

# BLANKET PURCHASE ORDER

## STATE OF MARYLAND

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**BPO NO:** 001B6400075

**PRINT DATE:** 10/31/15

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<b>SHIP TO:</b> AS SPECIFIED ON INDIVIDUAL ORDERS		
<b>VENDOR ID:</b> GARBER ICE CREAM CO INC 360 FRONT ROYAL PIKE  WINCHESTER, VA 22602 (540 )662-5422 EXT 11	<b>REFER QUESTIONS TO:</b>  ALLEGRA DAYE (410 )767-4032 ALLEGRA.DAYE1@MARYLAND.GOV	
<b>ITB:</b> 001IT819915	<b>EXPR DATE:</b> 07/31/18 <b>POST DATE:</b> 07/31/15	<b>DISCOUNT TERMS:</b> . NET 30 DAY <b>CONTRACT AMOUNT:</b> .00

### TERMS:

ARTICLES HEREIN ARE EXEMPT FROM MARYLAND SALES AND USE TAXES BY EXEMPTION CERTIFICATE NUMBER 3000256-3 AND FROM FEDERAL EXCISE TAXES BY EXEMPTION NUMBER 52-73-0358K. IT IS THE VENDOR'S RESPONSIBILITY TO ADVISE COMMON CARRIERS THAT AGENCIES OF THE STATE OF MARYLAND ARE EXEMPT FROM TRANSPORTATION TAX.

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STATEWIDE - REGIONAL CONTRACT FOR ICE CREAM  
FOR

WESTERN MARYLAND REGION

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CONTRACT TERM: AUGUST 1, 2015 THRU JULY 31, 2018

OPTION TO RENEW: THE CONTRACT MAY BE UNILATERALLY EXTENDED FOR (2) TWO ADDITIONAL, (1) ONE YEAR PERIODS AT THE SAME TERMS AND CONDITIONS.

OPTION YEAR 1: AUGUST 1, 2018 - JULY 31, 2019

OPTION YEAR 2: AUGUST 1, 2019 - JULY 31, 2020

TO FURNISH THE STATE OF MARYLAND AGENCIES WITH THEIR REQUIREMENTS FOR ICE CREAM, SHERBET AND NOVELTIES FOR THE DURATION OF THE CONTRACT.

ITEMS MAY BE ADDED OR DELETED FROM THE CONTRACT AS REQUIRED.

THIS CONTRACT IS A FIXED PRICE CONTRACT WITH ADJUSTMENT. PRICE ADJUSTMENTS WILL BE ALLOWED PER THE TERMS BELOW UNDER "PRICE ESCALATION/DE-ESCALATION."

### SCOPE OF USERS:

WESTERN REGION - WESTERN, MARYLAND; (INCLUDING, BUT NOT LIMITED TO: WESTERN MARYLAND HOSPITAL CENTER; MARYLAND CORRECTIONAL INSTITUTE -

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### TERMS (cont'd):

HAGERSTOWN; WESTERN CORRECTIONAL INSTITUTE; MARYLAND SCHOOL FOR THE DEAF - FREDERICK; DEPARTMENT OF JUVENILE JUSTICE YOUTH CENTERS AT SAVAGE MOUNTAIN; BACKBONE MOUNTAIN, MEADOW MOUNTAIN, GREEN RIDGE YOUTH FACILITY; AND WESTERN MARYLAND CHILDREN'S CENTER.

#### PROCESSING FEE

1.

CONTRACTOR SHALL PAY A PROCESSING FEE TO THE STATE IN THE AMOUNT OF ONE PERCENT (1%) OF THE TOTAL CONTRACT SALES. THE PROCESSING FEE IS CALCULATED BASED ON ALL SALES TRANSACTED UNDER THE CONTRACT, MINUS, ANY RETURNS OR CREDITS. THE PROCESSING 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 CONTRACTS UNIT PRICES.

2.

THE PROCESSING FEE SHALL BE SUBMITTED TO THE DEPARTMENT OF GENERAL SERVICES, FISCAL SERVICES DIVISION, 301 W. PRESTON STREET, ROOM 1309, BALTIMORE, MD., 21201, WITHIN TEN (10) CALENDAR DAYS FOLLOWING THE END OF EACH CALENDAR MONTH ALONG WITH A MONTHLY USAGE REPORT DOCUMENTING ALL CONTRACT SALES. AN EXCEL VERSION OF THE MONTHLY USAGE REPORT SHALL ALSO BE EMAILED TO THE PROCUREMENT OFFICER AND THE EMM ACCOUNTANT, AWAWU SALAKO, AT AWAWU.SALAKO@MARYLAND.GOV

3.

FAILURE TO REMIT PROCESSING FEES IN A TIMELY MANNER OR REMITTANCE OF FEES INCONSISTENT WITH THE CONTRACT'S REQUIREMENT MAY RESULT IN THE STATE EXERCISING ALL RECOURSE AVAILABLE UNDER THE CONTRACT INCLUDING, BUT NOT LIMITED TO, A THIRD PARTY AUDIT OF ALL CONTRACT ACTIVITY. SHOULD AN AUDIT BE REQUIRED BY THE STATE, THE CONTRACTOR SHALL REIMBURSE THE STATE FOR ALL COSTS ASSOCIATED WITH THE AUDIT UP TO \$10,000.00 OR ONE (1%) PERCENT OF THE CONTRACT'S ESTIMATED ANNUAL VALUE, WHICH EVER IS HIGHER.

PRICES QUOTED MUST BE VALID FOR NINETY (90) CALENDAR DAYS AFTER BID OPENING UNLESS OTHERWISE PROVIDED IN THE STATE SOLICITATION DOCUMENTS.

PRICE ESCALATION/DE-ESCALATION: ALL PRICES QUOTED MUST REMAIN FIRM FOR A MINIMUM OF 180 CALENDAR DAYS FROM THE EFFECTIVE DATE OF THE CONTRACT. UPON WRITTEN REQUEST TO THE PROCUREMENT OFFICER, PRICE ESCALATIONS WILL BE CONSIDERED ONLY AT THE END OF THIS PERIOD AND ONLY WHERE VERIFIED TO THE SATISFACTION OF THE PROCUREMENT OFFICER.

THE REQUEST MUST BE RECEIVED AT LEAST FIFTEEN (15) CALENDAR DAYS PRIOR TO THE PROPOSED EFFECTIVE DATE OF THE INCREASE. THE STATE RESERVES THE RIGHT TO ACCEPT OR REJECT SUCH INCREASE WITHIN FIFTEEN (15)

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**TERMS (cont'd):**

CALENDAR DAYS. IF REJECTED, THE SUPPLIER MAY CANCEL WITHIN THIRTY (30) CALENDAR DAYS OF THE DATE OF SAID REJECTION WITH FIFTEEN (15) DECREASE IN PRICE, EITHER BY REASON OF MARKET CHANGE OR OTHER CONDITIONS, THE STATE OF MARYLAND SHALL BE NOTIFIED PROMPTLY AND RECEIVE SUCH DECREASE.

THE PRICE INCREASE WILL BE BASED ON THE U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS (BLS) PRODUCER PRICE INDEX (PPI) FOR ICE CREAM AND FROZEN DESSERTS, NUMBER WPU023402 NOT SEASONALLY ADJUSTED FOUND AT WWW.BLS.GOV/PPI/. THE INCREASE WILL BE BASED ON THE MOST RECENT SIX-MONTH STATISTICS AVAILABLE ON THE BLS WEBSITE AT THE TIME OF THE REQUEST.

DELIVERY: THE CONTRACTOR SHALL PROVIDE SUITABLE LOCKING FREEZER, AT NO ADDITIONAL COST, UPON REQUEST OF EACH USING AGENCY FOR THE DURATION OF THE CONTRACT.

AGENCIES WILL ESTABLISH DELIVERY SCHEDULES WITH THE CONTRACTOR.

AGENCIES WILL ENDEAVOR TO USE CONTRACTORS ESTABLISHED ROUTE DELIVERY SCHEDULES AS MUCH AS PRACTICAL.

AGENCIES SHALL PLACE ORDERS SO AS TO PERMIT VENDOR SUFFICIENT TIME TO PROCESS ORDER AND DELIVERIES WILL BE SCHEDULED ACORDING TO REGULAR DELIVERY DAYS FROM EACH LOCATION.

MINIMUM DELIVERY SCHEDULE: TWO (2) DAYS PER WEEK.

<u>LINE #</u>	<u>STATE ITEM ID</u>	<u>U/M</u>	<u>UNIT COST</u>
0001	38045-100001	DZ	10.9800
CHIPWICH, COOKIE TYPE WAFER SANDWICH WITH CHOCOLATE CHIP COATED ICE CREAM. WESTERN MARYLAND REGION			
0002	38045-100005	DZ	8.4800
ICE CREAM SANDWICH, NEOPOLITAN ICECREAM, 24,5 OZ.			

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<u>LINE #</u>	<u>STATE ITEM ID</u>	<u>U/M</u>	<u>UNIT COST</u>
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ICE CREAM SANDWICH, NEOPOLITAN ICE CREAM, 24/5 OUNCE  
WESTERN MARYLAND REGION

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0003	38045-100006	DZ	4.3000
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ICE CREAM ECLAIR, CHOCOLATE, 24/3OZ.

ICE CREAM ECLAIR, CHOCOLATE, 3 OUNCE MINIMUM  
WESTERN MARYLAND REGION

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0004	38045-180000	DZ	6.9000
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ICE CREAM: BULK, 2 1/2 OR 3 GAL.  
ICE CREAM, BULK, 2 1/2 OR 3 GALLON  
WESTERN MARYLAND REGION

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0005	38045-180050	DZ	2.8000
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ICE CREAM: STYROFOAM CUPS, 4 FLUID OUNCES  
ICE CREAM, STYROFOAM CUPS, 4 FLUID OUNCES  
WESTERN MARYLAND REGION

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0006	38045-182100	DZ	4.5000
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ICE CREAM CONES: FILLED WITH VANILLA ICE CREAM, CHOCOLATE COATED, WIT  
NUTS.

ICE CREAM CONES, FILLED WITH VANILLA ICE CREAM, CHOCOLATE COATED,  
WITH NUTS, NUTTY BUDDY OR APPROVED EQUAL.  
WESTERN MARYLAND REGION

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0007	38045-220110	DZ	8.4000
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FRUIT BAR  
FROZEN FRUIT JUICE BAR WITH STICK, 2 1/2 OUNCE, MINIMUM. NUTRITION  
FACTS: SERVING SIZE 1 BAR, 113.4G, SERVING 1, CALORIES 80, FAT  
CALORIES 0, TOTAL FAT 0G, TOTAL CRB. 21G, SAT. FAT 0G, DIETARY FIBER  
0G, CHOLESTEROL 0MG, SUGARS 21G, SODIUM 0MG, PROTEIN 0G. QUIESCENTLY

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FROZEN FRUIT BAR INGREDIENTS PINEAPPLE OR ASSORTED FLAVORS, WATER, FRUCTROSE AND/OR SUGAR CITRIC ACID, NATURAL VEGETABLE STABLIZERS, GUAR GUM, ZANTHAN GUM AND CAROB BEAN GUM, NATURALLY COLORED WITH TUMERIC. NO ARTIFICIAL COLORS, FLAVORS OR PINEAPOLE, STRAWBERRY, CHERRY AND LIME.

WESTERN MARYLAND REGION

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0008	38045-300050	DZ	2.9000
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DREAMSICLES: ORANGE OR CHERRY MINIMUM 2 1/2 OZ. SIZE  
DREAMSICLES, ORANGE OR CHERRY, 2 1/2 OUNCE, MINIMUM  
WESTERN MARYLAND REGION

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0009	38045-510084	DZ	3.4000
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ICE CREAM CUP, 4 OZ., STYROFOAM, FAT FREE, NO SUGAR ADDED

ICE CREAM CUP, SYTROFOAM, FAT FREE, NO SUGAR ADDED, 4 OUNCE  
WESTERN MARYLAND REGION

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0010	38045-621156	DZ	4.4000
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ICE CREAM SANDWICH: MIN. 2 1/2 FLUID OZ. OF ICE CREAM PLUS WAFERS  
ICE CREAM SANDWICH, ICE CREAM PLUS WAFERS, 4 OUNCE, MINIMUM  
WESTERN MARYLAND REGION

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0011	38045-630044	DZ	2.8000
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SHERBET: STYROFOAM CUPS, 4 FLUID OUNCES  
SHERBET, STYROFOAM CUPS, 4 OUNCES  
WESTERN MARYLAND REGION

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0012	38045-860000	DZ	2.8000
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WATER ICE: STYROFOAM CUPS, 4 FLUID OUNCES  
WATER ICE, STYROFOAM CUPS, ASSORTED FLAVORS, 4 OUNCES  
WESTERN MARYLAND REGION

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<u>LINE #</u>	<u>STATE ITEM ID</u>	<u>U/M</u>	<u>UNIT COST</u>	
0013	38045-FUDCLE	DZ	2.9000	
ICE CREAM, FUDGE STICK, 24 BOX				
ICE CREAM, FUDGE STICK, 24 PER BOX, RICH FUDGE FRENZY BAR				
WESTERN MARYLAND REGION				
0014	38045-POPCLE	DZ	2.9000	
ICE CREAM, TWIN ICE POP, 24 BOX				
FROZEN BAR CONFECTION, WATER ICE, WITH STICK, SINGLE OR TWIN, 3 OUNCE				
MINIMUM				
WESTERN MARYLAND REGION				
0015	38045-510005	GL	4.5000	
ICE CREAM CUPS, 5 OZ.				
ICE CREAM CUPS, CHOCOLATE SUNDAE, 5 OZ.				
WESTERN MARYLAND REGION				
0016	38045-HOL054	DZ	8.6000	
STRAWBERRY SHORTCAKE ICE CREAM BAR				
STRAWBERRY SHORTCAKE ICE CREAM BAR, 3 OZ. MINIMUM				
WESTERN MARYLAND REGION				
0017	38045-HOL064	DZ	21.6000	
KLONDIKE KRUNCH ICE CREAM BAR				
KLONDIKE KRUNCH ICE CREAM BAR BRAND/CODE; BLUE BUNNY HEATH BAR				
CASE/PACK 24/CS				
WESTERN MARYLAND REGION				
0018	38045-860000	DZ	9.0000	
WATER ICE, STYROFOAM CUPS, ASSORTED FLAVORS, 4 OUNCES				

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BALTIMORE METRO REGION

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**AUTHORIZED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

BUYER AUTHORIZED DESIGNEE