

	Solicitation Document Name	Document Section	Document Section Number	Document Sub-section Number	Question or Requested Deviation	OGS response
1	General	(None)	N/A	N/A	Are there any specs?	There are no specific Products required. Please refer to Section 3 - <i>Specifications</i> and Section 1.2 - <i>Scope</i> . Bidders may offer any products within scope on Attachment 1 - <i>Pricing</i> that your company would like on the OGS NYS contract. This would include, but not be limited to multiple lines, models, and different products. In accordance with Section 3 - <i>Specifications</i> , "Any products that do not fall within the scope shall be rejected."
2	General	(None)	N/A	N/A	If there are terms and conditions that the Vendor may not be able to agree to, will the State consider exceptions to the terms and conditions?	No. Deviations had to be requested per Section 4.10 - <i>Bid Deviations</i> : Bids must conform to the terms set forth in the Solicitation. As set forth in Bidder Questions, if Bidder intends to submit a Bid that deviates from the requirements of the Solicitation in any way, the proposed deviations should be submitted during the Questions period so that they may be given due consideration prior to the submission of Bids. Material deviations (including additional, inconsistent, conflicting, or alternative terms) submitted with the Bid may render the Bid non-responsive and may result in rejection of the Bid.
3	General	(None)	N/A	N/A	Specifically, if there are insurance requirements that the Vendor may not be able to agree to will the State consider exceptions to the insurance terms and conditions?	No. Deviations had to be requested per Section 4.10 - <i>Bid Deviations</i> : Bids must conform to the terms set forth in the Solicitation. As set forth in Bidder Questions, if Bidder intends to submit a Bid that deviates from the requirements of the Solicitation in any way, the proposed deviations should be submitted during the Questions period so that they may be given due consideration prior to the submission of Bids. Material deviations (including additional, inconsistent, conflicting, or alternative terms) submitted with the Bid may render the Bid non-responsive and may result in rejection of the Bid.
4	General	(None)	N/A	N/A	Is there a list of agencies/locations that utilize the current contract?	No.
5	General	(None)	N/A	N/A	Is there a projected/specific number of awardees desired by the State for each lot/contract?	No. The State plans to make awards to all responsive and responsible Bidders that meet the minimum requirements and demonstrate price reasonableness.
6	General	(None)	N/A	N/A	What is the expected bid award notification timeframe?	OGS intends to make awards prior to the expiration of the current contracts, including any extensions that may be exercised.
7	General	(None)	N/A	N/A	What communication(s) can/will be provided to the using State agencies once the new contract(s) are awarded?	All new awards are announced through the Purchaser Notification System, posted on the OGS website, and updated on the NYS Contract Reporter website.
8	General	(None)	N/A	N/A	If awarded items are available under Preferred Source Suppliers (PSP) as well as non-PSP awardees, does end-user location have the option at will to purchase from non-PSP suppliers?	No. "Preferred Source Program" set by New York State in State Finance Law § 162 Sections 4a(i) requires: When commodities are available, in the form, function and utility required by a state agency, public authority, commission, public benefit corporation or political subdivision, said commodities must be purchased in the following order or precedence: 1.) from the correctional industries program of the department of corrections and community supervision. 2.) from approved charitable non-profit-making agencies for the blind; 3.) from a qualified non-profit-making agency for other severely disabled persons, a qualified special employment program for mentally ill persons, or a qualified veterans' workshop; These requirements apply to all state agencies, political subdivisions and public benefit corporations (including most public authorities). If the items are not available from the first three Preferred Source Suppliers, then they can be purchased from the OGS contract.
9	General	(None)	N/A	N/A	If the State is not willing to extend the questions deadline, would the State be willing to consider any exceptions to the terms and conditions presented with the Vendors final submission?	No, OGS declines to make the requested change.
10	General	(None)	N/A	N/A	Will the State accept joint responses? <Bidders> could possibly submit under multiple business units (differing FEIN's) which fall under the same parent company.	No. The Solicitation does not allow for joint ventures.
11	General	(None)	N/A	N/A	Are we to load every item we want to bid on using the suggested categories as a guide or is there a historical items list we can reference?	Bidders must submit all products by all manufactures that they would like to offer to the State using the categories as guides. These products must be listed as separate items on Attachment 1 - <i>Pricing</i> .
12	General	(None)	N/A	N/A	Are you looking for us to provide discounts and MSRP pricing from EVERY vendor we distribute for?	Yes. Bidders should submit all products by all manufactures that they would like to offer to the State. These products must be listed as separate items on Attachment 1 - <i>Pricing</i> .
13	General	(None)	N/A	N/A	Most Manufactures don't give MSRP pricing to Distributors. Can you help guide us with some direction here as we are concerned we would be wasting a lot of time if we don't do it correctly? As a mass distributor, we have thousands of MFG's that we represent.	Pursuant to Section 6.3 - <i>Price</i> , Bidders must submit a MSRP price list with their Bid submission. Products that do not have an MSRP will be rejected.
14	General	(None)	N/A	N/A	Do we have to supply the list of the items that we distribute and if we separate by Manufactures.	Bidders must submit all products by all manufactures that they would like to offer to the Authorized Users of NYS centralized contracts. These products must be listed as separate line items on Attachment 1 - <i>Pricing</i> . If an item does not appear on Attachment 1, it will not be considered for award.
15	Attachment 1 - Pricing	Attachment 1	N/A	N/A	Will any pricing be posted publicly? If so where and who has access to this information?	All Awardees' product list pricing, discount, and net pricing will be posted on the OGS website in the form of a price list. It will be available to the public.
16	Attachment 1 - Pricing	Attachment 1	N/A	N/A	Can pricing be made confidential and not available in the public forum for any competitors to access?	No. All OGS contract pricing will be posted on the OGS website. Please see the following link for examples: https://www.ogs.ny.gov/purchase/spg/lists/commodity.asp
17	Attachment 3 - Encouraging Use of NYS Businesses	Attachment 3	N/A	N/A	Is bidder required to utilize NYS business in performance of any contract award?	Per Attachment 3 - <i>Encouraging Use of NYS Businesses</i> , it is encouraged, but it is not a requirement.
18	Attachment 3 - Encouraging Use of NYS	Attachment 3	N/A	N/A	If bidder elects "No" in Attachment 3, will this render bidder non-responsive?	No, it is encouraged, but it is not a requirement.
19	Solicitation Main Document	Attachment 8 - Report of Contract Usage	N/A	N/A	We would like to submit a bid. In preparation i would like to request the usage report of the last 2 years for all 4 lots. please let me know if it is available for us to evaluate.	Total sales by lot are included in the Solicitation in Section 1.3 - <i>Estimated Quantities</i> for reference. More detailed information could be requested through the FOIL process.
20	Solicitation Main Document	Best Pricing Offer	Section 6	6.5	Will the State agree to remove the language found on Page 18 of the main solicitation document, #6.5 Best Pricing Offer?	No, OGS declines to make the requested change.
21	Solicitation Main Document	Bid Deviations	Section 4	4.1	Will the State be willing to extend the question deadline? As any proposed exceptions to all terms and conditions are due at that time, and the attachments are extensive documents which will require intensive review by many internal departments, there is not sufficient time to obtain all feedback and submit every potential exception by the deadline.	No, OGS declines to make the requested change.

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22	Solicitation Main Document	Bidder Qualifications	Section 2	Sec 2.1.ii	We could conceivably sell products from 100+ manufacturers to the State through a contract of this scope. Obtaining signed forms (Attachment 9) from that many manufacturers before the bid responses are due will be difficult-to-impossible and may limit the number of manufacturers' products we can offer the State end-users. Is there a way this requirement can be modified to apply only to contract awardees after the fact, with a deadline several months after the award? Or, could current holders of NYS lab and chemical contracts be exempt from this requirement on manufacturers whose products they are already supplying the State?	OGS declines to make the requested change. New products/new manufacturers can be added after award pursuant to Section 6.4 - <i>Price Updates</i> .
23	Solicitation Main Document	Bidder Qualifications	Section 2	Sec 2.2	Do 12 month prior sales under \$100,000,000 of a product automatically disqualify a bidder?	OGS is unsure if the dollar value in the question is an error. Per Section 2 - <i>Bidder Qualifications</i> , Bidder must have sold a minimum of \$1,000,000 worth of the Products consistent with the scope of this Solicitation within the past 12 months prior to the Bid opening. Bidders who can't meet the minimum requirement would be disqualified.
24	Solicitation Main Document	Bidder Qualifications	Section 2	2.1	Are we required to submit sales information in order to proceed with the bid? Our company is an international company with guaranteed sales. This information is proprietary.	Yes. According to Section 2.2 - <i>Bidder Qualifications</i> , Bidder shall provide proof of such sales, as part of its Bid submission in the form of a summary of the total sales reports (Proof of Past Sales – in Excel format), which shall include the names of the purchasers, Products sold, the total amount of sales to purchasers and the date of each sale. Bidder's failure to include proof of sales as part of its Bid may result in rejection of Bid. OGS reserves the right to request additional documentation.
25	Solicitation Main Document	Bidder Qualifications	Section 2	21	If the sales information is required, can we provide something else as an alternative?	No. OGS declines to make the requested change.
26	Solicitation Main Document	Bidder Qualifications	Section 2	2	The current NEW YORK STATE MEDICAL EQUIPMENT AND SUPPLIES Contract is in effect with a Joint Venture fulfillment. This set-up affords the opportunity for NYS agencies to purchase unique products and supplies that supports their patient's needs. The brands that smaller manufacturers are offering under this joint venture set-up would otherwise not be able to participate in this opportunity under the requirements of the current bid contract. Would a Joint Venture be acceptable under this new solicitation? This would continue to allow NYS Agencies to take advantage of the various day to day necessary products that they have available at this time under the current contract. Having this joint venture opportunity in place would continue to allow contract users to carry out the form, function and utility of their patients and clients in a necessary manner.	This Solicitation does not allow Joint Ventures.
27	Solicitation Main Document	Bidder Qualifications	Section 2	2.2	Is the requirement of \$1,000,000 in sales a total for all products being offered or do you have to have \$1,000,000 in sales for each product?	Per Section 2. - <i>Bidder Qualifications</i> , Bidder must have sold a minimum of \$1,000,000 worth of the Products consistent with the scope of this Solicitation within the past 12 months prior to the Bid opening. That is total for all products consistent with the scope, not for each product.
28	Solicitation Main Document	Bidder Qualifications/Proof of Sales	Section 2	Sec 2.2	Can current holders of statewide NY lab and chemical contracts be exempted from this requirement? Or, failing that, can previously submitted quarterly usage reports count as having already satisfied this requirement?	No, OGS declines to make the requested change.
29	Solicitation Main Document	Bidder Qualifications	Section 2	2.2	Customer sales information is confidential information. What does the state of NY provide for confidentiality protection with this information?	If a Bidder believes that any information or material submitted with the bid is confidential, trade secret or proprietary, then the material should be marked accordingly. Properly identified information that has been designated confidential, trade secret or proprietary by the Bidder will not be disclosed except as may be required by the New York State Freedom of Information Law or other applicable State or federal laws. Please see Appendix B, Section 6 for additional information.
30	Solicitation Main Document	Bidder Qualifications	Section 2	2.1	Many manufactures/suppliers only provide their own letter/certification for AUTHORIZED DEALER. In lieu of the OGS MFG/Supplier certificate, will a DEALER AUTHORIZATION letter be accepted for any and all suppliers that fail to complete attachment 9?	No, OGS declines to make the requested change.
31	Solicitation Main Document	Bidder Qualifications	Section 2	2.1	We are getting push back from Manufacturers in regard to the Supplier Certification on question #2. While they all check the box that we are an authorized dealer, many question the second part. They say that it is too open ended and vague about quantities. Some are saying that without knowing the item nor the quantity being requested, as well as the time frame it is needed in, makes the manufacturer hesitant to commit. Can you clarify this for us?	OGS has stricken Question #2 from Attachment 9 - <i>Supplier/Manufacturer's Certificate</i> (Revised February 22, 2019). OGS will accept either version of Attachment 9 (Original or Revised February 22, 2019).
32	Solicitation Main Document	Content Checklist	Section 4	4.4.1.o.	Letter "O" of the checklist mentions that the bidder needs to supply "any original format" of the MSRP for all products. What is meant by "any original format?" Is filling in MSRP in the appropriate column of Attachment 1 Pricing spreadsheet sufficient to fulfill this requirement? If not, is a spreadsheet created by the bidder with the MSRP of every item bid sufficient to fulfill this requirement?	The MSRP should be submitted in the original format as it was received directly from the manufacturer. Paper MSRP's may be scanned and submitted electronically in PDF format. The MSRP must be submitted as a separate file, in addition to the list price being entered on Attachment 1 - <i>Pricing</i>
33	Solicitation Main Document	Content Checklist; Method of Award	Section 4 and Section 5	4.4.1.p; 5.1	Also under 4.4.1.p. in the Content checklist. Comparable contracts or proof of reasonableness of price. We are a little unclear as to how and what a Bidder is supposed to submit to fulfill this requirement. If using another state's pricing, would an award document with discounts by vendor suffice? What do we do if bidding products from a manufacturer that we've never offered on contract to a state or the federal government?	The Bidder will need to submit a comparable government contract <u>and</u> the separate comparable government price list in Excel format. If the contract has a set discount off catalog in lieu of a contract price list as per the terms of the contract, then the full catalog at the time of the comparable contract must be submitted and certified by the Bidder that it is accurate for the time frame that is being referenced. Bidders should not offer products for which they can't demonstrate reasonableness of price.
34	Solicitation Main Document	Contractor Requirements and Procedures for Business Participation Opportunities for NYS Certified Minority- and Women-Owned Business Enterprises and Firms	Section 6	6.17(VI)(A)	What types of contracted services does the State envision bidders would/could utilize from MWBE contractors through award of this bid?	MWBE subcontractors would be providing a commercially useful function. For further information about commercially useful functions please see the following link: https://esd.ny.gov/sites/default/files/MWBECommercialUseFlyer.pdf
35	Solicitation Main Document	Contractor Requirements and Procedures for Business Participation Opportunities for NYS Certified Minority- and Women-Owned Business Enterprises and Firms	Section 6	6.17(VI)(A)	Can you confirm that when the established goal for Lots 1 & 2 is 30%, and that the 30% represents a portion of the anticipated net sales of the bidder if awarded a contract?	MWBE participation goals reflect the percentage of aggregate State agency and authority expenditures for Lot 1 & 2 over the Contract term.

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36	Solicitation Main Document	<i>Contractor Requirements and Procedures for Business Participation Opportunities for NYS Certified Minority- and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women - MWBE Utilization Plan (Lots 1 & 2 only)</i>	Section 6	6.17(V)	Could a bidder contract with a MWBE as a subcontracted reseller of bidder's products and the subcontractor perform customer service functions under the bidder's contract award? In other words, could subcontracted MWBE partner receive PO's and accept payments under the contractor's awarded contract, with the MWBE reseller receiving payment from bidder/awardee for performing all customer service functions? Would this arrangement be subject to the 25% limit on payments?	Yes, an MWBE subcontractor can perform customer service functions under the bidder's contract award. Section IV 2. V (C) - <i>MWBE Utilization Plan (Lots 1 & 2 only)</i> states the following; "When an MWBE is serving as a broker on the Contract, only 25 percent of all sums paid to a broker shall be deemed to represent the commercially useful function performed by the MWBE".
37	Solicitation Main Document	<i>Contractor Requirements and Procedures for Business Participation Opportunities</i>	Section 6	6.17(V)	Will only NYS certified MWBE businesses be acceptable under the bidders MWBE Utilization Plan?	Yes
38	Solicitation Main Document	<i>Contractor Requirements and Procedures for Business Participation Opportunities for NYS Certified Minority- and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women - MWBE Utilization Plan (Lots 1 & 2 only)</i>	Section 6	6.17(V)	If bidder utilizes the services of MWBE businesses within their operations for facilities operated within the State of NY, can the full amount paid to the MWBE business count towards the established goal, or would only 25% be applied towards the goal? For example, if bidder contracted with a MWBE business to provide janitorial services within its offices located in Erie, would bidder be able to apply towards its goal all amounts paid for that service, or only 25% of amounts paid for the service?	Yes, credit for MWBE participation can only be counted when the MWBE is NYS certified and is performing work related to the contract. Bidder will receive 100% credit for NYS certified MWBE subcontractors, 25% credit will be granted for those NYS MWBE brokers.
39	Solicitation Main Document	<i>Contractor Requirements and Procedures for Business Participation Opportunities for NYS Certified Minority- and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women - MWBE Utilization Plan (Lots 1 & 2 only)</i>	Section 6	6.17 (V) (C)	Would products purchased/resold by bidder from NYS certified MWBE suppliers count towards the bidder's MWBE goals? If yes, would the purchases and sales be subject to the 25% limit on payments?	Yes, MWBE participation goals reflect the percentage of aggregate State agency and authority expenditures over the Contract term. Section IV 2. V (C) - <i>MWBE Utilization Plan (Lots 1 & 2 only)</i> states the following; "When an MWBE is serving as a broker on the Contract, only 25 percent of all sums paid to a broker shall be deemed to represent the commercially useful function performed by the MWBE".
40	Attachment 1 - Pricing	<i>Discounts Tab</i>	N/A	N/A	Can bidders include combinations of similar manufacturers with identical discounts offered to the State in the same "Manufacturer" row of the pricing spreadsheets? Something like "_____ Value Plasticware" or "_____ Value Products" or "_____ Value Partners," where the distributor name is in the blank space? This would allow us to more easily bid generic manufacturers' products in the same category, enhancing the number of items available on contract to State end-users.	No. Each line item must be filled out in its entirety as per the instructions for Attachment 1 - <i>Pricing</i> .
41	Solicitation Main Document	<i>Estimated Quantities</i>	Section 1	1.3	For Lot 1, there is a breakdown of the past purchases at \$2.2M, do you have a roll up this data available by product and company? Is this estimate annual?	Total sales by lot are included in the Solicitation for reference. More detailed information could be requested through the FOIL process.
42	Solicitation Main Document	<i>Estimated Quantities</i>	Section 1	1.3	In addition to the annual dollar value of each lot as provided, is there a specific product formulary? If so, can that be provided?	There is no product formulary.
43	Solicitation Main Document	<i>Introduction/Overview</i>	Section 1	Sec 1.1	Will a bidder's "reasonableness of cost" be determined based on the entirety of the pricing submitted for a given bid Lot or will it be broken down and either accepted or rejected section by section (e.g. by manufacturer or product type) within a Lot?	Each item in each lot will be evaluated individually for price reasonableness. New York State reserves the right to reject any Bidder, or any individual product offering that does not demonstrate reasonable pricing for this Solicitation.
44	Solicitation Main Document	<i>Key Events/Dates</i>	Section 1	1.4	We request an extension of the bid opening in order to review the Q&A and then build a product & pricing offer that meets the requirements of the State. We ask that the extension give bidders four weeks to respond with offers following the release of the Q&A information.	OGS has postponed the bid opening. Please see page 1 of the Solicitation (Revised February 22, 2019) and Section 1.4 - <i>Key Events/Dates</i> .
45	Solicitation Main Document	<i>Method of Award</i>	Section 5	5.1	Will there be a cap on the amount of vendors that will be awarded?	No. Contracts will be awarded to all responsive responsible Bidders that meet the minimum requirements and prove price reasonableness.
46	Solicitation Main Document	<i>Method of Award</i>	Section 5	5.1	Based on the number of vendors awarded, will there be, for example, an assignment of Primary, Secondary, Tertiary or more vendors?	No, however, Authorized Users will be encouraged to get multiple quotes before making a purchase.
47	Attachment 3 - Encouraging Use of NYS Businesses	<i>MWBE Interest</i>	Section 1	1.9	In addition to MWBE firms partnering with Bidders, can MWBE Bidders in lots 1 and 2 partner with other bidders for lots 3 and 4?	Yes. However, there are no MWBE goal requirements established for Lots 3 and 4.
48	Solicitation Main Document	<i>MWBE Requirements</i>	Section 6	6.17.IV-VII. MWBE Requirements for Lots 1 & 2	Given that the prior procurement for laboratory supplies did not contain MWBE goals, and given that use of MWBEs in successfully fulfilling requirements of any contract resulting from this procurement will increase costs of compliance and performance, will the State factor the inclusion of the goals in assessing price reasonableness, specifically since pricing on past state contracts is mentioned as one gauge of price reasonableness in the evaluation of the submissions for this bid?	No. Reasonableness of price will be determined as described in the Solicitation in Section 5.1 - <i>Method of Award</i> .
49	Solicitation Main Document	<i>MWBE Requirements</i>	Section 6	6.17.IV-VII. MWBE Requirements for Lots 1 & 2	Due to the requirements nature of this commodities contract, which is not for defined quantities, and the limited number of certified MWBEs available to assist in aspects of its fulfillment, there is no way for a bidder to meaningfully complete a utilization plan or predict how or if it will achieve a 30% MWBE goal. While some potential MWBE partners can likely be identified, bidders can have no control over or foreknowledge of what will eventually be purchased out of the likely hundreds of thousands of SKUs that could be included on this contract, or if those items may be purchased from an MWBE partner. This contract is not for defined quantities, and as such, the total contract value and number of competitor contractors are unknown, and bidders will find it impossible to accurately fill out, or even estimate either dollar or percentage amounts on the required MWBE 100 Utilization Plan. Is the State aware that almost by definition every bidder on Lots 1 and 2 must request a partial waiver of this requirement?	The scope of work on this contract was used in part to determine the availability of certified MWBE firms. We believe there is an adequate number of MWBEs to provide meaningful participation on this contract.

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50	Solicitation Main Document	MWBE Requirements	Section 6	6.17.IV-VII. MWBE Requirements for Lots 1 & 2	A follow up question to the one above: If the lack of certainty of what will eventually be ordered under this non-defined commodities procurement, both in terms of items and volume, won't allow a bidder to fill in a dollar figure or percentage amount on the certified document that is the MWBE 100 form, will bidders who do not complete those parts of the form be disqualified for being nonresponsive?	No, they will not.
51	Solicitation Main Document	MWBE Requirements	Section 6	6.17.IV-VII. MWBE Requirements for Lots 1 & 2	Some of the small number of certified MWBEs that bidders will be able to attempt to form partnerships with could also possibly decide to independently submit a response to this procurement on their own. Requiring that we contact and attempt to negotiate with them prior to submission of bid responses creates a risk that bidders will be put in danger of either having to 1) divulge strategic information to the MWBE that could be critical to the success of the bidder's approach, or 2) have conversations involving pricing that may not be compliant with state law. How does the State expect bidders to proceed in conformity with the bid documents and at the same time maintain compliance with state law regarding bidding, when some of the certified MWBEs could also be primary bidders for this contract?	In accordance with NYS Executive Law Article 15-A - To address questions #1 and #2, A contractor is required to make good faith efforts to meet the goal requirements (5 NYCRR §142.8) and further must evidence good faith by adhering to 5NYCRR §142.7(d) (7) which requires "documenting any negotiations between the contractor and MWBEs for purposes of complying with goal requirements". #3) Section 6.17 II. B - <i>General Provisions</i> , The Contractor agrees, in addition to any other nondiscrimination provision of the Contract and at no additional cost to OGS, to fully comply and cooperate with OGS in the implementation of New York State Executive Law Article 15-A and the regulations promulgated thereunder.
52	Solicitation Main Document	MWBE Requirements	Section 6	6.17.IV-VII. MWBE Requirements for Lots 1 & 2	Given the substantial considerations, issues, and work involved with making good faith efforts to comply with the MWBE portions of this procurement, and that the answers to our questions will likely not be available to us until at least 2/1/19, does the State anticipate extending the deadline any further to accommodate the need for post-answer good faith efforts?	OGS has postponed the bid opening. Please see page 1 of the Solicitation (Revised February 22, 2019) and Section 1.4 - <i>Key Events/Dates</i> .
53	General	N/A	N/A	N/A	Would it be possible to obtain the previous bid tabulation for this bid?	This Solicitation, 23154, combines awards 22720, 22563, and 22727. This is a new solicitation. There is no previous tabulation to review. Pricing information for the current awards can be found at the following links: https://ogs.ny.gov/purchase/spg/pdfdocs/1010022720ContractorInfo.pdf ; https://ogs.ny.gov/purchase/spg/pdfdocs/1200022563ContractorInfo.pdf ; https://ogs.ny.gov/purchase/spg/pdfdocs/1200022727ContractorInfo.pdf
54	General	N/A	N/A	N/A	Is this bid replacing contract award 22720 group 10100? Or is this a separate contract altogether?	This Solicitation, 23154, combines awards 22720, 22563, and 22727.
55	General	N/A	N/A	N/A	What type of facilities will be purchasing from this contract?	Please refer to Appendix B - Authorized Users
56	General	N/A	N/A	N/A	Does the OGS have a small business specialist that we can reach out to? please advise	No, however, please refer to the following website for helpful information: https://esd.ny.gov/doing-business-ny/small-business-hub
57	Solicitation Main Document	Ordering	Section 6	6.7	Is online ordering a requirement for this particular bid?	No, it is not a requirement for this Solicitation.
58	Attachment 3 - Encouraging Use of NYS Businesses	Ordering	Section 6	6.7	When Bidders partner with an MWBE firm, how would an ordering agency place their orders (through the MWBE or through the bidding partner)?	The order shall be placed through the prime contractor, however, an MWBE subcontractor can perform customer service functions under the bidder's contract award. Section IV 2. V (C) - <i>MWBE Utilization Plan (Lots 1 & 2 only)</i> states the following: "When an MWBE is serving as a broker on the Contract, only 25 percent of all sums paid to a broker shall be deemed to represent the commercially useful function performed by the MWBE".
59	Solicitation Main Document	Overview	Section 1	1.1	Where are the awarded parties listed at?	Information about the current awards can be found here: https://ogs.ny.gov/purchase/spg/awards/1200022563CAN.HTM ; https://ogs.ny.gov/purchase/spg/awards/1200022727CAN.HTM ; https://ogs.ny.gov/purchase/spg/awards/1010022720CAN.HTM
60	Solicitation Main Document	Price	Section 6	6.3	Some distributors inflate MSRP on items they sell, and create their own, higher, distributor list prices that differ from the list prices suggested by the manufacturer. This can create a situation where Bidder A who uses MSRP can discount a product at X% and Bidder B who raises list prices can discount the same product at X+Y% (a "better" discount) even when the net price of the item could be lower from Bidder A. If the State allows bidders to supply their own published lists even if they differ from MSRP, will it recognize that discount percentages, as expressed in the first tab ("Discounts") of Attachment 1 Pricing spreadsheet, do not alone indicate competitiveness of pricing to the State relative to other bidders? Will the State recognize that only the Net Price to the State as expressed in the subsequent tabs of the Pricing spreadsheet is truly indicative of an item's price competitiveness?	Per Section 6.3 - <i>Price</i> : Pricing shall be discounted from Manufacturer's Suggested Retail Price (MSRP). Bidder shall include all current MSRPs as part of their Bid. A list price set by a distributor would not be an MSRP for purposes of this Solicitation.
61	Attachment 1 - Pricing	Price	Section 6	6.3	When bidding categories within the Lots, can a set discount for the manufacturer's brand or catalog be given, or must the entire list of catalog numbers in that brand or catalog be listed individually with the discount?	Bidders must list each item with a corresponding discount on Attachment 1. If an item is not listed on Attachment 1, it will not be considered for award. Bidders may choose to offer the same discount for all items of a particular manufacturer/brand.
62	Solicitation Main Document	Price Updates	Section 6	6.4	If State fails to modify its requirements in Section 4.9, and bidder is awarded a contract with the State, will the State amend the solicitation to allow contractor to add additional products during the first year of the contract term? Should contract be limited to providing additional products until the first anniversary, the State is likely to receive a very limited product offering from large distributors. In order to provide the greatest possible number of products to the State's end-user agencies and departments, we request modification of the requirements of Section 4.9, or the ability to add additional products throughout the first year, and each subsequent year of the contract.	No, OGS declines to make the requested change.

	Solicitation Document Name	Document Section	Document Section Number	Document Sub-section Number	Question or Requested Deviation	OGS response
63	Solicitation Main Document	Pricing	Section 6	6.3	We request that paragraph 2 of this Section be modified to read: "Pricing shall be discounted from Manufacturer's Suggested Retail Price (MSRP) or distributors Published List Price. Published List Prices should be those list prices available to the general public from bidders website. Bidder shall include all current MSRP's or Published List Prices as part of their Bid." Most large distributors do not capture, maintain, follow, or use MSRP data from manufacturers (if the manufacturer has one) and many manufacturers and suppliers do not create a MSRP.	No, OGS declines to make the requested change.
64	Solicitation Main Document	Procurement Instructions for Authorized Users	Section 5	5.3	Authorized Users are encouraged to obtain three (3) quotes prior to purchase. What is the process if only one vendor is under contract to provide a quotation and the authorized user has no other contracted options for that product?	OGS encourages Authorized Users to obtain quotes from as many vendors as possible before making purchases to help ensure the State is receiving the best possible pricing. OGS recognizes there are times when that is not possible, which is why it is encouraged rather than a requirement.
65	Solicitation Main Document	Procurement Instructions for Authorized Users	Section 5	5.3	"Pursuant to State Finance Law § 163(10)(c), at the time of purchase, Authorized Users must base their selection among multiple Contracts upon which is the most practical and economical alternative that is in the best interests of the State. Are authorized users able to deviate from the contract offering and source a non-contracted product via an alternative procurement method?"	Authorized Users are required to follow State Finance Law. In certain instances, they may order a product that is not on a NYS contract provided the user can justify that purchase and prove that products available on contract do not fit their form, function, and utility.
66	Attachment 5 - Bidder Information Questionnaire	Question 14 & 15	N/A	N/A	As 14 & 15 appear to be questions that the bidder must answer in an effort to address the requirements of Section 5.1 regarding "Price Reasonableness", can or should bidder submit additional information or a narrative to demonstrate reasonableness in the form of an Exhibit or Supplement to Attachment 5? Does the State recommend another method by which bidder should address the requirements of Section 5.1?	No. Reasonableness of price will be determined as described in the Solicitation in Section 5.1 - <i>Method of Award</i> .
67	Solicitation Main Document	Scope	Section 1	1.2	Where can information about the current award be found?	Information about the current awards can be found here: https://ogs.ny.gov/purchase/spg/awards/1200022563CAN.HTM ; https://ogs.ny.gov/purchase/spg/awards/1200022727CAN.HTM ; https://ogs.ny.gov/purchase/spg/awards/1010022720CAN.HTM
68	Solicitation Main Document	Scope	Section 1	1.2	Lot 1: Does this description include cell counters and or cell analyzers?	There are no specific Products required. Please refer to Section 3 - <i>Specifications</i> and Section 1.2 - <i>Scope</i> . Bidders may offer any products within scope on Attachment 1 - <i>Pricing</i> that your company would like on the OGS NYS contract. This would include, but not be limited to multiple lines, models, and different products. In accordance with Section 3 - <i>Specifications</i> , "Any products that do not fall within the scope shall be rejected."
69	Solicitation Main Document	Scope	Section 1	1.2	Our company provides orthotic supplies such as wrist splints, back/knee braces, cervical neck collars etc., as well as supplies for prosthetic limbs such as socks, shrinkers etc. Would these items be within the scope of Lot 2: Medical Supplies? Either a. General Consumables or b. Basic Equipment and Instruments?	There are no specific Products required. Please refer to Section 3 - <i>Specifications</i> and Section 1.2 - <i>Scope</i> . Bidders may offer any products within scope on Attachment 1 - <i>Pricing</i> that your company would like on the OGS NYS contract. This would include, but not be limited to multiple lines, models, and different products. In accordance with Section 3 - <i>Specifications</i> , "Any products that do not fall within the scope shall be rejected."
70	Solicitation Main Document	Scope	Section 1	1.2	When will the specs be released for Lot 1?	There are no specific Products required. Please refer to Section 3 - <i>Specifications</i> and Section 1.2 - <i>Scope</i> . Bidders may offer any products within scope on Attachment 1 - <i>Pricing</i> that your company would like on the OGS NYS contract. This would include, but not be limited to multiple lines, models, and different products. In accordance with Section 3 - <i>Specifications</i> , "Any products that do not fall within the scope shall be rejected."
71	Solicitation Main Document	Scope	Section 1	1.2	Can you please provide the previous items that were awarded for lots 1 and 2. also, can you please provide the current contractors name and item pricing	Information about the current awards can be found here: https://ogs.ny.gov/purchase/spg/awards/1200022563CAN.HTM ; https://ogs.ny.gov/purchase/spg/awards/1200022727CAN.HTM ; https://ogs.ny.gov/purchase/spg/awards/1010022720CAN.HTM
72	Attachment 1 - Pricing	Scope	Section 1	1.2	When Bidding on Lots, the bidder is not required to bid on all the categories. Will the categories be weighted on importance to determine whether the bidder will be awarded a contract for that lot? Are some categories weighted more than others in importance? If so, can you list the importance of the top categories within the lot?	No, the categories are not weighted.
73	Solicitation Main Document	Solicitation Main Document	MWBE Requirements	Sec 6	The bid requires a 30% MWBE Subcontracting goal for lots 1 & 2. Please provide more info on achieving these requirements. 1) Are we required to get a quote for products that will be designated to the MWBE and submit their pricing for these items? 2) If the items that have been designated to the MWBE are not being purchased by OGS, are we still required to achieve the 30% goal? 3) The contract states that manufacturers certificates are required, are MWBE Subcontractors required to have manufacturers certificates as well?	1.) You are required to determine and designate how your listed MWBE subcontractors will be utilized based on your agreements. 2.) Yes, MWBE participation goals reflect the percentage of aggregate for all State agency and authority expenditures for Lot 1 & 2 over the Contract term. If the goals cannot be achieved, then you can exercise your right to submit a waiver request along with supporting documentation of your efforts. 3.) Yes, if they are designated as resellers of the products.
74	Solicitation Main Document	Solicitation Main Document	Section 4.4 #2,	Sec 4	"MSRP for all products offered" are we able to include the pricing in electronic copy only as we're submitting over 35,000 lines in separate workbooks in separate tabs, which will be too many pages to print out? Additionally, list price is available on our website.	The MSRP should be submitted in the original format as it was received directly from the manufacturer. Paper MSRP's may be scanned and submitted electronically in PDF format. The MSRP must be submitted as a separate file, in addition to the list price being entered on Attachment 1 - <i>Pricing</i>

	Solicitation Document Name	Document Section	Document Section Number	Document Sub-section Number	Question or Requested Deviation	OGS response
75	Solicitation Main Document	<i>Supplier/Manufacturer Certificate</i>	Section 4	4.9	For large distributors, the requirements of Section 4.9 and Attachment 9 are cumbersome and difficult for bidder to fulfill. When other states have requested this same information in previous statewide bid solicitations, bidder has had limited success getting letters back from manufacturers and suppliers in a timely manner. This resulted in bidder significantly limiting the number of products that could be provided to their state. We note that NYS already requires in Section 1(b)(i) that bidder provide warranty that they are an authorized distributor. Failure to meet this requirement would represent a breach of the terms of the solicitation and any subsequent award. We request the State consider allowing an alternative mechanism for compliance if the warranty isn't sufficient to meet its requirements. We would recommend the State consider accepting a notarized Attestation signed by a Corporate Officer acknowledging the requirements of Section 1(b)(i) that no products will be offered where bidder is not an authorized reseller of the products offered, as an alternate means of compliance.	OGS declines to make the requested change. However, OGS has stricken Question #2 from Attachment 9 - <i>Supplier/Manufacturer's Certificate</i> (Revised February 22, 2019). OGS will accept either version of Attachment 9 (Original or Revised February 22, 2019).
76	Attachment 1 - Pricing	<i>Tabs 1a through 4</i>	N/A	N/A	The Excel files for pricelists are setup for only 5000 items. There is an instruction in the bid document that tells us not to modify the sheets. How should we proceed if our proposed pricelists will contain more than 5000 items per tab?	If your offerings exceed the amount of allowable spaces per lot, please submit more than one Attachment 1 - <i>Pricing</i> , and name them 1 of 2, 2 of 2, etc.