

STATE OF OHIO
DEPARTMENT OF ADMINISTRATIVE SERVICES
GENERAL SERVICES DIVISION
OFFICE OF PROCUREMENT SERVICES
4200 SURFACE ROAD, COLUMBUS, OH 43228-1395

AMENDMENT FOR CHANGE
AMENDMENT NO. 5

TO: LIMITED DISTRIBUTION - OHIO DOH/WIC, *INDIANA, AND WISCONSON WIC PROGRAMS AND OTHER STATE WIC PROGRAMS AUTHORIZED BY THE NATIONAL ASSOCIATION OF STATE PROCUREMENT OFFICIALS (NASPO), as applicable.

FROM: ROBERT BLAIR, DIRECTOR, DEPARTMENT OF ADMINISTRATIVE SERVICES

SUBJECT: CONTRACT FOR DRY INFANT CEREAL - WIC REBATE PROGRAM - NASPO COOPERATIVE CONTRACT

Attached are pages 1, 6-7, 16 and 18 to this contract. Remove these pages from the existing contract and replace with the attached pages on the effective and/or revision date.

As a result of mutual agreement between the state of Ohio and the Contractor, this amendment is issued to renew the subject contract an additional nine (9) months, effective April 1, 2013 through December 31, 2013.

All other prices, terms and conditions remain unchanged.

Questions regarding this Amendment and/or the Requirements Contract may be directed to:

Jennifer Shaefer, CPPB
jennifer.shaefer@das.state.oh.us

This Amendment, the main Requirements Contract and any additional amendments thereto are available from the DAS Web site at the following address:

<http://www.ohio.gov/procure>

Affected Contractor(s):
160934
Gerber Products Company
12 Vreeland Road, 2nd Floor, Box 697
Florham Park, NJ 07932-0697

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REQUIREMENTS CONTRACT: DRY INFANT CEREAL - WIC REBATE PROGRAM - NASPO COOPERATIVE CONTRACT

CONTRACT No.: OT904709

EFFECTIVE DATES: 01/01/09 to 12/31/11
*Renewal through 12/31/13

The Department of Administrative Services has accepted bids submitted in response to Invitation to Bid No. OT904709 that opened on 09/24/08. The evaluation of the bid response(s) has been completed. The bidder(s) listed herein have been determined to be the lowest responsive and responsible bidder(s) and have been awarded a contract for the items(s) listed. The respective bid response, including the [Terms and Conditions for Bidding, Standard Contract Terms and Conditions, and Supplemental Contract Terms and Conditions](#), special contract terms & conditions, any bid addenda, specifications, pricing schedules and any attachments incorporated by reference and accepted by DAS become a part of this Requirements Contract.

This Requirements Contract is effective beginning and ending on the dates noted above unless, prior to the expiration date, the Contract is renewed, terminated or cancelled in accordance with the Contract Terms and Conditions.

This Requirements Contract is available to OHIO DOH/WIC, *INDIANA, AND WISCONSIN WIC PROGRAMS AND OTHER STATE WIC PROGRAMS AUTHORIZED BY THE NATIONAL ASSOCIATION OF STATE PROCUREMENT OFFICIALS (NASPO), as applicable.

Agencies are eligible to make purchases of the listed supplies and/or services in any amount and at any time as determined by the agency. The State makes no representation or guarantee that agencies will purchase the volume of supplies and/or services as advertised in the Invitation to Bid.

SPECIAL NOTE: State agencies may make purchases under this Requirements Contract up to \$2500.00 using the state of Ohio payment card. Any purchase that exceeds \$2500.00 will be made using the official state of Ohio purchase order (ADM-0523). Any non-state agency, institution of higher education or Cooperative Purchasing member will use forms applicable to their respective agency.

Questions regarding this and/or the Requirements Contract may be directed to:

Jennifer Shaefer, CPPB***
jennifer.shaefer@das.state.oh.us

This Requirements Contract and any Amendments thereto are available from the DAS Web site at the following address:

<http://www.ohio.gov/procure>

*To indicate mutual agreement for renewal for nine (9) months, effective April 1, 2013 through December 31, 2013.

*To indicate that the Indiana WIC will no longer participate in the Contract after December 31, 2011.

*** To indicate a change in the contract analyst.

Signed: _____ Date _____
Robert Blair, Director

SPECIAL CONTRACT TERMS AND CONDITIONS

INSURANCE RENEWAL DOCUMENTS: Upon the policy renewal date, the Contractor must submit, within thirty (30) days, updated insurance documents showing compliance with all applicable coverage required by this Contract. As applicable, the documents must include a current Workers' Compensation Certificate and an Acord Certificate of all applicable insurance coverage and must include all required Commercial General Liability endorsements as described in Articles S-12 and S-13 of the Supplemental Terms and Conditions of this Contract.

Failure to maintain compliant insurance coverage per Article S-14 of the Supplemental Contract Terms and Conditions will be considered a default and will be cause for cancellation of the Contract under the Standard Contract Terms and Conditions, Section I, Item C, Part 1.

These documents shall be forwarded to the Office of Procurement Services, 4200 Surface Road, Columbus, OH 43228-1395, Attn: Jennifer Shaefer. ***

~~** **DMA RENEWAL DOCUMENT:** Within thirty (30) days of the annual anniversary date of the Contract inception, the Contractor must submit an updated copy of the Declaration Regarding Material Assistance/Non-Assistance to a Terrorist Organization (DMA) form.~~

~~This form is available at http://www.homelandsecurity.ohio.gov/DMA_Terrorist/HLS_0038_Contracts.pdf. The Terrorist Exclusion List is available at http://www.homelandsecurity.ohio.gov/DMA_Terrorist/terrorist_exclusion_list.pdf. In addition, the Contractor must annually update their registration with the Ohio Business Gateway (OBG) at <http://obg.ohio.gov>.~~

~~Failure to maintain a current, compliant certificate will be considered a default and will be cause for termination of the Contract under the Standard Contract Terms and Conditions, Section I, Item C, Part 1.~~

~~These documents shall be forwarded to the Office of Procurement Services, 4200 Surface Road, Columbus, OH 43228-1395, Attn: Janice Fitzpatrick.~~

AA/EEO RENEWAL DOCUMENT: Within thirty (30) days of the annual anniversary date of the initial plan acceptance date by EEO, the Contractor must submit an updated copy of their Affirmative Action Program Verification Form from the DAS Equal Opportunity Division. The application form is available at <http://www.das.ohio.gov/Eod/AAEEO.htm>.

Failure to maintain a current certificate in compliance with all State and Federal laws regarding equal employment opportunity, including Ohio Revised Code Section 125.111 and all related Executive orders will be considered a default and will be cause for termination of the Contract under the Standard Contract Terms and Conditions, Section I, Item C, Part 1.

These documents shall be forwarded to the Office of Procurement Services, 4200 Surface Road, Columbus, OH 43228-1395, Attn: Jennifer Shaefer. ***

* **ADDITIONAL TERMS AND CONDITIONS:** Included as exhibits to this Bid are five (5) documents that present the Standard Terms and Conditions and the Rebate Procedures specific to *Indiana and Wisconsin. Reference Bid Exhibits 1-4.

* To indicate that the Indiana WIC will no longer participate in the Contract after December 31, 2011.

** To indicate that the DMA Renewal document is no longer required per H.B. 487 effective 9/10/12.

*** To indicate a change in contract analyst effective with Amendment 5.

CONTRACTOR INDEX

CONTRACTOR, TERMS:

BID CONTRACT NO.: OT904709-1 (12/31/13*)



0000160934
Gerber Products Company
12 Vreeland Road, 2nd Floor, Box 697
Florham Park, NJ 07932-0697

TERMS: N/A

DELIVERY: N/A

CONTRACTOR'S CONTACT: Susan Eberhart

Telephone: (973) 593-7543
FAX: (973) 593-7661
E-mail: Susan.Eberhart@us.nestle.com

PREFERRED METHOD OF RECEIVING PURCHASE ORDERS:

E-MAIL TO: Lynn.schuvie@us.nestle.com

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* To indicate mutual agreement for renewal for nine (9) months, effective April 1, 2013 through December 31, 2013.

SUMMARY OF AMENDMENTS

Amendment Number	Revision Date	Description
5	04/01/13	To indicate mutual agreement for renewal for nine (9) months, effective April 1, 2013 through December 31, 2013; under the same terms and conditions and pricing. To indicate a change in the contract analyst.
4	01/01/12	To indicate mutual agreement for renewal for fifteen (15) months, effective January 1, 2012 through March 31, 2013; under the same terms and conditions and pricing. To indicate that the Indiana WIC will no longer participate in the Contract after December 31, 2011.
3	04/04/11	To indicate an increase to the published wholesale and rebate effective 4/4/11. Net price per ounce is unchanged. To indicate a change in the Contract on pages 1, 6 and 7.
2	04/01/09	Whole Wheat Infant Cereal added to the Contract/Authorized Foods List.
1	01/01/09	10/08/08 published price adjustments to Gerber commercial wholesale and rebate amounts to be effective 01/01/09. Net price per ounce is unchanged.