

**PARTICIPATING ADDENDUM
WESTERN STATES CONTRACTING ALLIANCE (WSCA)**

**WSCA BREAST PUMPS AND RELATED ACCESSORIES
MASTER PRICE AGREEMENT No. 01910**

State of Hawaii SPO Vendor List Contract No. 11-08

This Participating Addendum will add the State of Hawaii as a Participating State to purchase from the WSCA Price List Agreement, Number 01910 with Evenflo Company, Inc.

1. Scope: This addendum covers Breast Pumps & Related Accessories within the scope of the WSCA Master Agreement for State Agencies and political subdivisions listed herein:

- Executive Branch

2. Changes:

- A. Pursuant to HRS §103D-804, nonprofit organizations, with current purchase of services contracts (HRS Chapter 103F) are eligible to participate in the SPO price/vendor list contracts upon mutual agreement between the vendor and the nonprofit.
- B. Referencing Hawaii Revised Statutes (HRS) § 103D-316, the State, at reasonable times, may inspect the part of the plant or place of business of the contractor or any subcontractor that is related to the performance of a contract awarded or to be awarded by the State.
- C. Usage Reporting Requirement. Evenflo Company, Inc. will provide a quarterly sales report showing the gross Hawaii sales for the quarterly period just ended to the Primary Contact listed in Paragraph 3, below, in accordance with the following schedule:

<u>Quarter Ending</u>	<u>Report Due</u>
March 31	April 30
June 30	July 31
September 30	October 31
December 31	January 31

The quarterly report will be subtotaled by Purchasing Entity names by State agency, or political subdivision. The quarterly report shall also include any adjustments from prior periods, if applicable.

- D. The laws and rules of the State of Hawaii, including the Hawaii Public Procurement Code, shall govern this contract.
- E. The Contractor agrees to comply with Section 11-205.5, HRS, which state that campaign contributions are prohibited from a State and government contractor during the term of the contract if the contractor is paid with funds appropriated by the Legislature.

- F. The State of Hawaii is not mandated to purchase from this contract. This contract may be secondary and non-mandatory.
- G. The **State of Hawaii's purchasing card (pCard)** shall be used for all orders totaling less than \$2500. This requirement is for all agencies of the Executive branch with the exception of the Department of Education, the Hawaii Health System Corporation, the Office of Hawaiian Affairs, and the University of Hawaii. Purchase Orders may be issued for purchases \$2,500 or more; and for contract vendors who do not accept the pCard, or who set minimum order requirements before accepting the pCard for payment or who charge its customers a transaction fee for the usage.

Contractor(s) shall forward invoices, original and three (3) copies, directly to the ordering agency. General excise tax shall not be applied to the delivery charge.

Section 103-10, HRS, provides that the State shall have thirty (30) calendar days after receipt of invoice or satisfactory delivery of goods to make payment. For this reason, the State will reject any offer submitted with a condition requiring payment within a shorter period. Further, the State will reject any offer submitted with a condition requiring interest payments greater than that allowed by Section 103-10, HRS, as amended.

The State will not recognize any requirement established by the Contractor and communicated to the State after award of the contract, which requires payment within a shorter period or interest payment not in conformance with statute.

- H. **Effective Date and Contract Period:** This Participating Addendum shall be effective upon the date of final execution by the State. The contract period for the State of Hawaii will be from the effective date of this participating addendum to the time period set forth in the Master Agreement No. 01910.

3. **Primary Contacts:** The primary government contact individual for this participating addendum is as follows (or their named successors):

Lead State

Name: Melissa Cox, Contracts Specialist
Address: Department of General Administration, Office of State Procurement
210 11th Ave SW Rm 201
Olympia, WA 98504-1101
Telephone: (360) 902.7439
Fax: (360) 586.2426
E-Mail: mcox@ga.wa.gov

Participating State

Name: Wendy Orita
Address: State Procurement Office
1151 Punchbowl Street, Room 416
Honolulu, HI 96813
Telephone: (808) 586-0563

Fax: (808) 586-0570
E-Mail: wendy.m.orita@hawaii.gov

Contractor
Name: Susan Vogtsberger
Address: Evenflo Company, Inc.
475 Half Day Road, Suite 200, Lincolnshire, IL 60069
Telephone: (847) 964-2628
Fax: (847) 793-0169
E-Mail: Susan.Vogtsberger@amedia.com

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

NONE

5. Price Agreement Number: All purchase orders issued by purchasing entities within the jurisdiction of this participating addendum shall include price agreement number: 01910; and SPO Vendor List Contract No. 11-08.

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 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 HAWAII

Signature: 

Name: AARON S. FUJIOKA

Title: Administrator, SPO

Date: 2/10/2012

Contractor: Evenflo Company, Inc.

Signature: 

Name: Dustin Epstein

Title: Vice President

Date: 4/11/12