

SPECIAL CONTRACT TERMS AND CONDITIONS

CONTRACT SCOPE/OVERVIEW: This Contract (identified here and in the other documents as the "Contract") will cover the requirements of Commonwealth Department Of Transportation for **The Light Arrow Boards**.

ORDER OF PRECEDENCE: These Special Contract Terms and Conditions supplement the Standard Contract Terms and Conditions For Statewide Contracts for Supplies. To the extent that these Special Contract Terms and Conditions conflict with the Standard Contract Terms and Conditions For Statewide Contracts for Supplies, these Special Contract Terms and Conditions shall prevail.

TERM OF CONTRACT: The Contract shall commence on the Effective Date, which shall be no earlier than 3/04/03 and expire on 6/30/04.

OPTION TO EXTEND: The Department of General Services reserves the right, upon notice to the Contractor, to extend the Contract or any part of the Contract for up to three (3) months upon the same terms and conditions. This will be utilized to prevent a lapse in Contract coverage and only for the time necessary, up to three (3) months, to enter into a new contract.

OPTION FOR SEPARATE COMPETITIVE BIDDING PROCEDURE: The Department of General Services reserves the right to purchase supplies covered under this Contract through a separate competitive bidding procedure, whenever the department deems it to be in the best interest of the Commonwealth. The right will generally be exercised only when a specific need for a large quantity of the supply exists or the price offered is significantly lower than the Contract price.

ADDRESS OF PURCHASE ORDER: Commonwealth agencies may issue purchase orders against this Contract for supplies required by the agencies (using agencies). Please state below where the Purchase Orders should be sent (name, address, city, state, zip code):

**_Trafcon Industries, Inc.
81 Texaco Road
Mechanicsburg, PA 17050**

SPECIFICATIONS: All units to be in accordance with PA DOT Specifications dated 11/1/02 for Vehicle Mounted Arrowboard (3 Pages),

DELIVERY: Awarded vendors s must deliver within **45 days after receipt of order**, To accomplish this, vendor will need to keep sufficient materials in stock at all times.

DELIVERY LOCATION: All deliveries shall be made FOB Destination Pennsylvania Department of Transportation, Equipment Division, 17th and Arsenal Boulevard, Harrisburg, PA 17120; Monday thru Friday; 8:30 AM to 3:00 PM; Telephone (717) 783-1395.

MINIMUM ORDER: One (1) Unit per order.

WARRANTY: The manufacturer ("Company") shall warrant to the original purchaser, sold direct or through an authorized dealer, that equipment manufactured by the "Company" will be free from defects in workmanship and materials for a period of one (1) year from the date of invoice, provided that such equipment is installed, operated and maintained in accordance with the "Company's written

Legacy Contract Number: 9905-10 SUPP 1		SAP Contract Number : 4600004300			Collective Number: CN00001275	
Item #	SAP Material #	Commodity Code #	Item Description	Unit of Measure	Unit Price	SAP Vendor Number
10	275287	9905-0100-075	15 LIGHT ARROW PANEL,DIRECTIONAL,TRUCK BED MOUNTED,30"x60" WITH WIRELESS REMOTE BATTERY POWERED	EACH	\$1,588.00	126328
			Trafcon # MB3-15---PADOT 88-412			
Vendor Information						
Name:		Trafcon Industries, Inc.				
Vendor Number:		126328				
Contact Person::		Shawn Gallagher				
Address:		81 Texaco Road Mechanicsburg PA 17050				
Phone Number:		717-691-8007				
Fax Number:		717-697-0813				
Federal ID Number:						
Email Address:		shawn@trafcon.com				
All Using Agency:		No				
Type of Contract:		Line Item				
Contract		0				
				Yes	No	
<u>Political Subdivisions and Public Authorities:</u> If your firm is awarded a contract, does it agree to sell the awarded items at the same prices and/or discounts, and in accordance with the contractual terms and conditions, to political subdivisions and public authorities and any other Commonwealth purchasing agencies that elect to participate in the contract?					No	
<u>Other Local Public Procurement Units:</u> If your firm is awarded a contract, does it agree to sell the awarded items at the same prices and/or discounts, and in accordance with the contractual terms and conditions, to all other local public procurement units other than political subdivisions and public authorities which elect to participate in the contract? (For a list of eligibile organizations see the DGS Website.)					No	

recommendations. Notice of defect must be given in writing to the "Company" within 10 days of discovery.
All warranty repair work shall include 100% Parts and Labor.

LIQUIDATED DAMAGES: If any item is not delivered within the time limits specified, the delay will interfere with the proper implementation of the Commonwealth's programs utilizing the item to the loss and damage of the Commonwealth. From the nature of the case it would be impractical and extremely difficult to fix the actual damage sustained in the event of any such action. The Commonwealth and the awarded vendor, therefore, presume that in the event of any such delay the amount of damage which will be sustained from a delay will be \$25.00 per calendar day, and they agree that in the event of any such delay, the awarded vendor shall pay such amount as liquidated damages and not as a penalty. The Commonwealth at its option for amounts due the Commonwealth as liquidated damages may deduct such from any money payable to the awarded vendor or may bill the awarded vendor as a separate item. The Commonwealth shall notify the awarded vendor in writing of any claims for liquidated damages pursuant to this paragraph before the date the Commonwealth deducts such sums from money payable to the awarded vendor.

OPTION TO RENEW: This contract or portions thereof may be extended by mutual consent of the Commonwealth and Vendor for an additional 1-year period.

INQUIRIES: Direct all questions concerning this proposal to the appropriate buyer named herein:
Dave Le Mon, Buyer 717-783-0765

Contract Reference Number:
Legacy Number: **9905-10**
Collective Number: CN00001275
Change Number: 1

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF GENERAL SERVICES
HARRISBURG

For: All using Agencies of the Commonwealth
Subject: Arrow Panels
Contract Period: Beginning July 1, 2002 and Ending June 30,2004 (Renewed thru June 30, 2005)
Buyer Name: Dave Le Mon

CHANGE SUMMARY

AT THIS TIME BOTH THE COMMONWEALTH AND THE VENDOR HAS AGREED TO RENEW THIS CONTRACT FOR ONE (1) ADDITIONAL YEAR. THIS CONTRACT NOW EXPIRES ON JUNE 30, 2005. NO RENEWALS REMAIN.

ALL OTHER TERMS AND CONDITIONS OF THIS AGREEMENT NOT CHANGED BY THIS CHANGE NOTICE REMAIN AS ORGINALLY WRITTEN.