

**EXCEPTIONS TO PROPOSAL TERMS, CONDITIONS,
AND SOLUTIONS REQUEST**



Company Name: Terex Utilities Inc.

Any exceptions to the terms, conditions, specifications, or proposal forms contained in this RFP must be noted in writing and included with the Proposer's response. The Proposer acknowledges that the exceptions listed may or may not be accepted by NJPA or included in the final contract. NJPA will make reasonable efforts to accommodate the listed exceptions and may clarify the exceptions in the appropriate section below.

| Section/page | Term, Condition, or Specification | Exception | NJPA ACCEPTS |
|--------------|-----------------------------------|--|---------------|
| G | 6.23.1.1 | Added - in accordance with ISO standard forms | NJPA accepts. |
| G | 6.26 | Added - except for the negligence and willful misconduct | NJPA accepts. |
| B | 8.8 | Added - No party shall be liable hereunder for incidental, indirect or consequential Damages, even if advised of the possibility thereof | NJPA accepts. |
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Proposer's Signature: *Stephen Egan* Date: 1/23/2015

NJPA's clarification on exceptions listed above:

Review and Approved:

[Signature] 3-1-15
NJPA Legal Department

FORM D



Formal Offering of Proposal
(To be completed only by the Proposer)

PUBLIC UTILITY EQUIPMENT WITH RELATED ACCESSORIES AND SUPPLIES

In compliance with the Request for Proposal (RFP) for PUBLIC UTILITY EQUIPMENT WITH RELATED ACCESSORIES AND SUPPLIES, the undersigned warrants that the Proposer has examined this RFP and, being familiar with all of the instructions, terms and conditions, general and technical specifications, sales and service expectations, and any special terms, agrees to furnish the defined products and related services in full compliance with all terms and conditions of this RFP, any applicable amendments of this RFP, and all Proposer's response documentation. The Proposer further understands that it accepts the full responsibility as the sole source of solutions proposed in this RFP response and that the Proposer accepts responsibility for any subcontractors used to fulfill this proposal.

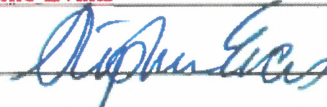
Company Name: Terex Utilities Inc. Date: January 23, 2018

Company Address: 500 Oakwood Rd

City: Watertown State: SD Zip: 57201

CAGE Code/Duns & Bradstreet Number: 00-625-0484

Contact Person: Stephanie Evans Title: Sales Operations Manager

Authorized Signature:  Stephanie Evans
(Name printed or typed)

FORM E
CONTRACT ACCEPTANCE AND AWARD



(Top portion of this form will be completed by NJPA if the vendor is awarded a contract. The vendor should complete the vendor authorized signatures as part of the RFP response.)


NJPA Contract #: 012418-TER

Proposer's full legal name: Terex Utilities Inc.

Based on NJPA's evaluation of your proposal, you have been awarded a contract. As an awarded vendor, you agree to provide the products and services contained in your proposal and to meet all of the terms and conditions set forth in this RFP, in any amendments to this RFP, and in any exceptions that are accepted by NJPA.

The effective date of the Contract will be March 14, 2018 and will expire on March 14, 2022 (no later than the later of four years from the expiration date of the currently awarded contract or four years from the date that the NJPA Chief Procurement Officer awards the Contract). This Contract may be extended for a fifth year at NJPA's discretion.

NJPA Authorized Signatures:



NJPA DIRECTOR OF COOPERATIVE CONTRACTS
AND PROCUREMENT/CPO SIGNATURE

Jeremy Schwartz
(NAME PRINTED OR TYPED)



NJPA EXECUTIVE DIRECTOR/CEO SIGNATURE

Chad Coquette
(NAME PRINTED OR TYPED)

Awarded on March 12, 2018

NJPA Contract # 012418-TER

Vendor Authorized Signatures:

The Vendor hereby accepts this Contract award, including all accepted exceptions and amendments.

Vendor Name Terex Utilities

Authorized Signatory's Title Vice President



VENDOR AUTHORIZED SIGNATURE

James M. Lohan

(NAME PRINTED OR TYPED)

Executed on March 15, 2018

NJPA Contract # 012418-TER

PROPOSER ASSURANCE OF COMPLIANCE



Proposal Affidavit Signature Page

PROPOSER'S AFFIDAVIT

The undersigned, authorized representative of the entity submitting the foregoing proposal (the "Proposer"), swears that the following statements are true to the best of his or her knowledge.

1. The Proposer is submitting its proposal under its true and correct name, the Proposer has been properly originated and legally exists in good standing in its state of residence, the Proposer possesses, or will possess before delivering any products and related services, all applicable licenses necessary for such delivery to NJPA members agencies. The undersigned affirms that he or she is authorized to act on behalf of, and to legally bind the Proposer to the terms in this Contract.
2. The Proposer, or any person representing the Proposer, has not directly or indirectly entered into any agreement or arrangement with any other vendor or supplier, any official or employee of NJPA, or any person, firm, or corporation under contract with NJPA, in an effort to influence the pricing, terms, or conditions relating to this RFP in any way that adversely affects the free and open competition for a Contract award under this RFP.
3. The Proposer has examined and understands the terms, conditions, scope, contract opportunity, specifications request, and other documents in this solicitation and affirms that any and all exceptions have been noted in writing and have been included with the Proposer's RFP response.
4. The Proposer will, if awarded a Contract, provide to NJPA Members the /products and services in accordance with the terms, conditions, and scope of this RFP, with the Proposer-offered specifications, and with the other documents in this solicitation.
5. The Proposer agrees to deliver products and services through valid contracts, purchase orders, or means that are acceptable to NJPA Members. Unless otherwise agreed to, the Proposer must provide only new and first-quality products and related services to NJPA Members under an awarded Contract.
6. The Proposer will comply with all applicable provisions of federal, state, and local laws, regulations, rules, and orders.
7. The Proposer understands that NJPA will reject RFP proposals that are marked "confidential" (or "nonpublic," etc.), either substantially or in their entirety. Under Minnesota Statute §13.591, Subd. 4, all proposals are considered nonpublic data until the evaluation is complete and a Contract is awarded. At that point, proposals generally become public data. Minnesota Statute §13.37 permits only certain narrowly defined data to be considered a "trade secret," and thus nonpublic data under Minnesota's Data Practices Act.
8. The Proposer understands that it is the Proposer's duty to protect information that it considers nonpublic, and it agrees to defend and indemnify NJPA for reasonable measures that NJPA takes to uphold such a data designation.

[The rest of this page has been left intentionally blank. Signature page below]

By signing below, Proposer is acknowledging that he or she has read, understands, and agrees to comply with the terms and conditions specified above.

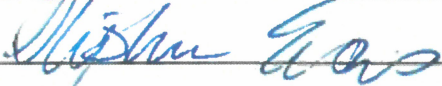
Company Name: Terex Utilities Inc.

Address: 500 Oakwood Rd

City/State/Zip: Watertown, SD 57201

Telephone Number: 605-882-5604

E-mail Address: stephanie.evans@terex.com

Authorized Signature: 

Authorized Name (printed): Stephanie Evans

Title: Sales Operations Manager

Date: 1/23/18

Notarized

Subscribed and sworn to before me this 23rd day of January, 20 18

Notary Public in and for the County of Codington State of South Dakota

My Commission Expires

My commission expires: September 9, 2021

Signature: 



Form P

PROPOSER QUESTIONNAIRE

Payment Terms, Warranty, Products and Services, Pricing and Delivery, and Industry-Specific Questions

Proposer Name: Terex Utilities Inc.

Questionnaire completed by: Nick Camissa

Payment Terms and Financing Options

- 1) What are your payment terms (e.g., net 10, net 30)? **Net 30**
- 2) Do you provide leasing or financing options, especially those options that schools and governmental entities may need to use in order to make certain acquisitions?

Terex Financial Services can offer municipal lease financing through Wells Fargo Equipment Finance as long as the entity meets qualifying guidelines as municipality and include an annual appropriation clause.

Municipal Lease Structures:

Finance Lease (\$1-out Lease)

Operating Leases (FMV)

Terms:

36-72 months (depending on the equipment)

Rates:

Fixed payment over the life of the term (based on credit rating)

- 3) Briefly describe your proposed order process. Please include enough detail to support your ability to report quarterly sales to NJPA. For example, indicate whether your dealer network is included in your response and whether each dealer (or some other entity) will process the NJPA Members' purchase orders. **Terex Utilities, along with distributors, Commercial Truck Equipment, JA Kiley Company, Ring Power, Utility One Source (UOS) and Wajax continue to create the most comprehensive sales and service offerings across North America for public power utility customers. Our team is committed and engaged with our partners to listen, understand and quickly provide solutions. After understanding our customer needs we direct customers to the standard packages offered in the RFP. If there are any options the customer is requesting, they are quoted as open market items at the same NJPA discount. At the end of each month we report all sales that were sold through NJPA. The reporting will come from a contact at Terex Utilities. This will also include any sales from our dealer network as well.**
- 4) Do you accept the P-card procurement and payment process? If so, is there any additional cost to NJPA Members for using this process? **Parts and Service customers are able to use a P-card for their purchases.**

Warranty – See attached Manufactures Limited Product Warranty

- 5) Describe in detail your manufacturer warranty program, including conditions and requirements to qualify, claims procedure, and overall structure. You may include in your response a copy of your warranties, but at a minimum please also answer the following questions.
 - Do your warranties cover all products, parts, and labor? **Yes**

- Do your warranties impose usage restrictions or other limitations that adversely affect coverage? **All of our models are designed with an intended use. If warranty damage looks outside normal use/wear and tear, communication is started with the customer to come to a resolution.**
 - Do your warranties cover the expense of technicians' travel time and mileage to perform warranty repairs? **Travel time is covered for the first 90 ninety days from the date of truck/unit in-service.**
 - Are there any geographic regions of the United States for which you cannot provide a certified technician to perform warranty repairs? How will NJPA Members in these regions be provided service for warranty repair? **No**
 - Will you cover warranty service for items made by other manufacturers that are part of your proposal, or are these warranties issues typically passed on to the original equipment manufacturer? **See provided warranty document**
 - What are your proposed exchange and return programs and policies? **These are handled by our service technicians and dealers.**
- 6) Describe any service contract options for the items included in your proposal. **National service rates and other ANSI required services have been provided as options in the RFP.**

Pricing, Delivery, Audits, and Administrative Fee

- 7) Provide a general narrative description of the equipment/products and related services you are offering in your proposal. **Specifications for new aerial devices, digger derricks, auger drills, technician services in the shop and field service, and other ANSI required inspection services have been provided for this RFP.**
- 8) Describe your pricing model (e.g., line-item discounts or product-category discounts). Provide detailed pricing data (including standard or list pricing and the NJPA discounted price) on all of the items that you want NJPA to consider as part of your RFP response. Provide a SKU for each item in your proposal. (Keep in mind that reasonable price and product adjustments can be made during the term of an awarded Contract. See the body of the RFP and the Price and Product Change Request Form for more detail.) **See provided pricing sheet for all equipment and services.**
- 9) Please quantify the discount range presented in this response. For example, indicate that the pricing in your response represents is a 50% percent discount from the MSRP or your published list.
- 10) The pricing offered in this proposal is
- _____ a. the same as the Proposer typically offers to an individual municipality, university, or school district.
 - _____ b. the same as the Proposer typically offers to GPOs, cooperative procurement organizations, or state purchasing departments.
 - X c. better than the Proposer typically offers to GPOs, cooperative procurement organizations, or state purchasing departments.
 - _____ d. other than what the Proposer typically offers (please describe).
- 11) Describe any quantity or volume discounts or rebate programs that you offer. **A NJPA discount has been applied to the sale price of the units as indicated in the attached NJPA 2018 Contract Pricing.**
- 12) Propose a method of facilitating “sourced” products or related services, which may be referred to as “open market” items or “nonstandard options”. For example, you may supply such items “at cost” or “at cost plus a percentage,” or you may supply a quote for each such request. **Quotes for open market items are provided at the customers request and are priced at the same discount levels for NJPA members.**
- 13) Identify any total cost of acquisition costs that are **NOT** included in the pricing submitted with your response. This cost includes all additional charges that are not directly identified as freight or shipping charges. For example, list costs for items like installation, set up, mandatory training, or initial inspection. Identify any parties that impose such costs and their relationship to the Proposer. **Overseas freight will be quoted as an additional charge due to the changing market rates.**
- 14) If delivery or shipping is an additional cost to the NJPA Member, describe in detail the complete shipping and delivery program. **Freight is included for any new truck purchased in the lower 48 states. An additional line item will**

be quoted for freight outside the lower 48 states. For parts and services, freight will be quoted at current market rates due to the changing needs of the end users.

- 15) Specifically describe those shipping and delivery programs for Alaska, Hawaii, Canada, or any offshore delivery. Freight is included to get the trucks to the closest shipping port. Once at the port the title and risk of the truck is transferred to the customer and the truck (per the customers direction and by their freight forwarder), is loaded onto a ship and delivered to an agreed upon port by the customers. This is a pretty common practice for Terex in the Alaska and Hawaii markets. Final stage manufacturing of Canadian trucks is typically done in Canada by our distributors, and if they are built at our factory, shipping and export compliance is the responsibility of the distributor.
- 16) Describe any unique distribution and/or delivery methods or options offered in your proposal. **N/A**
- 17) Please specifically describe any self-audit process or program that you plan to employ to verify compliance with your proposed Contract with NJPA. This process includes ensuring that NJPA Members obtain the proper pricing, that the Vendor reports all sales under the Contract each quarter, and that the Vendor remits the proper administrative fee to NJPA. As a public company we operate with transparency. Our Sales Operations and Service team will calculate all NJPA sales. Our accounting team is given a copy of the monthly sales to process the fees associated with any of the NJPA sales.
- 18) Identify a proposed administrative fee that you will pay to NJPA for facilitating, managing, and promoting the NJPA Contract in the event that you are awarded a Contract. This fee is typically calculated as a percentage of Vendor's sales under the Contract or as a per-unit fee; it is not a line-item addition to the Member's cost of goods. (See RFP Section 6.29 and following for details.) Terex Utilities and our dealers are offering a 1% fee paid to NJPA for any new trucks, services and parts sold through NJPA.

Industry-Specific Questions

- 19) Describe how the equipment you propose in response to this RFP simplifies the operation for end-users. Simplifying the operation of our units is something we take into account when designing any new product or enhancing our existing products. Example: Our Digger Derrick models come in 5 different product families ranging from 42' -95'. An operator can safely and easily move from a 42' to a 95' because they have the same control system available for each. There is really no difference in the operation except for the size of the unit. This same thought process carries over to our articulating aerial devices as well. An operator can move from a smaller 37' model into 75' model with virtually no change in the way the unit operates. Our articulating / telescoping models all operate the same as well. This simplification allows the operators to safely move between boom sizes and operate the units the same way.
- 20) Provide examples from your product offering that are not available from most competitors in this industry. As the innovation leader in the utility equipment industry, Terex Utilities offers our "Load Alert System" that monitors platform and jib capacity on aerial devices and digger derricks and notifies the users if they are in jeopardy of overloading the device. Terex also offers a "True Level Pedestal" for operators needing to safely work on slopes up to 20 degrees. Terex is currently in the process of patenting a lanyard attachment to interlock the boom from operating unless an operators harness is clipped and secured into the boom.
- 21) Explain how your equipment in this category reduces down-time on the job site. Our simplified hydraulic systems reduce the complexity that some of our competitors offer. This simplification increases the uptime

while reducing complexity making for a more reliable truck. We also have multiple parts central locations in the central and west coast time zones as well as our local service and parts centers to ship parts globally when requested.

- 22) Explain how your company has integrated technology into your equipment to provide efficiencies and analytics to save time and costs on the job. We have worked with multiple telematics providers to integrate the boom functions into the daily operation of our trucks. Customers appreciate our flexibility to work with their current providers so they do not have to do anything special and sign up with another provider.
- 23) How does your manufacturing process eliminate waste and non-value added options to keep price increases to a minimum? As a global manufacture, Lean manufacturing has been part of our DNA for over 20 years. This lean journey has allowed us to improve our quality, cost and manufacturing process. Our price increases are kept to a minimum and are aligned with typical market increases.
- 24) Explain how your distributors are set up to provide service and support for equipment in this industry. Our distributors have been longtime partners of ours and offer all of the same aftermarket services that our factory direct service team offer in both the shop and field.
- 25) Identify how your products, services and supplies address the scope of this RFP. Terex Utilities has been a leader in the utility equipment industry for over 70 years. We are integrated in all phases of the utility equipment industry with the equipment, services and parts that we provide. As a longtime partner with NJPA we have changed and added models and services to meet your members changing needs. The changes we have seen were added in the scope of the RFP with additional models and services offered.

Signature: 

Date: 1/23/2018