

Participating Addendum Number 47643
for
Snowplow And Grader Cutting Edges
between
State of Kansas
and
Chemung Supply Corp.

This Participating Addendum is entered into by State of Kansas ("Participating Entity") and the following Contractor (each a "Party" and collectively the "Parties") for the purpose of participating in NASPO ValuePoint Master Agreement Number 47643, executed by Contractor and the State of Vermont for Snowplow and Grader Cutting Edges ("Master Agreement"):

Chemung Supply Corp ("Contractor")
2420 Corning Road
Elmira, NY 14903

I. PARTICIPATING ADDENDUM CONTACTS.

Contractor's contact for this Participating Addendum is:

Mike Menner
V.P. Winter Products
mmenner@chemungsupply.com
607-733-5506

Participating Entity's contact for this Participating Addendum is:

Kindra Gribble
Procurement Officer
Kindra.Gribble@ks.gov
785-296-2732

II. TERM. This Participating Addendum is effective as of the date of the last signature below and will terminate upon termination of the Master Agreement, as amended, unless the Participating Addendum is terminated sooner in accordance with the terms set forth herein.

III. PARTICIPATION AND USAGE. This Participating Addendum may be used by all state agencies, institutions of higher education, cities, counties, districts, and other political subdivisions of the state, and nonprofit organizations within the state if authorized herein and by law. Participating Entity has sole authority to determine which entities are eligible to use this Participating Addendum. If Contractor becomes aware that an entity's use of this Participating Addendum is not authorized, Contractor will notify NASPO ValuePoint to initiate outreach to the appropriate parties.

IV. GOVERNING LAW. The construction and effect of this Participating Addendum and any Orders placed hereunder will be governed by, and construed in accordance with, Participating Entity's laws.

V. SCOPE. Except as otherwise stated herein, this Participating Addendum incorporates the scope, pricing, terms, and conditions of the Master Agreement and the rights and obligations set forth therein as applied to the Contractor and Participating Entity and Purchasing Entities.

a. **Services.** All services available through the Master Agreement may be offered and sold by Contractor to Purchasing Entities.

b. **Contractor Partners.** All subcontractors, dealers, distributors, resellers, and other partners identified on Contractor's NASPO ValuePoint webpage as authorized to provide Products and Services to Participating Entity may provide Products and Services to users of this Participating Addendum. Contractor will ensure that the participation of Contractor's subcontractors, dealers, distributors, resellers, and other partners is in accordance with the terms and conditions set forth in the Master Agreement and in this Participating Addendum.

Any amendment to the Master Agreement shall be deemed incorporated into this Participating Addendum.

**Participating Addendum Number 47643 for
SNOWPLOW AND GRADER CUTTING EDGES**

Between State of Kansas and
Chemung Supply Corp.

Any conflict between this Participating Addendum and the Master Agreement will be resolved in favor of the Participating Addendum.

VI. ORDERS. Purchasing Entities may place orders under this Participating Addendum by referencing the Participating Addendum Number on an Order. Each Order placed under this Participating Addendum is subject to the pricing and terms set forth herein and in the Master Agreement, including applicable discounts, reporting requirements, and payment of administrative fees to NASPO ValuePoint and Participating Entity, if applicable.

VII. PARTICIPATING ENTITY REPORTING REQUIREMENTS AND ADMINISTRATIVE FEE.

- a) The laws of the State of Kansas shall govern this Participating Addendum.
- b) State of Kansas Contractual Provisions Attachment, DA-146a attached and incorporated into this Participating Addendum as Attachment A will have prior precedence over the Order of Precedence for the Master Agreement 47643 (State of Kansas 56338).
- c) Travel expenses if applicable, shall be reimbursed under the same rates and conditions as noted in the "Employee Travel Expense Reimbursement Handbook" found at:
<https://admin.ks.gov/offices/accounts-reports/state-employees/state-employees-travel-center> unless otherwise agreed upon with the Purchasing Entity.
- d) Leasing is outside the scope of the NASPO ValuePoint Agreement and this Participating Addendum.
- e) Business Procurement Card: Agencies may use a Business Procurement Card (Visa) in lieu of a state warrant to pay for its purchases. No additional charges will be allowed for using the card.
- f) Reports and Administrative Fees:
The Contractor shall submit calendar quarterly reports to the Division of Purchases for all acquisitions, less returned product ("actual, net invoice sales"), made from this Participating Addendum. This report should include as a minimum the agency name, quantity, description, and amount. The report will be provided electronically, and a check sent payable to the State of Kansas - Office of Procurement and Contracts for an amount equal to one percent (1.0%) of the total actual sales. The report is to be sent to: reports@ks.gov. The report and fee shall be submitted by these quarterly dates:

Quarter #1: July 1st through September 30th, due by November 30th
Quarter #2: October 1st through December 31st, due by February 28th
Quarter #3: January 1st through March 31st, due by May 31st

Quarter #4: April 1st through June 30th, due by August 31st

- g) This contract is not an exclusive contract. The State of Kansas is not precluded from the purchase of goods and services from other sources.
- h) A State of Kansas, Tax Clearance Certificate is required to execute this contract.

**Participating Addendum Number 47643 for
SNOWPLOW AND GRADER CUTTING EDGES**

Between State of Kansas and
Chemung Supply Corp.

- i) The contractor shall sign and submit a "Policy Regarding Sexual Harassment Acknowledgment form" per Executive Order 18-04. This form is required to execute this contract.
- j) The contractor shall sign and submit a "Boycott of Israel certification Form" per HB 2482, 2018 Legislature. This form is required to execute this contract.
- k) The contractor shall sign and submit a "Certificate of Procurement Form" pursuant to Public Law 115-2332, Section 889 of the John S. McCain National Defense Authorization Act of 2019. This form is required to execute this contract.
- l) The contractor acknowledges the assigned State of Kansas contract number is:
0000000000000000000056338.

VIII. FEDERAL FUNDING REQUIREMENTS. Orders funded with federal funds may have additional contractual requirements or certifications that must be satisfied at the time the Order is placed or upon delivery. When applicable, a Purchasing Entity will identify in the Order any alternative or additional requirements related to the use of federal funds. By accepting the Order, Contractor agrees to comply with the requirements set forth therein.

IX. NOTICE. Any notice required herein shall be sent to the following:

For Contractor:

Mike Menner
V.P. Winter Products
mmenner@chemungsupply.com
607-733-5506

For Participating Entity:

Kindra Gribble
Procurement Officer
Kindra.Gribble@ks.gov
785-296-2732

X. SUBMISSION OF PARTICIPATING ADDENDUM TO NASPO VALUEPOINT. Upon execution, Contractor shall email a copy of this Participating Addendum and any amendments hereto to NASPO ValuePoint at pa@naspovaluepoint.org. While Participating Entity will maintain the official record of this Participating Addendum, the Parties agree that this Participating Addendum, as amended, may be published on the NASPO ValuePoint website.

**Participating Addendum Number 47643 for
SNOWPLOW AND GRADER CUTTING EDGES**

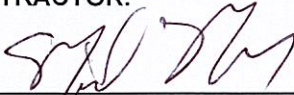
Between State of Kansas and
Chemung Supply Corp.

SIGNATURE

The undersigned for each Party represents and warrants that this Participating Addendum is a valid and legal agreement binding on the Party and enforceable in accordance with the Participating Addendum's terms and that the undersigned is duly authorized and has legal capacity to execute and deliver this Participating Addendum and bind the Party hereto.

IN WITNESS WHEREOF, the Parties have executed this Participating Addendum.

CONTRACTOR:



Signature

Mike Menner

Printed Name

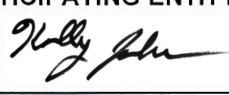
VP, Winter Products

Title

9/12/2024

Date

PARTICIPATING ENTITY:



Signature

Kelly Johnson

Printed Name

Deputy Director

Title

10/8/2024 KMG

Date