

**Fifth Modification To State Medical Director  
and Occupational Medical Services Contract**

This Modification is made this 5<sup>th</sup> day of August, 2011, by and between the State of Maryland, Department of Budget & Management, Office of Personnel Services and Benefits ("DBM") and Concentra Medical Centers, ("Contractor")

In consideration of the promises and covenants contained herein, the parties agree to modify the Contract for State Medical Director and Occupational Services entered into on the 23<sup>rd</sup> day of May 2005 ("Contract") as follows:

WHEREAS, DBM engaged the Contractor to provide State Medical Director and Occupational Medical Services, in accordance with the terms and conditions set forth in the Contract; and

WHEREAS, DBM has determined that it is necessary to extend the Contract for one week and one day (8 days); through September 7, 2011 and

WHEREAS, the Contractor agrees to accept the current (year 5) prices for the three month extension; and

WHEREAS, Section 4 of the Contract, which sets forth the terms and conditions of consideration and payment under the Contract and incorporates the Contractor's Financial Proposal, establishes the fully loaded rates for the base contract period of five years; and

WHEREAS, Section 4.1 states that the Contract will not exceed \$10,575,000; and

WHEREAS, DBM and the Contractor find that it is in their mutual best interests to amend the provisions of Section 4.1 of the Contract,

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein DBM and the Contractor agree as follows:

**1. Definitions.**

1.1 Contract means the Contract dated the 23<sup>rd</sup> of May, 2005, as amended by a First Modification dated February 24, 2010, as amended by a Second Modification dated November 22, 2010, as amended by a Third Modification dated November 22, 2010, and as amended by a Fourth Modification dated April 7, 2011 all by and between the Contractor and the State.

1.2 Modification means this fifth Modification unless the context dictates otherwise.

1.3 All other capitalized terms in this Modification have the definition provided in the Contract or the RFP.

**2. Scope of Modification.**

2.1 This Modification amends the Contract specifically as described herein: extending the term of the Contract through September 7, 2011. Except as specifically revised by the terms of this Modification, all of the terms of the Contract shall remain in full force and effect and shall apply to this Modification.

2.2 In the event of conflict, this Modification shall control over any attachment.

2.3 All other terms and provisions of the Contract shall continue in full force and effect.

IN WITNESS THEREOF, the parties have respectively signed this Fifth Contract Modification as of this 15 day of August 2011.

Occupational Health Centers of the SWPA, dba  
Concentra Medical Centers

[Redacted Signature]

W. Tom Fogarty, M.D., President, Treasurer and Corporate Secretary

Authorized Representative

Date

[Redacted Signature]

Witness

Approved as to form and legal sufficiency  
this 10<sup>th</sup> day of August 2011.

[Redacted Signature]

Assistant Attorney General

[Redacted Signature]

Procurement Officer

8/24/11  
Date

[Redacted Signature]

Secretary T. Eloise Foster

8/23/11  
Date

[Redacted Signature]

Witness: