

REMARKS: This contract was renewed by the lead state of Washington.

IFB/RFP No.: N/A

JEANNIE LAKE, CONTRACTS OFFICER



DATE 9/30/11

AUTHORIZED SIGNATURE

VEHICLE LIFTS & RELATED GARAGE EQUIPMENT

This document represents an overview of the Western States Contracting Alliance Vehicle Lifts & Related Garage Equipment. This document is not intended to replace or append the contract, rather to provide an overview and summary of the agreement.

1.0 BACKGROUND

The State of Montana is a member of the Western States Contracting Alliance (WSCA), which establishes the means by which participating states may join together in cooperative multi-state contracting in order to achieve cost-effective and efficient acquisition of quality products and services. This contract is a result of cooperative procurement conducted by the State of Washington on behalf of WSCA.

2.0 PURPOSE

The purpose of this contract is provide state agencies and all registered cooperative purchasing organizations with an expedited means of obtaining Vehicle Lifts & Related Garage Equipment.

3.0 NON-EXCLUSIVE CONTRACT

The intent of this contract is to provide state agencies with an expedited means of procuring supplies and/or services. This contract is for the convenience of state agencies and is considered by the State Procurement Bureau to be a "Non-exclusive" use contract. Therefore, agencies may obtain this product/service from sources other than the contract holder(s) as long as they comply with Title 18, MCA, and their delegation agreement. The State Procurement Bureau does not guarantee any usage.

4.0 CONTRACTOR LIAISON

The primary contractor contact for this participating addendum is as follows:

Steven Perlstein
Mohawk Resources, LTD
PO Box 110
Amsterdam, NY 12010
Phone: 518-842-1431 ext. 24
Fax: 518-842-1289
Email: sperlstein@mohawklifts.com

STATE LIAISON

Jeannie Lake, Contracts Officer
State of Montana, General Services Division, State Procurement Bureau
125 N. Roberts, Mitchell Bldg, Room 165
Helena, MT 59620
Phone: 406-444-0110
Fax: 406-444-2529
Email: JeannieLake@mt.gov

VEHICLE LIFTS & RELATED GARAGE EQUIPMENT

5.0 ORDERING PROCEDURE

In accordance with the terms of the contract, an agency purchase order must be issued to the contractor for all required products. The purchase order must reference the contract number (#06405-A) and identify all items desired, the purchase order date, the delivery date, shipping locations and prices.

6.0 CONTRACT TERM

This contract took effect on January 1, 2008, and terminate on March 31, 2009 unless terminated earlier in accordance with the terms of this contract (Mont. Code Ann. § 18-4-313.). The current renewal term is April 1, 2011 through March 31, 2013.

7.0 CONTRACT RENEWAL

This contract may, upon mutual agreement between the parties and according to the terms of the existing contract, be renewed in one-year intervals, or any interval that is advantageous to the State. This contract, including any renewals, may not exceed a total of seven years.

EXHIBIT "B" PARTICIPATING ADDENDUM

**PARTICIPATING ADDENDUM
WESTERN STATES CONTRACTING ALLIANCE
Contract 06405: Vehicle Lifts and Related Garage Equipment**

A. Scope

This contract is for use in the State of Montana, all state agencies, universities, public schools and political subdivisions of the state. The jurisdiction of a political subdivision such as a county generally includes all governmental entities within the county. Cooperative Purchases must be verified through the State Procurement Bureau or Property & Supply Bureau within the Department of Administration.

B. Changes

The following terms are added to this Participating Addendum:

A. 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 (Mont. Code Ann. § 18-1-118). 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.

B. ASSIGNMENT, TRANSFER AND SUBCONTRACTING

The Contractor shall not assign, transfer or subcontract any portion of this contract without the express written consent of the State. (Mont. Code Ann. § 18-4-141.) The Contractor shall be responsible to the State for the acts and omissions of all subcontractors or agents and of persons directly or indirectly employed by such subcontractors, and for the acts and omissions of persons employed directly by the Contractor. No contractual relationships exist between any subcontractor and the State.

C. CHOICE OF LAW AND VENUE

This contract is governed by the laws of Montana. The parties agree that any litigation concerning this bid, proposal 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. (See Mont. Code Ann. § 18-1-401.)

D. TERMINATION OF CONTRACT

Unless otherwise stated, the State may, by written notice to the contractor, terminate this Participating Addendum whole or in part without cause.

E. PURCHASING CARD

The State of Montana has a Purchasing Card Program in place that gives agencies the ability to charge purchases made from these contracts. The State of Montana prefers this method of payment.

C. Primary Contact

The primary government contact individual for this participating addendum is as follows:

Name Rhonda R. Grandy
Address 125 N Roberts, State Procurement, Mitchell Building Room 165
Telephone 406-444-3320
Fax 406-444-2529
E-mail rhgrandy@mt.gov

D. Subcontractors

The following subcontractor(s) are authorized to perform services.

NONE

This Addendum and the Price Agreement 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 Price Agreement, together with its exhibits, shall not be added to or incorporated into this Addendum or the Price 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 Price Agreement and its exhibits shall prevail and govern in the case of any such inconsistent or additional terms.

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

Government Entity: State of Montana
By:
Name: Rhonda R. Grandy
Title: Contracts Officer
Date: 1/4/07

Contractor: X Mahan Resources
By: X Steven Perlustein
Name: X STEVEN PERLUSTEIN
Title: X SECRETARY + SALES MGR
Date: X 1/3/07

Lead State: Washington
By:
Name: Kenneth Harden
Title: Assistant Director
Date: