

Group 71011 - Security Guard Services (Statewide) and Fire Safety/EAP Directors (Region 1 - NYC only)
Solicitation 23106
OGS Response to Bidder Questions
May 04, 2018

Question #	Solicitation Document Name	Document Section (Number & Name)	Question	OGS Response
GENERAL				
1	General	General	Why is the state considering a low bid OGS contract for security guard services when that is likely to result in underqualified security officers, reduced management oversight and diminished quality of service for state agencies that purchase security officer services under the OGS contract? As a leader in the security industry with more than 40 years of experience providing security officer service in New York State, [Vendor] is aware of the difficulties of recruiting qualified security personnel at the lowest wage rates and the long term problems that can result from low bid services and the resulting risks to customers.	Security Guard companies will be selected on the basis of best value by the Authorized Users using the Request for Quote process. OGS disagrees with the premise of the question.
2	General	General	The current OGS contract is set to expire on July 23, 2018; however, there does not appear to be a sufficient amount of time for this bid process as well as individual Agencies' RFQ processes to select vendors going forward. As a result, will OGS be extending the current contract for a period beyond July 23, 2018?	OGS plans to extend the current contracts for up to six (6) months.
3	General	General	Will all Authorized Users be required to submit an RFQ for all of their current contracted security services, or will there be a mechanism in place to maintain their current program (vendor, rate) for a period of time?	Authorized Users will independently determine a need for Security Guard and Fire Safety/EAP Director Services when any current agreements they have in place expire. If you have questions in regards to current Security Guard Award with OGS, please contact the assigned OGS Contract Manager for that Award as listed on the OGS website at https://www.ogs.ny.gov/purchase/snt/awardnotes/7101122436can.HTM.
4	General	General	Can you please provide a list of sites currently utilizing the NY State OGS contract along with the hours per week contracted?	Since OGS does not collect this information, it declines this request.
5	General	General	Please share the current incumbents servicing sites utilizing the NY State OGS contract?	The current OGS contract holders for Security Guard Services & Fire Safety Directors (Award 22436) are located on the New York State OGS Procurement Services website or by accessing the following link: https://ogs.ny.gov/purchase/snt/awardnotes/7101122436can.HTM
6	General	General	Being that I am the supplying the workers with the proper certificates for the jobs needed, would that classify me as the Prime or the Sub?	A Prime Contractor is an entity who holds a contract with OGS.
7	General	General	Where can I access the BID documents?	Bid documents can be located on the New York State Office of General Services website (https://www.ogs.ny.gov/purchase/biddocument/23106bid.asp). Bidders must register with the New York State Contract Reporter ("NYSCR") at https://www.nyscr.ny.gov to receive notifications about this Solicitation. Navigate to the "I want to find contracts to bid on" page to register for your free account. In order to receive e-mail notifications regarding updates to the content or status of a specific ad, you must "bookmark the ad" on the upper right-hand side of the ad, then return to your account, view your list of bookmarked ads, and then select "send me notification updates on this," option listed to the right of the ad.

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8	General	General	Will OGS consider pulling the current solicitation and return to its previous way of doing security and fire safety director contracting through an RFP process?	OGS declines this request. OGS has determined that the current method for procurement ensures quality security guard companies and guards will be selected for work at state facilities, that this model encourages competition across all parts of the NYS economy, and that it allows Authorized Users to include additional best value criteria in their secondary solution to ensure that contracts meet the quality standards required at specific facilities.
9	General	General	Can OGS provide information about the costs for individual agency locations under the current contract?	OGS does not collect this information. OGS declines this request.
10	General	General	Can a bid be submitted through a joint venture?	Yes, however, if the joint venture is not a separate legal entity, one of the joint venture partners must be the primary contractor to be awarded the contract.
11	General	General	What has been the historic payment history by the agencies to the contractors?	OGS does not collect this information. OGS declines this request.
12	General	General	Can you tell us who the companies are that are bidding as prime contractors so we can talk about subcontracting opportunities?	OGS does not have this information at this time. OGS has previously shared the list of vendors who attended the Pre-Bid Conference on April 19, 2018 with all attendees. The Pre-Bid Conference Sign-in Sheets will also be posted to the OGS website with the Bid Solicitation documents.
13	General	General	Are Authorized Users required to use this contract and issue an RFQ?	State agencies are required to use the contract where it meets their form, function, and utility as defined in Section 163 of New York State Finance Law. Non-state agencies are not required to use the contract.
14	General	General	Will NYC Agencies be required to use this contract and issue RFQs?	Non-state agencies are not required to use the contract.
SOLICITATION				
15	Solicitation Document	Section 1, <i>Introduction</i>	Is there a limit on the number of contractors to be qualified in each region by OGS?	No, per Solicitation Section 1, <i>Introduction</i> : OGS will award Centralized Contracts to all responsive and responsible Bidders who meet qualifications as detailed in Section 2, <i>Bidder Qualifications</i> and price reasonableness requirements as detailed in Section 4.3, <i>Reasonableness of Price</i> .
16	Solicitation Document	Section 1, <i>Introduction</i>	Do agencies have to send their RFQs to all contractors or can they choose?	Yes, per Solicitation Section 1, <i>Introduction</i> : Authorized Users will provide RFQs to all Contractors awarded OGS Contracts in the region for the services requested. There is an exception as stated in Solicitation Section 3.13 (4), <i>Authorized Users Reserved Rights</i> .
17	Solicitation Document	Section 1.1, <i>Scope and Overview</i>	If statutory increases e.g. payroll taxes and insurance occur during the life of the contract can we pass-through the cost to contracted user?	No, your Maximum Not-to-Exceed Hourly Bill Rates must contain a sufficient markup that includes all possible costs for the life of the Contract in accordance with Section 1.1, <i>Scope and Overview</i> , of the Solicitation.

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18	Solicitation Document	Section 1.1, <i>Scope and Overview</i>	Is OGS interested in technology as an enhancement to traditional guarding services?	OGS declines this request.
19	Solicitation Document	Section 1.1, <i>Scope and Overview</i>	The solicitation speaks to Agencies' ability to utilize a Purchasing card to procure and settle the purchase of security services – please clarify whether P-cards more closely resemble a credit card payment transaction (in which the contractor must utilize a terminal to process the payment transaction, incurring interchange fees, etc.) or an ACH transaction (payments are transmitted electronically to the contract's bank account, incurring minimal fees).	Per Appendix B, Section 15., <i>Purchasing Card</i> : The Purchasing Card (also referred to as the Procurement Card) is a credit card that enables Authorized Users to make authorized purchases directly from a Contractor without processing formal Purchase Orders.
20	Solicitation Document	Section 2, <i>Bidder Qualifications</i>	What minimums requirements are necessary to demonstrate the bidder's experience and ability to perform jobs within each region?	Please refer to Section 2, <i>Bidder Qualifications</i> , of the Solicitation which states the qualifications and experience a Bidder is required to have to be considered for an Award.
21	Solicitation Document	Section 2.1.1, <i>Evidence of Acceptable Previous Sales</i>	In order for contractors to select regions for solicitation, must they demonstrate prior sales in the county(ies) listed?	No, Bidders do not have to demonstrate prior sales in the county(ies) listed within a Region.
22	Solicitation Document	Section 2.1.2, <i>Continuous Operation</i>	In yesterday's presentation deck, slide #15 speaks to bidders providing Dun & Bradstreet Business Information Report to support continuous operation for at least three years prior to May 15th, 2018. If our company does not subscribe or provide financial data to D&B, what other report(s) are suggested to satisfy this requirement and will the information provided therein remain confidential and not subject to FOIA?	Per Section 2.1.1, <i>Continuous Operation</i> : If this is not proven through the submission of a Dun & Bradstreet Business Information Report, then Bidder must provide alternative evidence that it meets this requirement. Per Appendix B, Section 6, <i>Confidential/Trade Secret Materials</i> : Confidential, trade secret or proprietary materials as defined by the laws of the State of New York must be clearly marked and identified as such upon submission by the Bidder/Contractor.
23	Solicitation Document	Section 3.6, <i>Incorporation</i>	We note the signing requirements in Section 3.6 on page 14. The officers of our company are not local to New York and travel frequently. May the proposal be signed by a local representative, provided a Secretary's Certificate executed by the company Secretary which confirms the signing authority of the signer is also submitted with the bid?	The signature must be a person who is authorized by the company to legally bind the Bidder.
24	Solicitation Document	Section 3.9, <i>Format and Content of Bid Submittal</i>	Do we need to have our insurance adjusted to the listed policy requirements before the BID selection? If Yes, What happens if not selected? (Financially We'd have to pay for that adjustment).	Per Solicitation Section 3.9, <i>Format and Content of Bid Submittal</i> : All necessary proof of insurance as outlined are required when submitting your Bid.
25	Solicitation Document	Section 3.9, <i>Format and Content of Bid Submittal</i>	"Proof of Workers' Compensation and Disability Benefits Insurance shall be provided at the time of Bid submission". Do we also submit "proof of all other insurance in accordance with Section B" with the bid or after contract award?	Per Solicitation Section 3.9, <i>Format and Content of Bid Submittal</i> : All necessary proof of insurance as outlined are required when submitting your Bid.

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26	Solicitation Document	Section 3.9, Item 3f, Form MWBE 100	If bidder is an MBE, is it required to subcontract to other MWBE companies?	Yes, an MBE Bidder must still meet the WBE requirement, and vice versa. A dual-certified MWBE's participation in a State contract may be counted towards either a MBE goal or a WBE goal, but may not be counted towards both and the designation chosen (either MBE or WBE) must remain for the life of the contract.
27	Solicitation Document	Section 4.1, <i>Method of Award</i>	If a bidder submits a maximum not-to-exceed bill rate that is clearly insufficient to meet "prevailing wage and supplemental benefits" increases over the length of contract "potentially" nine (9) years of prevailing wage and supplemental benefit increases, will this be considered to be non-responsive and subsequently disqualify the bidder from potential award?	Yes, Bidders must bid a Maximum Not-to-Exceed Straight Time Bill Rate that is 25.01% or greater than the prevailing wage rate plus supplemental benefit rate for a given title. If a Bidder fails to bid a markup greater than 25.01% or greater it will be disqualified for that title and Region (Solicitation Section 1.1, <i>Scope and Overview</i>). OGS encourages Bidders to bid a high enough Maximum-Not-to-Exceed Bill Rates to ensure that prices provided can be sustained for the life of the contract.
28	General	Section 5.4, <i>Procurement Instructions</i>	During the RFQ process, will the Authorized Users be required to submit the RFQ to all awarded/accepted vendors for their particular region?	Yes, per Solicitation Section 1, <i>Introduction</i> : Authorized Users will provide RFQs to all Contractors awarded OGS Contracts in the region for the services requested. There is an exception as stated in Solicitation Section 3.13 (4), <i>Authorized Users Reserved Rights</i> .
29	General	Section 5.4, <i>Procurement Instructions</i>	If outside agencies (in New York State) wish to purchase security services off of this contract, are they required to submit an RFQ to all of the awarded/accepted vendors in their particular region?	Yes, all Authorized Users who request services off of this Contract must do so in accordance with the requirements set forth.
30	Solicitation Document	Section 5.4, <i>Procurement Instructions</i> and Attachment 10 - <i>Request for Quote Form</i>	How are Authorized Users expected to use the new contract?	Please refer to Solicitation Section 5.4, <i>Procurement Instructions</i> and Attachment 10 - <i>Request for Quote Form (Revised May 4, 2018)</i> Section 1.2, Authorized User Instructions for detailed instructions on how Authorized Users will use this Contract.
31	Solicitation Document	Section 5.5, <i>Rates</i>	When the maximum not to exceed number is adjusted by OGS to reflect the change in prevailing wage, how does that affect our request for an increase?	Contractors will not be submitting a request for a price increase to OGS. OGS and Authorized Users will adjust rates in accordance with Solicitation Section 5.6, <i>Price Adjustments</i> .
32	Solicitation Document	Section 5.5, <i>Rates</i>	Are we only able to ask for the difference in prevailing wage, keep current margins or as long as we do not exceed our maximum number?	See response to Question #31. In accordance with Solicitation Section 5.6, <i>Price Adjustments</i> , rates will be adjusted only by the percentage change in the Prevailing Wage Rates.
33	Solicitation Document	Section 5.5, <i>Rates</i>	If the prevailing wage goes down are changes made to the do not exceed number? If so, how?	Yes, per Solicitation Section 5.6, <i>Price Adjustments</i> : Whenever an updated Prevailing Wage Rate and Supplemental Benefit is published by NYS DOL or the NYC Comptroller and becomes effective, OGS shall update all Contractors' Maximum Not-to-Exceed Hourly Straight time and Overtime Bill Rates to reflect the total percentage change of the Prevailing Wage Rate plus the Supplemental Benefit Rate. Solicitation 23106 (Revised May 4, 2018) Section 5.6, <i>Price Adjustment</i> has been revised to state that the percentage change can be an increase or decrease.

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34	Solicitation Document	Section 5.5, <i>Rates and Section</i> and 5.8, <i>Certified Payroll Records</i>	What measures have been taken to ensure fair wages are being paid to the security guards and directors?	Please refer to Section 5.5, <i>Rates and Section</i> and Section 5.8, <i>Certified Payroll Record</i> , which detail the measures in place to ensure fair wages are being paid.
35	Solicitation Document	Section 5.6, <i>Price Adjustments</i>	When referring to a Maximum Not to Exceed Hourly Rate is the maximum rate a bidder can charge an Authorized User under this contract during the initial five year term. Hence what happened if there is a change in prevailing wage?	See response to Question #33.
36	Solicitation Document	Section 5.6, <i>Price Adjustments</i>	Company may raise its rates on 30 days' written notice to account for any increases in (a) health care, benefit, or insurance costs, (b) labor or fuel costs, (c) costs arising from changes to laws, regulations, or insurance premiums, (d) SUI or similar taxes, or (e) any other taxes. Client agrees that the prices Company charges Client may be different (higher or lower) than the prices Company charges others.	OGS declines this request.
37	Solicitation Document	Section 5.7, <i>Invoicing and Payments</i>	What is the frequency of billing? Can contractors/subcontractors bill weekly, or bi-weekly for our services?	Section 5.7, <i>Invoicing and Payments</i> , of the Solicitation has been amended to require that invoices be submitted monthly.
38	Solicitation Document	Section 5.7, <i>Invoicing and Payments</i>	Would the state consider allowing contractors to bill weekly or bi-weekly rather than just monthly?	Section 5.7, <i>Invoicing and Payments</i> , of the Solicitation has been amended to require that invoices be submitted monthly. OGS declines the request allowing contractors to bill weekly or bi-weekly.
39	Solicitation Document	Section 5.7, <i>Invoicing and Payments</i>	As a gentleman stated yesterday about payment- Will you all consider Weekly or Bi-Weekly payments?	See response to Question #38.
40	Solicitation Document	Section 5.9, <i>Security Guard Level 1 and Level 2 Requirements and Responsibilities</i> and Section 5.10, <i>Fire Safety/EAP Director (Region 1 only) Requirements and Responsibilities</i>	What experience and quality standards are required of the Security Guards and Directors?	Please refer to Solicitation Section 5.9, <i>Security Guard Level 1 and Level 2 Requirements and Responsibilities</i> and Solicitation Section 5.10, <i>Fire Safety/EAP Director (Region 1 only) Requirements and Responsibilities</i> , for Security Guard and Fire Safety/EAP requirements and responsibilities.
41	Solicitation Document	Section, 5.9.1, <i>Level 1 Security Guard Mandatory Requirements</i>	We assume that the Contractor's compliance with the fitness standards in Section 5.9.1.6 on page 22 is intended to be in accordance with applicable law, including the Americans with Disabilities Act. Will OGS replace the cited section with the following? "Physically capable of performing the essential duties of the position, with or without reasonable accommodation."	Yes. Solicitation 23106 (Revised May 4, 2018) Section 5.9.1 (6), <i>Level 1 Security Guard Mandatory Requirements</i> has been revised to state: Physically capable of performing the essential duties of the position, with or without reasonable accommodation.

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42	Solicitation Document	Section 5.9.2, <i>Level 2 Security Guard Mandatory Requirements</i>	We note the requirement of an honorable military discharge in Section 5.9.2.2.a on page 22. We assume that such standard is intended to comply with Title VII of the Federal Civil Rights Act of 1964 which prohibits employment discrimination. In interpreting Title VII, EEOC Enforcement Guidance 915.002 (4/25/12) prohibits blanket exclusion of any type of military discharge. Instead, the Enforcement Guidance requires assessment of the facts and circumstances of a military discharge to determine whether it truly renders a person unsuitable for the position for which he or she is intended. Will OGS replace the cited section with the following? <ul style="list-style-type: none"> • "Two years of prior military experience on active duty, and no type of military discharge that renders such Security Guard unsuitable for the position for which he or she is intended." 	Yes. Solicitation 23106 (Revised May 4, 2018) Section 5.9.2 (2a.), <i>Level 1 Security Guard Mandatory Requirements</i> has been revised to state: Two years of prior Military experience on active duty, and no type of military discharge that renders such Security Guard unsuitable for the position for which he or she is intended.
43	Solicitation Document	Section 5.11.1, <i>Staffing</i>	We accept the prerogative of an Authorized User to disapprove of a Candidate, as stated in Section 5.11.1, first paragraph on page 24, and assume that such discretion will be exercised with the parameters of applicable law. Will OGS revise the cited paragraph to add the following as the last sentence? <ul style="list-style-type: none"> • "Approval shall not be withheld for any reason that would violate applicable law." 	OGS declines to this request.
44	Solicitation Document	Section 5.11.1, <i>Staffing</i>	Section 5.11.1, second paragraph on page 24 appears to preclude the Contractor from making independent hiring decisions. Does the cited paragraph require the Contractor to hire any current employee who does not satisfy the Contractor's general hiring criteria, i.e. satisfactory background check, drug test and employee interview?	No, Contractors are not required to hire Security Guards and/or Fire Safety Directors who do not meet the necessary requirements. Per Solicitation Section 5.11.1, <i>Staffing</i>: If the current Security Guards and/or Fire Safety/EAP/EAP Directors do not meet all requirements, Contractor is not obligated to make employment offers but must document the deficiencies to the Authorized User.
45	Solicitation Document	Section 5.11.3, <i>Background, Registration and Training</i>	Is on the job training billable? If no, what's the average amount of hours anticipated for On The Job Training?	Yes, the cost of any additional training required by an Authorized User will be billed at the competitive rate submitted by Contractor in response to the Authorized User's RFQ.
46	Solicitation Document	Section 5.11.7, <i>Workday/Hours</i>	Is meal relief billable for post that cannot be unmanned?	Yes, the thirty minute meal time is billable for a post that cannot be unmanned per Section 5.11.7, <i>Workday/Hours</i>.
47	Solicitation Document	Section 5.11.10, <i>Standard Equipment</i>	Is equipment requested that is not specified in the billable (i.e. mobile devices; technology)?	No, per Solicitation Section 5.11.10, <i>Standard Equipment</i>: If the Authorized User requires the following items, such items shall be provided by the Authorized User to the Candidate assigned and at no cost to Contractor. All items remain property of the Authorized User: 1. Building keys, where applicable; 2. Logbook; 3. Guard and/or Fire Safety/EAP Director Handbook; 4. General and special orders; and 5. Two-way radio/beeper (or other communication device)
48	Solicitation Document	Section 5.11.2, <i>Drug Testing</i>	Where are these records kept in employee file?	Test results will be kept in accordance with Solicitation Section 5.18, <i>Maintenance of a Master File</i>.
49	Solicitation Document	Section 5.12, <i>Vehicle Use Charges</i>	Can you please provide historical data for mileage driven annually per region for contracted vehicles?	OGS does not collect this information. OGS declines this request.
50	Solicitation Document	Section 5.12, <i>Vehicle Use Charges</i>	Please provide approximate number of miles per day for vehicle usage.	OGS does not collect this information. OGS declines this request.

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51	Solicitation Document	Section 5.12, <i>Vehicle Use Charges</i>	Is the price of the vehicle supposed to be for just the vehicle or the vehicle and the guard together?	Pricing for vehicles should include all costs associated with the vehicle as stated in Solicitation Section 5.12, <i>Vehicle Use Charges</i> . This does not include the cost for the Security Guard.
52	Solicitation Document	Section 5.12, <i>Vehicle Use Charges</i>	How many vehicles is the contractor required to have for any one region?	OGS has no estimates for the number of vehicles needed per Region, as the number of vehicles needed is dependent on the number of Request for Quotes issued containing the need for vehicles.
53	Solicitation Document	Section 5.12, <i>Vehicle Use Charges</i>	Can an estimate be provided as to number of vehicle requests and duration of each request per region?	See response to Question #52.
54	Solicitation Document	Section 5.28, <i>Contractor Requirement and Procedures for Participation by New York State Certified Minority- and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women</i>	If I am a MWBE prime contractor do I have to use other MWBEs as well?	An MBE contractor must still meet the WBE requirement, and vice versa. A dual-certified MWBE's participation in a State contract may be counted towards either a MBE goal or a WBE goal, but may not be counted towards both and the designation chosen (either MBE or WBE) must remain for the life of the contract.
55	Solicitation Document	Section 5.28, <i>Contractor Requirement and Procedures for Participation by New York State Certified Minority- and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women</i>	If contractor is a 100% WBE and self performing does said contractor have to submit a utilization plan or still sub to an MBE?	Yes, an MBE Contractor must still meet the WBE requirement, and vice versa. A dual-certified MWBE's participation in a State contract may be counted towards either a MBE goal or a WBE goal, but may not be counted towards both and the designation chosen (either MBE or WBE) must remain for the life of the contract.
56	Solicitation Document	Section 5.28.4, <i>Contract Goals</i>	Will the MWBE goal be established on a per contract basis?	Yes, MWBE goals are set at the Centralized Contract level, not in each individual quote in response to an RFQ.

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57	Solicitation Document	Section 5.28.5, <i>MWBE Utilization Plan</i>	If the New York State Certified MWBE's are unable or unwilling to meet the insurance requirements as outlined in Attachment 4, during a subcontracting agreement with a primary awardee, would this be sufficient grounds for a waiver against the MWBE goal of 30%?	<p>No, it would not be sufficient grounds for a waiver. However, it can be included in the supporting documentation of a contractor's "good faith efforts" to provide meaningful participation by New York State Certified M/WBE subcontractors or suppliers in the performance of this contract.</p> <p>In accordance with 5 NYCRR § 142.7, a Bidder/Contractor who is able to document good faith efforts to meet the goal requirements, as set forth in clause 5.28.7, <i>Required Good Faith Efforts</i>, may submit a request for a partial or total waiver on Form BDC 333, accompanied by supporting documentation. A Bidder may submit the request for waiver at the same time it submits its MWBE Utilization Plan. If a request for waiver is submitted with the MWBE Utilization Plan and is not accepted by OGS at that time, the provisions of clauses 5.28.5 (3), (4) & (5) will apply. If the documentation included with the Bidder's/Contractor's waiver request is complete, OGS shall evaluate the request and issue a written notice of acceptance or denial within twenty (20) days of receipt.</p>
58	Solicitation Document	Section 5.28.5, <i>MWBE Utilization Plan</i>	When referring to MWBE goals what is the number that the required percentage is based off of?	Per Solicitation Section 5.28.4, <i>Contract Goals</i> : An overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) at the OGS Centralized Contract Level, based upon the value of all State Agency and Authority (as defined in 5 NYCRR § 140.1) Authorized User Agreements.
59	Solicitation Document	Section 5.28.5, <i>MWBE Utilization Plan</i>	Is the MWBE goal based on the total number of hours our company would obtain from the solicitation?	No, per Solicitation Section 5.28.4, <i>Contract Goals</i> : An overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) at the OGS Centralized Contract Level, based upon the value of all State Agency and Authority (as defined in 5 NYCRR § 140.1) Authorized User Agreements.
60	Solicitation Document	Section 5.28.5, <i>MWBE Utilization Plan</i>	Is the MWBE goal based on the total dollar amount?	Yes, per Solicitation Section 5.28.4, <i>Contract Goals</i> : An overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) at the OGS Centralized Contract Level, based upon the value of all State Agency and Authority (as defined in 5 NYCRR § 140.1) Authorized User Agreements.
61	Solicitation Document	Section 5.28.5, <i>MWBE Utilization Plan</i>	Is the MWBE percentage per RFQ?	No, per Solicitation Section 5.28.4, <i>Contract Goals</i> : An overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) at the OGS Centralized Contract Level, based upon the value of all State Agency and Authority (as defined in 5 NYCRR § 140.1) Authorized User Agreements.

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62	Solicitation Document	Section 5.28.5, <i>MWBE Utilization Plan</i>	Is the MWBE based on overall OGS contract?	See response to Question #60.
63	Solicitation Document	Section 5.29, <i>Participation Opportunities For New York State Certified Service-Disabled Veteran-Owned Businesses</i>	I am a SDVOB so do I need to fill out the bid documents to become a subcontractor?	No, bids should only be submitted by those Vendors who are interested in becoming a Prime Contractor.
64	Solicitation Document	Section 5.29.2, <i>SDVOB Utilization Plan</i>	If SDVOBs are unable or unwilling to meet the insurance requirements as outlined in Attachment 4, during a subcontracting agreement with a primary awardee, would this be sufficient grounds for a waiver against the SDVOB goal of 6%?	<p>No, it would not be sufficient grounds for a waiver. However, it can be included in the supporting documentation of a contractor's "good faith efforts" to provide meaningful participation by New York State Certified SDVOBs in the performance of this contract. Request for Waivers are evaluated by OGS during the Bid Submittal phase.</p> <p>Per Section 5.29.3 (1), <i>Request for Waiver</i>: Prior to submission of a request for a partial or total waiver, Bidder/Contractor shall speak to the Designated Contacts in the Division for guidance.</p> <p>In accordance with 9 NYCRR § 252.2(m), a Bidder/Contractor that is able to document good faith efforts to meet the goal requirements, as set forth in clause 5.29.4. below, may submit a request for a partial or total waiver on Form SDVOB 200, accompanied by supporting documentation. A Bidder may submit the request for waiver at the same time it submits its SDVOB Utilization Plan. If a request for waiver is submitted with the SDVOB Utilization Plan and is not accepted by OGS at that time, the provisions of clauses 5.29.2. (3), (4) & (5) will apply. If the documentation included with the Bidder's/Contractor's waiver request is complete, OGS shall evaluate the request and issue a written notice of acceptance or denial within 20 days of receipt.</p>
65	Solicitation Document	Section 5.29.2, <i>SDVOB Utilization Plan</i>	When referring to SDVOB goals what is the number that the required percentage is based off of?	The 6% goal is based on the total value of only the state agencies and authorities Authorized User Agreements.
66	Solicitation Document	Section 5.29.2, <i>SDVOB Utilization Plan</i>	Is the SDVOB goal based on the total number of hours our company would obtain from the solicitation?	No. See response to Question #65.
67	Solicitation Document	Section 5.29.2, <i>SDVOB Utilization Plan</i>	Is the SDVOB goal based on the total dollar amount?	No. See response to Question #65.
68	Solicitation Document	Section 5.29.2, <i>SDVOB Utilization Plan</i>	Is the SDVOB percentage per RFQ?	No. See response to Question #65.
69	Solicitation Document	Section 5.29.2, <i>SDVOB Utilization Plan</i>	Is the SDVOB based on overall OGS contract?	No. See response to Question #65.

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ATTACHMENTS				
70	Attachment 1 - Pricing Proposal Form	Region 1	If I am bidding in NYC, can I bid just three boroughs or do I have to bid all five?	No, Bidders must bid on all counties within the Region they are bidding on.
71	Attachment 1 - Pricing Proposal Form	Instructions	When refereeing to a Maximum Not to Exceed Hourly Rate is the maxium rate a bidder can charge an Authorized User under this contract during the initial five year term. Hence the bidder can provider a higher hourly rate and then negotiate or provide the authorized user a lower than the proposaed maximum rate	<p>Yes, the Maximum Not-to-Exceed Hourly Rate is the maximum rate a Bidder can charge an Authorized User during the life of the Contract. Contractors are strongly encouraged to quote lower rates - during the RFQ process - than the Maximum Not-to-Exceed Rates provided in Attachment 1 - Pricing Proposal Form (Revised May 4, 2018).</p> <p>Per Solicitation Section 5.5, Rates : If the straight time hourly bill rate proposed by a Contractor is less than the applicable prevailing wage plus all supplemental benefits required to be paid, the Authorized User shall advise the Contractor that it is ineligible to provide the requested services and cannot be awarded the services under the Authorized User's RFQ.</p>
72	Attachment 4 - Insurance Requirements	A.6., Self-Insured Retentions/Deductibles	We note the requirement in Attachment 4 Section A.6 that all deductibles and self-insured retentions above \$100,000 are subject to the approval of OGS. Because of the financial size of company it is not feasible to economical to purchase insurance having deductibles and self-insured retentions of \$100,000. We carry much larger amounts that have been determined as optimal for a company of our size and financial strength after careful review with our insurance advisors, and they cannot be eliminated or reduced with respect to a specific client. We have demonstrated to our insurers the financial ability to fund these retentions over an extended period of time. Should the OGS require added security, can we provide the guaranty of our parent company of losses and expenses up to the amount of policy SIRs and deductibles?	OGS does not indicate that a Contractor cannot have deductibles or self-insured retentions above \$100,000 just that they are subject to approval from OGS.
73	Attachment 4 - Insurance Requirements	A.7., Subcontractors	Do subcontractors need the same amount of insurance coverage as primary contractors?	Subcontractors who are working on an Authorized User's site need the same level of insurance as Prime Contractors. Prior to the commencement of any work by on site Subcontractors, the Contractor shall require such Subcontractor to procure policies of insurance as required by in the Solicitation and maintain the same in force during the term of any work performed by that Subcontractor.
74	Attachment 4 - Insurance Requirements	A.8., Waiver of Subrogation	Will OGS revise Attachment 4 Section A.8 to provide for a reciprocal waiver of subrogation in favor of the Bidder/Contractor?	OGS declines this request.
75	Attachment 4 - Insurance Requirements	A.9., Additional Insured	We note the requirement in Attachment 4 Section A.9 to provide additional insured coverage on the auto liability policy using form ISO CA 20 4 10 13 or equivalent. The cited endorsement actually refers to Illinois Mobile Homes Contents Coverage. Should that reference be to CA 20 01 10 13 instead?	The auto liability policy form ISO CA 20 4 10 13 is incorrect. Attachment 4 - Insurance Requirements (Revised May 4, 2018), Section A (9.) - Additional Insured, has been revised with the correct reference of CA 20 48 10 13.

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76	Attachment 4 - Insurance Requirements	A.9., Additional Insured	Our blanket additional insured endorsements which are written in manuscript form, automatically cover all parties we are required by written contract to designate as additional insureds, to the extent set forth in such contract, without the necessity of specifically listing such parties by name. Our endorsements are therefore equivalent to ISO CG 20 10 04 13 and ISO 20 01 10 13. Regarding the scope of the additional insured coverage to be specified in the contract, our company regularly adds clients to our insurance as additional insureds, so long as our obligations are aligned with our indemnification obligations under the contract and limited to the specified insurance limits we have agreed to provide. Accordingly, will OGS revise Attachment 4 Section A.9 as follows? <ul style="list-style-type: none"> • On line 2, replace the word "naming" with the word "including". • On line 5, insert the following coverage scope after the word "employees" at the end of the sentence: "...to the extent of the Contractor's indemnification obligations under this Agreement and up to the required insurance coverage amount." 	OGS declines this request.
77	Attachment 4 - Insurance Requirements	A.9., Additional Insured	(a) Additional insureds will only be covered by Company's insurance for liability assumed by Company in these Exceptions, subject to the terms of Company's insurance; (b) Client acknowledges that Company's self-insured retentions/deductible are acceptable (General Liability - \$500,000; Automobile Liability - \$750,000; Worker's Compensation - \$1,000,000); Company's cyber liability insurance is evidenced within general liability insurance;	OGS declines this request.
78	Attachment 4 - Insurance Requirements	B.1., Commercial General Liability Insurance	Our company's Commercial General Liability policy does not include medical payments coverage, as specified in Attachment 4 Section B and Section B.1. Will OGS waive that requirement?	OGS declines this request.
79	Attachment 4 - Insurance Requirements	B.1., Commercial General Liability Insurance	Our company's Commercial General Liability policy includes coverage for sexual abuse and molestation, as specified in Attachment 4 Section B.1, but with a \$500,000 sublimit. Is that coverage amount sufficient?	The limit for the Commercial General Liability insurance is \$5,000,000.00. Limits may be provided through a combination of primary and umbrella/excess liability policies. We cannot answer your questions as "yes" or "no" without additional information.
80	Attachment 4 - Insurance Requirements	B.2., Business Automobile Liability	If Company employees operate any vehicle other than one supplied by Company, Client will maintain insurance for the vehicle and the insurance will be primary, and Client will defend and indemnify Company against any Loss arising out of Company's use of the vehicle.	OGS declines this request.
81	Attachment 10 - Request for Quote Form	Section 1.2, Authorized User Instructions	During/after the RFQ process, what would happen if only one vendor responds/bids accurately - are they automatically awarded the contract?	Per Attachment 10 - Request for Quote Form (Revised May 4, 2018) Section 1.2 (6): A minimum of three (3) quotes should be received by the due date and time set forth in the RFQ for the Authorized User to award the business. In any Region, where the total number of available contractors may be less than three, this requirement will be waived. Authorized Users are not required to reach out to Contractors that did not respond to the RFQ to find out why they did not respond, unless the minimum number of quotes have not been received. In the event three (3) quotes have not been received by the due date and time provided, Authorized Users must document the reasons preventing Contractors from responding to the initial RFQ. If the reasons the Contractors provided for not responding are not amendable by reissuing another RFQ, the requirement of three quotes will be waived and the Authorized User may select a Contractor from the bids received in response to the initial RFQ. In all cases, Authorized Users must document the basis for their selection under the RFQ for the procurement record.

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82	Attachment 10 - Request for Quote Form	Section 6, <i>Award Methodology</i>	During the RFQ process, which entity is responsible for the contract award decision – the individual agency or OGS?	The individual agency (Authorized User) will be responsible for making awards in response to their Request for Quote. See Attachment 10 - <i>Request for Quote Form (Revised May 4, 2018)</i> , Section 6, <i>Award Methodology</i> .
83	Attachment 10 - Request for Quote Form	Section 6, <i>Award Methodology</i>	During the RFQ/competitive bid process, what are the criteria used to determine which vendor is awarded the contract?	The method of award is best value. Authorized Users will determine the technical criteria (if any).
84	Attachment 10 - Request for Quote Form	Section 7, <i>Pricing Submittal</i>	If contractor awarded multiple regions and an authorized vendor issues and RFQ is the contractor required to participate in RFQ if at that time they choose not to?	No, it is not required to provide a quote to every RFQ received. If a Contractor decides not to provide a quote, please make the Authorized User aware of this and the reason as to why.
85	Attachment 10 - Request for Quote Form	Section 7, <i>Pricing Submittal</i>	If I am awarded an OGS contract am I required to give a quote in response to every RFQ I receive?	See Response to Question #84.
APPENDIX B				
86	Appendix B - General Specifications	43., <i>Termination</i>	Company may terminate the Agreement without cause or penalty upon thirty days' written notice.	OGS declines this request.
87	Appendix B - General Specifications	56., <i>Indemnification</i>	Company will defend, controlling such defense, and indemnify Client, and others to be defended or indemnified under the Agreement, against any claim or loss only to the extent the claim or loss is caused by the negligence of Company while acting within the scope of its specified duties. However, Company's liability will in no event exceed \$5 million. Further, Company will not be liable for any (a) punitive or consequential damages, (b) damages arising from events beyond Company's reasonable control, or (c) injuries or deaths arising from any conditions of Client's premises.	OGS declines this request.
88	Appendix B - General Specifications	56., <i>Indemnification</i>	Notwithstanding anything to the contrary, in connection with the US Safety Act, each party waives all claims against the other for damages arising from or related to an act of terrorism, and the parties intend for this waiver to flow down to their respective contractors and subcontractors.	OGS declines this request.
89	Appendix B - General Specifications	56., <i>Indemnification</i>	Our company stands behind our security services and regularly accepts the obligation to assume responsibility for the comparative portion of any losses or damages that are directly caused by the negligent acts or omissions of our personnel in the performance of security services under client agreements. Will OGS clarify Appendix B Section 56 as follows to reflect that standard? <ul style="list-style-type: none"> • First paragraph, line 7: Insert the phrase "to the extent" before the word "caused." • Last paragraph, line 4: Insert the phrase "to the extent" before the word "caused." 	OGS declines this request.

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90	Appendix B - General Specifications	64., <i>Ownership/Title to Project Deliverables</i>	Other than intellectual property rights in items designed/developed specifically and exclusively for Client under the MSA, all intellectual property related to or arising from Company's performance will remain the property of Company or its contractors.	OGS declines this request.
91	Appendix B - General Specifications	64., <i>Ownership/Title to Project Deliverables</i>	Any equipment/software provided by Company in connection with Company's services is for Company's use and will always be Company property. Company is not selling or leasing any of the equipment/software to Client, and Company will remove its equipment/software upon termination of the Agreement.	OGS declines this request.