

## Amendment #1

RFP # 17786

### Maintenance and Enhancement of the Web-Based New York State Immunization Information System

June 20, 2018

The following are official modifications, which are hereby incorporated into the above referenced RFP, issued May 7, 2018. The information contained in this amendment prevails over the original RFP language. For all amendments below, deleted language appears in strikethrough ("~~xxx~~") and added language appears in underline ("xxx").

#### 5.8 Contract Insurance Requirements

**5.8.3 LIMITATION OF LIABILITY** Except as otherwise set forth in the Indemnification Provision of the New York State Health Department Contract, the limit of liability shall be as follows:

- a. Contractor's liability for any claim, loss or liability arising out of, or connected with the Products and services provided, and whether based upon default, or other liability such as breach of contract, warranty, negligence, misrepresentation or otherwise, shall in no case exceed direct damages in: (i) an amount equal to two (2) times the original contract value exclusive of renewals, for the Products and services, or parts thereof forming the basis of the Department's claim, or (ii) one million dollars (\$1,000,000), whichever is greater.
- b. The Department may retain such monies from any amount due Contractor as may be necessary to satisfy any claim for damages, costs and the like asserted against the Department unless Contractor at the time of the presentation of claim shall demonstrate to the Department's satisfaction that sufficient monies are set aside by the Contractor in the form of a bond or through insurance coverage to cover associated damages and other costs.
- c. Notwithstanding the above, neither the Contractor nor the Department shall be liable for any consequential, indirect or special damages of any kind which may result directly or indirectly from such performance, including, without limitation, damages