

BLANKET PURCHASE ORDER

STATE OF MARYLAND

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

BPO NO: 001B2600325

PRINT DATE: 05/09/23

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SHIP TO: AS SPECIFIED ON INDIVIDUAL ORDERS		
VENDOR ID: ORASURE TECHNOLOGIES INC 150 WEBSTER ST BETHLEHEM, PA 18015 (800)869-3538 EXT 3061	REFER QUESTIONS TO: CHARLES BAILEY (410)767-6056 CHARLES.BAILEY1@MARYLAND.GOV	
ITB:	EXPR DATE: 01/01/26 POST DATE: 12/27/21	DISCOUNT TERMS: . NET 30 DAY CONTRACT AMOUNT: .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.

001IT821246/BPM024037 STATEWIDE CONTRACT FOR COVID-19 TESTING PRODUCTS

THIS CONTRACT IS FOR THE PURPOSES OF PROVIDING RELIABLE, COST-EFFECTIVE COVID-19 TESTS FOR USE IN STATEWIDE TESTING EFFORTS. A SUFFICIENT NUMBER AND DIVERSITY OF COVID-19 TEST TYPES IS NEEDED TO ENSURE CAPACITY AND MAINTENANCE OF TESTING SUPPLY RESERVES FOR SURGE MITIGATION PLANNING. TESTS MAY BE USED TO SUPPORT TESTING EFFORTS IN FIXED OR MOBILE COMMUNITY-BASED TESTING SITES ACROSS 24 JURISDICTIONS INCLUDING RURAL AND FRONTIER AREAS. THESE SITES MAY BE RUN BY THE STATE AND/OR LOCAL HEALTH DEPARTMENTS OR IN PARTNERSHIP WITH OTHER STAKEHOLDERS.

PURSUANT TO THE STATE FINANCE AND PROCUREMENT ARTICLE, SECTION 13-110 OF THE ANNOTATED CODE OF MARYLAND, EXCEPT AS PROVIDED IN (B) THE FOLLOWING ENTITIES MAY PURCHASE MATERIALS, SUPPLIES, AND EQUIPMENT UNDER IS CONTRACT:

- 1) A COUNTY OR BALTIMORE CITY;
- 2) A MUNICIPAL CORPORATION;
- 3) A GOVERNMENTAL AGENCY IN THE STATE;
- 4) A PUBLIC OR QUASI-PUBLIC AGENCY THAT:
 - (I) RECEIVES STATE MONEY; AND
 - (II) IS EXEMPT FROM TAXATION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE;
- (5) A PRIVATE ELEMENTARY OR SECONDARY SCHOOL THAT:
 - (I) EITHER HAS BEEN ISSUED A CERTIFICATE OF APPROVAL FROM THE STATE

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TERMS (cont'd):

BOARD OF EDUCATION OR IS ACCREDITED BY THE ASSOCIATION OF INDEPENDENT SCHOOLS; AND

(II) IS EXEMPT FROM TAXATION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE; OR

(6) A NON-PUBLIC INSTITUTION OF HIGHER EDUCATION UNDER SECTION 17-106 OF THE EDUCATION ARTICLE.

(A) A PRIVATE ELEMENTARY OR SECONDARY SCHOOL OR A NONPUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT PURCHASE RELIGIOUS MATERIALS UNDER THIS CONTRACT.

(B) THE RIGHT TO PURCHASE UNDER THIS SECTION SHALL BE IN ADDITION TO, BUT NOT IN SUBSTITUTION FOR, THE APPLICABLE PURCHASING POWER GRANTED TO ANY OF THE LISTED ENTITIES PURSUANT TO ANY STATUTORY OR OR CHARTER PROVISION.

(7) ANOTHER STATE OR AN AGENCY OR OTHER INSTRUMENTALITY OF ANOTHER STATE.

ALL PURCHASES UNDER THIS CONTRACT BY ANY SUCH ENTITY AS DESCRIBED ABOVE WHICH IS NOT A UNIT OR AGENCY OF THE STATE OF MARYLAND FOR WHICH THE STATE OF MARYLAND MAY BE HELD LIABLE IN CONTRACT: (1) SHALL CONSTITUTE A PURCHASE OR CONTRACT BETWEEN THE CONTRACTOR AND THAT ENTITY ONLY (2) SHALL NOT CONSTITUTE A PURCHASE OR CONTRACT OF THE STATE OF MARYLAND (3) SHALL NOT BE BINDING OR ENFORCEABLE AGAINST THE STATE OF MARYLAND OR ANY OF ITS UNITS OR AGENCIES; AND (4) MAY BE SUBJECT TO OTHER TERMS AND CONDITIONS AGREED TO BY THE CONTRACTOR AND THE PURCHASER.

AGENCY CONTACT: CHARLES BAILEY, 410-767-6056,
CHARLES.BAILEY1@MARYLAND.GOV

VENDOR CONTACT: JONATHAN PARRY, 484-553-6577,
JPARRY@ORASURE.COM

THIS IS AN INDEFINITE QUANTITY CONTRACT.

FOR MULTIPLE CONTRACT AWARDS, THE CONTRACTOR WITH THE LOWEST BID PRICE IN EACH FUNCTIONAL AREA WILL BE GIVEN THE RIGHT OF FIRST REFUSAL TO PROVIDE THE REQUESTED PRODUCTS. IF THAT CONTRACTOR IS UNWILLING OR UNABLE TO PROVIDE THE REQUESTED PRODUCTS, THE CONTRACTOR WITH THE NEXT LOWEST BID PRICE WILL BE ASKED TO PROVIDE THE REQUESTED PRODUCTS, AND SO FORTH. EACH CONTRACTOR WILL HAVE ONE BUSINESS DAY TO RESPOND TO A PRODUCT REQUEST BEFORE A REQUEST IS MADE TO THE NEXT SUBSEQUENT CONTRACTOR. FOR THE PURPOSES OF THE CONTRACTS, A CONTRACTOR WILL BE DEEMED TO HAVE REFUSED THE PRODUCT REQUEST IF FOR A PARTICULAR REQUEST ITS OFFERED PRODUCTS DO NOT MEET THE SPECIFICITY, SENSITIVITY, OR TEST ADMINISTRATION CONSIDERATIONS, OR EXCEEDS THE CONTRACTORS STATED OR KNOWN PRODUCT AVAILABILITY OR STATED OR KNOWN DELIVERY TIMEFRAME OR CAPABILITIES, NEEDED FOR THAT REQUEST. IF REFUSED IN

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TERMS (cont'd):

SUCH CASES, THE PRODUCT REQUEST WILL BE OFFERED TO THE NEXT LOWEST-PRICED CONTRACTOR THAT MEETS THE PRODUCT REQUEST NEEDS.

ELECTRONIC TRANSACTION FEE:

1) CONTRACTOR SHALL PAY AN ELECTRONIC TRANSACTION FEE TO THE STATE IN THE AMOUNT OF ONE PERCENT (1%) OF THE TOTAL CONTRACT SALES. THE ELECTRONIC TRANSACTION FEE IS CALCULATED BASED ON ALL SALES TRANSACTED UNDER THE CONTRACT, MINUS ANY RETURNS OR CREDITS. THE ELECTRONIC TRANSACTION FEE SHALL NOT BE CHARGED DIRECTLY TO THE CUSTOMER, E.G., AS A SEPARATE LINE ITEM, FEE OR SURCHARGE, BUT SHALL BE INCLUDED IN THE CONTRACT'S UNIT PRICES.

2) THE ELECTRONIC TRANSACTION FEE SHALL BE SUBMITTED TO THE OFFICE OF STATE PROCUREMENT, FISCAL SERVICES DIVISION, 301 W. PRESTON STREET, ROOM 1309, BALTIMORE, MD, 21201, THIRTY (30) DAYS AFTER THE END OF EACH REPORTING PERIOD ALONG WITH A MONTHLY USAGE REPORT DOCUMENTING ALL CONTRACT SALES. AN EXCEL VERSION OF THE MONTHLY USAGE REPORT SHALL BE EMAILED TO DGS.STATEWIDECONTRACTSUSAGEREPORT@MARYLAND.GOV.

3) FAILURE TO REMIT TRANSACTION FEES IN A TIMELY MANNER OR REMITTANCE OF FEES INCONSISTENT WITH THE CONTRACT'S REQUIREMENTS MAY RESULT IN THE STATE EXERCISING ALL RECOURSE AVAILABLE UNDER THE CONTRACT INCLUDING, BUT NOT LIMITED TO, A THIRD PARTY AUDIT OF ALL CONTRACT ACTIVITY. SHOULD AN AUDIT BE REQUIRED BY THE STATE, THE CONTRACTOR SHALL REIMBURSE THE STATE FOR ALL COSTS ASSOCIATED WITH THE AUDIT UP TO \$10,000.00 OR ONE (1%) PERCENT OF THE CONTRACTS ESTIMATED ANNUAL VALUE, WHICHEVER IS HIGHER.

<u>LINE #</u>	<u>STATE ITEM ID</u>	<u>U/M</u>	<u>UNIT COST</u>	
0001	19380-MEMA01	KT	260,000.0000	
TEST KIT				
FUNCTIONAL AREA 1 - PCR OR MOLECULAR AMPLIFICATION DIAGNOSTIC TESTS				
KIT, INTELISWAB COVID-19 ST OTC US, 24-CT (2 TEST/PK)				
\$13.00 EA				

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0002	19380-MEMA01	KT	140,000.0000		
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TEST KIT

FUNCTIONAL AREA 2 - RAPID POINT-OF-CARE (ANTIGEN DIAGNOSTIC) TESTS

KIT, INTELISWAB COVID-19, 25-CT

\$7.00 EA

_____ END OF ITEM LIST _____

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AUTHORIZED BY: _____ **DATE:** _____

BUYER AUTHORIZED DESIGNEE