

Fuel Oil, Heating (Grades #2, #4, #6, Kerosene and Biodiesel)
 Group 05500 IFB 23091, BOD-**January 30, 2018**
RESPONSE TO INQUIRIES

| # | Document | Document Section | Questions | Answers |
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| 1 | IFB Main Document | Bidder Qualifications | Bidder must maintain service facilities and have trained personnel qualified to service the product furnished at the using agency within 48 hours? (page 17 of 55) What exactly are you requesting from a fuel supplier with this statement? | This requirement is to ensure Bidder's operation is capable to provide any requested services (ex. product testing, tank inspection, topping off tanks for testing, etc) for delivered product, within the specified 48 hours. |
| 2 | IFB Main Document | 4.3 format and content submission | Are we required to send both a CD/Flash and paper version? | Yes - for additional details, refer to section 4.3 Format and Content of Bid Submission |
| 3 | IFB Main Document | 4.15 Incorporation | A final contract will be formalized either through a separate contract document or through a contract award letter incorporating the bid, each having its own provision governing conflicts of terms. If this will incorporate anything that is not in the bid, please provide a copy before bid opening for our legal team to review | It is the State's intent to formalize the agreement through a signed contract that incorporates clauses and terms from the solicitation and will not incorporate any requirements not in the solicitation. |
| 4 | IFB Main Document | Contract Term and Extension | Just want to confirm that contractor have the right not to accept the 3 year contract extension. | That is correct, it is by mutual agreement. |
| 5 | IFB Main Document | 6.3 Price | The paragraph on page 24 (4th from top) that starts with situations where authorized user wants to place an order for an usually large column of fuel (e.g. 40,000 gallons or more than a truck load, or delivery over a period of time) Contractor has to contact OGS. This does not make any sense. Why not just make pricing effective date of delivery. This will hold billing and create unnecessary problems. All pricing should be effective Date of Delivery. This will eliminate all issues with pricing discrepancies. Please advise | OGS declines to make this modification. |
| 6 | IFB Main Document | 6.5 Price Adjustments/Revision | Please confirm that we are using the OPIS (formerly known JOC) | Yes |
| 7 | IFB Main Document | 6.5 Price Adjustments/Revision | Please confirm that we are using the OPIS LOW on Thursdays | Yes, in accordance with section 6.5 Price Adjustments/Revisions. |
| 8 | IFB Main Document | 6.5 Price Adjustments/Revision | Please confirm that this will be a WEEKLY price change on Thursday. Thursday price will become effective the following day Friday through the following Thursday of the following week. | Yes |

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| 9 | IFB Main Document | 6.12 Product delivery | 1st paragraph under Product delivery states that if the state declares emergencies, fuel must be delivered in 8 to 12 hours. If there is an emergency due to weather or any other issue, our hauler will only be able to make deliveries if it is safe to do so. Please advise | OGS understands there may be factors that arise which may affect delivery times, however it is incumbent upon the Contractor to be prepared to deliver in accordance with the terms and conditions of the Agreement. |
| 10 | IFB Main Document | 7.12 Winter blend | Please confirm that winter additives are acceptable. We do not winterize with Kerosene | Winter additives are acceptable in accordance with section 7.12 - Winter blend requirements. |
| 11 | Appendix B | General Specifications | Item #47 Prompt Payments page 10 - Please advise if payments are made by check, ACH, EFT to contractors | For payments through the Office of the State Comptroller, once a New York State Vendor ID has been established, the preference of either check or electronic payment is up to the vendor. Please refer to the link within section 6.11 Invoicing and Payment. For payments from Non-State Agencies, payment method may vary by Authorized User. |
| 12 | Attachment 9 | | Delivery schedule - State Agencies - Are volumes listed annual volumes or contract volumes? | Yes, annual volumes are listed. |
| 13 | Attachment 10 | | Delivery schedule - Non State Agencies - Are volumes listed annual volumes or contract volumes? | Yes, annual volumes are listed. |
| 14 | IFB Main Document | 1.4 Key Events/Dates | We would like to request a due date extension for the submission of questions as a result of the extreme weather conditions in the Northeast, which have demanded all attention. | At this time the question period is closed. However, Bidders may continue to submit questions, in accordance with section 1.6, OGS will consider and may or may not answer. |

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| 15 | IFB Main Document | 6.1 | Per Section 6.10 "Minimum Order", a minimum delivery for MT deliveries shall be 5,500 gallons, yet in Attachments #9 & #10 (Delivery Schedule) there are MT delivery types for less than 5,500 gallons. Can the state confirm that a responsible bidder will not have to account for any deliveries less than 5,500 gallons if bidding only on MT delivery types? | It is the intent that the contractor will not have to deliver less than 5,500 gallons for a motor transport delivery, unless as section 6.10 states, there are multiple delivery sites at a single location that total more than 5,500 gallons. It is expected that if there is an order outside of these parameters, the Vendor will contact the ordering customer to verify accuracy. The delivery schedules have been reviewed and a number of corrections have been made changing from MT to TW addressing most of these instances where the delivery schedules showed an annual amount of less than 5,500 gallons. Please see the most current versions of the delivery schedules (Attachments 9 and 10). |
| 16 | IFB Main Document | 6.3 | If additional savings can be realized, would the state accept bids using alternative indicies? Example: Platts or Argus indicies. | No, Procurement Services will not accept bids based on alternative indices. |
| 17 | IFB Main Document | 6.23.IV | How will the state calculate MWBE participation in the contract? Total invoiced sales or volume? | MWBE participation will be calculated based on sales. |
| 18 | IFB Main Document | 6.17 | Will the state confirm that it will not be purchasing blended fuel with Renewable Identification Number (RIN) credits? | The State confirms that it will not be purchasing blended fuel with Renewable Energy Credits (attached to the blended fuel). Bidder's should bid accordingly. |
| 19 | IFB Main Document | 6.17 | If the state will not be accepting RINs, Bidder believes that the pricing structure for fuels blended with biodiesel used by the State of New York doesn't accurately capture the correct price of blended product. The current price structure doesn't accurately capture (RIN) value associated with biodiesel. If the state will not be purchasing fuel with RINs then the value of the RIN associated with each gallon of fuel must be deducted from the price. We would like the opportunity to discuss this further with the State of New York. | See response to question 18 above. The State declines to discuss this further. |
| 20 | IFB Main Document | 6.9 | How will purchase orders be relayed to awarded vendors? | Authorized User will transmit purchase orders to the Contractor in various ways the Contractor is capable of taking orders, including mail, email, fax, phone/dispatcher, etc. |

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| 21 | IFB Main Document | 6.2 | Does eMarketplace currently offer fuel as an item to be purchased? | No, not at this time. |
| 22 | IFB Main Document | 6.3 | Will the state accept bids containing pricing on higher biodiesel blends? We intend to submit a utilization/optimization plan along with our bid to illustrate how & when to increase/decrease blend rate with seasonality changes. | At this time we are only accepting bids for the types of fuels that have been filed on the delivery schedules. However, please refer to section 6.4.3 which states that there may be a need for different blends in the future. |
| 23 | IFB Main Document | 6.3 | Please clarify "will call orders to be priced on order date" versus pricing structure under current NYS Fuel Oil Contract. | The Prompt Will-Call orders (those not specifying or scheduling a delivery date beyond the required delivery timeframe stated in section 6.3) are to be billed using the price in effect on the date of order. |
| 24 | Attachment 8 - Report of Contract Usage | | Will you please provide the delivery schedules in excel format in order for us to get the Delivery ID # into our system for reporting purposes? | Yes, Delivery Schedules can be provided in Excel to Awarded contractors upon request. In addition, Delivery ID locations will be added to the Report of Contract Usage (Sales Report) form. |
| 25 | IFB Main Document | 6.22 Report of Contract Usage | Will OGS extend their report deadline from January 15th and July 15th to February 1st and August 1st? This will allow vendors more time to work on reporting after their month/quarter closes, especially when changes to the report are made. | OGS Procurement Services declines to make the change. However, Contractors should contact OGS to discuss on a case-by-case basis if Contractor would like to request additional time. |
| 26 | IFB Main Document | 6.5 Price Adjustments/Revision | It is very common that customers over order fuel. If a customer orders 5,500 gallons but receive under that amount but you are not the vendor for the TW deliveries, how do you price them? Freight is the difference in pricing between TW and MT deliveries. If you have to charge them the MT price even though it is now technically a TW delivery | It is the expectation that Motor Transport orders received are at least 5,500 gallons. It is incumbent upon the Contract parties to attempt to educate contract users of this. Please refer to section 6.12 which has been modified to include these types of instances and contractor process for remedies. |
| 27 | IFB Main Document | 6.5 Price Adjustments/Revision | Can you confirm pricing is Friday to Thursday effective dates? Can these be changed to have a Monday to Sunday pricing period? | OGS Procurement Services confirms that the pricing period is in effect from Friday to Thursday. OGS Procurement Services declines to make the change. |

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| 28 | IFB Main Document | 6.5 Price Adjustments/Revision | How do you price a customer if they order on Thursday before the JOC is published at noon? | For Prompt Will-Call, the customer is to be charged the price that is in effect on Thursday for the product they are ordering. For Authorized Users requesting to start Automatic Delivery services, they are charged the price that is in effect on the date of delivery, although the price is not available until after the JOC is published. |
| 29 | IFB Main Document | 6.4 OPIS Posting Locations | How did you determine the postings for the counties especially counties that are equal distance between two posting cities? | The counties postings are based on what the State believes to be the postings most reflective of the market conditions for those areas. |
| 30 | IFB Main Document | 6.9 Ordering | Could you please provide a list of emails and faxes for authorized users to provide the confirmation of orders? | All contact information available to OGS Procurement Services can be located in the IFB Delivery Schedules. There may be instances when Vendors may need to reach out to customers on Delivery Schedules in order to get better contact information. Such information should be provided to OGS in order to update our information. |
| 31 | IFB Main Document | 6.13 Method of Delivery | Can you please clarify what your requirement is for the two sentences of MT? Are you asking for the BOL loading into the truck and a meter ticket out of the truck? | For deliveries utilizing vehicles without meters, such as most Motor Transports (MT), the information on the fuel loaded into the truck shall be provided (BOL). Contractor should refer to section 6.3 Price for invoicing tolerances of delivered product. It is expected that the driver will gauge the volume, by sticking the tank, for a comparison to the Bill of Lading. It is recommended that an Authorized User's representative is available at delivery. |

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| 32 | IFB Main Document | 6.10 and 6.14 | Section 6.14 states we don't have put tanks under 375 on automatic delivery and section 6.10 says we do not have to accept orders of under 150 gallons, therefore we don't have to deliver into small tanks. Can you confirm this? | Tanks smaller than 375 gallons are eligible for automatic deliveries at the Contractor's discretion. Prompt Will-Call Orders for tanks below 375 gallon capacity, not on Automatic Delivery, must be serviced for orders over 150 gallons. However, minimum order and tank size do not relieve the Contractor's obligation to deliver smaller amounts for tank top-offs for testing. |
| 33 | IFB Main Document | 6.10 and 6.14 | There seems to be a lot of tiered pricing and requirements based on tank sizes and delivery sizes, with special pricing and or treatment based on several factors, including ordered amount, actual quantity delivered and size of the tank. Does it make more sense to have 3 pricing formulas i.e. retail deliveries (deliveries under 1,000 gallons) regular TW deliveries (1,000 to 5500 gallons) and them MT deliveries then trying to apply multiple tier multi conditional pricing formula that no system is designed to invoice? | OGS Procurement Services declines to make the change. |
| 34 | IFB Main Document | 3.23 - IV Contract Goals | We understand the importance of working with small disadvantaged businesses, we currently work with one under our NYS contract now, however, what portion of the contract do you suggest a vendor subcontracts, other than trucking, if we own our product, in order to meet these goals? Meeting the MWBE goals referenced seems difficult when you do not need to buy product. If we were to buy product that would increase the cost passed along to NYS. | Please refer to the MWBE Guidelines for documenting ability to meet the goals and demonstrating due diligence as defined. If you have any questions, contact the designated MWBE contact. |
| 35 | Attachment 5 - Bidder Information Questionnaire | 2d | What is a reasonable distance? Is 100 miles a reasonable distance? | A Bidders proximity to its supplier shall be considered within a reasonable distance if the distance between the two locations does not hinder the provision of fuel from the supplier to the bidder in a timely manner. |

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| 36 | Attachment 5 - Bidder Information Questionnaire | 2c | What capacity is sufficient so your interests are protected? | OGS Procurement Services is not looking for a specific amount. Bidders are expected to review the delivery schedules for the Items on which they are bidding and make the decision on whether or not they are able to have enough fuel readily available to meet the requirements of the Items and be able to demonstrate that to the State. |
| 37 | IFB Main Document | page 14 | Does the use of B99 or B99.9 complying with ASTM 6751 standards satisfy this definition. | If the fuel B99 and B99.9 meet the ASTM D6751 standards, then the fuel satisfies the definition. |
| 38 | IFB Main Document | 1.3 | States estimated gallons is 6,843,623. Attachment 1 describes the gallons as 42 million. Please clarify expected volumes. Does this mean the state has the potential for 36 million gallons of interruptible supply. | Sales reported for all products during the 2016 calendar year is 26,843,623 gallons. The gallons reported in Attachment 1 are self reported estimations by the Contract Users on the Delivery Schedules. Please see revised IFB. |
| 39 | IFB Main Document | 6.1 | Is this a 2-year contract with extensions of up to an additional 3 years? Please clarify. | Yes. |
| 40 | IFB Main Document | 6.3 | What is the upper limit of an order that would be required to be delivered within 24 hours. | There is not an upper limit, however please refer to the instruction given regarding "unusually large orders" given in section 6.3 Price. |
| 41 | IFB Main Document | 6.3 | For orders of 40,000 gallons +, does the contract allow the vendor to spread the deliveries out over a period exceeding the 24 hours sent for the in the IFB. | No, not without engaging OGS and the Authorized user for unusually large orders. Refer to section 6.3 Price. The contractor is advised to contact OGS so that all parties can determine the best course of action to complete the delivery. |
| 42 | IFB Main Document | 6.4 | OPIS has recently begun posting a B5 price for NYC. What is OGS not using this for downstate counties especially since LI counties will have a B5 mandate beginning in July 2018. | OGS has determined that this method/location is in the best interest of the State. Please bid accordingly. |
| 43 | IFB Main Document | 6.4 | Why is NYC counties, Westchester, Nassau and Suffolk product using LI pricing when all the product is purchased and shipped from NY Harbor. | OGS has determined that this method/location is in the best interest of the State. Please bid accordingly. |

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| 44 | IFB Main Document | 6.12 | 24 hour guaranty unreasonable during interruptible events. Please consider language suspending delivery time requirements during period of interruption. | OGS understands there may be factors that arise which may affect delivery times and will work with the Contractor to make a reasonable determination on whether or not delivery over 24 hours is acceptable, if OGS is engaged promptly. However, it is incumbent upon the Contractor to be prepared to deliver in accordance with the terms and conditions of the Agreement. |
| 45 | IFB Main Document | 6.12 | It appears that the customer can refuse additional delivery costs in the event they do not accept a delivery. Please clarify. | After proper notification prior to subsequent delivery to, and agreement by an Authorized User, Authorized User cannot refuse additional delivery costs. |
| 46 | IFB Main Document | 6.13 | In MT section: please clarify whether OGS is referring to filling multiple tanks from a single fill line or whether OGS is referring to multiple fuel tanks serving multiple buildings frokm multiple fill lines under a sngle addrees or facility campus | OGS is referring to multiple fuel tanks serving multiple buildings or Delivery IDs under a single address or facility campus regardless of the number of fill lines. |
| 47 | IFB Main Document | 6.14 | 4 hour delivery window if tanks get below a certain level is difficult when vendor may not have any usage history or burn rates for a given location. Please consider increasing the window | Tank levels set forth in section 6.14 apply to locations on automatic delivery. In order for a Contractor to agree to the request of automatic delivery, Authorized Users must provide available history, burn rates, and other usage factors needed for proper estimation of deliveries. |
| 48 | IFB Main Document | 6.25 | Please clarify the recycled or used or waste oil is prohibited from use in heating oil | Section 6.25 Use of Recycled or Remanufactured Materials does not apply to the grades of Fuel Oil in this Solicitation. Please see Section 1.2 Scope: "There shall be no blending of other than pure distillates or unused residual fuel oils for product via this contract" |