

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

OPTIONAL USE CONTRACT FOR: PHARMACEUTICAL DISTRIBUTION

CONTRACT No.: OT903215

EFFECTIVE DATES: 09/08/14 to 06/30/17

The State of Ohio Department of Administrative Services (DAS) agreed to participate in a cooperative contract for pharmaceutical distribution services, pharmacy supplies and equipment with McKesson Corporation, which is administered by the Commonwealth of Pennsylvania, Department of General Services, Bureau of Procurement. The Commonwealth of Pennsylvania accepted bids submitted in response to its Invitation for Bid No. 6100027684 that opened on 01/17/14. The Commonwealth of Pennsylvania completed the evaluation of the bid response(s). The bidder(s) listed herein were determined to be the lowest responsive and responsible bidder(s) and were awarded a contract under the Commonwealth of Pennsylvania's Contract Number 4400013096. The respective bid response, including the incorporated contract terms and conditions, standard contract terms and conditions, special contract terms & conditions, any bid addenda, specifications, pricing schedules and any attachments incorporated by reference and accepted by DAS, and the State of Ohio Group Purchasing Standard Contract Terms and Conditions, and Supplemental Contract Terms and Conditions (Rev. 10/2013), become a part of this Optional Use 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 Department of Mental Health and Addiction Services, Office of Support Services, 2150 W. Broad St., Columbus, OH 43223, 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 any volume of supplies and/or services.

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:

Terry Spiropoulos, CPPB
terry.spiropoulos@das.ohio.gov

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

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

Signed: _____
Robert Blair, Director Date

TABLE OF CONTENTS

<u>CONTRACT ITEMS</u>	<u>PAGE NO.</u>
Contract Numbers	3
Commonwealth of Pennsylvania, Contract Web Link	3
Scope	4
Terms and Conditions	4
Participating Addendum	5
Primary Contact	6
Contractor Index	6

STATE OF OHIO
PARTICIPATING CONTRACT
FOR
PHARMACEUTICAL DISTRIBUTION
STATE OF OHIO CONTRACT NUMBER OT903215

MASTER CONTRACT NUMBER: 4400013096

AS ISSUED BY THE COMMONWEALTH OF PENNSYLVANIA CAN BE FOUND AT:

<http://www.emarketplace.state.pa.us/BidContracts.aspx>

(SEARCH FOR: CONTRACT NUMBER, 4400013096)

I. SCOPE:

The purpose of this Requirements Contract/Participating Addendum is to establish an agreement to purchase pharmaceuticals as described in the Master Agreement, Contract No. 4400013096, which is administered by the Commonwealth of Pennsylvania Department of General Services Bureau of Procurement. The term of this agreement with McKesson Corporation shall be for approximately thirty four (34) months, from August 25, 2014 through June 30, 2017, unless renewed, terminated, or funding expires, in accordance with the DAS Group Purchasing Standard Contract Terms and Conditions, and Supplemental Contract Terms and Conditions, Rev. 10/2013, and as set forth in the Master Agreement.

II. TERMS AND CONDITIONS:

The following documents contain terms and conditions which apply to this Requirements Contract.

A. The Participating Addendum agreement with the McKesson Drug Co. which corresponds to the above Commonwealth of Pennsylvania Contract Number 4400013096 and State of Ohio DAS Group Purchasing Standard Contract Terms and Conditions, and Supplemental Contract Terms and Conditions. A reference copy of this document is provided on the following page.

B. The State of Ohio DAS Group Purchasing Standard Contract Terms and Conditions, and Supplemental Contract Terms and Conditions, Rev. 10/2013. This document may be accessed through the following Web address:

https://procure.ohio.gov/PTcond/gpctc_4.pdf

C. The Commonwealth of Pennsylvania's Contract Number 4400013096, pursuant to the Commonwealth of Pennsylvania's Bid No. 6100027684, for pharmaceutical distribution services, pharmacy supplies and equipment with McKesson Drug Company, which is administered by the Commonwealth of Pennsylvania Department of General Services Bureau of Procurement, including the incorporated contract terms and conditions, standard contract terms and conditions, special contract terms & conditions, any bid addenda, specifications, pricing schedules and any attachments incorporated by reference and accepted by DAS. This contract document may be accessed through the following Web address:

<http://www.emarketplace.state.pa.us/BidContracts.aspx>

Participating Addendum

This Participating Addendum documents the agreement between the State of Ohio ("Customer") and McKesson Corporation ("McKesson"). The Participating Addendum shall be effective as of the earliest date on which both McKesson and Customer have executed it (the "Effective Date").

1. Customer's GPO. Customer is an eligible member of Purchasing Alliance for Clinical Therapeutics, LLC ("PACT") and, further, has received approval from the Commonwealth of Pennsylvania to participate as an External Procurement Activity Purchaser, as that term is defined in the contract resulting from Invitation to Bid Number 6100027684 between the Commonwealth of Pennsylvania and McKesson (as the same may be further amended, modified, supplemented, renewed, replaced, restated or extended) (collectively, the "PA Agreement").
2. Terms and conditions. The terms and conditions of the PA Agreement are incorporated into this Participating Addendum, and McKesson agrees to certain modified or additional terms, beyond those available to Customer under the PA Agreement. The terms and conditions of the State of Ohio Department of Administrative Services, General Services Division, Office of Procurement Services, Group Purchasing Standard Contract Terms and Conditions (Rev. 10/2013) are incorporated into this Participating Addendum ("OH Terms").
3. Order of Priority. If there is any conflict between the PA Agreement and the OH Terms, the terms and conditions of the PA Agreement will prevail. However, the following Sections of the OH Terms shall govern: Section IV.C (Indemnity), Section IV.D (Limitation of Liability), Section I.C (Termination/Suspension) and Section V.K (Governing Law). Notwithstanding anything to the contrary, all pricing shall be governed solely by the terms of the PA Agreement.
4. Term. The term of this Participating Addendum shall commence on the Effective Date and last until terminated by the parties pursuant to its terms or until earlier superseded by amendment, extension or a new agreement regarding the distribution of pharmaceutical products.
5. Deliveries. For Customer and no other External Procurement Activity Purchaser, the following delivery schedule shall apply:

McKesson will make five deliveries per week, Monday through Friday (excluding holidays), to Customer's warehouse location in Columbus, OH.
6. Entire Agreement. This Participating Addendum constitutes the entire agreement between the parties with regard to the subject matter hereof and supersedes all prior agreements, understandings and representations, with the exception of any promissory note, security agreement or customer application document provided by McKesson's credit department or other credit or financially related document(s) executed by Customer or between Customer and McKesson (and whether executed before or after the date of this Participating Addendum).

III. PRIMARY CONTACT:

The primary participating entity contact for this participating addendum is as follows:

Terry Spiropoulos – Purchasing Standards Analyst
Office of procurement Services – State of Ohio
4200 Surface Road, Columbus, OH 43228
(614) 644-6764 office
(614) 485-1056 fax
E-mail: terry.spiropoulos@das.ohio.gov

IV. ITEMS:

26125 – Contract Items

19072 – Freight charges on orders totaling less than \$500.00. Freight charges shall not exceed \$25.00.

V. CONTRACTOR INDEX:

CONTRACTOR AND TERMS:

91760
McKesson Corporation

PURCHASE ORDER ADDRESS:

McKesson DC 164
3000 Kenskill Ave.
Washington Court House, Ohio 43160

REMITTANCE ADDRESS:

McKesson
12748 Collections Center Dr.
Chicago, IL 60693

CONTRACTOR'S CONTACT: Kathy Gould

BID CONTRACT NO.: OT903215-1 (06/30/17)

DELIVERY: Next/Req'd. Bus. Day A.R.O.

TERMS: Net 30 Days

Telephone: (513) 702-6434
FAX: (513) 825-1843
E-Mail: kathy.gould@mckesson.com