

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.

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

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

Page 3 of 4

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

EVENTFLO Company, Inc.

Washington Contract Number: 01910

(hereinafter "Contractor")

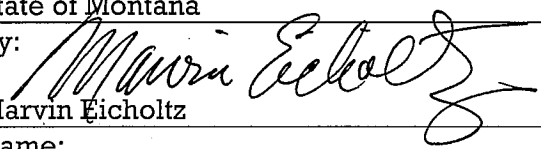
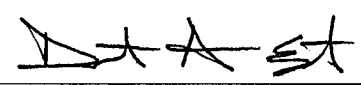
And

State of Montana

(hereinafter "Participating Entity")

Page 4 of 4

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: Eventflo 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]