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"Best and Final Offer" (BAFO); Contract No. ADSP011-00000411
On Behalf of WSCA / NASPO Participating States

Revision 2 Change Log, OPEX Corporation

Category: Extractors

September 1, 2011

Submitted to:

Ms. Stacy Ingalls
State of Arizona
State Procurement Office
100 N. 15th Ave., Suite 201
Phoenix, AZ 85007

Dear Ms. Ingalls:

OPEX is pleased to submit its revised offer with respect to the above-referenced Contract. Accordingly, this document will summarize all changes made to OPEX Corporation's Revision 1, posted on the procure.az.gov website and dated 08/01/2011.

Revised Contract documents have also been submitted reflecting these changes, and changes have been noted on those forms. This revised submission has been prepared in accordance with the telephone conference conducted between Winnie Chow, James Liebler and you on August 31, 2011.

Thank you in advance for your consideration of this matter, and for allowing OPEX Corporation to submit this BAFO.

Acknowledged by: 

OPEX Corporation, Winnie W. Chow, Asst. Dir., Corp. & Legal Affairs

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(A) REVISIONS TO CAPACITY OF OFFEROR RESPONSE FORM

During the conference call, it was suggested that OPEX include product and service ordering information for Participating Entities within this Form. Accordingly, a new sub-part "D" has been included under **Section 3.1.1** of this Form that summarizes p-card programs accepted by OPEX, and also how OPEX handles EDI transactions and communications.

(B) REVISIONS TO OFFEROR – TERMS AND CONDITIONS AND INSTRUCTIONS EXCEPTIONS

During the conference call, OPEX was encouraged to re-examine the exception it took to **Section 9.5 of the Uniform Terms and Conditions** (Termination for Default). Accordingly, after further examination and consideration of this provision, OPEX has determined that it will withdraw this exception.

Therefore, the only remaining exception OPEX has taken is to **Section 3.8 of the Uniform Terms and Conditions** (Ownership of Intellectual Property). All other exceptions have been withdrawn.

Additionally, a clarification has also been included. The state previously allowed OPEX to clarify **Section 2.7.1.2 of the Statement of Work** (Annual Maintenance Agreements, page 9) to allow OPEX's assumption that, "the end user needs to be contacted during coverage hours within two (2) hours from the time OPEX receives a service call."

The allowed exception, and the clarification referenced here, have been consolidated into a single Word document submitted with this revised response entitled, **"Exceptions and Clarifications."**