

BLANKET PURCHASE ORDER

STATE OF MARYLAND

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

BPO NO: 001B7400370

PRINT DATE: 09/10/18

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SHIP TO: AS SPECIFIED ON INDIVIDUAL ORDERS		
VENDOR ID: UNITED SITE SEVS OF MARYLAND INC 3250 OLD WASHINGTON RD WALDORF, MD 20602 (800)553-3173 EXT 209	REFER QUESTIONS TO: KIMBERLY HACKETT (410)767-0788 KIMBERLY.HACKETT@MARYLAND.GOV	
ITB: 001IT820440	EXPR DATE: 03/31/20 POST DATE: 03/22/17	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.

STATEWIDE CONTRACT
FOR
RENTAL OF PORTABLE SHOWER STALL TRAILERS
FOR STATE EMERGENCIES

CONTRACT PERIOD: APRIL 1, 2017 - MARCH 31, 2020 (3 YEARS)
OPTION YEAR 1: APRIL 1, 2020 - MARCH 31, 2021
OPTION YEAR 2: APRIL 1, 2021 - MARCH 31, 2022

THE STATE HAS THE UNILATERAL OPTION TO RENEW THIS CONTRACT TWO (2) TIMES FOR ADDITIONAL ONE (1) YEAR PERIODS AT THE DISCRETION OF THE STATE OF MARYLAND.

BIDDERS SHALL OFFER FIRM FIXED PRICES WITH ESCALATION PROVISIONS FOR THE FULL TERM OF THE CONTRACT. (SEE PRICE ESCALATION CLAUSE)

VENDOR NAME: UNITED SITE SERVICES OF MARYLAND, INC.

VENDOR CONTACT: ROY MORRIS

TELEPHONE: 301-481-7580

VENDOR EMAIL ADDRESS: ROY.MORRIS@UNITEDSITESERVICES.COM

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TERMS (cont'd):

VENDOR'S PRICE IS BASED PER HEAD, PER DAY (MINIMUM 7 DAY RENTAL). MINIMUM SIX (6) HEADS. TRAILER DELIVERY FEE WITHIN 45 MILES OF THE NEAREST UNITED SITE SERVICES (USS) LOCATIONS IS \$395.00. FOR DELIVERY OUTSIDE OF 45 MILES OF THE NEAREST USS LOCATION, DELIVERY FEE IS \$395 PLUS \$4.00 PER ADDITIONAL MILE FOR DELIVERY AND \$4.00 PER ADDITIONAL MILE FOR PICK-UP.

THE PURPOSE OF THIS CONTRACT IS TO SECURE A POOL OF "ON-CALL" CONTRACTORS READY TO SUPPLY PORTABLE SHOWER STALLS IMMEDIATELY FOR VARIOUS LOCATIONS IN THE STATE OF MARYLAND WHICH ARE AFFECTED BY SEVERE STORMS, TORNADOS, FLOODING, ETC. (EVENTS). THE AREAS TO BE INCLUDED AS PART OF THIS CONTRACT ARE BROKEN DOWN INTO FIVE (5) REGIONS LOCATED WITHIN THE STATE OF MARYLAND.

REGION A: WESTERN- GARRETT, ALLEGANY, WASHINGTON COUNTIES
REGION B: CAPITAL- FREDERICK, MONTGOMERY, PRINCE GEORGE'S COUNTIES
REGION C: CENTRAL- ANNE ARUNDEL, BALTIMORE, CARROLL, HARFORD, HOWARD, COUNTIES AND BALTIMORE CITY
REGION D: EASTERN SHORE- KENT, QUEEN ANNE'S, TALBOT, CAROLINE, CECIL, DORCHESTER, WORCESTER, WICOMICO AND SOMERSET COUNTIES
REGION E: SOUTHERN- CALVERT, CHARLES, AND ST. MARY'S COUNTIES

CONTRACTORS MAY SUBMIT A BID FOR ONE OR ALL REGIONS. DGS INTENDS TO AWARD MULTIPLE CONTRACTORS IN VARIOUS REGIONS IN ACCORDANCE WITH INDEFINITE QUANTITY CONTRACTS (COMAR 21.06.03.06.A(2)) AS A RESULT OF THIS SOLICITATION. QUANTITIES CANNOT BE ESTIMATED AT THIS TIME, BUT WILL BE DICTATED BY CIRCUMSTANCES DURING AN EVENT. PAYMENT SHALL BE MADE FOR ALL ITEMS ORDERED, RECEIVED AND ACCEPTED ACCORDING TO THE IFB.

QUALIFICATIONS OF BIDDER: THE BIDDER SHALL HAVE NO LESS THAN THREE (3) YEARS OF SUCCESSFUL EXPERIENCE IN PROVIDING SIMILAR PRODUCTS AS REQUIRED BY THESE DETAILED SPECIFICATIONS. THE BIDDERS SHALL SUBMIT WITH THEIR BID, CONTACT NAMES, 24/7 PHONE NUMBERS AND A BRIEF NARRATIVE DESCRIPTION THEIR EQUIPMENT CAPABILITIES TO FULFILL THE CONTRACT. IN THE EVENT EXISTING STOCKPILES ARE DEPLETED VENDOR SHALL PROVIDE A PLAN FOR RESUPPLY OR ANY AGREEMENTS WITH WHOLE SUPPLIERS, MANUFACTURERS OR OTHER SOURCES OF SUPPLY TO REPLENISH.

BIDDER INQUIRIES: ALL QUESTIONS PERTAINING TO THIS SOLICITATION MUST BE SUBMITTED ON EMARYLAND MARKETPLACE (EMM) UNDER THE Q & A TAB.

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TERMS (cont'd):

THE SCOPE OF WORK OF AN EVENT WILL DICTATE THE NUMBER AND COMPOSITION OF THE PRODUCTS NEEDED AT VARIOUS LOCATIONS. THE VENDOR SHALL PROVIDE ALL QUANTITIES OF THE ITEM(S) AGREED TO AT THE BEGINNING OF THE EVENT. IF ADDITION QUANTITIES ARE NEEDED BEYOND THEIR CAPABILITY, THE VENDOR MAY INFORM THE BUYER OF ANTICIPATED RESUPPLY DELIVERY DATES AND TIMES. IT SHALL BE AT THE STATE'S DISCRETION WHETHER TO PURCHASE THOSE ITEMS OR PURCHASE FROM ANOTHER SUPPLIER.

THE CONTRACTOR SHALL, AT THE DIRECTION OF THE CONTRACT MANAGER, PERFORM THE WORK AS DIRECTED BY THE STATE THROUGH A BLANKET PURCHASE ORDER RELEASE OR CORPORATE "P" CARD PURCHASE. THE STATE WILL USE THIS CONTRACT TO SUPPLY PRODUCT RESULTING FROM SEVERE STORMS IN THE EVENT OF AN EMERGENCY DECLARATION DECLARED BY THE GOVERNOR THROUGH THE MARYLAND EMERGENCY MANAGEMENT ASSOCIATION (MEMA).

THE CONTRACTOR SHALL CONDUCT THE WORK SO AS NOT TO INTERFERE WITH THE DISASTER RESPONSE AND RECOVERY ACTIVITIES OF FEDERAL, STATE AND LOCAL GOVERNMENTS OR AGENCIES OR OF ANY PUBLIC UTILITIES.

THE GOVERNMENT RESERVES THE RIGHT TO INSPECT THE SITE, VERIFY QUANTITIES AND REVIEW OPERATIONS AT ANY TIME. ALL WORK SHALL BE ACCOMPLISHED IN A SAFE MANNER IN ACCORDANCE WITH FEDERAL, STATE AND LOCAL SAFETY STANDARD.

PERFORMANCE SCHEDULE: THE CONTRACTOR SHALL COMMENCE PERFORMANCE AS SOON AS POSSIBLE BUT FROM WITHIN 24 - 48 HRS (DEPENDING ON THE EMERGENCY) OF RECEIPT OF NOTICE TO PROCEED. A SUFFICIENT NUMBER OF COMPETENT WORKERS MUST BE CONTINUOUSLY EMPLOYED BY THE CONTRACTOR WHICH MAY REQUIRE 24/7 COVERAGE DURING AN EVENT TO SATISFY THE STATE THAT THE WORK WILL BE COMPLETED BY THE TIME SPECIFIED.

DURING AN EVENT AND PRIOR TO COMMENCING TO DELIVERY OF PRODUCTS IF REQUESTED WITH THE CONTRACT MANAGERS DIRECION PROVIDE A WORK PLAN SHOWING WHERE DELIVERIES WILL BEGIN. THE PLAN SHALL BE SUBSEQUENTLY UPDATED PERIODICALLY.

ALL ACTIVITY ASSOCIATED WITH THE DELIVERY OF PRODUCTS SHALL BE PERFORMED FROM MONDAY - SUNDAY BETWEEN 7:00 AM AND 7:00 PM FOR SAFETY REASONS UNLESS OTHERWISE SPECIFIED BY THE CONTRACT MANAGER. THE CONTRACTOR MAY WORK SEVEN (7) DAYS PER WEEK, INCLUDING HOLIDAYS, IF DETERMINED NECESSARY BY THE CONTRACT MANAGER.

MAXIMUM ALLOWABLE TIME FOR COMPLETION WILL BE SPECIFIED IN THE TASK ORDER. BOTH PARTIES PURSUANT TO APPLICABLE CITY, COUNTY, STATE AND FEDERAL LAW WILL EQUITABLY NEGOTIATE SUSEQUENT CHANGES IN COST AND

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TERMS (cont'd):

AND COMPLETION TIME.

CONTRACT PRICING & DELIVERY: VENDOR SHALL PROVIDE BID PRICING FOR DELIVERY TO AREAS WHICH THEY CAN SERVICE WITHOUT INTERRUPTION. VENDOR WILL BE RESPONSIBLE FOR DOCK DELIVERY ONLY. NO GROUND DELIVERY WILL BE PROVIDED UNLESS USING AGENCY HAS FORKLIFT. PRODUCT MAY BE PROVIDED IN RETURNABLE INSULATED CONTAINERS, FAILURE TO RETURN CONTAINER WILL BE CAUSE TO CHARGE A CONTAINER FEE.

PRICE ESCALATION: VENDOR MUST HOLD PRICING FOR AT LEAST TWO YEARS. ANY PROPOSED INCREASES IN PRICE SHALL BE SUBMITTED ONE HUNDRED TWENTY (120) DAYS PRIOR TO THE END OF THE FIRST YEAR AND AT THE END OF ANY EXERCISED OPTION. THE CONTRACTOR MAY REQUEST IN WRITING A COST ADJUSTMENT TO BE IN EFFECT FOR THE TWO (2) SUBSEQUENT YEARS OF THE CONTRACT. ANY PROPOSED INCREASES IN PRICE SHALL NOT EXCEED THE RATE OF INFLATION AS DETERMINED BY THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS (CPI-U)-U.S. CITY AVERAGE ALL ITEMS 1982, 84=100 PUBLISHED BY THE BUREAU OF LABOR STATISTICS AT THE TIME OF THE REQUEST. THE STATE RESERVES THE RIGHT TO ADJUST THE SCOPE OF THE CONTRACT IN ORDER TO KEEP EXPENDITURES WITHIN THE AUTHORIZED APPROPRIATIONS.

CHANGES, ADDITIONS, DEDUCTIONS & EXTRA WORK: UPON PROPER ACTION BY THE STATE, CHANGES, ADDITIONS OR DEDUCTIONS FROM THE WORK TO BE PERFORMED SHALL BE AUTHORIZED BY WRITTEN NOTICE TO THE CONTRACTOR. NO EXTRA WORK SHALL BE DONE OR ANY OBLIGATIONS INCURRED EXCEPT UPON WRITTEN ORDER BY THE CONTRACT MONITOR. IF ANY CHANGES CAUSES AN INCREASE OR DECREASE IN THE CONTRACTOR'S COST OF, OR THE TIME REQUIRED FOR, THE PERFORMANCE OF ANY PART OF THE WORK UNDER THIS CONTRACT, THE DGS PROCUREMENT OFFICER SHALL MAKE AN EQUITABLE ADJUSTMENT AND MODIFY THE CONTRACT IN WRITING.

UNSATISFACTORY JOB PERFORMANCE OR PROGRESS, DEFECTIVE WORK, DISPUTED WORK, FAILURE TO COMPLY WITH MATERIAL PROVISIONS OF THE CONTRACT, THIRD PARTY CLAIMS FILED OR REASONABLE EVIDENCE THAT A CLAIM WILL BE FILED OR OTHER REASONABLE CAUSE; OR OTHERWISE FAILS TO CURE ANY OTHER DEFICIENCY INDENTIFIED BY THE CONTRACT MONITOR OF THE AUTHORIZED AGENCY WITHIN 24 HOURS OF DELIVERY OF NOTICE OF SAID DEFICIENCY THE VENDOR MAY BE TERMINATED FOR DEFAULT. THE STATE RETAINS ALL OTHER LEGAL OR EQUITABLE RIGHTS OR REMEDIES EXISTING AS A RESULT OF SAID DEFAULT, INCLUDING BUT NOT LIMITED TO ANY LEGAL PROCESS NECESSARY TO OBTAIN ANY SURETIES SECURING THIS CONTRACT. ANY REASONABLE ATTORNEY'S FEE INCURRED IN ENFORCING THIS CONTRACT WILL NOT EXCEED 5% OF SAID CONTRACT PRICE.

WARRANTIES & REPRESENTATIONS: THIS CONTRACT IS BINDING UPON AND INSURES TO THE BENEFIT OF THE STATE OR AGENCIES AND IS THE WHOLE

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TERMS (cont'd):

AGREEMENT OF THE PARTIES AND GOVERNED BY THE LAW OF THE STATE OF MARYLAND. THE APPROPRIATE VENUE FOR ANY LITIGATION RESULTING HEREUNDER IS THE STATE OF MARYLAND.

THE CONTRACTOR SHALL COMPLY WITH ALL FEDERAL, STATE, COUNTY AND MUNICIPAL LAWS, ORDINANCES AND REGULATIONS. THE CONTRACTOR SHALL NOT DISCRIMINATE AGAINST ANY EMPLOYEE OR APPLICANT DUE TO SEX, RACE, COLOR, CREED, NATIONAL ORIGIN OR ANCESTRY. THE CONTRACTOR FURTHER CERTIFIES HE IS ELIGIBLE TO PERFORM THIS CONTRACT UNDER LOCAL AND FEDERAL LAW IS NOT NOW AND HAS NEVER BEEN DEBARRED FROM PERFORMING FEDERAL OR STATE GOVERNMENT CONTRACTS AND THAT ALL SUBCONTRACTORS USED IN PERFORMANCE OF THIS CONTRACT HAVE THE SAME QUALIFICATIONS.

DEFICIENCIES, CORRECTIVE ACTIONS AND DEDUCTIONS: WHEN THE CONTRACTOR DOES NOT CONFORM TO THE CONTRACT REQUIREMENTS COMPLETELY, A DEFICIENCY EXISTS. IF A DEFICIENCY(S) IS SERIOUS TO RENDER A SERVICE UNACCEPTABLE, IT IS ALSO CONSIDERED A DEFECT. DEFECTS ARE IMPORTANT IN DETERMINING IF NON-COMPLIANCE LEVELS HAVE BEEN EXCEEDED FOR SERVICES INSPECTED.

CORRECTIVE ACTIONS. IF DEFICIENCIES ARE IDENTIFIED, THE STATE MUST TAKE ACTION TO CORRECT THOSE DEFICIENCIES USING ONE, OR IN SOME CASES A COMBINATION OF, THE FOLLOWING: REDUCED VALUE DEDUCTION. THE STATE MAY REDUCE THE CONTRACT PRICE TO REFLECT THE REDUCED VALUE OF THE SERVICES PERFORMED. THIS METHOD IS NORMALLY USED WHEN THE WORK IS PERFORMED BY THE STATE OR ANOTHER CONTRACTOR RATHER THAN THE CONTRACTOR UNDER THIS CONTRACT. THE AMOUNT OF THE DEDUCTION IS EQUAL TO THE VALUE OF THE SERVICE(S) NOT PERFORMED. AS APPROPRIATE, CALCULATION OF DEDUCTIONS FOR CERTAIN DEFICIENCIES WILL BE MADE. THE STATE MAY DISCUSS CORRECTIVE ACTIONS WITH THE CONTRACTOR TO PREVENT FUTURE OCCURRENCES.

THE DGS PROCUREMENT OFFICER WILL NOTIFY THE CONTRACTOR IN WRITING OF ANY OBSERVED NONCOMPLIANCE WITH THE AFOREMENTIONED FEDERAL, STATE, OR LOCAL LAWS OR REGULATIONS. SUCH NOTICES, WHEN DELIVERED TO THE CONTRACTOR AT THE SITE OF WORK SHALL BE DEEMED SUFFICIENT FOR THE PURPOSE. AFTER RECEIPT OF SUCH NOTICE, IMMEDIATELY INFORM THE DGS PROCUREMENT OFFICER OF PROPOSED CORRECTIVE ACTION AND TAKE SUCH ACTION AS MAY BE APPROVED. IF THE CONTRACTOR FAILS OR REFUSES TO COMPLY PROMPTLY, THE DGS PROCUREMENT OFFICER MAY ISSUE AN ORDER STOPPING ALL OR PART OF THE WORK UNTIL SATISFACTORY CORRECTIVE ACTION HAS BEEN TAKEN. NO PART OF TIME LOST DUE TO ANY SUCH STOP ORDERS SHALL BE MADE THE SUBJECT OF A CLAIM FOR EXTENSION OF TIME, OR FOR EXCESS COSTS OR DAMAGES BY THE CONTRACTOR.

SMALL & MINORITY BUSINESS PARTICIPATION: ALL SMALL AND MINORITY

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TERMS (cont'd):

BUSINESSES ARE ENCOURAGED TO RESPOND TO THIS SOLICITATION.

THE DEPARTMENT OF GENERAL SERVICES' "TERMS AND CONDITIONS FOR COMMODITY CONTRACTS OVER \$25,000" AND ALL SPECIFICATIONS, TERMS AND CONDITIONS OF SOLICITATION # 001IT820440/MDDGS31029768 INCORPORATED HEREIN BY REFERENCE.

ELECTRONIC TRANSACTION FEE:

- A. 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.
- B. THE ELECTRONIC TRANSACTION FEE SHALL BE SUBMITTED TO THE DEPARTMENT OF GENERAL SERVICES, FISCAL SERVICES DIVISION, 301 W. PRESTON STREET, ROOM 1309, BALTIMORE, MD, 21201, WITHIN TEN (10) CALENDAR DAYS FOLLOWING THE END OF EACH CALENDAR MONTH ALONG WITH A MONTHLY USAGE REPORT DOCUMENTING ALL CONTRACT SALES. AN EXCEL VERSION OF THE MONTHLY USAGE REPORT SHALL BE EMAILED TO THE PROGRAM MANAGER, LISA MCDONALD AT LISA.MCDONALD@MARYLAND.GOV, AND TO EBONY SALAKO AT AWAWU.SALAKO@MARYLAND.GOV.
- C. 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 CONTRACT'S ESTIMATED ANNUAL VALUE, WHICHEVER IS HIGHER.
- D. PRIOR TO AWARD, CONTRACTORS WILL BE ASKED TO CONFIRM IN WRITING THAT THEIR UNIT PRICES INCLUDE THE ONE PERCENT (1%) ELECTRONIC TRANSACTION FEE.

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1 - 100 RENTAL OF SHOWER STALLS FOR REGION A. VENDOR TO STATE ON LINE THE COST FOR RENTAL PER SHOWER STALL AND STATE IN COMMENTS SECTION THE NUMBER OF SHOWER STALLS FOR DELIVERY ONLY. VENDOR TO STATE IN COMMENTS SECTION THE AMOUNT OF DISCOUNT BEING OFFERED ON EACH LINE.

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1 - 100 RENTAL OF SHOWER STALLS FOR REGION B VENDOR TO STATE ON LINE THE COST FOR RENTAL PER SHOWER STALL AND STATE IN COMMENTS SECTION THE NUMBER OF SHOWER STALLS FOR PICK-UP ONLY. VENDOR TO STATE IN COMMENTS SECTION THE AMOUNT OF DISCOUNT BEING OFFERED ON EACH LINE.

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101 - 500 RENTAL OF SHOWER STALLS FOR REGION B. VENDOR TO STATE ON LINE THE COST FOR RENTAL PER SHOWER STALL AND STATE IN COMMENTS SECTION THE NUMBER OF SHOWER STALLS FOR PICK-UP ONLY. VENDOR TO STATE IN COMMENTS SECTION THE AMOUNT OF DISCOUNT BEING OFFERED ON EACH LINE.

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BLANKET PURCHASE ORDER

STATE OF MARYLAND

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<u>LINE #</u>	<u>STATE ITEM ID</u>	<u>U/M</u>	<u>UNIT COST</u>
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STATE OF MARYLAND

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AUTHORIZED BY: _____ DATE: _____

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