

January 11, 2018

**Minimum Advertised Price (MAP) Policy – Berner Air Curtains & Accessories  
On-line Sales (a.k.a. e-commerce)**

**Addendum**

**Effective January 11, 2019, supersedes all previous agreements**

**For existing on-line sellers, you have 30 days from the January 11<sup>th</sup>, 2019 effective date to update your website.**

Berner requires all on-line sellers to adhere to our Minimum Advertised Price (MAP) policy. Under this new MAP policy, on-line sellers of Berner air curtains and accessories will be required to advertise prices equal to or greater than current list price x .65.

As an on-line seller, you are not permitted to quote specified (bid & spec) projects outside of your market.

**Foodservice Market:** Bid section 11400 and/or 11 40 00 of the Construction Specifications Institute (CSI) exclusive to the Foodservice market channel customers.

**Dock and Door / Material Handling Market:** Bid section 11160 and/or 11 13 00 of the Construction Specifications Institute (CSI) exclusive to the Material Handling Dealers, Loading Dock Equipment Dealers and Industrial Overhead Door Dealers.

**Mechanical HVAC-R Market:** Bid sections 15834 and/or 23 34 33 of the Construction Specifications Institute (CSI) exclusive to the Mechanical HVAC-R market channel.

**Terms**

- Berner will not accept any returns of on-line sales
- It is the seller's responsibility to clearly state that the customer knows that accessories, i.e., activation switches, control packages, etc., are sold separately.
- It is the seller's responsibility to communicate which Berner air curtains are UL Listed for outdoor mounting
- Steam, hot water, indirect gas, and direct gas heated air curtains are not permitted to be sold on-line.
- Berner air curtains and accessories are required to be advertised at prices equal to or greater than current list price x .65

**Berner air curtain series & accessories allowable for on-line sales (to be sold on-line)**

- Drive-Thru Unit 03 (DTU03), ambient (unheated) & electric heat, plus accessories
- Sanitation Certified Low Profile 7 (SLC07), plus accessories
- Sanitation Certified High Performance 7 (SHD07), plus accessories
- Commercial Low Profile 08 (CLC08): ambient (unheated) & electric heat, plus accessories
- Commercial High Performance 10 (CHD10): ambient (unheated) & electric heat, plus accessories
- Architectural Low Profile 8, ambient (unheated) & electric heat, plus accessories
- Industrial Direct Drive 12 (IDC12), ambient (unheated), up to 144" (12') long, plus accessories
- Industrial Direct Drive 14 (IDC14), ambient (unheated), up to 144" (12') long, plus accessories



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For existing on-line sellers, you have 30 days from the January 11<sup>th</sup>, 2019 effective date to update your website.

Berner is not attempting to restrict the price at which a Reseller can sell our product. The final sale price is still at the discretion of the seller. Berner’s policy only affects the price at which our products may be advertised.

It is our intention to see to it that this policy is strictly enforced. We will be monitoring for compliance in this program.

If we find an infraction of our “Minimum Advertised Pricing” policy, we will immediately contact the organization in question and require them to correct the pricing within (5) business days of notification. If we find an organization that is consistently in violation of this policy, we reserve the right to take further action at our discretion up to and including suspension of purchasing privileges. For further clarification of what is a violation, please see page 3.

If we find an infraction of selling outside of your assigned marketplace, we reserve the right to refuse the order.

We are committed to maintaining our strong Reseller relationships and continue to support those who maintain the highest ethical standards in our industry. Please contact your Sales Manager with any questions.

Please sign and return a signed copy to your Berner sales representative.

I have read, understand, and agree to follow the Minimum Advertised Price policy outlined above.

Name of Authorized On-Line Seller: \_\_\_\_\_

Signature / Date: \_\_\_\_\_

Company Name: \_\_\_\_\_



### What IS a violation

Any price that *is below MAP price* and visible to the general public in a visible transaction (not password protected) or *references that a lower price* may be available is a violation.

MAP Policy prescribes the lowest price that an authorized Reseller may advertise in any form of advertising, including, but not limited to the internet; including **"add to cart"** or **"in cart"** pages, print, direct mailing, radio, group or "broadcast" email, group or "broadcast" FAX and all other forms of pricing advertisement.

You **cannot** ask or state; "add to cart for *lower price*", "email for *lower price*", "sign in for *lower price*", "MAP price", and/or use "MAP" in reference.

Advertisements **cannot** invite shoppers to request a price quotation by including phrases: "Call for price", "Request a Quotation", "E-mail My Price", "Sign in for price" or other intentional phrases that imply that a different price may be available.

You **cannot** use strike-throughs on: "list price," "factory price," "manufacturer's price," "test for price" or similar statements.

When Berner brands are "bundled" or combined in an advertisement, the aggregate price for all Berner products offered for sale in the bundle **cannot** be advertised at a lower cumulative than MAP.

Advertisers shall not use "cookies" or other means to recognize a repeat visitor which then triggers a display of prices that are lower than MAP.

### What IS NOT a violation

Pricing through **password-protected** sites accessible exclusively to specific customers that have an established relationship, accounts, and have previously negotiated pricing with the Reseller.

**Any Questions, please contact your Berner Sales Manager.**