

| Inquiry | IFB Section Name | Section Number | Original Inquiry | NYSPro Response |
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| 1 | Attachment 6 | Contract Usage Report | Does this report replace the current Report of Contract Sales which is filed and emailed semi-annually to Donald Gorman? If so, does the semi-annual time frame remain the same? Should a report for attachment 6 be included in the bid submittal. If so, for what time frame? Do the reports still get emailed to Donald Gorman? If not where should they be sent? | Yes, Attachment 6 – Administrative Reports (Contract Usage) replaces the current sales report under current Award 21274 and is to be used for all products provided under the contracts resulting from Invitation for Bids (IFB) (Revised December 12, 2014) 22868. The Contract Usage Report shall be furnished in accordance to IFB 22868 (Revised December 12, 2014) Section 5.27, Report of Contract Usage. Attachment 6 does not have to be included with the bid submission. Please refer to IFB 22868 (Revised December 12, 2014) Section 3.7, Bid Submittal Instructions. |
| 2 | Scope | 2.1 | Are quality paperback books included in this IFB? | Yes, paperback books are within scope and should be offered under Lot 1 – In-Print Publications, Attachment 1 - Price Pages (Revised December 12, 2014). |
| 3 | Appendix C - Equal Employment Opportunity Staffing Plan (Form EEO 100) | MWBE 100 | On attachment 4, question 18 says Appendix C should be MWBE Utilization Plan not Equal Opportunity Staffing Plane. Should there be a MWBE utilization Plan included? Please advise. | No, an MWBE Utilization Plan is not required. Attachment 4 - Bid Submittal Checklist (Revised December 12, 2014), has been revised removing this question. However, Bidders are advised that submission of Appendix C - Equal Opportunity Staffing Plan (EEO 100) is required. |
| 4 | General | General | <p>Playaway Audio is an all in one audio book</p> <p>Playaway View is an all in one video player with educational materials *never been offered on NY State contract ~ entered the market in May, 2011</p> <p>Playaway Bookpacks is the books and Playaway Audio combined *never been offered on NY State contract ~ entered the market in Jan. 2014</p> <p>Playaway Launchpad is a lendable tablet for educational use* coming out in Jan./ Feb. of 2015.</p> | Audio books, including those that may also come with a printed version of an audio book are within the scope of the contract; however, video players, eReaders, tablets, and other technology are not. |

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| 4a | General | General | <p>When we offer a discount on one product ~ may we share our Standard discount and also Opening day collection and Regional Show discount offerings?</p> <p>a. For an example: Playaway receives a standard 25% discount on all purchases</p> <p>b. For Opening collections & trade-show specials a 30% discount will be presented on all purchases over \$2,500</p> | <p>Pursuant to Appendix B, Section 17 (Pricing), Contracts may offer special offers/promotions to Authorized Users.</p> <p>Pricing should be submitted in accordance with the format specified in Attachment 1 – Price Pages (Revised December 12, 2014). Note that Attachment 1 – Price Pages (Revised December 12, 2014) has been revised adding “Additional Information” areas under the tabs where additional supplemental information regarding product and service offerings may be provided.</p> |
| 4b | General | General | <p>Are we allowed to share Tiered spend discounts to our libraries? Example:</p> <p>a. With a commitment of \$50,000 annual spend, the library will receive a 28% discount on all Playaway purchases.</p> | <p>Pursuant to Appendix B, Section 17 (Pricing), Contracts may offer special offers/promotions to Authorized Users.</p> <p>Pricing should be submitted in accordance with the format specified in Attachment 1 – Price Pages (Revised December 12, 2014). Note that Attachment 1 – Price Pages (Revised December 12, 2014) has been revised adding “Additional Information” areas under the tabs where additional supplemental information regarding product and service offerings may be provided.</p> |
| 4c | General | General | <p>May we offer Kickstart Promotions? Example:</p> <p>a. Create an opening order of \$3,500 and receive 30% off the order</p> | <p>Pursuant to Appendix B, Section 17 (Pricing), Contracts may offer special offers/promotions to Authorized Users.</p> <p>Pricing should be submitted in accordance with the format specified in Attachment 1 – Price Pages (Revised December 12, 2014). Note that Attachment 1 – Price Pages (Revised December 12, 2014) has been revised adding “Additional Information” areas under the tabs where additional supplemental information regarding product and service offerings may be provided.</p> |

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| 4d | General | General | <p>We have a brand new product that will launch Jan. 2015. Our opening collection promotion is being created now.</p> <p>a. If we offer an opening order discount, and in six months lower the discount parameters, may we change this for All NY Libraries in the system?</p> <p>b. If we add additional discount programs to our new product during the five year tenure may we offer this to the libraries?</p> | <p>Pursuant to Appendix B, Section 17 (Pricing), Contracts may offer special offers/promotions to Authorized Users.</p> <p>Pricing should be submitted in accordance with the format specified in Attachment 1 – Price Pages (Revised December 12, 2014). Note that Attachment 1 – Price Pages (Revised December 12, 2014) has been revised adding “Additional Information” areas under the tabs where additional supplemental information regarding product and service offerings may be provided.</p> |
| 5 | Scope | 2.1 | Are quality paperback books included in this IFB? (paperback binding) | Yes, quality paperback books are within scope and should be offered under Lot 1 – In-Print Publications, Attachment 1 - Price Pages |
| 6 | Scope | 2.1 | If not included, is there a NYS OGS contract for paperback books? If yes, what is it called? | Please see Question 5. |
| 7 | Attachment 4 - Bid Submittal Checklist & General Questions | 14 | <p>"Was the required NYS Vendor Responsibility Questionnaire completed online or in paper copy?" This form is not included in the required forms listed under Section 3.7 - Bid Submittal Instructions in the Invitation for Bids document. Is this form required for a completed proposal?</p> | <p>Pursuant to IFB 22868 (Revised December 12, 2014) Section 5.37, New York State Vendor Responsibility Questionnaire For-Profit Business Entity, “OGS conducts a review of prospective Contractors (“Bidders”) to provide reasonable assurances that the Bidder is responsive and responsible.”</p> <p>If Bidder has not completed the online Vendor Responsibility Questionnaire For-Profit Business Entity pursuant to IFB 22868 (Revised December 12, 2014) Section 5.37, then a completed paper copy of Vendor Responsibility Questionnaire For-Profit Business Entity should be provided on portable electronic media. IFB 22868 (Revised December 12, 2014) Section 3.7.1.i has been revised accordingly.</p> |
| 8 | Attachment 4 - Bid Submittal Checklist & General Questions | 17 | "Has Bidder provided a completed ST-220-CA with their proposal?" This form is not included in the required forms listed under Section 3.7 - Bid Submittal Instructions in the Invitation for Bids document. Is this form required for a completed proposal? | Yes, Pursuant to IFB 22868 (Revised December 12, 2014) Section 3.7.2.f, a “Completed Form ST-220-CA, Contractor Certification notarized with original ink signatures” is required. |

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| 9 | Attachment 4 - Bid Submittal Checklist & General Questions | 17a | "Has Bidder provided a completed ST-220-TD to the Department of Taxation and Finance?" This form is not included in the required forms listed under Section 3.7 - Bid Submittal Instructions in the Invitation for Bids document. Is this form required for a completed proposal? If yes, should it be included in the proposal or submitted directly to the Department of Taxation and Finance? | Pursuant to IFB 22868 (Revised December 12, 2014) Section 5.38, New York State Tax Law §5-a, bidders file the ST-220-TD with Department of Taxation and Finance. |
| 10 | Attachment 4 - Bid Submittal Checklist & General Questions | MWBE 100 | "Has Bidder provided Appendix C - MWBE Utilization Plan (Form MWBE 100)?" Appendix C included in the Invitation for Bids document and listed under Section 3.7 - Bid Submittal Instructions is the Equal Opportunity Staffing Plan, Form EEO 100. Can you clarify whether Form MWBE 100, Form EEO 100 or both should be included for a completed proposal? | Please See Question 3. |
| 11 | Attachment 4 - Bid Submittal Checklist & General Questions | MWBE 100 | "Has Bidder provided Appendix D - Equal Opportunity Staffing Plan (Form EEO 100) with their proposal?" Appendix D included in the Invitation for Bids document is the Contract Modification Procedure. Can you clarify whether Form EEO 100, Contract Modification Procedure or both should be included for a completed proposal? | Please See Question 3. |
| 12 | Attachment 7 - Insurance Requirements | B.2 | As stated on exemption form CE-200, we do not employ or have any vehicles within the state of New York. Therefore, we have never been required to carry comprehensive business automobile liability insurance. Is there a form to complete for exemption? | Certificate of Attestation of Exemption, Form CE-200, may be utilized to request exemption from Workers' Compensation and/or Disability Benefits insurance coverage; however, it may not be used to request exemption from the Comprehensive Business Automobile Liability Insurance requirements specified in Attachment 7 - Insurance Requirements. Furthermore, there is no exemption from the Comprehensive Business Automobile Liability Insurance specified in Attachment 7. |

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| 13 | Attachment 4 - Bid Submittal Checklist & General Questions | 12 | How should we provide proof of sales? | Pursuant to IFB 22868 (Revised December 12, 2014) Section 2.3 Qualification of Bidder, "Bidder must demonstrate a minimum average sales volume of \$1,000,000.00 annually in products meeting the scope of the Contract, offered to national public entities in the 36 month period preceding the bid opening date. Required proof of sales may be demonstrated in the form of a summary of the total sales reported, which shall include the names of the purchasers, the total amount of sales by purchaser and the date of each sale." |
| 14 | Attachment 4 - Bid Submittal Checklist & General Questions | 17 | Should form ST-220-CA and additional requested forms in Attachment 4 be submitted as a hard copy as well as electronically? | Please refer to IFB 22868 (Revised December 12, 2014) Section 3.7, Bid Submittal Instructions, for additional information regarding the documentation that is required to be submitted. |
| 15 | Section 3: Bid Submittal | 3.7 | I'm looking at the submittal instructions for Bid #22868, and cannot locate the Form ST-220-CA, Contractor Certification which needs to be notarized. Can you email that to me or let me know where to find it on the website? Also, we are a publisher, so would we need to complete and have this form notarized? | Pursuant to IFB 22868 (Revised December 12, 2014) Section 5.38, New York State Tax Law §5-a, Form ST-220-CA must be submitted to OGS. This form provides the required certification that the Contractor filed the ST-220-TD with DTF. This form can be found at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf |
| 16 | Price | 5.2 | Are we allowed to charge shipping charges on our order confirmations? If so, where can we add our shipping rates to the bid documents? | Pursuant to IFB 22868 (Revised December 12, 2014) Section 5.2, Price, "Price shall include all customs duties and charges and shall be net, F.O.B. destination, any point in New York State and shall include inside delivery inside doors of Authorized User's receiving platform. No additional shipping charges will be allowed, EXCEPT for foreign publications shipped directly to the Authorized User from an address outside the continent of North America." |
| 17 | Scope | 2.1 | If not included, is there a NYS OGS contract for paperback books? If yes, what is it called? | The only existing contract for paperback books is Group #20060, Award #21274, Books and Non-Print Library Materials, and Related Ancillary Services. |
| 18 | Scope | 2.1 | Will online subscription based eBooks be considered? If so, would this be submitted under eBooks or as other? | No. Pursuant IFB 22868 (Revised December 12, 2014) Section 2.1, Scope, "Electronic databases and subscription based items, such as serials, and periodicals, and subscription based eBooks are not within the scope of the Contract." |

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| 19 | Scope | 2.1 | Will an elementary curriculum based non-periodical reference database be considered? | No. Pursuant IFB 22868 (Revised December 12, 2014) Section 2.1, Scope, "Electronic databases and subscription based items, such as serials, and periodicals, and subscription based eBooks are not within the scope of the Contract." |
| 20 | Attachment 1 - Price Pages | Ancillary Services | Are we required to provide library cataloging and processing with paperback? | No, the provision of Optional Ancillary Services is not required. Pursuant IFB 22868 (Revised December 12, 2014) Section 2.1, Scope, "This IFB contains a total of two (2) Lots: 1) Printed Publications; and 2) Non-Print and Other. Bidders may bid on one or both Lots. Ancillary Services which are described in further detail in Section 1.8, Definitions and Attachment 1 – Price Pages (Revised December 12, 2014), may also be offered if Bidder bids on Lot 1 and/or Lot 2. Attachment 1 - Price Pages (Revised December 12, 2014), cataloging and processing are under Optional Ancillary Services." |
| 21 | New York State Tax Law §5-a | 5.38 | If we have filed a ST-220-TD & ST-220-CA in 2013 under our previous contract, are we required to file and include with this proposal? | Yes. Pursuant to IFB 22868 (Revised December 12, 2014) Section 5.38, New York State Tax Law §5-a, all bids must include a newly completed ST-220-CA. |
| 22 | Product Requirements | 5.1 | Product Requirements: Should a catalog be included with the proposal? | If a Bidder would like to offer a product literature for informational purposes, they may do so; however, it is not a requirement. |
| 23 | Product Requirements | 5.1 | Product Requirements: Bidder shall identify and provide description of service. Where should this be included in the submitted proposal? Do you want it included in both the hard copy and electronic copy? Any specific format? | Pursuant to the Instructions tab in Attachment 1 - Price Pages (Revised December 12, 2014), Bidders should "List charges for any and all services that can be offered and describe the service." under the Optional Ancillary Services tab. |
| 24 | Appendix C | MWBE 100 | Submittal checklist #18 refers to Appendix C - MWBE Utilization Plan (MWBE100) -- in what way is this different from what Checklist #19 refers to as Appendix D - Equal Opportunity Staffing Plan (Form EEO100)? Can the one form as found and labeled as Appendix C in the IFB be used for both purposes? | Please See Question 3. |
| 25 | Appendix D | General | The Appendix D found in the IFB is titled "Contract Modification Procedure" and does not match the Appendix D described in checklist #19. Is completion of the Appendix D provided in the IFB required in any way? | Attachment 4 - Bidder Questions and Submittal Checklist (Revised December 12, 2014) has been revised removing this question. Bidders are not required to submit Appendix D – Contract Modification Procedure with their bid. |

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| 26 | Attachment 4 - Bidder Questions and Submittal Checklist | 12 | I have an M/WBE status but do not do \$1,000,000 worth of business in a year, or in a three year period based upon the past 3 years. Does this disqualify me from a NYS contract? I have currently held a NYS contract since 2009. | OGS will consider the aggregate amount of public sales made by Bidders when evaluating bids for compliance with this requirement, including public sales made in other states and those made to the federal government. |
| 27 | Attachment 4 - Bidder Questions and Submittal Checklist | General | This new IFB contract does not seem to be designed for my company which merely sells professional books to teachers. As a current M/WBE status and contract holder, I find that these questions and demands precludes me from now getting a NYS contract and it saddens me to think that a small business cannot compete with large businesses. Please inform me as to why this change has taken place and you have now created a system that does not allow for small minority owned business. | <p>Pursuant to IFB 22868 (Revised December 12, 2014) Section 2.3, Qualification of Bidder, “Bidder must demonstrate a minimum average sales volume of \$1,000,000.00 annually in products meeting the scope of the Contract, offered to national public entities in the 36 month period preceding the bid opening date. Required proof of sales may be demonstrated in the form of a summary of the total sales reported, which shall include the names of the purchasers, the total amount of sales by purchaser and the date of each sale.”</p> <p>OGS will consider the aggregate amount of public sales made by Bidders when evaluating bids for compliance with this requirement, including public sales made in other states and those made to the federal government.</p> <p>OGS has determined that the bid requirements specified will sufficiently meet the needs of Authorized Users.</p> |
| 28 | Contract Modification Procedure | 5.52 | How long is the amendment approval process, from the day it is submitted by the vendor, to the day it has been added to the contract? | There is no definitive timeframe for amendment approvals. |
| 29 | Contract Modification Procedure | 5.52 | When are updates/amendments allowed? Can a new product be added when it is launched or does the vendor have to wait until the end of the calendar year? | <p>Pursuant to IFB 22868 (Revised December 12, 2014) Section 5.52, Contract Modification Procedure, “Contractor requested Updates must be submitted no later than thirty (30) calendar days prior to the annual anniversary date of the Contract.”</p> <p>There is no required timeframe for the submission of Amendments.</p> |
| 30 | Appendix D | Appendix D | What is the approval process to get a new product added to the contract. Kindly share dates, and what we would need to supply the Bid coordinator? | Please refer to IFB 22868 (Revised December 12, 2014) Section 5.52, Contract Modification Procedure, and Appendix D - Contract Modification Procedure, for detailed information. |

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| 31 | Price | 5.2 | Is pricing for a new product locked for its first year, as it is with original products listed on the bid? | <p>No, not necessarily. For Lots 1 and 2, with the exception of Net Handling Charges, pricing is based on Publisher's List Price less % Discount.</p> <p>Pursuant to IFB 22868 (Revised December 12, 2014) Section 5.2, Price, "Discount percentages and/or monetary (dollar) amounts to be deducted or charged to each Authorized User shall be listed by Bidder. Discounts shall be applied to publishers' List Prices. A range of discounts and monetary amounts may be offered; however, the Bidder must identify, where possible, each specific discount within the range and where or how it is to be applied. The discount may increase at any time, but the publishers' List Prices shall be the current prices as published and distributed to the trade by the publishers. Discount shall not decrease during the term of the Contract.</p> <p>"For the purpose of this bid opening, "monetary" amounts are defined as charges included under Lot 1, Item 18 and Lot 2, Item 18, "Net Handling Charges," and "OTHER ANCILLARY SERVICES". All monetary amounts may be adjusted annually following the first year of the Contract on the basis of the Not Seasonally Adjusted Consumer Price Index – All Urban Consumers, U.S. City Average, All Items Less Food, Series ID: CUUR0000SA0L1, CUUS0000SA0L1 published monthly by the US Department of Labor Bureau of Labor Statistics. There shall be no price adjustments during the first year of the Contract."</p> |
| 32 | Contract Modification Procedure | 5.52 | Is there a limit to the number of amendments that can be submitted during the duration of the contract? | Please see Question 29. |

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| 33 | Price | 5.2 | “In no case shall price adjustments exceed 5%.” Does this refer to price increases/discount decreases only or is this also for price decreases/discount increases? | Pursuant to IFB 22868 (Revised December 12, 2014) Section 5.2, Price, “For the purpose of this bid opening, “monetary” amounts are defined as charges included under Lot 1, Item 18 and Lot 2, Item 18, “Net Handling Charges,” and “OTHER ANCILLARY SERVICES”. All monetary amounts may be adjusted annually following the first year of the Contract on the basis of the Not Seasonally Adjusted Consumer Price Index – All Urban Consumers, U.S. City Average, All Items Less Food, Series ID: CUUR0000SA0L1, CUUS0000SA0L1 published monthly by the US Department of Labor Bureau of Labor Statistics. There shall be no price adjustments during the first year of the Contract. |
| 34 | General | General | Due to the complexity of this Invitation For Bids and the multiple levels of review that need to take place, we respectfully request an additional 5 business days to submit further inquiries. | Pursuant to Bid Solicitation Update #1, dated October 30, 2014, The closing date for inquiries was pushed back two additional business days to November 5, 2014. With the existing contracts under current Award 21274 expiring December 31, 2014, OGS is under a significant time constraint to issue replacement contracts and is unable to push the closing date for inquiries back any further. |
| 35 | Orders | 5.11 | We have an existing online ordering system that cannot be modified to include all of the data elements listed in this section. | The provision of a web-based ordering system is optional by the Contractor is optional and IFB 22868 (Revised December 12, 2014) Section 5.11 has been revised accordingly to provide additional clarity regarding this provision; however, if a web-based ordering system is offered it shall meet all requirements pursuant to Section 5.11. |
| 36 | Report of Contract Usage | 5.27 | We are unable to provide the reporting detail required in this section. We will include with our submission a list of items we can report on. | OGS declines to make any changes to Attachment 6 – Administrative Reports (Contract Usage). Any bid deviations should be submitted in accordance with IFB 22868 (Revised December 12, 2014) Section 3.3, Bid Deviations. |
| 37 | New York State Statewide Financial Systems (SFS) | 5.30 | We respectfully ask to strike this section, as we cannot enter into a contract that contemplates significant undefined costs. | OGS declines to make the requested change. |
| 38 | Purchase Orders and Invoicing | 5.13.2 | Our invoices do not provide all of the detail outlined in this section. We will provide a sample invoice with our bid submission. | OGS declines to make any changes to IFB 22868 (Revised December 12, 2014) Section, 5.13.2, Invoices. Any bid deviations should be submitted in accordance with IFB 22868 (Revised December 12, 2014) Section 3.3, Bid Deviations. |

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| 39 | General Specifications/Best Pricing Offer | 17(f) | As has been done in the past, we respectfully ask to strike this section. | OGS declines to make the requested change. |
| 40 | Attachment 1/Price Pages | CD-ROM/DVD | These products require additional license agreements and we will submit samples with our bid. | Pursuant to IFB 22868 (Revised December 12, 2014), Section 5.57, Additional License Agreements, "OGS will NOT review or approve "click through", "shrink wrap" or other pass-through terms and conditions. An Authorized User looking to acquire products under these Contracts must review the contractual terms and conditions. The Authorized User must ask if "click through", "shrink wrap" or other pass-through terms and conditions are present, and if so, the Authorized User is responsible for having its counsel review and approve such terms and conditions prior to ordering the product. If the terms and conditions are not acceptable to the Authorized User's counsel, it is the responsibility of such Authorized User's counsel to negotiate any needed amendments. Any additional license agreement terms and conditions offered by the Contractor or otherwise amended by agreement between the Contractor and Authorized User shall not conflict with the terms and conditions of the Contract." |
| 41 | Definitions | 1.8 | 1. Ancillary Services - Can you explain what is meant by "electronic archive retrieval and MARC record retrieval? | The provision of Optional Ancillary Services is not required. Pursuant IFB 22868 (Revised December 12, 2014), Section 2.1, Scope, "This IFB contains a total of two (2) Lots: 1) Printed Publications; and 2) Non-Print and Other. Bidders may bid on one or both Lots. Ancillary Services which are described in further detail in Section 1.8, Definitions and Attachment 1 – Price Pages, may also be offered if Bidder bids on Lot 1 and/or Lot 2." It is the responsibility of the Bidder to describe the Ancillary Services being offered where requested under the Optional Ancillary Services tab of Attachment 1 – Price Pages (Revised December 12, 2014). |

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| 42 | Method of Award | 4.1 | Bidder shall provide copies of at least one governmental contract that shows discounts monetary amounts, etc. Is it acceptable to provide references in lieu of customer proprietary information? | No. Pursuant to IFB 22868 (Revised December 12, 2014), Section 4.1, Method of Award, "At the time of the bid opening, where possible, Bidder should provide copies of at least one governmental and/or municipal contract (GSA, WSCA, other State, etc.) that shows discount structure, monetary amounts for Ancillary Services, and FOB point. The State reserves the right to require documentation to support the reasonableness of the prices offered." The provision of confidential or proprietary information should be submitted in accordance with Appendix B, Section 9, Confidential/Trade Secret Materials. |
| 43 | New York State Statewide Financial Systems (SFS) | 5.30 | Where can we obtain specific requirements for this interface? The website provided did not include this information. | Pursuant to IFB 22868 (Revised December 12, 2014), Section 5.30, New York State Statewide Financial Systems (SFS), "For more information on SFS, its use, and its capabilities please visit the SFS website here: http://www.sfs.ny.gov/ ." |
| 44 | Insurance Requirements | 5.26 | Since this IFB covers library materials, does the vendor have to provide worker's compensation and disability benefits coverage documentation with submittal? | Yes, pursuant to IFB 22868 (Revised December 12, 2014), Section, 5.26 Insurance Requirements, "Workers' Compensation Insurance and Disability Benefits insurance coverage must be submitted at the time of bid submission." Please refer to Attachment 7 – Insurance Requirements for additional information, including acceptable proof of coverage. |
| 45 | Attachment 3 - NYS Required Certificates | Diesel Emission Reduction Act | When is this law applicable and at what point would this law be on "behalf of"? | <p>Please review the Diesel Emission Reduction Act provision in its entirety in Attachment 3 - NYS Required Certifications.</p> <p>As stated under this section of Attachment 3 "The requirement of the Law applies to all vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities. It also requires that such vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities with more than half of its governing body appointed by the Governor utilize BART.</p> <p>The Law may be applicable to vehicles used by contract vendors "on behalf of" State agencies and public authorities and require certain reports from contract vendors. All heavy duty diesel vehicles must have BART by December 31, 2012. The Law also provides a list of exempted vehicles. Regulations set forth in 6 NYCRR Parts 248 and 249 provide further guidance."</p> |

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| 46 | Scope | 2.1 | We are publishers of online US history products (K-5 and 6-12) that can be used as full social studies programs or on a supplemental basis. They are subscription-based, but they are not electronic database products or serial or periodical subscriptions, nor are they considered online services. Can we submit a bid for these products within the scope of "Non-Print" items? | No. Subscription based products are not within the scope of the contract. |
| 47 | Bid Submittal Instructions | 3.7 | Attachment 6 - Administrative Reports (Contract Usage) is mentioned and included as part of the bid documentation, but is not mentioned in the list of items to be submitted with the proposal. Please confirm that Attachment 6 must be submitted, both in electronic and printed form? | No, Attachment 6 - Administrative Reports (Contract Usage) is not required to be submitted with proposals. |
| 48 | New York State Tax Law §5-a | 5.38 | If a subsidiary company is submitting a bid as well as the parent company, does the subsidiary need to submit the ST-220-CA form with its bid? | Yes, Pursuant to IFB 22868 (Revised December 12, 2014), Section 5.38, New York State Tax Law §5-a, "A Contractor is required to file the completed and notarized Form ST-220-CA with OGS certifying that the Contractor filed the ST-220-TD with DTF." |
| 49 | New York State Tax Law §5-a | 5.38 | We aren't registered to collect and remit taxes in NY because we don't have nexus there. Can you confirm that the local sales tax doesn't pertain to out of state vendors that don't have nexus in NY? | Pursuant to IFB 22868 (Revised December 12, 2014), Section 5.38, New York State Tax Law §5-a, "Vendors may call DTF at 518-485-2889 for any and all questions relating to Section 5-a of the Tax Law and relating to a company's registration status with DTF. For additional information and frequently asked questions, please refer to the DTF web site: http://www.tax.ny.gov/ ." |
| 50 | Attachment 4 - Bid Submittal Checklist & General Questions | 12 | Donation Source Inc. has not had sales of 1 million dollars over the past 3 years. Are subcontractors, book depot has several million dollars in sales each year. Donation Source has a patent pending approach at building library book lists that facilitates the ease of ordering. | Only those sales made directly the Bidder will be considered when evaluating compliance with the proof of sales requirement pursuant to IFB 22868 (Revised December 12, 2014), Section 2.3, Qualification of Bidder. |

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| 51 | Qualification of Bidder | 2.3 | 3rd paragraph - Please explain "offered to national public entities". For the previous bid, we listed the major accounts in the state of New York that had government funding. We can supply a list of expenditures for government funded institutions which would include the Library of Congress plus selected other state educational institutions. We work only with academic and research libraries. Is it acceptable to provide a list of government funded institutions to show that we have sales over a \$1,000,000 within the US? | OGS will consider the aggregate amount of public sales made by Bidders when evaluating bids for compliance with this requirement, including public sales made in other states and those made to the federal government. |
| 52 | Other Qualifications | 2.4 | Point 3 - By "references", do you mean libraries that purchase from us and/or publishers from whom we buy? | References from national public entities that would demonstrate a Bidder's ability to meet the requirements specified. |
| 53 | Bid Submittal Instructions | 3.7 | 1.h. Copy of at least one governmental contract - As our market is exclusively academic, may we use a contract from one state funded institution. Most of the academic libraries, including state ones, do not have contracts as they consider the order itself to be a contract. In other words, there are few such book contracts in existence. | Pursuant to IFB 22868 (Revised December 12, 2014), Section 4.1, Method of Award, "At the time of the bid opening, where possible , Bidder should provide copies of at least one governmental and/or municipal contract (GSA, WSCA, other State, etc.) that shows discount structure, monetary amounts for Ancillary Services, and FOB point. The State reserves the right to require documentation to support the reasonableness of the prices offered. " (Emphasis added) |
| 54 | Equal Employment Opportunity Requirements | 5.29.2 | As our firm is registered in the country of Germany, we do comply with similar laws for that country, but we cannot legally adhere to the laws of New York state. How should we respond to this part of the requirements? | The IFB and the laws of the State of New York dictate a vendor's requirements to do business in the State of New York. Bidders are required to comply with all laws, regulations, and contractual requirements. Bidders who fail to comply with all laws, regulations, and contractual requirements may be deemed non-responsive. |
| 55 | Standard Clauses for New York State Contracts | Appendix A | Again, as our firm is based in Germany, we cannot legally comply with US and NY legislation concerning many of these points, including 4. Workers' Compensation Benefits, 6. Wage and Hours Provisions, 12. Equal Employment Opportunities for Minorities and Women, 20. Omnibus Procurement Act of 1992, etc. We do abide by similar legislation in Germany and the state of Hessen. How best do we respond to this section? | The IFB and the laws of the State of New York dictate a vendor's requirements to do business in the State of New York. Bidders are required to comply with all laws, regulations, and contractual requirements. Bidders who fail to comply with all laws, regulations, and contractual requirements may be deemed non-responsive. |

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| 56 | Insurance Requirements | Attachment 7 | Our firm has insurance and will be able to name the NY State Office of General Services as the Certificate Holder. In Germany, the categories of insurance are somewhat different and in most cases we have more insurance than what is required. As no cars are owned in the US, our automobile liability insurance does not cover the US. How best for us to respond? | <p>The IFB and the laws of the State of New York dictate a vendor's requirements to do business in the State of New York. Bidders are required to comply with all laws, regulations, and contractual requirements. Bidders who fail to comply with all laws, regulations, and contractual requirements may be deemed non-responsive.</p> <p>Bidders should consult with their legal counsel and insurance carriers or brokers to determine the best methods for complying with the IFB's insurance requirements.</p> |
| 57 | Insurance Requirements | Attachment 7 | C. Workers' Compensation Insurance and Disability Benefits Requirements. As a company based in Germany, we must abide by German law for this type of insurance and it is a federally managed program. We can supply copies of certificates. How best for us to respond? | <p>The IFB and the laws of the State of New York dictate a vendor's requirements to do business in the State of New York. Bidders are required to comply with all laws, regulations, and contractual requirements. Bidders who fail to comply with all laws, regulations, and contractual requirements may be deemed non-responsive.</p> <p>Bidders should consult with their legal counsel and insurance carriers or brokers to determine the best methods for complying with the IFB's insurance requirements.</p> |
| 58 | Price Pages - Additional Discounts | Attachment 1 | Please explain: "Bidders are requested to offer additional discounts for individual purchase orders." Does this mean a one-time order that is of this value? Most | Yes, it means individual purchase orders. |
| 59 | Attachment 4 - Bidder Questions and Submittal Checklist | General | Many questions that as a firm registered in Germany we are unable to agree to comply. We do abide by similar German legislation. Questions 10, 11, 18, 19, 29, 30, 31, etc. | The IFB and the laws of the State of New York dictate a vendor's requirements to do business in the State of New York. Bidders are required to comply with all laws, regulations, and contractual requirements. Bidders who fail to comply with all laws, regulations, and contractual requirements may be deemed non-responsive. |
| 60 | Attachment 4 - Bidder Questions and Submittal Checklist | General | 32 - 35. The Lot 1 books purchased from our company are produced primarily in Europe. There is not just one place, but all in Europe, but the question seems to refer to a state and not another country. How best are we to interpret this question. | The questions are to be answered as they pertain to your company. |
| 61 | Bid Submittal Instructions | 3.7 | I have a question regarding 2. Bound, original hard copy versions. What are acceptable ways of binding the original hard copy versions? | It is at the discretion of the Bidder. |

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| 62 | New York State Vendor Responsibility Questionnaire For-Profit Business Entity | 5.37 | NYS Vendor Identification Number - Sent an email on October 29, 2014, to Ruth Quezada and attached OSC Substitute W-9 Form. Do you know when I will receive our ten-digit number so I can complete Bidder's Questionnaire online? | There is no definitive timeframe; however, NYSPRO is working diligently to obtain any NYS Vendor Identification Numbers requested. |
| 63 | New York State Tax Law §5-a | 5.38 | Since we are defined as a "Bidder" until the contract is awarded, do I wait to submit Form ST-220-TD with DTF until we are awarded as a vendor and then defined as a "Contractor"? | No. Pursuant to Section 5.38 New York State Tax Law §5-a, "A Contractor is required to file the completed and notarized Form ST-220-CA with OGS certifying that the Contractor filed the ST-220-TD with DTF. Note: NYS DTF receives the completed Form ST-220-TD, not OGS. OGS ONLY receives the Form ST-220-CA. Form ST-220-CA must be filed with the bid and submitted to the procuring covered Agency certifying that the Contractor filed the ST-220-TD with DTF." |
| 64 | Appendix D - Contract Modification Procedure | 5.56 | Do not include Appendix D with bid submittal if The Penworthy Company is not submitting any modifications? | Bidders are not required to submit Appendix D – Contract Modification Procedure with their bid. |
| 65 | Attachment 1 - Price Pages | Attachment 1 | Attachment 1 document is protected. How do I add comments? | Attachment 1 – Price Pages (Revised December 12, 2014) has been revised adding "Additional Information" areas under the tabs where additional supplemental information regarding product and service offerings may be provided. |
| 66 | Attachment 5 - Encouraging Use of New York State Businesses | General | We do use a 1099 contractor who resides in the state of New York for selling our books, puppets and cataloging to some of the schools and public libraries throughout New York. Would that qualify as "Use of New York State Businesses in Contract Performance"? | <p>Pursuant to Attachment 5 - Encouraging Use of New York State Businesses, "Bidders for this contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the Contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles."</p> <p>New York State businesses used in the fulfillment of the requirements of the Contract should be listed where requested in Attachment 5.</p> |

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| 67 | Attachment 4 - Bid Submittal Checklist & General Questions | MWBE 100 | On Attachment 4 Number 19 - Asks the question "Has Bidder provided Appendix D - Equal Employment Opportunity Staffing Plan (Form EEO 100) with their proposal? Appendix D is not Form EEO, it is the Contract Modification Procedure. Form EEO 100 is part of Appendix C. Should I assume Number 19 should have read "Has Bidder provided Appendix C?" | Please see Question 3. |
| 68 | Appendix D - Contract Modification Procedure | 1b | Should we only include Appendix D if we are making any contract modifications? I'm confused by this form. | Appendix D - Contract Modification Procedure is to be used by Contractors to propose updates or amendments during the course of a resultant Contract. Bidders are not required to submit Appendix D – Contract Modification Procedure with their bid. |
| 69 | Attachment 1 - Price Pages | Lot 1 | Is "List Price" considered the List Price or the School/Library Price published in the publisher's catalog? | Pursuant To IFB Section 1.8, Definitions, 6, ““List Price” shall mean Publishers Suggested Retail Price.”” |
| 70 | Attachment 4 - Bid Submittal Checklist & General Questions | | On Attachment 4 Number 18 - Asks Has Bidder provided Appendix C - MWBE Utilization Plan (form MWBE 100)? - If we are not a MWBE - I'm assuming we do not need to provide this form? | Please see Question 3. |
| 71 | Attachment 6 - Administrative Reports (Contract Usage) | | Is the contract number "22868" | No, 22868 is the bid solicitation number. Each awardee under the resultant contract will be assigned their own contract number by NYSPro. |
| 72 | Qualification of Bidder | 2.3 | Paragraph 3 states "Bidder must demonstrate a minimum average sales volume..." Where should we include our sales report? And should it be in a hard copy and on our portable electronic media? | The information should be submitted electronically. IFB 22868 (Revised December 12, 2014), Section 3.7.1.j has been revised accordingly. |
| 73 | Bid Submittal Instructions | 3.7 | Attachment 6 - Administrative Reports (Contract Usage) is mentioned and included as part of the bid documentation, but is not mentioned in the list of items to be submitted with the proposal. Please confirm that Attachment 6 must be submitted, both in electronic and printed form? | No, Attachment 6 - Administrative Reports (Contract Usage) does not have to be included with the bid submission. Please refer to Section 3.7, Bid Submittal Instructions, for additional information regarding the documentation that's required to be submitted with bid proposals. |

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| 74 | Qualification of Bidder | 2.3 | <p>I am writing on behalf of Owl Book Distributors, Inc., NYS Vendor No. PC65710. In the course of reviewing the current IFB for the above referenced contract we noted that the bidder qualifications call for the bidder to have a sales volume of one million dollars annually. Is this correct? The current contract required that bidders have an annual sales volume of one hundred thousand dollars. This is a tenfold increase. Of what benefit would that be?</p> <p>Can you please confirm this information and, if the increase was not the result of a typographical error, kindly let us know the reason for it?</p> | <p>Pursuant to IFB 22868 (Revised December 12, 2014), Section 2.3, Qualification of Bidder, "Bidder must demonstrate a minimum average sales volume of \$1,000,000.00 annually in products meeting the scope of the Contract, offered to national public entities in the 36 month period preceding the bid opening date. Required proof of sales may be demonstrated in the form of a summary of the total sales reported, which shall include the names of the purchasers, the total amount of sales by purchaser and the date of each sale."</p> <p>OGS will consider the aggregate amount of public sales made by Bidders when evaluating bids for compliance with this requirement, including public sales made in other states and those made to the federal government.</p> <p>OGS has determined that the bid requirements specified will sufficiently meet the needs of Authorized Users.</p> |
| 75 | Appendix C | MWBE100 | <p>Submittal checklist #18 refers to Appendix C - MWBE Utilization Plan (MWBE100) -- in what way is this different from what Checklist #19 refers to as Appendix D - Equal Opportunity Staffing Plan (Form EEO100)? Can the one form as found and labeled as Appendix C in the IFB be used for both purposes? If not, please provide the second form (see next question regarding IFB-supplied Appendix D).</p> | <p>Please see Question 3.</p> |
| 76 | Appendix D | MWBE100 | <p>The Appendix D found in the IFB is titled "Contract Modification Procedure" and does not match the Appendix D described in checklist #19. Is completion of the Appendix D provided in the IFB required in any way?</p> | <p>Please see Question 3.</p> |

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| 77 | Qualification of Bidder | 2.3 | Should the summary of the total sales for the 36 months preceding bid opening be included in the electronic media copy, the original hard copy, or both copies? Would you like this organized by customer or by date of sale? | Pursuant to IFB 22868 (Revised December 12, 2014), Section 2.3, Qualification of Bidder, "Required proof of sales may be demonstrated in the form of a summary of the total sales reported, which shall include the names of the purchasers, the total amount of sales by purchaser and the date of each sale." The information should be submitted electronically. IFB 22868 (Revised December 12, 2014), Section 3.7.1.j has been revised accordingly. |
| 78 | Method of Award | 4.1 | Regarding our supplying copies of at least one governmental and/or municipal contract, would you like these in electronic form, as hard copies, or both? | Electronically, pursuant to Section 3.7.1.h, which states "Copy of at least one governmental and/or municipal contract (GSA, WSCA, other State, etc.) in accordance with Section 4, <i>Method of Award</i> (PDF)". |
| 79 | Cancellation for Convenience | 5.4 | IFB Section 5.4 requires cancellation for convenience. Some of our publications are "Service Subscriptions," which include delivery of the publication plus any supplementations, releases, replacement volumes, new editions, and revisions/updates to the publication during an annual subscription period. If an Authorized User would cancel a Service Subscription within 30 days after the product is ordered or received, and return the product at the Authorized User's expense, then the Authorized User would receive full credit of the subscription. If an Authorized User would cancel the service subscription between 31 and 60 days after the invoice date and return the product at the Authorized User's expense, the Authorized User would receive a 5/6th credit of the price for the subscription. No credit would be given for cancellations more than 60 days after the invoice date. To receive any credit, the Authorized User must return all products shipped to the Authorized User during the year at the agency's expense within the applicable cancellation period listed above. Please confirm the State's agreement to this standard cancellation policy. | <p>Pursuant to IFB 22868 (Revised December 12, 2014), Section 2.1, Scope, "The Contract is primarily for off the shelf, non-subscription based products. Electronic databases and subscription based items, such as serials, periodicals, and subscription based eBooks are not within the scope of the Contract."</p> <p>Subscription based publications are a better fit for OGS centralized contracts under Group 20020 - Serials (Domestic and Foreign Periodicals, Magazines, Etc.) or Group 79100 - Electronic On-Line Databases.</p> |

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| 80 | Appendix B - General Specifications (June 2014) | 8 | IFB Appendix B, Section 8, provides guidelines for Extraneous Terms. Attached separately to this inquiry are our standard terms & conditions for products we intend to offer pursuant to the IFB and resulting contract. We would like the State to consider our terms & conditions as part of our final bid. However, Appendix B Section 8 says the State shall not consider such pre-printed materials as part of the bid unless the bidder provides a written explanation of why such terms should be considered for incorporation by the State. We respectfully request the State change Section 8 to allow a bidder to include the bidder's standard/pre-printed contract terms & conditions in the bid without submitting such a detailed explanation. Providing extra protection for the State is IFB Section 1.9 (Order of Precedence), which places State IFB documents in higher order than the bidder's bid and provides that the State's terms will control in the event of any conflict with the bidder's terms. However, if the State will not consider this change, we have provided copies of our standard terms and conditions with this inquiry and will provide with the bid the detailed explanation of why we feel these terms should be included in our final contract with the State. | OGS declines to make the requested change. |
| 81 | Attachment 7 - Insurance Requirements | B.1 | Please remove from Attachment 7, Section B.1 (Commercial Liability Insurance), any language pertaining to explosion, collapse, and underground hazards/coverage. We can provide property damage coverage in our general liability policy. | These coverages are standard in a Commercial General Liability policy and OGS declines to make the requested change. |

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| 82 | Price | 5.2 | With our current deep discounts we do not include shipping. To include shipping we will have to add 11% to the price of each book (11% is the historic shipping % within NY).Can we include this as a single line item or must we change our pricing calculations for each book? | Pursuant to IFB 22868 (Revised December 12, 2014), Section 5.2, Price, "Price shall include all customs duties and charges and shall be net, F.O.B. destination, any point in New York State and shall include inside delivery inside doors of Authorized User's receiving platform. No additional shipping charges will be allowed, EXCEPT for foreign publications shipped directly to the Authorized User from an address outside the continent of North America." |
| 83 | General | General | Subcontractor. My subcontractor is in Canada on the border with NYS. They ship out of NYS. What are the reporting requirements for them to be certified as an authorized sub-contractor? | Contract sales shall be reported pursuant to IFB 22868 (Revised December 12, 2014), Section 5.27, Report of Contract Usage, utilizing Attachment 6 – Administrative Reports (Contract Usage). |
| 84 | General | General | Because our remainder title list changes periodically (new titles arrive from publishers and existing titles go out of stock) we have a fluid list of titles. How might this affect the contract? | OGS understands that publisher title offerings are fluid. Pursuant to IFB 22868 (Revised December 12, 2014), Section 5.2, Price, "Discount percentages and/or monetary (dollar) amounts to be deducted or charged to each Authorized User shall be listed by Bidder. Discounts shall be applied to publishers' List Prices. A range of discounts and monetary amounts may be offered; however, the Bidder must identify, where possible, each specific discount within the range and where or how it is to be applied. The discount may increase at any time, but the publishers' List Prices shall be the current prices as published and distributed to the trade by the publishers. Discount shall not decrease during the term of the Contract." |

| Inquiry | IFB Section Name | Section Number | Original Inquiry | NYSPRO Response |
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| 85 | Qualification of Bidder | 2.3 | <p>Regarding the following statement, does The State require that we submit the list of customers and purchases to confirm the minimum sales threshold, or is the statement a notice that such a list may be required. (We hope to submit no more documentation than absolutely necessary).</p> <p>"Bidder must demonstrate a minimum average sales volume of \$1,000,000.00 annually in products meeting the scope of the Contract, offered to national public entities in the 36 month period preceding the bid opening date. Required proof of sales may be demonstrated in the form of a summary of the total sales reported, which shall include the names of the purchasers, the total amount of sales by purchaser and the date of each sale. NYSPRO reserves the right to request copies of purchase orders and/or invoices for verification or clarification. The State reserves the right to waive this requirement if a bona fide need can be established and it is deemed to be in the State's best interest to waive the requirement. In order for the State to waive this requirement, Bidder must offer a proprietary product available only to Authorized Users exclusively by the Bidder, and must supply sales reports for such along with the list of clients that have purchased the product in the past."</p> | <p>Pursuant to IFB 22868 (Revised December 12, 2014), Section 2.3, Qualification of Bidder, "Required proof of sales may be demonstrated in the form of a summary of the total sales reported, which shall include the names of the purchasers, the total amount of sales by purchaser and the date of each sale." The information should be submitted electronically. IFB 22868 (Revised December 12, 2014), Section 3.7.1.j has been revised accordingly.</p> |
| 86 | Definitions | 1.8 | <p>Will you accept separate proposals from the same company with the same tax id for product discounts (separate operating units and product/business models)?</p> | <p>No, multiple bids may not be submitted under the same Federal Tax Identification Number.</p> |

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| 87 | Scope | 2.1 | Ebooks discounts were offered in our Subscription Database OGS contract proposal because they are contained within a hosted "database." Will a contract for Subscription Databases cover us to sell ebooks to State entities under that proposal/contract? Given that Terms and Conditions for electronic content are very different from our print publications, we would prefer to keep them with other e-content for which terms and conditions are defined in a Subscriptions OGS contract. | Questions regarding an existing OGS Electronic On-Line Database Contract under Group 79100 should be directed to the appropriate OGS Contract Administrator for the respective contract. Pursuant to IFB 22868 (Revised December 12, 2014), Section 2.1, Scope, "The Contract is primarily for off the shelf, non-subscription based products. Electronic databases and subscription based items, such as serials, periodicals, and subscription based eBooks are not within the scope of the Contract." |
| 88 | Attachment 1 - Price Pages | General | In addition to a standard discount, we can offer tiered discounts based on any given purchase total. Would you like us to include this information? If yes, where should we enter the tiered pricing? | Yes, information on tiered discounts should be included in Attachment 1 - Price Pages (Revised December 12, 2014), under the Additional Discount tab. |
| 89 | Scope | 2.1 | Does the scope include Core Instructional Materials that are used every day in the school classroom? | IFB 22868 (Revised December 12, 2014), Section 2.1, Scope, provides comprehensive information regarding Products and services that meet the scope of the Contract. |
| 90 | Attachment 7 - Insurance Requirements | Required Documentation | Would The State accept All insurance documents with the proposal, including those that define submission within three day upon notice of award? The question is posed as opportunity to meet all requirements in advance of any award to eliminate the need for such requests. | Yes, OGS will accept all required proofs of insurance pursuant to Attachment 7 – Insurance Requirements at the time of the bid opening. |
| 91 | Method of Award | 4.1 | Our company has merged a division under the parent company name and tax ID, which requires that we merge the division GSA contract under the parent company name/tax id; this may still be in process at the time of our proposal to the State. May we use the existing pricing (division name) if the GSA records are not completed by that time? The name is now used as a Brand Name so it is still used in our pricing sheet and other contract documents. | IFB 22868 (Revised December 12, 2014), Section 4.1, Method of Award states "At the time of the bid opening, where possible, Bidder should provide copies of at least one governmental and/or municipal contract (GSA, WSCA, other State, etc.) that shows discount structure, monetary amounts for Ancillary Services, and FOB point." The existing pricing information is acceptable if the GSA records are not completed by the time of bid opening. Please include a detailed written explanation regarding the status of the merger and all relevant assignments on company stationery with your bid submission. |

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| 92 | Appendix C | Equal Employment Opportunity Staffing Plan (Form EEO 100) | May we submit a completed Federal EEO-1 form instead of completing Appendix C? | No, Appendix C - Equal Employment Opportunity Staffing Plan (Form EEO 100) must be submitted. |
| 93 | Appendix B- General Specifications | 17(f) Best Pricing Offer | As has been done in the past, we respectfully ask to strike this section. | OGS declines to make the requested change. |
| 94 | Bid Submittal Instructions | 3.7 | This section states that Attachment 1 should be submitted in its original Excel format. We have some notes that we would like to include with the pricing page, but the current Excel file is locked and will not permit anything to be added. Can Attachment 1 be resent with 5-10 blank lines at the bottom "unlocked" so that notes can be added? | Attachment 1 – Price Pages (Revised December 12, 2014) has been revised adding “Additional Information” areas under the tabs where additional supplemental information regarding product and service offerings may be provided. |
| 95 | Attachment 1/Price Pages | CD-ROM/DVD/eBooks | These products may require additional license agreements and we will submit samples with our bid. | Please see Question 40 |
| 96 | Attachment 1/Price Pages | DVD/Books on DVD | Can you please explain the difference between "Books on DVD (Digital Files)" and "DVDs"? | Books on DVD are full text book collections on a DVD, whereas DVDs are Digital Versatile Discs (formerly Digital Video Discs) that contain video content. |
| 97 | Appendix B - General Specifications (June 2014) | 5 | Where do we access form ST-220-CA, the same link as CE200? | No. Pursuant to IFB Section 5.38 New York State Tax Law §5-a, “Form ST-220-CA must be submitted to OGS. This form provides the required certification that the Contractor filed the ST-220-TD with DTF. This form can be found at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf ” |
| 98 | Attachment 1 - Price Pages | Lot 1 | If we are only offering discount per copy are we required to input N/A across the sheet for volume discounts? | Yes, pursuant to the instructions listed in the Lot 1 tab, “NOTE: Bidder should fill in ALL grey-shaded cells. If not bidding on an Item, enter "N/A" in the associated cell.” |

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| 99 | Qualification of Bidder | 2.3 | Bidder must demonstrate a minimum average sales volume of \$1,000,000.00 annually in products meeting the scope of the Contract, offered to national public entities in the 36 month period preceding the bid opening date. As of April 1st, 2014, Follett Library Resources and Follett Educational Services merged into Follett School Solutions, Inc. Is it acceptable to provide proof of Sales from our legacy businesses, Follett Library Resources and Follett Educational Services? | Yes, that is acceptable. Please include a written description on company letterhead with your bid explaining the proof of sales. |
| 100 | Other Qualifications | 2.4 | References that demonstrate the ability of the Bidder to perform the work required of the resulting Contract: How many references are desired? What pieces of information are needed for the reference? Would it be acceptable to use our current contract with the State of New York as a reference? | The information specified under IFB 22868 (Revised December 12, 2014), Section 2.4, Other Qualifications, is not required to be submitted at the time of the bid opening. If OGS determines that it requires additional information during the evaluation process it will be specified at that time. |
| 101 | Method of Award | 4.1 | At the time of the bid opening, where possible, Bidder should provide copies of at least one governmental and/or municipal contract (GSA, WSCA, other State, etc.) that shows discount structure, monetary amounts for Ancillary Services, and FOB point. The State reserves the right to require documentation to support the reasonableness of the prices offered. Would it be acceptable to provide our current contract with the State of New York? | OGS would prefer that Bidder that the governmental and/or municipal contract be GSA, WSCA, or a contract from another State, etc. pursuant to IFB 22868 (Revised December 12, 2014), Section 4.1, Method of Award. |
| 102 | Attachment 7 - Insurance Requirements | General Conditions Part A. #3 | We would like to delete the wording "materially changed, or not renewed" in the following paragraph: Unless otherwise agreed to in writing, policies shall be written so as to include a provision that the policy will not be canceled, materially changed, or not renewed without at least thirty (30) days prior written notice to OGS, except in cases of cancellation for non-payment, in the event of which notice shall be provided as required by law to OGS. Reason: We can provide notice for cancellation but not for material change. | OGS declines to make the requested change. |

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| 103 | Attachment 7 - Insurance Requirements | General Conditions Part A. #3 | We would like to delete the wording "Not less than thirty (30) days" in the following paragraph: Bidders and Contractors shall not take any action, or omit to take any action that would suspend or invalidate any of the required coverages during the period of time such coverages are required to be in effect. Not less than thirty (30) days prior to the expiration date or renewal date, Bidders and Contractors shall supply OGS with updated replacement Certificates of Insurance, and amendatory endorsements. Reason: We can provide renewal certificates prior to contract renewal but not 30 days prior to policy renewal. | OGS declines to make the requested change. |
| 104 | Attachment 7 - Insurance Requirements | General Conditions Part A. #3 | We would like to delete the phrase "Disclose any deductible, self-insured retention, aggregate limit or exclusion to the policy that materially changes the coverage required by this solicitation or any Contract resulting from this solicitation". Reason: Our certificates do not list the deductibles. | OGS declines to make the requested change. |
| 105 | Attachment 7 - Insurance Requirements | General Conditions Part A. #3 | We would like to add the following wording: "Blanket Endorsements" to the following paragraph: Be accompanied by an Additional Insured and a Waiver of Subrogation Endorsement as required herein. Reason: The endorsement is included in our policy by blanket endorsement. | OGS declines to make the requested change, however a blanket endorsement may be acceptable if it provides the same coverages required under the contract |

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| 106 | Attachment 7 - Insurance Requirements | General Conditions Part A. #6 | We would like to delete the wording "Certificates of Insurance must indicate the applicable deductible/self insured retention on each policy. Deductibles or self-insured retentions above \$100,000 are subject to approval from OGS, which shall not be unreasonably withheld, conditioned or delayed." in the following paragraph: 6. Self-Insured Retention/Deductibles. Certificates of Insurance must indicate the applicable deductible/self insured retention on each policy. Deductibles or self-insured retentions above \$100,000 are subject to approval from OGS, which shall not be unreasonably withheld, conditioned or delayed. Bidders and Contractors shall be solely responsible for all claim expenses and loss payments within the deductible or self-insured retention. Reason: Our certificates do not list the deductibles and because the deductible is a financial agreement between Follett and our insurers which has no impact on the authorized user when there is a claim, we can't allow any contract to control the deductibles on our insurance policies which insure all entities of Follett Corporation. | OGS declines to make the requested change. |
| 107 | Attachment 7 - Insurance Requirements | General Conditions Part A. #7 | We would like to add the word "Blanket" after the word Insured to the following phrase: (General Liability Additional Insured Endorsement shall be on Insurance Service Office's (ISO) form number CG 20 26 11 85 or the equivalent). Reason: Changed wording because the additional insureds are included in the policy by blanket endorsement. | OGS declines to make the requested change; however, a blanket endorsement may be acceptable if it provides the same coverages required under the contract. |

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|----------------|---------------------------------------|----------------------------------|--|--|
| 108 | Attachment 7 - Insurance Requirements | General Conditions Part A. #7 | We would like to delete the words "shall be on Insurance Service Office's (ISO) form number CG 20 26 11 85 or the equivalent" after the word Endorsement to the following phrase: (General Liability Additional Insured Endorsement shall be on Insurance Service Office's (ISO) form number CG 20 26 11 85 or the equivalent). Reason: Changed wording because the additional insureds are included in the policy by blanket endorsement. | OGS declines to make the requested change; however, a blanket endorsement may be acceptable if it provides the same coverages required under the contract. |
| 109 | Attachment 7 - Insurance Requirements | General Conditions Part B. #1 | We would like to replace the words "ISO forms" with the words "blanket endorsements" in the following sentence: The following ISO forms must be endorsed to the policy: Reason: Added and deleted wording because the additional insureds are included in the policy by blanket endorsement. | OGS declines to make the requested change. |
| 110 | Attachment 7 - Insurance Requirements | General Conditions Part B. #1 a. | We would like to delete a. "a. CG 00 01 01 96 or an equivalent Commercial General Liability Coverage Form;. Reason: Deleted wording because the additional insureds are included in the policy by blanket endorsement. | OGS declines to make the requested change. |
| 111 | Attachment 7 - Insurance Requirements | General Conditions Part B. #1 b. | We would like to delete the following from b: "CG 20 10 11 85 or an equivalent;" and the word "(Form B)". Reason: Deleted wording because the additional insureds are included in the policy by blanket endorsement. | OGS declines to make the requested change; however, a blanket endorsement may be acceptable if it provides the same coverages required under the contract. |
| 112 | Attachment 7 - Insurance Requirements | General Conditions Part B. #2 | We would like to add the word "Blanket" after the word Subrogation to the following phrase: A Waiver of Subrogation Endorsement shall be provided upon tentative award, and thereafter, within three (3) days of request. Reason: Added wording because the endorsement is a blanket endorsement. | OGS declines to make the requested change. |

| Inquiry | IFB Section Name | Section Number | Original Inquiry | NYSPro Response |
|----------------|-------------------------|---|--|--|
| 113 | Insurance Requirements | 5.26 | We would like to delete the words "At least thirty (30) days" from the following sentence: At least thirty (30) days prior to the expiration of any policy required by this Contract, evidence of renewal or replacement policies of insurance with terms no less favorable to OGS than the expiring policies shall be delivered to OGS in the manner required for service of notice in Attachment 7, Paragraph A.3., Certificates of Insurance/Notices. Reason: We can provide renewal certificates prior to contract renewal but not 30 days prior to policy expiration. | OGS declines to make the requested change. |
| 114 | Appendix B | Bid Submission 17 f. Best Pricing Offer | “Can section 17f be modified to reflect the fact all similarly situated customers of Follett generally receive similar pricing, but that Follett does not have the capability to track and compare all pricing for all customers?” | OGS declines to make the requested change. |
| 115 | Attachment 6 | Administrative Reports (Contract Usage) | Under Contract Usage Tab, what is the meaning of “Lot # or Service” and “Item #”? | Pursuant to Attachment 6 – Administrative Reports (Contract Usage), definitions for the columns listed in the Report of Contract Usage tab can be found in the Contract Usage Definitions tab of Attachment 6. |
| 116 | Terms and Conditions | 5 | Will the State accept / does the State desire a written response to this section, providing additional information on services? | Additional information regarding Optional Ancillary Services should be provided where requested under the Optional Ancillary Services tab of Attachment 1 – Price Pages (Revised December 12, 2014). |
| 117 | Internet Websites | 5.12 | Individual ordering agencies or users may establish unique accounts within our firm's existing ordering website. This site would provide access to all materials available for sale. Does this meet the need outlined in this item? | Pursuant to IFB 22868 (Revised December 12, 2014), Section 5.11, Orders, the provision of a web-based ordering system is at the Contractor’s option; however if one is to be provided it must meet all of the requirements for a web-based ordering system specified in Section 5.11. |
| 118 | Purchase Orders | 5.13.1 E. | Will this calculation of price be the price provided by the Vendor via quotation? | Yes, it could be if the Contractor has quoted the Authorized User prior to order submission. Pursuant to IFB 22868 (Revised December 12, 2014), Section 5.11, Orders, “Contractor shall be required to provide written quotes to Authorized Users who request them prior to placing an order, which details List Price, discount, and Net Price, as applicable.” |

| Inquiry | IFB Section Name | Section Number | Original Inquiry | NYSPRO Response |
|----------------|--|-----------------------------|--|---|
| 119 | Product Returns Because of Quality Problems | 5.19 | Where should Product Return directions be attached in the response ? | Product return directions do not have to be submitted at the time of bid submission. Product returns under the resultant Contract shall be handled in accordance with IFB 22868 (Revised December 12, 2014), Sections, 5.19, Product Returns Because of Quality Problems, and 5.20, Product Returns Due to Authorized User Error, respectively. |
| 120 | Report of Contract Usage | 5.27 | The reporting template appears to request an itemized listing of every item shipped for every State agency/Entity. Is this also required for other Authorized Users? | Yes, sales for all Authorized Users shall be reported and itemized accordingly in Contract Usage Reports. |
| 121 | Report of Contract Usage | 5.27 | If line item level reporting is required, the amount of data to be submitted will potentially be too large to capture in a single spreadsheet or to submit via e-mail. Will the State entertain modifying the reporting format requirements? | OGS declines to make any changes to Attachment 6 – Administrative Reports (Contract Usage) at this time. |
| 122 | Attachment 1 - Price Pages | Optional Ancillary Services | Please define the components requested for "Cataloging & Processing" (item 2). | It is the responsibility of the Bidder to describe the Ancillary Services being offered where requested under the Optional Ancillary Services tab of Attachment 1 – Price Pages (Revised December 12, 2014). |
| 123 | Attachment 1 - Price Pages | Optional Ancillary Services | Please clarify the difference in Machine Readable Cataloging (MARC) Records vs. Bibliographic Records. | It is the responsibility of the Bidder to describe the Ancillary Services being offered where requested under the Optional Ancillary Services tab of Attachment 1 – Price Pages (Revised December 12, 2014). |
| 124 | Attachment 1 - Price Pages | Additional Discounts | Please clarify the difference in PrePayment Plan Discount and Deposit Account Discount. | It is up to the Bidder to ascertain whether Additional Discounts will be offered and to provide relevant details regarding these offerings. If Bidders would like to offer either a PrePayment Plan Discount or Deposit Account Discount they may do so under Attachment 1 - Price Pages (Revised December 12, 2014), Additional Discounts tab. |
| 125 | Attachment 4 - Bid Submittal Checklist & General Questions | MWBE 100 | Please confirm, MWBE Utilization Plan (MWBE 100) is not required for this solicitation. Is that correct? | An MWBE Utilization Plan (MWBE 100) is not required. Please see Question 3. |
| 126 | General | General | Where should license agreements (as related to e-content) be attached in the response? | Please see the answer to Question 40. |

| Inquiry | IFB Section Name | Section Number | Original Inquiry | NYSPro Response |
|----------------|-----------------------------|-----------------------|--|--|
| 127 | Attachment 1 - Price Pages | Lot 1 and 2 | Where should descriptive information related to these items be attached within the response? | Attachment 1 – Price Pages (Revised December 12, 2014) has been revised adding “Additional Information” areas under the tabs where additional supplemental information regarding product and service offerings may be provided. |
| 128 | General | General | We don’t know whether to start working on this contract or not. Does it include paperback books? The last one did, but this seems to be focused on hardcover books. Could you please let me know? | Yes, paperback book are included as an acceptable product offering under Lot 1 – In-Print Publications of Attachment 1 - Price Pages (Revised December 12, 2014). |
| 129 | Scope | 2.1 | Page 8, last paragraph, describing products covered under this IFB, includes e-books, but does not include online subscription databases. Our ebook collection is offered through a subscription-based model, rather than as an ownership model. Other subscription database products are excluded from this bid. Are subscription-based ebooks included here, or no? | Non-subscription based eBooks are allowed under the Contract; however, subscription based eBooks are not. IFB 22868 (Revised December 12, 2014), Section 2.1, Scope, has been revised accordingly providing additional clarity. |
| 130 | General | General | Please consider extending the closing date for inquiries an extra week or two. Or perhaps set a separate, extended deadline for contract exceptions. We can provide questions unrelated to contract terms by Nov. 3, which is five business days after the IFB was posted. However, our corporate legal department is less able to review all contract terms that quickly, which is likely also the case for other bidders. Thank you for considering this matter. | Pursuant to Bid Solicitation Update #1, dated October 30, 2014, The closing date for inquiries was pushed back two additional business days to November 5, 2014. With the existing contracts under current Award 21274 expiring December 31, 2014, OGS is under a significant time constraint to issue replacement contracts and is unable to push the closing date for inquiries back any further. |
| 131 | New York State Tax Law §5-a | 5.38 | I’m looking at the submittal instructions for Bid #22868, and cannot locate the Form ST-220-CA, Contractor Certification which needs to be notarized. Can you email that to me or let me know where to find it on the website? Also, we are a publisher, so would we need to complete and have this form notarized? | <p>Pursuant to IFB 22868 (Revised December 12, 2014), Section 3.7.2.f, a “Completed Form ST-220-CA, Contractor Certification notarized with original ink signatures” is required.</p> <p>Pursuant to IFB 22868 (Revised December 12, 2014), Section 5.38, New York State Tax Law §5-a, “Form ST-220-CA must be submitted to OGS. This form provides the required certification that the Contractor filed the ST-220-TD with DTF. This form can be found at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf</p> |