

Participating Addendum Number BPM037964
for
Electric Vehicle Charging Station Equipment and Services
between
State of Maryland
and
ABM eMobility USA, LLC

This Participating Addendum is entered into by the State of Maryland ("Participating Entity") and the following Contractor (each a "Party" and collectively the "Parties") for the purpose of participating in NASPO ValuePoint Master Agreement Number BPM037964, executed by Contractor and the State of Maryland ("Lead State") for Electric Vehicle Charging Station Equipment and Services ("Master Agreement"):

ABM eMobility USA, LLC ("Contractor")
14141 Southwest Freeway; Suite 400
Sugar Land, TX 77478

PARTICIPATING ADDENDUM CONTACTS.

Contractor's contact for this Participating Addendum is:

Vincent Murphy
Director
14141 Southwest Freeway; Suite 400
Sugar Land, TX 77478
732-589-1689

Participating Entity's contact for this Participating Addendum is:

Matthew Smith
Procurement Officer
301 W. Preston Street; M-4
Baltimore, MD 21201
410-767-3039

- I. TERM.** This Participating Addendum is effective as of the date of the last signature below or March 13, 2024, whichever is later, 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.
- II. 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.
- III. 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.
- IV. 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 Contractor and Participating Entity and Purchasing Entities.
 - a. Products.** All products available through the Master Agreement may be offered and sold by Contractor to Purchasing Entities.
 - b. Services.** All services available through the Master Agreement may be offered and sold by Contractor to Purchasing Entities.
 - c. 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,

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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 unless the amendment is rejected by Participating Entity in writing to Contractor within ten (10) calendar days of the amendment's effective date and is documented thereafter via written amendment hereto.

Any conflict between this Participating Addendum and the Master Agreement will be resolved in favor of the Participating Addendum. The terms of this Participating Addendum, including those modifying or adding to the terms of the Master Agreement, apply only to the Parties and shall have no effect on Contractor's participating addenda with other participating entities or Contractor's Master Agreement with the Lead State.

- V. 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.

VI. PARTICIPATING ENTITY REPORTING REQUIREMENTS AND ADMINISTRATIVE FEE.

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 Office of State Procurement:

Fiscal Services Division, 301
W. Preston Street, Room 1309
Baltimore, MD, 21201

No later than Forty-five (45) calendar days after the end of each reporting period along with a Monthly Usage Report documenting all contract sales. An excel version of the Monthly Usage Report shall be emailed to dgs.statewidecontractsusagereport@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 analysis of all contract activity.

d. Prior to Award, Contractors will be asked to confirm in writing that their unit prices include the one percent (1%) electronic transaction fee.

- VII. 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.

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VIII. ATTACHMENTS. This Participating Addendum includes the following attachments:

- a. Attachment A: Blanket Purchase Order BPO 001B4600179
- b. Attachment B: RFP
- c. Attachment C: The Bid

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

For Contractor:

Vincent Murphy
Director
14141 Southwest Freeway; Suite 400
Sugar Land, TX 77478
vincent.murphy@abm.com
732-589-1689

For Participating Entity:

Matthew Smith
Procurement Officer
301 W. Preston Street; M-4
Baltimore, MD 21201
Matthew.Smith2@maryland.gov
410-767-3039

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

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:

Bradley J Tolbert
Signature

Bradley J. Tolbert
Printed Name

Vice President
Title

04 June 2024
Date

PARTICIPATING ENTITY:

Matthew Smith
Signature

Matthew Smith
Printed Name

Procurement Officer
Title

6/9/2025
Date