

BLANKET PURCHASE ORDER

STATE OF MARYLAND

***** STATE OF MARYLAND *****

BPO NO: 001B4400522

PRINT DATE: 10/31/15

PAGE: 01

SHIP TO: AS SPECIFIED ON INDIVIDUAL ORDERS		
VENDOR ID: PRODUCT-ENVY INC 1508 W WESTFORD PATH HERNANDO, FL 34442 (352)513-4555	REFER QUESTIONS TO: WILLIAM SAMPLE (410)230-8773 WILLIAM.SAMPLE@MARYLAND.GOV	
ITB: 001IT819403	EXPR DATE: 03/03/17 POST DATE: 04/01/14	DISCOUNT TERMS: . NET 30 DAY CONTRACT AMOUNT: 42,900.00

TERMS:

ARTICLES HEREIN ARE EXEMPT FROM MARYLAND SALES AND USE TAXES BY EXEMPTION CERTIFICATE NUMBER 3000256-3 AND FROM FEDERAL EXCISE TAXES BY EXEMPTION NUMBER 52-73-0358K. IT IS THE VENDOR'S RESPONSIBILITY TO ADVISE COMMON CARRIERS THAT AGENCIES OF THE STATE OF MARYLAND ARE EXEMPT FROM TRANSPORTATION TAX.

AGENCY CONTRACT
FOR
PRINTED PROMOTIONAL PENS
MARYLAND STATE LOTTERY

A DESIGNATED AGENCY ONLY: MARYLAND STATE LOTTERY

VENDOR: PRODUCT-ENVY, INC.

VENDOR FEIN #: 27-2230265
SB12-4996

VENDOR PHONE #: (352) 513-4555

VENDOR CONTACT: NEIL GOLDBERGER
NEIL@PRODUCT-ENVY.COM

CONTRACT PERIOD: DATE OF AWARD THROUGH MARCH 2, 2017. THIS IS A THREE (3) YEAR CONTRACT WITH TWO (2) ONE (1) YEAR RENEWAL OPTIONS. THE STATE RESERVES THE UNILATERAL OPTION TO RENEW THIS CONTRACT WITH THE WRITTEN CONSENT OF THE USING AGENCY, THE VENDOR, AND THE DEPARTMENT OF GENERAL SERVICES. THIS IS A FIRM FIXED PRICE CONTRACT IN THAT NO PRICE ESCALATION SHALL BE ALLOWED.

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TERMS (cont'd):

CONTRACT SCOPE: THIS CONTRACT IS FOR AN INDEFINITE QUANTITY CONTRACT TO FURNISH THE PRINTING AND DELIVERY OF PROMOTIONAL BALLPOINT PENS. THE MINIMUM QUANTITY (LOT SIZE) PER ORDER WILL BE 100,000. HOWEVER, THE STATE CANNOT GUARANTEE ANY MINIMUM OR MAXIMUM NUMBER OF ORDERS FOR THE TERM OF THE CONTRACT OR ANY RENEWAL OPTION.

BASIS OF AWARD: THIS PROCUREMENT WAS CONDUCTED AS A COMPETITIVE SEALED BID. BIDS WERE EVALUATED BASED ON THE LOWEST PRICE SUBMITTED ON LINE ONE FOR PRINTING AND DELIVERY OF PROMOTIONAL PRINTED BALL POINT PENS. THIS SOLICITATION WAS CONDUCTED AS A SMALL BUSINESS RESERVE.

CONTRACT VALUE ESTIMATION: CONTRACT QUANTITY AND VALUE IS ESTIMATED AT \$500,000.00 AND SHOULD NOT BE CONSTRUED AS ANY MINIMUM OR MAXIMUM GUARANTEE. THE CONTRACT SHALL BE FOR THE ACTUAL NEEDS OF THE AGENCY, AND MAY VARY APPRECIABLY FROM THE STATED ESTIMATE(S). RELEASES SHALL BE MADE AS REQUESTED BY THE USING AUTHORITIES ON AN "AS-REQUIRED" BASIS.

THE MINIMUM QUANTITY (LOT SIZE) PER ORDER WILL BE 100,000. HOWEVER, THE MARYLAND LOTTERY CANNOT GUARANTEE ANY MINIMUM OR MAXIMUM NUMBER OF ORDERS FOR THE THREE (3) YEAR PERIOD OR FOR ANY RENEWAL OPTION.

MANDATORY USAGE REPORT: THE STATE OF MARYLAND DEPARTMENT OF GENERAL SERVICES OFFICE OF PROCUREMENT AND LOGISTICS HAS IMPLEMENTED A PROGRAM TO REVIEW ALL STATEWIDE CONTRACT REQUIREMENTS AND ASSESS CONTRACT USAGE OF STATE AGENCIES. UNDER THE TERMS OF THIS CONTRACT, BEGINNING WITH THE START DATE, A QUARTERLY USAGE REPORT SHOULD BE SUBMITTED TO THE DEPARTMENT OF GENERAL SERVICES. THIS REPORT SHOULD CONTAIN A SUMMARY OF PROCUREMENT ACTIVITY AND SHOULD INCLUDE THE CONTRACT NUMBER, ITEM(S) DESCRIPTION, QUANTITY PURCHASED, TOTAL DOLLARS SPENT, NUMBER OF ORDERS PLACED BY STATE AGENCY, NUMBER OF ORDERS PLACED PER CONTRACT, AND END WITH A GRAND TOTAL DUE FOR ALL DOLLARS SPENT. PLEASE SEND YOUR REPORT TO: DEPARTMENT OF GENERAL SERVICES, OFFICE OF PROCUREMENT AND LOGISTICS, 301 W. PRESTON STREET, ROOM M-4, BALTIMORE, MD 21201, ATTN: CHRISTINE VASILIAU. REPORTS MAY BE EMAILED TO CHRISTINE.VASILIAU@MARYLAND.GOV. THE REPORT IS DUE WITHIN TEN (10) DAYS AFTER EVERY REPORT PERIOD. FAILURE TO PROVIDE THIS REPORT MAY RESULT IN DEFAULT OF THIS CONTRACT AND THE CONTRACT MAY BE TERMINATED IMMEDIATELY.

OPEN MARKET CLAUSE: THE USING AUTHORITIES MAY PURCHASE ON THE OPEN MARKET THE PRODUCTS LISTED IN THE CASE OF VENDOR FAILURE TO PROVIDE THE COMMODITY IN THE TIME FRAME PRESCRIBED IN THE CONTRACT. VENDOR WILL BE RESPONSIBLE FOR COST DIFFERENCE BETWEEN CONTRACT PRICING AND OPEN MARKET PURCHASE.

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TERMS (cont'd):

TAXES & PAYMENT TERMS: ARTICLES HEREIN ARE EXEMPT FROM MARYLAND SALES AND USE TAXES BY EXEMPTION CERTIFICATE #3000256-3 AND FROM FEDERAL EXCISE TAXES BY EXEMPTION #52-73-0358K. IT IS THE VENDOR'S RESPONSIBILITY TO ADVISE COMMON CARRIERS THAT AGENCIES OF THE STATE OF MARYLAND ARE EXEMPT FROM TRANSPORTATION TAX. PAYMENT TERMS ARE NET THIRTY (30) DAYS.

WARRANTY: THE SELLER EXPRESSLY WARRANTS THE COMMODITIES COVERED BY THIS ORDER TO CONFORM TO THE SPECIFICATIONS, SAMPLE, OR DESCRIPTION OF PARTS (PROMOTIONAL PRINTED BALLPOINT PENS) FOR THE ORIGINALLY PURCHASED EQUIPMENT. THE SELLER SHALL GUARANTEE TO BE WARRANTED AGAINST DEFECTS IN MATERIAL AND WORKMANSHIP, AND PRODUCT IS FIT FOR THE INTENDED PURPOSE FOR THE PERIOD SPECIFIED BY THE MANUFACTURER.

DELIVERY: SHALL BE MADE F.O.B. DESTINATION FREIGHT PREPAID AND ALLOWED TO REGION(S) WITHIN THE STATE OF MARYLAND WITHIN TEN (10) DAYS.

CONTRACT TERMINATION: THIS CONTRACT WILL BE TERMINATED IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES SUPPLIED ARE OF INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN. THE VENDOR WILL BE RESPONSIBLE FOR THE DIFFERENCE BETWEEN THE CONTRACT PRICE AND OPEN MARKET PRICE TO FULFILL THE CONTRACT.

PACKING: ALL PRODUCTS USED IN PACKING TO CUSHION AND PROTECT DURING THE SHIPMENT OF COMMODITIES ARE TO BE MADE OF RECYCLED, RECYCLABLE, AND/OR BIODEGRADABLE MATERIALS.

<u>LINE #</u>	<u>STATE ITEM ID</u>	<u>U/M</u>	<u>UNIT COST</u>		
0001	62080-224012	EA	.1430		

PENS, BALLPOINT, STICK TYPE WITH CAP AND CLIP. RUBBERIZED BARREL, MEDIUM POINT, INK COLOR: BLACK.
SPECIFICATION EIMAILED TO GPOPCC@DGS.STATE.MD.US

END OF ITEM LIST

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TERMS (cont'd):

THIS PROCUREMENT WAS BEING CONDUCTED AS A COMPETITIVE SEALED BID. THIS WAS AWARDED TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER (BASIS FOR AWARD).

VENDOR MUST INCLUDE THE 9-DIGIT ZIP CODE OF COMPANY ADDRESS ON ALL INVOICES. FAILURE TO DO SO MAY RESULT IN DELAY OF PAYMENT.

ALL PRODUCTS USED IN PACKING TO CUSHION AND PROTECT DURING THE SHIPMENT OF COMMODITIES ARE TO BE MADE OF RECYCLED, REYCLABLE, AND/OR BIODEGRADABLE MATERIALS.

THE GOAL OF THE STATE OF MARYLAND'S MINORITY BUSINESS ENTERPRISE (MBE) PROGRAM IS TO ATTEMPT TO PROVIDE A FAIR SHARE OF PROCUREMENT CONTRACTS TO CERTIFIED MINORITY BUSINESS ENTERPRISES. ALTHOUGH THERE IS NO SPECIFIC PERCENTAGE REQUIREMENT FOR MBE PARTICIPATION IN THIS BID, THE COMMODITY PROCUREMENT/PURCHASING BUREAU WOULD LIKE TO KNOW IF YOU WILL HAVE MBE PARTICIPATION IN THE BID, PLEASE INDICATE ON LINE 001 OF YOUR BID EITHER YES OR NO FOR MINORITY PARTICIPATION.

STATE TOLL FREE PHONE NO. AND FAX NO. ON LINE 001 OF YOUR BID.

A PREFERENCE WILL BE GIVEN TO THE RESPONSIVE AND RESPONSIBLE BID FROM A MARYLAND FIRM OVER THAT OF A NONRESIDENT FIRM IF THE STATE IN WHICH THE NONRESIDENT FIRM IS LOCATED GIVES A RESIDENT BUSINESS PREFERENCE. WHERE SUCH A BUSINESS PREFERENCE IS PROVIDED, THE PREFERENCE SHALL BE THE SAME AS THAT PROVIDED BY THE STATE IN WHICH THE NONRESIDENT FIRM IS LOCATED. A NONRESIDENT BIDDER SUBMITTING A PROPOSAL FOR A STATE PROJECT SHALL ATTACH TO THE PROPOSAL A COPY OF THE CURRENT STATUTE, RESOLUTION, POLICY PROCEDURE OR EXECUTIVE ORDER OF THE RESIDENT STATE OF THE NONRESIDENT BIDDER THAT PERTAINS TO THAT STATE'S TREATMENT OF NONRESIDENT BIDDERS.

C O N T R A C T

AVAILABLE TO: DESIGNATED AGENCY ONLY ()
 ALL STATE OF MARYLAND AGENCIES ()
 STATE AGENCIES AND POLITICAL SUBDIVISIONS ()

THE BLANKET PURCHASE ORDER (BPO) ISSUED AS A RESULT OF THE INVITATION TO BID (ITB) AND ANY SUBSEQUENT AMENDMENTS, MODIFICATIONS OR OPTIONS ISSUED RELEVANT TO THE ITB OR BPO, SHALL COMPLY WITH ALL OF THE TERMS, CONDITIONS AND SPECIFICATIONS ISSUED WITH THE ITB AND ARE INCORPORATED IN AND MADE PART OF THE BPO.

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TERMS (cont'd):

STATE YOUR FEDERAL TAX IDENTIFICATION #27-2230265

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AUTHORIZED BY: _____ **DATE:** _____

BUYER AUTHORIZED DESIGNEE