



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF MANAGEMENT AND BUDGET

April 19, 2012

TO: ALL STATE AGENCIES, SCHOOL DISTRICTS, MUNICIPALITIES, VOLUNTEER  
FIRE COMPANIES AND POLITICAL SUBDIVISIONS

FROM: WILLIAM W. PICKRUM  
DEPUTY DIRECTOR, GOVERNMENT SUPPORT SERVICES  
302-857-4556

SUBJECT: **AWARD NOTICE – Addendum # 10 – Effective April 16, 2015**  
**CONTRACT NO. GSS12663-HVYEQUIP**  
**HEAVY EQUIPMENT**

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**KEY CONTRACT INFORMATION**

**1. CONTRACT USE**

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This is **not** a mandatory use contract under **Title 29, Chapter 6911(d) Delaware Code**. It is available to every state department and agency within the Executive Branch and Judicial Branch of the state government shall procure all material, equipment and nonprofessional services through the statewide contracts administered by Government Support Services, Office of Management and Budget. Delaware State University, Delaware Technical and Community College, the operations funded by Public School Districts, Delaware Transit Corporation, the Legislative Branch and the Board of Pension Trustees and their consultants are specifically exempted from the requirements of this subsection.

Under Title 29 §6933, The State of Delaware is authorized to participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of materiel or nonprofessional services with 1 or more public procurement units either within the State or within another state in accordance with an agreement entered into between the participants.

A competitive bidding and selection process was conducted by the National Joint Powers Alliance (NJPA), a Minnesota-based Service Cooperative created by Minnesota Legislative Statute 123A.21. NJPA and Contractor established a contract for the purchase of heavy construction equipment with related accessories, supplies, and services on or around July 20, 2011 (hereinafter, “Master Agreement”).

**2. CONTRACT PERIOD**

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Each contractor’s contract shall be valid through July 19, 2015. See vendor information below.

**3. VENDORS**

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**Addendum # 7 updates vendor information**

<p><b>Contract # GSS12663-HVYEQUIPV04</b>          NJPA Contract Number: 031711-AGI          FSF Vendor ID: 0000033769  <b>Alamo Industrial, Inc.</b>          Attn: John Wright          1502 E. Walnut Street          Seguin, TX 78155-5202          Phone: 830-372-9517 or 800-882-5762          Fax: 800-242-5266          Email: <a href="mailto:jwright@alamo-group.com">jwright@alamo-group.com</a>          Website: <a href="http://www.alamo-industrial.com">www.alamo-industrial.com</a></p>	<p><b>Products:</b>          Boom Mowers          Ditchers, Loaders &amp; Sickle Bars          Flail Mowers          Rotary Mowers          Tree &amp; Brush Cutters</p> <p><b>Local Dealers:</b></p> <p><b>Contract # GSS12663-HVYEQUIPV18</b>  <b>Gaithersburg Equipment Co. Inc.</b>          FSF Vendor ID: 0000076175          Attn: Brian Dunleavy, 830-605-2295          700 E. Diamond Ave          Gaithersburg, MD 20877-3065          Phone: 301-670-9300          Fax: 301-926-3705          Website: <a href="http://www.gaithersburgequipment.com">www.gaithersburgequipment.com</a></p> <p><b>Contract # GSS12663-HVYEQUIPV19</b>  <b>Security Equipment Company, Inc.</b></p>
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	<p>FSF Vendor ID: 0000214635          Attn: Gabrielle Stephan          3828 Washington Blvd          Baltimore, MD 21227-1629          Phone: 410-247-9600          Fax: 410-247-4819          Website: <a href="http://www.securityfnh.com">www.securityfnh.com</a></p> <p><b>Contract # GSS12663-HVYEQUIPV22</b>  <b>Messick Farm Equipment, Inc.</b>          FSF Vendor ID: 0000220633          Attn: Jill Sandidge          7481 Lincoln Hwy East          Abbottstown, PA 17301          Phone: 717-259-6617 or 800-222-3373          Email: <a href="mailto:kenm@messicks.com">kenm@messicks.com</a>          Website: <a href="http://www.messicks.com">www.messicks.com</a></p>
<p><b>Contract # GSS12663-HVYEQUIPV03</b>          NJPA Contract Number: 060311-CEC          FSF Vendor ID: 0000127445  <b>Clark Equipment Company</b>          Attn: Mike Kotzbacher          250 E. Beaton Drive          West Fargo, ND 58078-2656          Phone: 701-241-8746          Fax: 701-280-7860          Email: <a href="mailto:mike.kotzbacher@doosan.com">mike.kotzbacher@doosan.com</a>          Website: <a href="http://www.bobcat.com/government">http://www.bobcat.com/government</a></p>	<p><b>Product Lines:</b>          Bobcat          Doosan</p> <p><b>Local Dealers:</b></p> <p><b>Contract # GSS12663-HVYEQUIPV20</b>  <b>Burke Equipment Company - Newark</b>          FSF Vendor ID: 0000106399          Attn: David Babbitt          2063 Pulaski Hwy          Newark, DE 19702-3503          Phone: 302-737-3100          Fax: 302-737-3578          Email: <a href="mailto:dbabbitt@burkeequipment.com">dbabbitt@burkeequipment.com</a>          Website: <a href="http://www.burkeequipment.com">www.burkeequipment.com</a></p> <p><b>Contract # GSS12663-HVYEQUIPV20</b>  <b>Burke Equipment Company - Felton</b>          FSF Vendor ID: 0000106399          Attn: Mike Babbitt          54 Andrews Lake Rd          Felton, DE 19943-4633          Phone: 302-284-0123          Fax: 302-284-0225          Email: <a href="mailto:mbabbitt@burkeequipment.com">mbabbitt@burkeequipment.com</a>          Website: <a href="http://www.burkeequipment.com">www.burkeequipment.com</a></p> <p><b>Contract # GSS12663-HVYEQUIPV20</b>  <b>Burke Equipment Company – Seaford</b>          FSF Vendor ID: 0000106399          Attn: C. Wagner          11196 East Snake Rd          Delmar, DE 19940-3452</p>

	<p>Phone: 302-629-7500          Fax: 302-629-5570          Email: <a href="mailto:cwagner@burkeequipment.com">cwagner@burkeequipment.com</a>          Website: <a href="http://www.burkeequipment.com">www.burkeequipment.com</a></p> <p><b>Contract # GSS12663-HVYEQUIPV11</b>  <b>Chesapeake Supply and Equipment Co</b>          FSF Vendor ID: 0000029403          12915 S DuPont Hwy          Felton, DE 19943-4854          Phone: 800-282-8522 or 302-284-1000          Fax: 302-284-2200          Email: <a href="mailto:jeggers@chesupeq.com">jeggers@chesupeq.com</a>  <a href="http://www.equipmentbychesapeake.com">www.equipmentbychesapeake.com</a></p> <p><b>Contract # GSS12663-HVYEQUIPV12</b>  <b>McClung-Logan Equipment Co</b>          FSF Vendor ID: 0000029419          Attn: Tad Lynch          17941 Sussex Hwy          Bridgeville, DE 19933-4083          Phone: 302-337-3400          Fax: 302-337-9083          Email: <a href="mailto:tlynch@mcclung-logan.com">tlynch@mcclung-logan.com</a>  <a href="http://www.mcclung-logan.com">www.mcclung-logan.com</a></p>
<p><b>Contract # GSS12663-HVYEQUIPV01</b>          NJPA Contract Number: 060311-CNH          FSF Vendor ID: 0000126313  <b>CNH America, LLC</b>          Attn: Gary Oldis          621 State Street          Racine, WI 53402-5133          Phone: 262-636-0625          Fax: 262-636-5310          Email: <a href="mailto:gary.oldis@cnh.com">gary.oldis@cnh.com</a>          Website: <a href="http://www.cnh.com/">http://www.cnh.com/</a></p>	<p><b>Product lines:</b>          Case          Kobelco          New Holland</p> <p><b>Local Dealers:</b></p> <p><b><u>New Holland Construction</u></b>  <b>Contract # GSS12663-HVYEQUIPV21</b>  <b>Modern Equipment Sales &amp; Rental Company</b>          FSF Vendor ID: 0000018055          366 Cross Keys Rd          Sicklerville, NJ 08081-9705          Phone: 856-753-8282          Fax: 856-753-8223          Email: <a href="mailto:adamj@moderngroup.com">adamj@moderngroup.com</a>          Website: <a href="http://www.moderngroup.com">www.moderngroup.com</a></p> <p><b><u>Kobelco</u></b>  <b>Contract # GSS12663-HVYEQUIPV18</b>  <b>Gaithersburg Equipment Company</b>          FSF Vendor ID: 0000076175          700 E Diamond Ave.          Gaithersburg, MD, 20877-3065          Phone: (301) 670-9300          Fax: (301) 926-3705          Website: <a href="http://www.gaithersburgequipment.com">www.gaithersburgequipment.com</a></p>

	<p><b><u>Case CE</u></b>  <b>Contract # GSS12663-HVYEQUIPV23</b>  <b>Folcomer Equipment Corp</b>          FSF Vendor ID: 0000030376          Attn: Mike Youse          12420 Sussex Hwy          Greenwood, DE, 19950-5447          Phone: 302-349-5760          Fax: 302-349-5785          Email: <a href="mailto:mike.youse@folcomer.com">mike.youse@folcomer.com</a>          Website: <a href="http://www.folcomer.com">www.folcomer.com</a></p> <p><b>Contract # GSS12663-HVYEQUIPV25</b>  <b>Eagle Power &amp; Equipment Corp.</b>          FSF Vendor ID: 0000018725          Attn: Tom Scott          2211 DuPont Hwy          P.O. Box 889          New Castle, DE, 19720-0889          Phone: 302-652-3028          Cell: 302-530-9134          Fax: 302-652-7540          Email: <a href="mailto:tscott@eaglepe.com">tscott@eaglepe.com</a>          Website: <a href="http://www.eaglepowerandequipment.com">www.eaglepowerandequipment.com</a></p> <p><b><u>Case IH</u></b>  <b>Contract # GSS12663-HVYEQUIPV16</b>  <b>Hooper, Inc. – Middletown</b>          FSF Vendor ID: 0000006985          Attn: Greg Haglin          1130 Middletown Warwick Rd          Middletown, DE 19709-9096          Phone: 302-378-9555          Fax: 302-378-0634          Email: <a href="mailto:hoober@hoober.com">hoober@hoober.com</a>          Website: <a href="http://www.hoober.com">www.hoober.com</a></p> <p><b>Contract # GSS12663-HVYEQUIPV17</b>  <b>Hooper, Inc. – Seaford</b>          FSF Vendor ID: 0000029740          Attn: Greg Haglin          6367A Stein Hwy          Seaford, DE 19973-6942          Phone: 302-629-3075          Fax: 302-629-3775          Email: <a href="mailto:hoober@hoober.com">hoober@hoober.com</a>          Website: <a href="http://www.hoober.com">www.hoober.com</a></p>
<p><b>Contract # GSS12663-HVYEQUIPV02</b>          NJPA Contract Number: 031711-DAC          FSF Vendor ID: 0000022081  <b>Deere and Company</b></p>	<p><b>Products:</b>          John Deere</p> <p><b>Local Dealers:</b></p>

<p>Attn: Bill Frank          2000 John Deere Run          Cary, NC 27513-2789          Phone: 972-974-0984          Email: <a href="mailto:FrankWilliamD@JohnDeere.com">FrankWilliamD@JohnDeere.com</a>          Website: <a href="http://www.johndeere.com">www.johndeere.com</a></p>	<p><b>Contract # GSS12663-HVYEQUIPV29</b>  <b>Atlantic Tractor, LLC</b>          FSF Vendor ID: 0000006283          Attn: Steve Cahall or Rob Hawkins          301 East St          Clayton, DE 19938-7707          Phone: 302-653-8536 or 800-367-2726          Fax: 410-648-2592          Email: <a href="mailto:scahall@atjd.net">scahall@atjd.net</a> or <a href="mailto:rhawkins@atjd.net">rhawkins@atjd.net</a>          Website: <a href="http://www.atlantictractor.net/clayton.htm">http://www.atlantictractor.net/clayton.htm</a></p>
<p><b>Contract # GSS12663-HVYEQUIPV14</b>          NJPA Contract Number: 031710-GRD  <b>Gradall Industries, Inc.</b>          FSF ID: 0000205697          Attn: Michael T. Norman          406 Mill Ave SW          New Philadelphia, OH 44663-3835          Phone: (330)339-8428          Fax: (330)339-8468          Email: <a href="mailto:mtnorman@gradall.com">mtnorman@gradall.com</a>          Website: <a href="http://www.gradall.com">www.gradall.com</a></p>	<p><b>Local Dealers:</b></p> <p><b>Contract # GSS12663-HVYEQUIPV13</b>  <b>Elliott &amp; Frantz, Inc</b>          FSF Vendor ID: 0000046031          Attn: Rich Wolfolk          38420 Sussex Hwy          Delmar, DE 19940-3510          Phone: (302)846-3033          Fax: (302)846-0763          Cell: (410)463-0248          Email: <a href="mailto:rwelliotffrantz@yahoo.com">rwelliotffrantz@yahoo.com</a>          Website: <a href="http://www.gradall.com">www.gradall.com</a></p>
<p><b>Contract # GSS12663-HVYEQUIPV06</b>          NJPA Contract Number: 060311-JDC          FSF Vendor ID: 0000132192  <b>John Deere Construction Retail Sales</b>          Attn: Richard Murga or Mark Deakyne          1515 Fifth Avenue          Moline, IL 61265-1397          Phone: 800-319-3757          Fax: 309-765-3358          Email: <a href="mailto:murgarichard@johndeere.com">murgarichard@johndeere.com</a> or <a href="mailto:DeakyneMarkR@JohnDeere.com">DeakyneMarkR@JohnDeere.com</a>          Website: <a href="http://www.deere.com">www.deere.com</a></p>	<p><b>Products:</b>          Articulated Dump Trucks          Backhoe Loaders          Compact Track Loaders          Crawler Dozers          Crawler Loaders          Excavators (standard &amp; compact)          High-Speed Dozer          Landscape Loader          Motor Graders          Skid Steer Loaders          Wheel Loaders (standard &amp; compact)</p> <p><b>Local Dealers:</b></p> <p><b>Contract # GSS12663-HVYEQUIPV29</b>  <b>Atlantic Tractor, LLC - Newark</b>          FSF Vendor ID: 0000006283          Attn: Tom Patrick or Michael Smith          2688 Pulaski Hwy          Newark, DE 19702-3915          Phone: 302-834-0114          Fax: 302-834-2847          Email: <a href="mailto:tpatrick@atjd.net">tpatrick@atjd.net</a> or <a href="mailto:mikesmith@atjd.net">mikesmith@atjd.net</a>          Website: <a href="http://www.atlantictractor.net/glasgow.htm">http://www.atlantictractor.net/glasgow.htm</a></p> <p><b>Contract # GSS12663-HVYEQUIPV30</b>  <b>JESCO, Inc. - Middletown</b>          FSF Vendor ID: 0000046031</p>

1001 Industrial Dr  
Middletown, DE 19709-1097  
Phone: 302-376-0784 or 800-241-7070  
Fax: 410-918-5103  
Email: [mike.turssline@jesco.us](mailto:mike.turssline@jesco.us)  
Website: [www.jesco.us](http://www.jesco.us)

**Contract # GSS12663-HVYEQUIPV29  
Atlantic Tractor, LLC - Clayton**

FSF Vendor ID: 0000006283  
301 East Street  
Clayton, DE 19938-7707  
Phone: 302-653-8536 or 800-367-2726  
Fax: 410-648-2592  
Email: [scahall@atjd.net](mailto:scahall@atjd.net)  
Website: <http://www.atlantictractor.net/clayton.htm>

**Contract # GSS12663-HVYEQUIPV30**

**JESCO, Inc. - Delmar**  
FSF Vendor ID: 0000046031  
Attn: Lynda Bagdonas  
9060 Ocean Hwy  
Delmar, MD 21875-2334  
Phone: 410-546-1090 or 800-241-7070  
Fax: 410-918-5103  
Email: [lynda.bagdonas@jesco.us](mailto:lynda.bagdonas@jesco.us)  
Website: [www.jesco.us](http://www.jesco.us)

**Local Dealers:**

**Contract # GSS12663-HVYEQUIPV20  
Burke Equipment Company - Newark**

FSF Vendor ID: 0000106399  
2063 Pulaski Hwy  
Newark, DE 19702-3503  
Phone: 302-737-3100  
Fax: 302-737-3578  
Email: [chris@burkeequipment.com](mailto:chris@burkeequipment.com)  
Website: [www.burkeequipment.com](http://www.burkeequipment.com)

**Contract # GSS12663-HVYEQUIPV20  
Burke Equipment Company - Felton**

FSF Vendor ID: 0000106399  
54 Andrews Lake Rd.  
Felton, DE 19943  
Phone: (302) 284-0123  
Fax: (302) 284-0225  
Email: [mbabbitt@burkeequipment.com](mailto:mbabbitt@burkeequipment.com)  
Website: [www.burkeequipment.com](http://www.burkeequipment.com)

**Contract # GSS12663-HVYEQUIPV20  
Burke Equipment Company – Seaford**

FSF Vendor ID: 0000106399  
11196 East Snake Rd.

	<p>Delmar, DE 19940          Phone: (302) 629-7500          Fax: (302) 629-5570          Email: <a href="mailto:cwagner@burkeequipment.com">cwagner@burkeequipment.com</a>          Website: <a href="http://www.burkeequipment.com">www.burkeequipment.com</a></p> <p><b>Contract # GSS12663-HVYEQUIPV11</b>  <b>Chesapeake Supply and Equipment Co</b>          FSF Vendor ID: 0000029403          12915 S DuPont Highway          Felton, DE 19943          Phone: (302) 800-483-0885 or 410-792-4750          Fax: (302) 410-792-2854          Email: <a href="mailto:jeggers@chesupeq.com">jeggers@chesupeq.com</a>  <a href="http://www.equipmentbychesapeake.com">www.equipmentbychesapeake.com</a></p> <p><b>Contract # GSS12663-HVYEQUIPV12</b>  <b>McClung-Logan Equipment Co</b>          FSF Vendor ID: 0000029419          17941 Sussex Hwy          Bridgeville, DE 19933          Phone: (302)337-3400          Fax: (302)337-9083          Email: <a href="mailto:tlynch@mcclung-logan.com">tlynch@mcclung-logan.com</a>  <a href="http://www.mcclung-logan.com">www.mcclung-logan.com</a></p>
<p><b>Contract # GSS12663-HVYEQUIPV07</b>          NJPA Contract Number: 060311-MTQ  <b>Multiquip, Inc.</b>          FSF ID: 0000171354          Attn: Larry Savitz          18910 Wilmington Ave          Carson, CA 90746-2820          Phone: 310-400-1682 or 800-421-1244          Fax: 310-537-3927          Email: <a href="mailto:lsavitz@multiquip.com">lsavitz@multiquip.com</a>          Website: <a href="http://www.multiquip.com">www.multiquip.com</a></p>	<p><b>Authorized Service Centers:</b></p> <p><b>Contract # GSS12663-HVYEQUIPV27</b>  <b>Paradigm Equipment Sales, Inc.</b>          FSF Vendor ID: 0000220673          4252 N Point Rd, Ste. 113          Baltimore, MD 21222-3689          Phone: 410-477-1923          Website: <a href="http://paradigmequipment.com/">http://paradigmequipment.com/</a></p>
<p><b>Contract # GSS12663-HVYEQUIPV26</b>          NJPA Contract Number: 060311-SAC  <b>Sullair, LLC</b>          FSF ID:          Attn: Mark Hennessey or Tricia O'Hara          3700 E Michigan Blvd          Michigan City, IN 46360-6527          Phone: 413-687-7725 or 773-554-3507          Email: <a href="mailto:mark.hennessey@sullair.com">mark.hennessey@sullair.com</a> or  <a href="mailto:tricia.ohara@sullair.com">tricia.ohara@sullair.com</a>          Website: <a href="http://www.sullair.com">www.sullair.com</a></p>	<p><b>Local Dealer:</b></p> <p><b>Contract # GSS12663-HVYEQUIPV28</b>  <b>Tate Engineering Systems, Inc.</b>          FSF Vendor ID: 0000030219          (Stationary Equipment Only)          2030 Shipley Dr          Suite 5          Salisbury, MD 21801-7884          Contact: Brandy Merson          Phone: 410-546-3293 or 800-800-8283          Email: <a href="mailto:brandy.merson@tate.com">brandy.merson@tate.com</a>          Website: <a href="http://www.tate.com">www.tate.com</a></p>
<p><b>Contract # GSS12663-HVYEQUIPV08</b>          NJPA Contract Number: 060311-VTL          FSF Vendor ID: 0000184911</p>	<p><b>LeeBoy Products:</b>  <a href="#">Asphalt Pavers</a>  <a href="#">Motor Grader</a></p>



<p><b>V T Leeboy, Inc. (BR Lee Industries)</b> Attn: Naomi Gibson 500 Lincoln County Parkway Ext Lincolnton, NC 28092-6132 Phone: 704-966-3371 Fax: 704-919-5350 Email: <a href="mailto:ngibson@leeboy.com">ngibson@leeboy.com</a> Website: <a href="http://www.leeboy.com">www.leeboy.com</a></p>	<p><a href="#">Force Feed Loader</a> <a href="#">Tack Distributors</a> <a href="#">Rollers / Compaction</a> <a href="#">Maintainers</a> <a href="#">Legend Electric Screed</a> <a href="#">Asphalt Rakes &amp; Tools</a> <a href="#">Concrete Curber</a> <a href="#">LeeBoy Product Guide</a></p> <p><b>Local Dealers:</b></p> <p><b>Contract # GSS12663-HVYEQUIPV09</b> <b>U. S. Municipal Supply, Inc.</b> FSF Vendor ID: 0000019576 Attn: Bob Connell or Steve Miller 461 Glennie Cir King of Prussia, PA 19406-2629 Phone: 610-292-9450 or 800-222-1980 Fax: 610-275-4270 Email: <a href="mailto:rcc@usmuni.com">rcc@usmuni.com</a> or <a href="mailto:scm@usmuni.com">scm@usmuni.com</a> Website: <a href="http://www.usmuni.com">www.usmuni.com</a></p> <p><b>Contract # GSS12663-HVYEQUIPV10</b> <b>Valley Supply &amp; Equipment Co., Inc.</b> FSF Vendor ID: 0000029906 Attn: Brandon Klein or Larry Elavsky 20332 Leitersburg Pike Hagerstown, MD 21742-1451 Phone: 410-780-4000 or 800-633-5077 Fax: 410-780-4004 Email: <a href="mailto:bklein@valleysupplyequipment.com">bklein@valleysupplyequipment.com</a> or <a href="mailto:lavlasky@valleysupplyequipment.com">lavlasky@valleysupplyequipment.com</a> Website: <a href="http://www.valleysupplyequipment.com">www.valleysupplyequipment.com</a></p>
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**4. SHIPPING TERMS**

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Freight – based on FOB point of shipment.

**5. DELIVERY AND PICKUP**

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- a. Agencies may work with the local dealer in specifying machine requirements or call the primary vendor contact directly at the numbers above.
- b. Dealers would submit preliminary build codes to the primary vendor for verification of pricing, discount and freight from factory to dealer. Full delivery address for end-user is required for freight calculation.
- c. Additional charges may occur for installation of attachments as well as for parts, accessories and open market items.
- d. Purchase Orders should be made out to the **Primary Vendor**.
- e. Identify the NJPA contract number, as well as the GSS contract number.
- f. Dealer delivers machine.
  - I. Dealer performs operator review, as needed.
  - II. Dealer files warranty registration.

## 6. **PRICING**

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Prices will remain firm for the term of the contract year. All items are a percent off the manufacturer's lowest list price catalog. Pricing and discount information may be obtained from the cognizant State Contract Procurement Officer.

## **ADDITIONAL TERMS AND CONDITIONS**

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## 7. **BILLING**

The successful vendor is required to **"Bill as Shipped" to the respective ordering agency(s).** Ordering agencies shall provide at a minimum the contract number, ship to and bill to address, contract name and phone number.

## 8. **PAYMENT**

The agencies or school districts involved will authorize and process for payment each invoice within thirty (30) days after the date of receipt. The contractor or vendor must accept full payment by procurement (credit) card and/or conventional check and/or other electronic means at the State's option, without imposing any additional fees, costs or conditions. Agency pays the primary vendor for purchase and not the dealer.

## 9. **PRODUCT SUBSTITUTION**

All items delivered during the life of the contract shall be of the same type and manufacture as specified unless specific approval is given by Government Support Services to do otherwise. Substitutions may require the submission of written specifications and product evaluation prior to any approvals being granted.

## 10. **ORDERING PROCEDURE**

Successful contractors are required to have either a local telephone number within the (302) area code, a toll free (800) number, or agree to accept collect calls. Each agency is responsible for placing their orders and may be accomplished by written purchase order, telephone, fax or computer on-line systems. The contractor or vendor must accept full payment by procurement (credit) card and/or conventional check and/or other electronic means at the State's option, without imposing any additional fees, costs or conditions.

## 11. **PURCHASE ORDERS**

Agencies are required to identify the contract number gss12663-HVYEQUIP on all Purchase Orders (P.O.) and shall complete the same when entering P.O. information in the state's financial reporting system.

## 12. **HOLD HARMLESS**

The contractor agrees that it shall indemnify and hold the State of Delaware and all its agencies harmless from and against any and all claims for injury, loss of life, or damage to or loss of use of property caused or alleged to be caused, by acts or omissions of the contractor, its employees, and invitees on or about

the premises and which arise out of the contractor's performance, or failure to perform as specified in the Agreement.

### **13. NON-PERFORMANCE**

In the event the contractor does not fulfill its obligations under the terms and conditions of this contract, the ordering agency may purchase equivalent product on the open market. Any difference in cost between the contract prices herein and the price of open market product shall be the responsibility of the contractor. Under no circumstances shall monies be due the contractor in the event open market products can be obtained below contract cost. Any monies charged to the contractor may be deducted from an open invoice.

### **14. FORCE MAJEURE**

Neither the contractor nor the ordering agency shall be held liable for non-performance under the terms and conditions of this contract due, but not limited to, government restriction, strike, flood, fire, or unforeseen catastrophe beyond either party's control. Each party shall notify the other in writing of any situation that may prevent performance under the terms and conditions of this contract.

### **15. AGENCY'S RESPONSIBILITIES**

The Agency shall:

- a. Examine and review in detail all letters, reports, drawings and other documents presented by the Contractor to the Agency and render to the Contractor in writing, findings and decisions pertaining thereto within a reasonable time so as not to delay the services of Contractor.
- b. Give prompt written notice to the Contractor whenever the Agency observes or otherwise becomes aware of any development that affects the scope or timing of the Contractor's services.
- c. When an ordering agency first experiences a relatively minor problem or difficulty with a vendor, the agency will contact the vendor directly and attempt to informally resolve the problem. This includes failure to perform by the date specified and any unacceptable difference(s) between the purchase order and the merchandise received. Ordering agencies should stress to vendors that they should expedite correction of the differences because failure to reply may result in an unfavorable rating in the execution of the awarded contract.
- d. The state has several remedies available to resolve non-performance issues with the contractor. The Agency should refer to the Contract Terms and Conditions to view these remedies. When a default occurs, the Agency should first review the contract to confirm that the issue is a part of the contract. If the issue is not covered by the contract, the state cannot expect the contractor to perform outside the agreement. If the issue is a part of the contract, the Agency or GSS - Contracting must then contact the contractor, discuss the reasons surrounding the default and establish a date when the contractor will resolve the non-performance issue.
- e. If there is a performance deficiency, a Corrective Action Report (CAR) may be used. Complete this form to report concerns with vendors or commodities. Be sure to furnish as much detail as possible. <http://gss.omb.delaware.gov/divisionwide/forms.shtml>.