

Department of Administration Purchasing Division 2019 Washington Street East Post Office Box 50130 Charleston, WV 25305-0130

# State of West Virginia Contract

Order Date: 12-23-2024

CORRECT ORDER NUMBER MUST APPEAR ON ALL PACKAGES, INVOICES, AND SHIPPING PAPERS. QUESTIONS CONCERNING THIS ORDER SHOULD BE DIRECTED TO THE DEPARTMENT CONTACT.

Order Number:	CCT 1400 8506 AGR2500000006 2	Procurement Folder:	1574573
Document Name:	MALDI TOF MASS SPECTROMETER	Reason for Modification:	
Document Description:			ctivate Commodity Line 2 y \$24,415.00.
Procurement Type:	Central Contract - Fixed Amt		
Buyer Name:	Larry D McDonnell		
Telephone:	304-558-2063		
Email:	larry.d.mcdonnell@wv.gov		
Shipping Method:	Best Way	Effective Start Date:	2024-12-01
Free on Board:	FOB Dest, Freight Prepaid	Effective End Date:	2025-11-30

		VENDOR			DEPARTMENT CONTACT
BRUK	or Customer Code: ER SCIENTIFIC LLC UNNING RD	VC0000063654		Requestor Name: Requestor Phone: Requestor Email:	Tina R Withrow 304-558-2221 tina.r.withrow@wv.gov
	RICA or Contact Phone: ount Details:	000-000-0000 <b>Extens</b>	01821 ion:	2	2025
	Discount Allowed	Discount Percentage	Discount Days	FIL	E LOCATION
#1	No	0.0000	0		
#2	Not Entered				
#3	Not Entered				
#4	Not Entered				

INVOICE .	го деле Ка		SHIP TO
PROCUREMENT OFFICER 304-558-2221 AGRICULTURE DEPARTMENT OF		AUTHORIZED RECEIVER 304-55 AGRICULTURE DEPARTMENT C	
ADMINISTRATIVE SERVICES		REGULATORY PROTECTION DI	VISION
1900 KANAWHA BLVD E		313 GUS R DOUGLAS LN, BLDG	11
CHARLESTON	WV 25305-0173	CHARLESTON	WV 25312
us		us	

CR 12-26-24

Total Order Amount: \$278,875.30

Purchasing Division's File Copy

XW 17/24/24

URCHASING DIVISION AUTHORIZATION

ELECTRONIC SIGNATURE ON FILE

Date Printed: Dec 23, 2024

ATTORNEY GENERAL APPROVAL AS TO FORM

DATE: ELECTRONIC SIGNATURE ON FILE

**ENCUMBRANCE CERTIFICATION** 

DATE:

ELECTRONIC SIGNATURE ON FILE

1/6/2005

Order Number: CCT 1400 8506 AGR2500000006 2 Page: 1 FORM ID: WV-PRC-CCT-002 2020/05

#### **Extended Description:**

Change Order No. 1 - Administrative change order to inactivate Commodity Line 2 and decrease the contract by \$24,415.00 since the commodity line was inadvertently added on the original purchase order.

Commodity Line 1 total at \$278,875.30 included the MADLI-TOF Biotyper sirius GP System at \$254,460.30 and Year 1 Preventative Maintenance Service at \$24,415.00. Commodity Line 2 was added for the Year 1 Preventative Maintenance (\$24,415.00) by mistake.

Original Contract Total: \$303,290.30 CO#1 Decrease: (\$ 24,415.00) New contract total: \$278,875.30

No other changes.

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
1	41115404	0.00000		0.000000	\$278,875.30
Service From	Service To	Manufacturer		Model No	
2024-12-01	2025-11-30				

Commodity Line Description: MALDI-TOF Biotyper Sirius GP System and Year 1 Prev Main.

#### **Extended Description:**

Total consists of -\$254,460.30 for Madli-TOF GP System \$ 24,415.00 for Prev. Main. Year 1 \$278,875.30 Total

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
2	41115404	0.00000		0.000000	\$0.00
Service From	Service To	Manufacturer		Model No	
2024-12-01	2025-11-30				

Commodity Line Description: Line Discontinued - use Commodity Line 1

#### **Extended Description:**

Inactive line - use Commodity Line 1 for the system and Year 1 support.

 Date Printed:
 Dec 23, 2024
 Order Number:
 CCT 1400 8506 AGR2500000006 2
 Page: 2
 FORM ID: WV-PRC-CCT-002 2020/05



# **RE: Award Letter**

1 message

**Bruer, Canlon** <a href="mailto:Canlon.Bruer@bruker.com">Canlon.Bruer@bruker.com</a> To: "Lyle, Tara L" <tara.l.lyle@wv.gov> Co: "Hoskins, Laryssa" <lhoskins@wvda.us> Thu, Dec 19, 2024 at 3:16 PM

If that's the only thing we can do, please issue a change order to correct total amount, reflecting the correct instrument amount and 1 year of service.

If you could please prioritize this for approval ASAP, that would be appreciated. I understand the AG will be out of office for the holiday, but I'm really hoping this can be finalized right after. The lab has been waiting for many months now.

#### Canlon Bruer

Microbiology Account Executive – Central Region Microbiology & Infection Diagnostics

Mobile: +1 773 556 3673

canlon.bruer@bruker.com

linkedin.com/in/canlon-bruer

Service Support:

Phone: +1 877 410 2211

Email: support.MBT.NA@bruker.com

**Bruker Corporation** 

www.bruker.com/microbiology

40 Manning Road

Billerica, MA 01821

USA

in C



From: Lyle, Tara L <tara.l.lyle@wv.gov>
Sent: Thursday, December 19, 2024 1:09 PM
To: Bruer, Canlon <Canlon.Bruer@bruker.com>
Cc: Hoskins, Laryssa <lhoskins@wvda.us>

Subject: Re: Award Letter

#### \*\*EXTERNAL EMAIL\*\*

The State can't pay for the second year since the contract is set up with a term. The second year would have to be processed by change order once you and the agency agree to the renewal.

At this point, I can only process a change order to correct the pricing for the initial cost and the first year service. We'll have to remove the 2nd year pricing. That is the best I can do.

Tara

On Thu, Dec 19, 2024 at 1:10 PM Bruer, Canlon < Canlon. Bruer@bruker.com > wrote:

Hi Tara,

No worries.

For the sake of time, perhaps it's easier if I lay out our two options below. To avoid delaying delivery of the instrument to the lab further, it would be in our best interest to process the PO in the amount it was written - \$303,390.30. This would include the additional year of service that was included in the commodity line.

Our two options are:

Process the PO in the amount of \$303,290.30. Invoice @ 100% payment terms upon acceptance for the instrument, 1<sup>st</sup> year of service and 2<sup>nd</sup> year of service.
 Process the PO in the amount of \$303,290.30. Invoice @ 100% payment terms upon acceptance

2. Process the PO in the amount of \$303,290.30. Invoice @ 100% payment terms upon acceptance for the instrument and 1<sup>st</sup> year of service. The 2<sup>nd</sup> year of service could then be invoiced after the expiration of the 1 year warranty and 1<sup>st</sup> year of service (2 years later). Therefore, you are only being invoiced in the amount of \$278,875.30 for the time being.

Either option above is of benefit to you and the lab, as I assume service coverage will be needed regardless. Just so you know, only Bruker trained and certified field service engineers can service Bruker instruments.

I'm hoping we can make this work, so we can get the instrument to the lab as soon as possible.

Thank you

#### **Canlon Bruer**

Microbiology Account Executive – Central Region Microbiology & Infection Diagnostics

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canlon.bruer@bruker.com

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From: Lyle, Tara L <tara.l.lyle@wv.gov>
Sent: Thursday, December 19, 2024 9:34 AM
To: Bruer, Canlon <Canlon.Bruer@bruker.com>
Cc: Hoskins, Laryssa <lhoskins@wvda.us>

Subject: Re: Award Letter

\*\*EXTERNAL EMAIL\*\*

Canlon,

I am unavailable today but I can speak with you tomorrow. The only thing we could do is process a change order to reflect the correct amount.

I can start that process and get it moving forward. The only issue, the Attorney General's Office is not going to be in the office for the holidays so it may be after January 2 or 3 before it can be finalized.

If this is okay with you, I will start the change order and have it ready for approval as to form after the holidays.

Thanks,

Tara

On Thu, Dec 19, 2024 at 10:25 AM Bruer, Canlon < Canlon. Bruer@bruker.com > wrote:

Hi Tara and Laryssa,

Would either of you have time for a quick call today? Although the PO amount is incorrect, I anticipated we would be able to push the PO through for the desired amount of \$278,875.30. However, I am running into some roadblocks.

We have a couple of options that I'd like to run by you. I have the following availability:

- 11am CST 1pm CST
- 2pm CST 5pm CST

Let me know if either of those time slots works.

Thank you

#### **Canlon Bruer**

Microbiology Account Executive – Central Region Microbiology & Infection Diagnostics

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From: Bruer, Canlon

Sent: Thursday, December 12, 2024 6:23 PM

To: Hoskins, Laryssa < lhoskins@wvda.us>; Lyle, Tara L < tara.l.lyle@wv.gov>

Subject: RE: Award Letter

Good evening,

Thank you both for the clarification! I will get the order processed on my end and work with the lab on installation/delivery/training timelines.

Thank you

#### **Canlon Bruer**

Microbiology Account Executive – Central Region Microbiology & Infection Diagnostics

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From: Hoskins, Laryssa < lhoskins@wvda.us> Sent: Thursday, December 12, 2024 7:39 AM

To: Bruer, Canlon < Canlon.Bruer@bruker.com>; Lyle, Tara L < tara.l.lyle@wv.gov>

Subject: RE: Award Letter

\*\*EXTERNAL EMAIL\*\*

Hi Canlon,

Yes that is correct – Total of \$278,875.30 with one year of service with 100% payment term upon acceptance of the instrument. The contract does have optional renewals for additional years of maintenance but those will be handled through a renewal letter and change order if both parties agree to exercise that option later next year.

Thanks,

Laryssa



Laryssa Hoskins, Comptroller /

**Assistant Administrative Services Director** 

#### ADMINISTRATIVE SERVICES DIVISION

WEST VIRGINIA DEPARTMENT OF AGRICULTURE

COMMISSIONER, KENT A. LEONHARDT

217 Gus R Douglass Lane, Charleston, WV 25312

Office Phone: (304) 558-2221

From: Bruer, Canlon < Canlon.Bruer@bruker.com> Sent: Wednesday, December 11, 2024 6:35 PM

To: Lyle, Tara L <tara.l.lyle@wv.gov>; Hoskins, Laryssa <lhoskins@wvda.us>

Subject: RE: Award Letter

You don't often get email from canlon.bruer@bruker.com. Learn why this is important

[NOTICE: This email came from a sender outside of the WVDA organization. Please be careful when opening attachments and/or clicking links in this email.]

Okay, I see what you mean. To confirm – just 1 year of service is being purchased, correct? The total should still be \$278,875.30, right?

Noted on the payment terms - no problem.

@Hoskins, Laryssa - would the correct payment term be 100% upon acceptance of the instrument?

Thank you

#### **Canlon Bruer**

Microbiology Account Executive – Central Region Microbiology & Infection Diagnostics

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-Bruker Confidential-

From: Lyle, Tara L <tara.l.lyle@wv.gov>

**Sent:** Wednesday, December 11, 2024 3:37 PM **To:** Bruer, Canlon < Canlon.Bruer@bruker.com > **Cc:** Hoskins, Laryssa < Ihoskins@wvda.us >

Subject: Re: Award Letter

## \*\*EXTERNAL EMAIL\*\*

Sounds good. I guess the agency added the first year of service on the first commodity line and then we added a second line for the service.

Thanks for your understanding and cooperation.

As for the payment terms, the State cannot pay for something until it's received (maintenance - we can pay up front for the entire year). So the agency won't be able to pay until they receive the system/acceptance.

At this point in the process, you can speak with the agency procurement officer, Laryssa Hoskins. I have copied her in the email.

Thanks again,

Tara

On Wed, Dec 11, 2024 at 3:41 PM Bruer, Canlon < Canlon. Bruer@bruker.com > wrote:

Okay, we are good to go. No change order is needed to adjust the balance. I explained the situation to our order processing team and we will take care of it.

So, in sum, we will process the order in the total amount of **\$278,875.30** (\$254,460.30-instrument + \$24,415.00-1 year of service).

One final question for you – do you have a preference on payment terms? Our standard payment terms are **70% upon order and 30% upon shipment**. However, I've worked with government agencies that prefer payment terms of 100% upon acceptance. Let me know if the agency has a preference.

We're almost there!

Thank you

#### **Canlon Bruer**

Microbiology Account Executive – Central Region Microbiology & Infection Diagnostics

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Billerica, MA 01821





From: Bruer, Canlon

Sent: Wednesday, December 11, 2024 2:09 PM

To: Lyle, Tara L <tara.l.lyle@wv.gov>

Subject: RE: Award Letter

Hi Tara,

Thank you for the response and clarification.

I am going to check with my order processing team if we can process the order as is. Typically, we need the purchase order amount to align with the quote, but since I have your clarification below, I'll see if we can get this through as is. I'll let you know if this works, or if a change order is needed.

Thank you!

#### **Canlon Bruer**

Microbiology Account Executive – Central Region Microbiology & Infection Diagnostics

Mobile: +1 773 556 3673

canlon.bruer@bruker.com

Service Support:

Phone: +1 877 410 2211

Email: support.MBT.NA@bruker.com

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From: Lyle, Tara L <tara.l.lyle@wv.gov>

**Sent:** Wednesday, December 11, 2024 12:32 PM **To:** Bruer, Canlon < Canlon. Bruer@bruker.com >

Subject: Re: Award Letter

\*\*EXTERNAL EMAIL\*\*

Canlon,

Sorry for the delay - see my responses in red below.

Thanks,

Tara

On Mon, Dec 9, 2024 at 2:33 PM Bruer, Canlon < Canlon. Bruer@bruker.com > wrote:

Thank you Tara!

I do have a question regarding the purchase amount. As seen in the screenshot below, total order amount is listed as \$303,290.30:

#### Extended Description:

THE VENDOR, BRUKER SCIENTIFIC LLC, AGREES TO ENTER WITH THE AGENCY, WEST VIRGINIA DEPARTMENT OF AGRICULTURE, INTO A CONTRACT FOR MALTI TOF BIOTYPER SIRIUS GP SYSTEM AND PREVENTATIVE MAINTENANCE PER THE TERMS AND CONDITIONS, SPECIFICATIONS, BID REQUIREMENTS, ADDENDIM NO. 1 ISSUED 07/24/2024 AND THE VENDOR'S BID DATED 07/26/2024, INCORPORATED HEREIN BY REFERENCE, AND MADE A PART OF HEREOF.

OPTIONAL RENEWAL PREVENTATIVE MAINTENANCE SERVICE FOR YEARS 2, 3 AND 4 WILL BE ADDED BY SUBSEQUENT CHANGE ORDER UPON MUTUAL AGREEMENT BETWEEN BOTH PARTIES.

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
1	41115404	0.00000		0.000000	\$278,875,30
Service From	Service To	Manufacturer		Model No	02.0,0.000
2024-12-01	2025-11-30			WOULD THE	

Commodity Line Description: MALDI-TOF Biotyper Sinus GP System

#### Extended Description:

See attached documentation for further details.

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
2	41115404	0.00000		0.000000	\$24,415.00
Service From	Service To	Manufecturer		Model No	024,410.00
2024-12-01	2025-11-30			N10-241 149	

Commodity Line Description:

MALDI-TOF Biotyper Skius GP System - Maintenance Service

Extended Description:

MALDI-TOF Biotyper Sirius GP System -

Maintenance Service. See attached documentation for further details.

#### Breaking this total amount down:

- \$278,875.30 makes up the MALDI Biotyper Sirius GP System
  - Question: How was this amount calculated? If you reference "Exhibit A Pricing Page", the MALDI Biotyper Sirius GP System is listed at a price of \$254,460.30. The additional modules for the system are listed at a price of \$9,037.50. Adding both of these up (assuming the additional modules are wanted), this equates to a total price of \$263,497.80. To be honest, I don't know how the \$278,875.30 was calculated. The agency built the lines and I didn't verify with the pricing page. My fault sorry for the oversight. The actual system will be \$254,460.30. If they want the additional modules we may have to do a change order to add them. We could also do a change order to fix the balance. Let me know how you want to proceed.
- \$24,415.00 makes up Service
  - Question: Would the agency only like to purchase 1 year of service at this time? I assume this would be for the first year. If so, it is important to note that I cannot promise the 1 year service price of \$24,415.00 will hold for year 2, 3 or 4. Since you inputted pricing for years 2, 3 and 4 at the \$24,415.00 this is the price the agency will have to pay for the additional years. We added those years on the pricing page so price escalations could be accounted for. However, the renewal years are optional. You and/or the agency do not have to the renew the contract after the first year. If the contract is not renewed, the agency will have to bid out the services again. If you have a price increase, we probably couldn't approve it since there is fixed pricing on the pricing page. I cannot promise this due to any unforeseen price increases we may have in future years. The advantage of purchasing all 4 years of service at once, is that the price of \$24,415.00 will remain locked in place for all 4 years. This is noted in the preamble of the quote attached with the contract.

My main question is how the amount of \$278,875.30 was calculated for the system. I do not want you to overpay, and I also need the quoted amount and PO amount to match up, so I can process the order. If this question should go to someone else, please let me know. Since the pricing page is attached to the contract, could you process the order? If we need to a change order to reduce the amount, that is definitely possible. I will check the agency about the pricing - and if the additional modules need to be added

You are viewing this page over a secure connection. Click here for more information.

# West Virginia Secretary of State — Online Data Services

# **Business and Licensing**

Online Data Services Help

# **Business Organization Detail**

NOTICE: The West Virginia Secretary of State's Office makes every reasonable effort to ensure the accuracy of information. However, we make no representation or warranty as to the correctness or completeness of the information. If information is missing from this page, it is not in the The West Virginia Secretary of State's database.

## **BRUKER SCIENTIFIC LLC**

Organization I	nformation	1						
Org Type	Effective Date	Established Date	Filing Date	Charter	Class	Sec Type	Termination Date	Termination Reason
LLC   Limited Liability Company	2/18/2021		2/18/2021	Foreign	Profit			

Business Purpose	3391 - Manufacturing - Miscellaneous Manufacturing - Medical Equipment and Supplies Manufacturing (surgical, dental, ophthalmic & medical supplies, instruments, appliances)	Capital Stock	
Charter County		Control Number	
Charter State	MA	Excess Acres	
At Will Term	A	Member Managed	MBR
At Will Term Years		Par Value	
Authorized Shares		Young Entrepreneur	No

Addresses		
Туре	Address	
Designated Office Address	40 MANNING ROAD BILLERICA, MA, 01821	
Mailing Address	40 MANNING ROAD BILLERICA, MA, 01821 USA	
Notice of Process Address	BRUKER SCIENTIFIC LLC 40 MANNING ROAD BILLERICA, MA, 01821	
Principal Office Address	40 MANNING ROAD BILLERICA, MA, 01821 USA	
Туре	Address	

Officers		
Туре	Name/Address	
Member	ANN CARR 40 MANNING ROAD BILLERICA, MA, 01821	
Туре	Name/Address	

Annual Reports
Filed For
2024
2023
2022
Date filed

For more information, please contact the Secretary of State's Office at 304-558-8000.

Monday, December 23, 2024 — 2:12 PM

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# **Keyword Search** For more information on how to use our keyword search, visit our help guide **Simple Search Search Editor** Any Words (i) All Words Exact Phrase e.g. 123456789, Smith Corp "bruker scientific llc" Х **Entity** Location Status Active Inactive Reset 🔿 No matches found



Your search did not return any results for active records.

Would you like to include inactive records in your search results?

**Search inactive** 

Go back

# COMPLIANCE VERIFICATION CHECKLIST FOR REQUISITION SUBMISSION

Purchasing Division Use:  Buyer: LM   T Date: 123/24	Agency:		
Buyer: Date: Date:	WV AGR		
Solicitation No   Solicitation No	Procurement Officer Submitting Requisition: Laryssa Hoskins		
comm, Line	Requisition No.		
2-	CCT AGR25*06 - CO#1		
	PF No.:		
	1574573		

This checklist **MUST** be completed by a state agency's designated procurement officer and submitted with the Purchase Requisition to the Purchasing Division. The purpose of the checklist is to verify that an agency procurement officer has obtained and included required documentation necessary for the Purchasing Division to process the requisition without future processing disruptions. At the agency's preference, the agency **MUST** either submit the checklist by attaching it to the requisition's Header **OR** by placing it in the requisition's Procurement Folder.

# FOR ALL SOLICITATION TYPES:

	Compliance Check Type	Required	Provided, if Required	Not Required	Purch. Div. Confirmation
1	Specifications and Pricing Page included	$\square$			
2	Use of correct specification template	$\square$			
3	Use of correct requisition type [CRQS → CCT or CPO] or [CRQM → CMA]	$\square$			
4	Use of most current terms and conditions (www.state.wv.us/admin/purchase/TCP.pdf)	Ø			
5	Maximum budgeted amount in wvOASIS	$\square$			
6	Suggested vendors in wvOASIS	$\square$			
7	Capitol Building Commission pre-approval				
8	Financing (Governor's Office) pre-approval				
9	Fleet Management Division pre-approval				

Form No. WV-36 Rev. 10/26/2022

	Compliance Check Type	Required	Provided, if Required	Not Required	Purch. Div. Confirmation			
10	Insurance requirements							
	Commercial General Liability							
	Automobile Liability							
	Workers' Compensation/Employer's Liability							
+101+	Cyber Liability							
w	Builder's Risk/Installation Floater							
	Professional Liability							
	Other (specify)							
11	Office of Technology CIO pre-approval							
12	Treasurer's Office (banking) pre-approval							
FOR CHANGE ORDERS/RENEWALS:								
1	Two-party agreement	$\square$						
2	Standard change order language	$\square$						
3	Office of Technology CIO approval							
4	Justification for price increases/backdating/other							
5	Bond Rider (Construction)							
6	Secretary of State Verification							
7	State debarment verification							
8	Federal debarment verification	Ø			V			
*The items pre-checked are required before a Purchase Requisition may be submitted to the Purchasing Division. Failure to complete and verify this documentation may result in rejection of the requisition back to the agency. It is up to the agency procurement officer to determine if pre-approvals, insurance, or other documentation is needed for the purchase. The referenced information below may be used to make this determination.								
For P	urchasing Division Use Only:							
I have reviewed the requisition identified above and find that it is sufficient to advertise publicly to the vendor community. My review does not preclude the possibility that the vendor community, or some other entity, will identify an area of concern; however, should such issues or concerns arise, they will be reviewed and addressed as may be appropriate.								
Signature: Jua H								