

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. #: WSCA #01910

Title: Breast Pumps and Related Accessories (WSCA/WIC)

This is a non-exclusive contract.

CONTRACT TERM	FROM	January 18, 2011	CONTRACT STATUS	NEW (XXX)
	TO	January 17, 2013		RENEW ()
VENDOR ADDRESS	Various		ORDER ADDRESS	
ATTN:	Per Contractor		ATTN:	
PHONE:	Per Contractor		PHONE:	
FAX:	Per Contractor		FAX:	
E-MAIL:	Per Contractor		E-MAIL:	

PRICES: Per Contractor
 DELIVERY: Per Contractor
 F.O.B.: Per Contractor
 TERMS: Per Contractor

REMARKS:

IFB/RFP No.: IFB 01910	 BONNY BELLING, CONTRACTS OFFICER	6-15-2011 DATE:
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AUTHORIZED SIGNATURE

Breast Pumps and Related Accessories (WSCA/WIC)

This document represents an overview of the Western States Contracting Alliance's Breast Pumps and Related Accessories contract. 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 a cooperative procurement conducted by the State of Washington on behalf of WSCA.

1.1 PURPOSE

The purpose of this non-exclusive Term Contract is to provide State agencies and all registered cooperative purchasing organizations with an expedited means of obtaining breast pumps and related accessories. This contract is awarded to three vendors: Ameda (Evenflo, Inc.), Hygeia II Medical Group, Inc., and Medela, Inc.

1.2 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.

2.0 LIAISONS

Contractor Liaisons:

Ameda (Evenflo, Inc.)	Hygeia II Medical Group, Inc.	Medela, Inc.
Susan Vogtsberger 475 Half Day Road, Suite 200 Lincolnshire IL 60069 Phone: (847) 964-2628 Fax: (847) 793-0169 Email: susan.vogtsberger@ameda.com	Decky Goodrich 1370 Decision Street, Suite C Vista CA 92081 Phone: (760) 597-8811 Fax: (760) 597-8848 Email: DGoodrich@hygeiababy.com	Bonnie Voigt 1101 Corporate Drive McHenry IL 60050-7005 Phone: (815) 578-2459 Fax: (815) 759-2459 Email: bonnie.voigt@medela.com

State Liaison:

Bonny Belling, Contracts Officer
State Procurement Bureau
Mitchell Building, Room 165
125 North Roberts Street
Helena MT 59601
Phone: (406) 444-3322
Fax: (406) 444-2529
Email: bbelling@mt.gov

3.0 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 WSCA contract number 01910; identify all items desired, the purchase order date, the desired delivery date, shipping locations, and prices.

4.0 TERM OF CONTRACT

The initial contract term is January 18, 2011 through January 17, 2013. The contract term is for a maximum of six years or January 17, 2017.

5.0 PRICING

For a complete list of contractors, entire contract, and current pricing see the following website: <https://fortress.wa.gov/ga/apps/ContractSearch/ContractSummary.aspx?c=01910>.

Ameda

**PARTICIPATING ADDENDUM
WESTERN STATES CONTRACTING ALLIANCE
BREAST PUMPS (WSCA/WIC)
Administered by the State of Washington (hereinafter "Lead State")**

**MASTER PRICE AGREEMENT
EVENFLO Company, Inc.
Washington Contract Number: 01910
(hereinafter "Contractor")
And
State of Montana
(hereinafter "Participating Entity")**

Page 1 of 4

1. Scope: This addendum covers the WSCA Breast Pumps Contract lead by the State of Washington, for members of WSCA or NASPO, for use by Participating Entity's programs, including Women, Infants & Children Programs office.
2. Participation: Use of specific WSCA or NASPO cooperative contracts by other agencies, political subdivisions and other entities (including cooperatives) authorized by an 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 State Chief Procurement Official.
3. Participating Entity Modifications or Additions to Master Price Agreement:
(These modifications or additions apply only to actions and relationships within the state in which the Participating Entity is located.)

Montana Specific Terms and Conditions:

- 3.1 **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.
- 3.2 **VENUE**: This solicitation 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)
- 3.3 **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)
- 3.4 **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)
4. [Purposely left blank.]
5. Primary Contacts: The primary contact individuals for this participating addendum are as follows (or their named successors):

**PARTICIPATING ADDENDUM
WESTERN STATES CONTRACTING ALLIANCE
BREAST PUMPS (WSCA/WIC)**

Administered by the State of Washington (hereinafter "Lead State")

**MASTER PRICE AGREEMENT
EVENFLO Company, Inc.**

Washington Contract Number: 01910
(hereinafter "Contractor")

And

State of Montana
(hereinafter "Participating Entity")

Page 2 of 4

Lead State Contract Administrator

Name: Melissa Cox, Contracts Specialist
Address: Department of General Administration, Office of State Procurement
210 11th Ave SW Rm 201
Olympia, WA 98504-1101
Voice: (360) 902-7439
Fax: (360) 586-2426
E-mail: mcox@ga.wa.gov

Contractor

Name: Susan Vogtsberger
Address: Evenflo Co., Inc.
475 Half Day Road, Suite 200
Lincolnshire, IL 60069
Voice: (847) 964-2628
Fax: (847) 793-0169
E-mail: Susan.Vogtsberger@ameda.com

Participating Entity

Name: Bonny Belling
Address: State of Montana, Department of Administration, State Procurement Bureau
PO Box 200135
Helena, MT 59620-0135
Voice: (406) 444-3322
Fax: (406) 444-2529
E-mail: bbelling@mt.gov

6. [Purposely left blank.]

7. Purchase Order Instructions:

All orders should contain the following (1) Mandatory Language "PO is subject to WSCA Contract #01910" (2) Your Name, Address, Contact, & Phone-Number (3) Purchase order amount, monthly payment (if appropriate), itemized list of items being purchased, & rates of the service being used

8. Price Agreement Number: All purchase orders issued by purchasing entities within the jurisdiction of this participating addendum shall include the Participating State contract number: WSCA# 01910 and the Lead State price agreement number: 01910.

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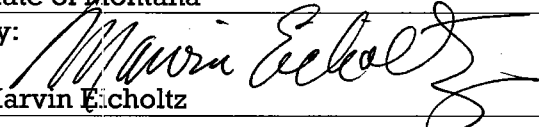
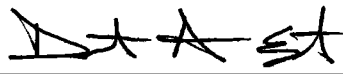
This Participating Addendum and the Master Price Agreement number 01910 (administered by the State of Washington) together with its exhibits, set forth the entire agreement between the parties with respect to the subject matter of all previous communications, representations or agreements, whether oral 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 within the Participating State.

Purposely left blank.

**PARTICIPATING ADDENDUM
 WESTERN STATES CONTRACTING ALLIANCE
 BREAST PUMPS (WSCA/WIC)
 Administered by the State of Washington (hereinafter "Lead State")**

**MASTER PRICE AGREEMENT
 EVENFLO Company, Inc.
 Washington Contract Number: 01910
 (hereinafter "Contractor")
 And
 State of Montana
 (hereinafter "Participating Entity")**

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

Participating Entity: State of Montana	Contractor: Evenflo Company, Inc.
By:  Marvin Eicholtz	By: 
Name:	Name: DUSTIN EPSTEIN
Title: Administrator, General Services Division	Title: V.P.
Date: 3/21/2011	Date: 4/4/11

[Additional signatures as required by Participating Entity]

**PARTICIPATING ADDENDUM
WESTERN STATES CONTRACTING ALLIANCE
BREAST PUMPS (WSCA/WIC)
Administered by the State of Washington (hereinafter "Lead State")**

**MASTER PRICE AGREEMENT
HYGEIA II MEDICAL GROUP
Washington Contract Number: 01910
(hereinafter "Contractor")
And
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HYGEIA II MEDICAL GROUP**

Washington Contract Number: 01910
(hereinafter "Contractor")

And

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Lead State Contract Administrator

Name: Melissa Cox, Contracts Specialist
Address: Department of General Administration, Office of State Procurement
210 11th Ave SW Rm 201
Olympia, WA 98504-1101
Voice: (360) 902-7439
Fax: (360) 586-2426
E-mail: mcox@ga.wa.gov

Contractor

Name: ~~Richard Weston~~, President *Richard Weston*
Address: Hygeia II Medical Group
1370 Decision Street, Suite C
Vista, CA 92081
Voice: (760) 597-8811
Fax: (760) 597-8848
E-mail: richard.weston@hygeiababy.com
Richard Weston

Participating Entity

Name: Bonny Belling
Address: State of Montana, Department of Administration, State Procurement Bureau
PO Box 200135
Helena, MT 59620-0135
Voice: (406) 444-3322
Fax: (406) 444-2529
E-mail: bbelling@mt.gov

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7. Purchase Order Instructions:

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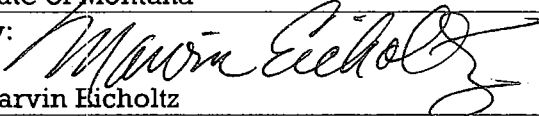
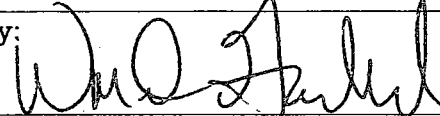
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And
State of Montana
(hereinafter "Participating Entity")

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

Participating Entity: State of Montana	Contractor: Hygeia II Medical Group
By:  Marvin Eicholtz	By: 
Name:	Name: DEACY GOODRICH
Title: Administrator, General Services Division	Title: PRESIDENT
Date: 3/21/2011	Date: 5/3/11

[Additional signatures as required by Participating Entity]

2011 MAY 11 AM 8:55
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**PARTICIPATING ADDENDUM
WESTERN STATES CONTRACTING ALLIANCE
BREAST PUMPS (WSCA/WIC)
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MASTER PRICE AGREEMENT

MEDELA, Inc.

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Lead State Contract Administrator

Name: Melissa Cox, Contracts Specialist
Address: Department of General Administration, Office of State Procurement
210 11th Ave SW Rm 201
Olympia, WA 98504-1101
Voice: (360) 902-7439
Fax: (360) 586-2426
E-mail: mcox@ga.wa.gov

Contractor

Name: Bonnie Voigt, Supervisor Government Contracts
Address: Medela, Inc.
1101 Corporate Drive
McHenry, IL 60050-7005
Voice: (815) 578-2459
Fax: (815) 759-2459
E-mail: bonnie.voigt@medela.com

Participating Entity

Name: Bonny Belling
Address: State of Montana, Department of Administration, State Procurement Bureau
PO Box 200135
Helena, MT 59620-0135
Voice: (406) 444-3322
Fax: (406) 444-2529
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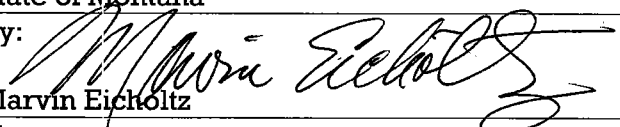
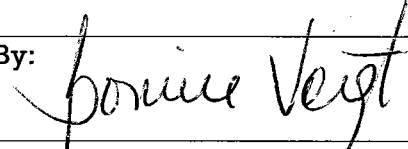
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MEDELA, Inc.
Washington Contract Number: 01910
(hereinafter "Contractor")
And
State of Montana
(hereinafter "Participating Entity")

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

Participating Entity: State of Montana	Contractor: MEDELA, Inc.
By:  Marvin Eicholtz	By: 
Name:	Name: Bonnie Voigt
Title: Administrator, General Services Division	Title: Supervisor, Government Contracts
Date: 3/31/2011	Date: April 7, 2011

[Additional signatures as required by Participating Entity]