

Non-Licensed Program Rider

1. Renewal

In order to exercise the right of renewal referenced in Section II(B)(2)(a) of the Master Contract, at the time CONTRACTOR provides notice of its intent to renew (but in any event no later than ninety days prior to expiration of the Agreement), CONTRACTOR must provide a Certification of Compliance in the form attached hereto as Exhibit A. CONTRACTOR agrees that breach of the Certification may be deemed a material breach of the Agreement and a legally sufficient basis for termination under Section II(C)(b) of the Master Contract.

2. Contract Performance

In the event that OMH determines that CONTRACTOR is not performing, or has not performed, its obligations under this Agreement to the State's satisfaction, as required by Section I (E) of the Agreement, OMH:

- a. may, but shall not be obligated to, provide CONTRACTOR with an opportunity to cure the breach and/or to develop and implement a corrective action plan within a designated timeframe. In the event that CONTRACTOR fails to cure the breach and/or to develop and implement a corrective action plan to OMH's satisfaction within such timeframe, such failure shall itself be deemed a material breach of this Agreement and a legally sufficient basis for termination under Section II(C)(b) of the Master Contract; and/or
- b. may reduce the term for which the Agreement may be renewed as provided in Section II(B)(2)(a) of the Master Contract.

Nothing in this paragraph shall be deemed to be a waiver of any breach of this Agreement or to otherwise affect OMH's rights to terminate or enforce the Agreement.

**Certification of Compliance
For Contractors of Non-Licensed Programs
Exhibit A**

On behalf of _____ (“CONTRACTOR”), I hereby certify that, as of the date hereof:

- CONTRACTOR is in compliance with and current on all programmatic and financial obligations under its agreement with the New York State Office of Mental Health (“OMH”), C# _____.
- CONTRACTOR shall remain in compliance with and current on all such obligations.
- CONTRACTOR agrees that any breach of this Certification may be deemed a breach of the Agreement and a legally sufficient basis for termination under Section II(C)(2) of the Master Contract.
- I am fully authorized to make this Certification on behalf of CONTRACTOR.

Date: _____

Signature

Printed Name

Title

Name of Contractor

OMH Statement

- To the best of our knowledge, we are not aware of any material issues regarding Contractor’s performance of its obligations under this contract which would warrant non-renewal of the contract for the recommended term. To the extent that a material issue may exist, OMH has determined that the best interests of the users of the program will be served by continuing the Agreement while providing the Contractor with an opportunity to develop and/or implement a corrective action plan. Where appropriate, the proposed renewal term has been adjusted accordingly.

Date: _____

Signature

Printed Name

Title