



# Bid Solicitation Update #2

## Subject: Responses to Bidder Inquiries Revisions to Solicitation Documents New Bid Opening Date Business Automobile Liability Insurance Attestation

DATE: October 20, 2016

IFB/RFP: 23044 BID OPENING DATE | TIME: November 1, 2016 | 11:00 AM

GROUP | TITLE: Group 20020 – Serials and Database Access (Statewide)

### OGS DESIGNATED CONTACTS:

Shrilata Nath	CMS 1	518-474-3034	shrilata.nath@ogs.ny.gov
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Jamie Nusbaum	Assistant Director	518-474-5340	edward.nusbaum@ogs.ny.gov

The Office of General Services (OGS) has given careful consideration to the inquiries received in regards to the Serials and Database Access (Statewide) Solicitation # 23044 during the Inquiry Period that ended on October 4, 2016.

Answers to the inquiries can be obtained at the Procurement Services Bid Calendar <http://nyspro.ogs.ny.gov/content/finding-bid-opportunities>. All inquiries are verbatim as received by OGS with the exception of bidder names, which have been redacted.

In addition to publishing responses to the inquiries, OGS has made revisions to the Solicitation documents, which are being released along with the responses to the inquiries. A summary of the revisions is set forth below. The summary of revisions is provided as a convenience. Bids submitted will be evaluated based on the revised Solicitation documents.

The new bid opening date is November 1, 2016 at 11:00 AM.

### REVISIONS TO SOLICITATION (REVISED OCTOBER 20, 2016)

1. The top of Page 1 has been revised to reflect Solicitation revision date.
2. The bid opening date has been changed to November 1, 2016 throughout the document where referenced, including Page 1.
3. Section 1.3, *Key Events/Dates*, has been revised to reflect the release of OGS responses to inquiries and the new bid opening date.
4. Section 1.7, *Definitions*, has been revised to add the definitions of Continuing Directory, and Licensing Agreement; remove the word "general" from the definition of Electronic Publication; and refine the definition of Optional Products and Services by adding clarifying language.
5. Section 2.1.2, *Lot 2 - Database Access*, has been revised to add Database Files and Optional Products and Services as Products within scope.
6. Section 2.3.1, *Qualification of Bidder – Lot 1 Serials*, and 2.3.2, *Qualification of Bidder – Lot 2 Serials*, have been revised to state that in lieu of a summary of sales to National Public Entities, a Bidder may provide sales reports for an OGS contract it has held.

7. Section 3.2, *Bid Deviations*, has been revised to require that Bidders submitting bid deviations with their Bid shall specify the specific clause or terms at issue and the requested change. Submission of preprinted terms and conditions, forms, or other similar documents without such explanation shall not be considered. Additional language has also been added to clarify that submission of bid deviations may result in delay of contract award.
8. Section 3.6, *Bid Submittal Instructions*, has been revised to reflect the most current versions of all Solicitation documents and the inclusion of sales reports for an OGS Contract as acceptable for demonstrating a minimum sales volume in accordance with Section 2.3, *Qualification of Bidder*.
9. Section 4.1.2.5, *Optional Products and Services*, has been added. At least one Lot 2 Database type has to be bid in order to bid Optional Products and Services under Lot 2.
10. Section 5.8.7.1, *Authorized User Access for Electronic Publications*, has been revised to add clarification: 3b. It shall be the obligation of the Authorized User to review and comply with the terms and conditions of the License Agreement if one is required by the publisher to use the Electronic Publication or electronic content to the extent that they do not conflict with the terms of Appendix A, Appendix B, this Solicitation or any resultant Contract; 3c. Permitted License Transfers: As Authorized User's business operations may be altered, expanded or diminished, Electronic Publication licenses may be transferred or combined for use at an alternative or consolidated site not originally specified in the license, including transfers between Authorized Users and/or their End Users ("permitted license transfers"). Contractor shall have the discretion to issue new login credentials when a license transfer takes place.
11. Section 5.8.7.3, *Authorized User Performance Obligations*, has been revised to add clarification that Authorized Users and/or End Users may make use of all Electronic Publications provided the use is consistent with the Fair Use Provisions of United States and international copyright laws and the Bidder's/Contractor's terms and conditions for use of its online services, provided that they do not conflict with the terms of Appendix A, this Solicitation or any resultant Contract, or Appendix B.
12. Section 5.14, *Procurement Instructions to Authorized Users*, has been revised, adding an additional Paragraph 7 and deleting the Note. The revised language states that the "Contractor must disclose any forms, "click through", "shrink wrap" or other pass-through or licensing/subscription terms and conditions or other order information that Contractor will attach to orders or require to be completed with Authorized User purchases. Documents which contain additional terms or conditions, such as library maintenance agreements or Licensing Agreements must receive pre-approval by the Authorized User prior to ordering Products and services. Any additional licensing terms agreed to by the Authorized User shall not conflict with Appendix A, this Solicitation, any resultant Contract, or Appendix B. Any such conflicting terms shall be void and unenforceable."
13. Section 5.20.2, *Software*, has been removed and the subsequent section renumbered.
14. Sections 5.23, *Backordering*; 5.24, *Packing Slips*; 5.25 *Labeling*; 5.26, *Substitutions*; 5.27, *Product Returns Because of Quality Problems*; and 5.28, *Product returns Due to Authorized User Error*, have been removed. As a result subsequent sections have been renumbered.
15. Section 5.51, *License Agreements*, has been revised to require that the Authorized User ask the Contractor if licensing terms and conditions are present; and additional language has been added stating "Any additional licensing terms agreed to by the Authorized User shall not conflict with Appendix A, this Solicitation, any resultant Contract, or Appendix B. Any such conflicting terms shall be void and unenforceable."

### **ATTACHMENT 1 – PRICELIST (REVISED OCTOBER 20, 2016)**

1. The top of each worksheet has been revised to reflect the Attachment revision date.
2. The worksheet titled "Instructions-Lot 2" was revised to add information regarding Optional Products and Services and to allow for Bidders to segment the Attachment 1 – Pricelist for Lot 2 by Product or service type as necessary (i.e. by using highlighting/shading, italics, bold and/or color fonts).
3. The worksheet titled "Pricelist-Lot 2" was revised to additional clarifying directions language in Row 4 under Columns B, C, and V.

**BUSINESS AUTOMOBILE LIABILITY INSURANCE ATTESTATION**

In the event that your company does not currently possess all Business Automobile Liability Insurance as required by Attachment 4, Section B.2. of the Solicitation, your firm will be required to complete the Business Automobile Liability Insurance Attestation form. The Business Automobile Liability Insurance Attestation form is now available with the other Solicitation documents posted to the Procurement Services Bid Calendar: <http://nyspro.ogs.ny.gov/content/finding-bid-opportunities>

If using this form, please return a signed, original hard copy of the attestation with your bid in accordance with Solicitation Section 3.6.2, Bid Submittal Instructions.

All other terms and conditions of the Solicitation remain unchanged. All Bids shall be considered on the basis of this amendment.

If submitting a bid, this letter should be signed, attached hereto, and made a part of your Bid.

BID OF (COMPANY): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

SIGNATURE OF BIDDER: \_\_\_\_\_

PRINTED COPY OF SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_



# Bid Solicitation Update #1

**Subject: Postponement of Responses to Bidder Inquiries and Bid Opening Date**

**DATE:** October 3, 2016

**Solicitation:** 23044      **BID OPENING DATE | TIME:** TBD      | 11:00 AM

**GROUP | TITLE:** Group 20020 – Serials and Database Access (Statewide)

**OGS DESIGNATED CONTACTS:**

Shrilata Nath	CMS 1	518-474-3034	shrilata.nath@ogs.ny.gov
Terri Allen	CMS 3	518-474-7795	terri.allen@ogs.ny.gov
Jamie Nusbaum	Procurement Manager 1	518-474-5340	edward.nusbaum@ogs.ny.gov

The Office of General Services (OGS) is giving careful consideration to the inquiries received in regards to the Serials and Database Access (Statewide) Solicitation #23044 during the Inquiry Period that ended on September 13, 2016. OGS expects to release responses to the inquiries in the near future. In addition to publishing responses to the inquiries, OGS anticipates making revisions to the Solicitation document and some of the accompanying attachments, which will be released along with the responses to the inquiries. Bidders are advised not to submit bids until receipt of the responses to inquiries, and revised solicitation documents. Bids will be evaluated based on the basis of the revised solicitation documents.

The Bid Opening Date has been postponed from October 13, 2016 – 11:00 AM ET to allow sufficient time for Bidders to consider the responses to the inquiries, and the solicitation document revisions. The new date will be announced later.

You must register with the New York State Contract Reporter (NYSCR) in order to receive notifications about this IFB. In order to receive e-mail notifications regarding updates to the content or status of a particular ad, you must choose the option “send me notification updates on this,” located in the lower right hand corner of the particular ad. If you do not opt-in to receive notification updates regarding a particular ad, you will not receive e-mail notifications regarding updates, including e-mail notifications regarding the posting of the responses to inquiries document and updates to IFB documents.

Submission of responses to the IFB that do not account for updated information may result in your bid/offer being deemed non-responsive.

If submitting a bid, this letter should be signed, attached to, and made a part of your bid.

BID OF (COMPANY): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

SIGNATURE OF BIDDER: \_\_\_\_\_

PRINTED COPY OF SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_