

**FULLY EXECUTED**

Contract Number: 4400029360

Original Contract Effective Date: 04/30/2024

Valid From: 01/18/2024 To: 03/31/2028

All using Agencies of the Commonwealth, Participating Political
Subdivision, Authorities, Private Colleges and Universities

Your SAP Vendor Number with us: 545422

Purchasing Agent

Name: Constance Ralph

Phone: 717-703-2931

Fax: 717-783-6241

Supplier Name/Address:

MOHAWK LIFTS LLC

P.O. Box 110

AMSTERDAM NY 12010-0110 US

Supplier Phone Number: 5188421431

Please Deliver To:

To be determined at
the time of the Purchase Order
unless specified below.

Contract Name:

Vehicle Lift Equipment MOHAWK NASPO

Payment Terms

NET 30

Solicitation No.:

Issuance Date:

Supplier Bid or Proposal No. (if applicable):

Solicitation Submission Date:

This contract is comprised of: The above referenced Solicitation, the Supplier's Bid or Proposal, and any documents attached to this Contract or incorporated by reference.

Item	Material/Service Desc	Qty	UOM	Price	Per Unit	Total
1	Vehicle Lift Equipment	0.000	Each	0.00	1	0.00

General Requirements for all Items:**Header Text**

This is a contract to reflect NASPO's Value Point contract for Vehicle Lifts and Garage Associated Equipment.

Please see attached price sheet.

Any Questions please contact-

Ralph Constance

(717) 703-2931

rconstance@pa.gov

No further information for this Contract

Information:

Supplier's Signature _____

Printed Name _____

Title _____

Date _____

**PARTICIPATING ADDENDUM
TO THE
NASPO VALUEPOINT COOPERATIVE PURCHASING ORGANIZATION
VEHICLE LIFTS AND GARAGE ASSOCIATED EQUIPMENT
CONTRACT NO. CW7258**

This Participating Addendum is entered into pursuant to the Vehicle Lifts and Garage Associated Equipment Contract No. **CW7258** (Master Agreement) between **Mohawk Lifts** (the Contractor) and the **State of Louisiana** (Louisiana) on behalf of the **NASPO ValuePoint Cooperative Purchasing Organization** (NASPO VaulePoint). The parties to this Addendum hereby create a separate contract between the Contractor and the **Commonwealth of Pennsylvania** (Commonwealth), acting through the **Department of General Services** (DGS).

WHEREAS, Louisiana, on behalf of NASPO ValuePoint, entered into the Master Agreement with the Contractor, pursuant to which the Contractor provides vehicle lifts and garage associated equipment as described in the Master Agreement;

WHEREAS, the Commonwealth desires to participate in the Master Agreement as an additional contracting party to procure vehicle lifts and garage associated equipment from the Contractor under the Master Agreement; and

WHEREAS, DGS is authorized under Sections 1902 and 1908 of the Commonwealth Procurement Code, 62 Pa. C. S. §§ 1902 and 1908, to undertake and make this type of contractual arrangement on behalf of the Commonwealth.

NOW, THEREFORE, intending to be legally bound hereby, DGS and the Contractor agree as follows:

1. The Master Agreement, and all other documents attached thereto or incorporated by reference in that Master Agreement, is attached as **Exhibit A** to this Participating Addendum.
2. **Effective Date and Term.** This Participating Addendum shall become effective on the date the Commonwealth sends the fully executed and approved Participating Addendum to the Contractor ("Effective Date"). This Participating Addendum shall terminate or expire upon the earlier of (a) expiration or termination of the Master Agreement, or (b) termination of this Participating Addendum in accordance with its terms. If the Master Agreement is renewed or extended, this Participating Addendum shall automatically renew or extend for a term consistent with the term of the Master Agreement.
3. **Scope.** This Participating Addendum includes the entire scope of products available through the Master Agreement.
4. **Participating Addendum Terms.** DGS and Contractor agree to be bound by the Commonwealth of Pennsylvania Terms and Conditions, attached hereto as **Exhibit B** and

made a part of this Participating Addendum.

5. **Master Agreement Terms.** Except as set forth in this Participating Addendum, DGS and Contractor agree to be bound by the terms and conditions as stated in the Master Agreement, which is made a part of this Participating Addendum and incorporated by reference.
6. **Additional Terms.**
 - a. **Embedded Software Licenses.** Any software included in the Supplies at the time of delivery (the "Embedded Software"), which includes any subsequent updates, patches or fixes, is licensed as part of the Supplies and not sold separately. Contractor hereby grants to the Commonwealth a non-exclusive, royalty-free, fully-paid, perpetual license to use the Embedded Software only in the operation of the Supply in which it was delivered. The Commonwealth shall not be required to accept and comply with any additional license agreement or terms (including, but not limited to any clickthrough, open source or freeware terms) for any Embedded Software, except as set forth in subsection b below.
 - b. **Commercially Available Software Licenses.** The Contractor may not offer Supplies which require commercially available software, which includes freeware and open-source software, for its use, unless and until the Commonwealth has entered into a software license agreement with the software licensor. The Contractor must inform any such software licensor that the software licensor must enter into a software license agreement with the Commonwealth with terms that are acceptable to the Commonwealth.
 - c. **Clickthrough License Terms.** No license terms and conditions (including, but not limited to, any terms of service, end user licenses agreements) shall be binding or controlling and the terms and conditions of this Contract or any fully executed software license agreement shall govern any licenses provided for Commercially Available or Embedded Software. Any clickthrough terms and conditions that are included with any such software provided with the Supplies are null and void and not binding on the Commonwealth.
7. **COSTARS Program.** COSTARS Program members shall be eligible to utilize this Participating Addendum under the same terms and conditions as the Commonwealth. Information related to the COSTARS Program is incorporated in the COSTARS Program Clause contained in Section I.4 IFB-027.1 of **Exhibit B**. If the Contractor elects to permit COSTARS members to participate in the Contract, the Contractor shall complete and return the COSTARS Election to Participate Form, which is attached hereto as **Appendix A**.
8. **Iran Free Procurement Certifications and Disclosure.** Prior to entering a contract worth at least \$1,000,000 or more with a Commonwealth entity, a Contractor must: a) certify it is not on the current list of persons engaged in investment activities in Iran created by the Pennsylvania Department of General Services ("DGS") pursuant to Section 3503 of the Commonwealth Procurement Code and is eligible to contract with the Commonwealth under

Sections 3501—3506 of the Commonwealth Procurement Code; or b) demonstrate it has received an exception from the certification requirement for that solicitation or contract pursuant to Section 3503(e). The Contractor must complete and return the Iran Free Procurement Certification form, which is attached hereto as **Appendix B** and made part of this Participating Addendum.

See the following web page for current Iran Free Procurement list:

<https://www.dgs.pa.gov/Documents/Procurement%20Forms/ProposedIranFreeProcurementList.pdf>.

9. **Worker Protection and Investment Certification.** Pursuant to Executive Order [2021-06](#), Worker Protection and Investment (October 21, 2021), the Commonwealth is responsible for ensuring that every Pennsylvania worker has a safe and healthy work environment and the protections afforded them through labor laws. To that end, contractors and grantees of the Commonwealth must certify that they are in compliance with all applicable Pennsylvania state labor and workforce safety laws. Such certification shall be made through the Worker Protection and Investment Certification Form (BOP-2201), **Appendix C**, which is attached hereto and made a part of this Participating Addendum.
10. **Lobbying Certifications and Disclosure.** With respect to an award of a federal contract, grant, or cooperative agreement exceeding \$100,000 or an award of a federal loan or a commitment providing for the United States to insure or guarantee a loan exceeding \$150,000 all recipients must certify that they will not use federal funds for lobbying and must disclose the use of non-federal funds for lobbying by filing required documentation. The Contractor must complete and return the Lobbying Certification Form and the Disclosure of Lobbying Activities Form, which are attached to and made a part of this Participating Addendum as **Appendix D**. Commonwealth agencies will not contract with outside firms or individuals to perform lobbying services, regardless of the source of funds.
11. **Order of Precedence.** To the extent that there is a conflict between the contract documents, the order of precedence shall be:
 - a. The Participating Addendum contained herein.
 - b. The Commonwealth of Pennsylvania Terms and Conditions (Exhibit B).
 - c. The Master Agreement (Exhibit A).

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IN WITNESS WHEREOF, the parties have signed this Participating Addendum.

CONTRACTOR:

Mohawk Lifts LLC

By: Christine O'Reilly 12/18/2023
Date

Christine O'Reilly - CFO

Printed Name and Title

0000545422

SAP Number

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES**

By: To be obtained electronically
Deputy Secretary for Procurement Date

PENNSYLVANIA DEPARTMENT OF TREASURY:

To be obtained electronically
Treasurer (or Designee) Date

APPROVED AS TO FORM AND LEGALITY:

To be obtained electronically
Office of Chief Counsel Date

To be obtained electronically
Office of General Counsel Date

To be obtained electronically
Office of Attorney General Date



ELECTION TO PARTICIPATE FORM

COSTARS PROGRAM

If awarded a Contract, our firm agrees to sell the awarded items/services at the same prices and/or discounts, and in accordance with the contractual terms and conditions, to registered COSTARS Members who elect to participate in the contract.

Our firm also agrees to pay the applicable Administrative Fee at the beginning of each contract year and/or upon each contract renewal date:

\$166 for a Department of General Services-verified Small Diverse Business or
Small, Veteran Business Enterprise

\$500 for a Department of General Services Self-Certified Small Business

\$1,500 for all other businesses

*If you are a Department of General Services Self-Certified Small Business or
Department of General Services-verified Small Diverse Business,
you must submit a copy of your active **Small Business Contracting Program**
certificate with your bid response.*

Corporate or Legal Entity Name:	
Signature:	<i>Christine O'Reilly</i>
Date:	
Contract Name:	
Parent Contract Number:	

IRAN FREE PROCUREMENT CERTIFICATION FORM

(Pennsylvania's Procurement Code Sections 3501-3506, 62 Pa.C.S. §§ 3501-3506)

To be eligible for an award of a contract with a Commonwealth entity for goods or services worth at least \$1,000,000 or more, a vendor must either: a) certify it is **not** on the current list of persons engaged in investment activities in Iran created by the Pennsylvania Department of General Services ("DGS") pursuant to Section 3503 of the Procurement Code **and** is eligible to contract with the Commonwealth under Sections 3501-3506 of the Procurement Code; or b) demonstrate it has received an exception from the certification requirement for that solicitation or contract pursuant to Section 3503(e).

To comply with this requirement, please insert your vendor or financial institution name and complete **one** of the options below. Please note: Pennsylvania law establishes penalties for providing false certifications, including civil penalties equal to the greater of \$250,000 or twice the amount of the contract for which the false certification was made; contract termination; and three-year ineligibility to bid on contracts. (Section 3503 of the Procurement Code.)

OPTION #1 - CERTIFICATION

I, the official named below, certify I am duly authorized to execute this certification on behalf of the vendor/financial institution identified below, and the vendor/financial institution identified below is **not** on the current list of persons engaged in investment activities in Iran created by DGS **and** is eligible to contract with the Commonwealth of Pennsylvania Sections 3501-3506 of the Procurement Code.

Vendor Name/Financial Institution (Printed) Mohawk Lifts LLC	
By (Authorized Signature) 	
Printed Name and Title of Person Signing Christine O'Reilly - CFO	Date Executed 10/03/2023

OPTION #2 – EXEMPTION

Pursuant to Procurement Code Section 3503(e), DGS may permit a vendor/financial institution engaged in investment activities in Iran, on a case-by-case basis, to enter into a contract for goods and services.

If you have obtained a written exemption from the certification requirement, please fill out the information below, and attach the written documentation demonstrating the exemption approval.

Vendor Name/Financial Institution (Printed)	
By (Authorized Signature)	
Printed Name and Title of Person Signing	Date Executed



WORKER PROTECTION AND INVESTMENT CERTIFICATION FORM

A. Pursuant to Executive Order 2021-06, *Worker Protection and Investment* (October 21, 2021), the Commonwealth is responsible for ensuring that every worker in Pennsylvania has a safe and healthy work environment and the protections afforded them through labor laws. To that end, contractors and grantees of the Commonwealth must certify that they are in compliance with Pennsylvania's Unemployment Compensation Law, Workers' Compensation Law, and all applicable Pennsylvania state labor and workforce safety laws including, but not limited to:

1. Construction Workplace Misclassification Act
2. Employment of Minors Child Labor Act
3. Minimum Wage Act
4. Prevailing Wage Act
5. Equal Pay Law
6. Employer to Pay Employment Medical Examination Fee Act
7. Seasonal Farm Labor Act
8. Wage Payment and Collection Law
9. Industrial Homework Law
10. Construction Industry Employee Verification Act
11. Act 102: Prohibition on Excessive Overtime in Healthcare
12. Apprenticeship and Training Act
13. Inspection of Employment Records Law

B. Pennsylvania law establishes penalties for providing false certifications, including contract termination; and three-year ineligibility to bid on contracts under 62 Pa. C.S. § 531 (Debarment or suspension).

CERTIFICATION

I, the official named below, certify I am duly authorized to execute this certification on behalf of the contractor/grantee identified below, and certify that the contractor/grantee identified below is compliant with applicable Pennsylvania state labor and workplace safety laws, including, but not limited to, those listed in Paragraph A, above. I understand that I must report any change in the contractor/grantee's compliance status to the Purchasing Agency immediately. I further confirm and understand that this Certification is subject to the provisions and penalties of 18 Pa. C.S. § 4904 (Unsworn falsification to authorities).

<i>Christine O'Reilly</i>	10/03/2023
Signature	Date
Christine O'Reilly	
Name (Printed)	
CFO	
Title of Certifying Official (Printed)	
Mohawk Lifts LLC	
Contractor/Grantee Name (Printed)	

LOBBYING CERTIFICATION FORM

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure of Lobbying Activities, which can be found at:

<https://www.gsa.gov/Forms/TrackForm/33144>

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed under *Section 1352, Title 31, U. S. Code*. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than **\$100,000** for such failure.

SIGNATURE: Christine O'Reilly

TITLE: CFO DATE: 10/03/2023