
Appendix E - How to Use This Contract

Section 1. Introduction.

Authorized Users must follow these How to Use procedures and must adhere to the terms and conditions of the NASPO ValuePoint Information Technology (“IT”) Research & Advisory Services Contract (“Contract”) when procuring Product from Award PGB-23356.

This document provides Authorized Users with instructions on how to use the IT Research & Advisory Services Contract. These instructions assume Authorized Users have a working knowledge of procurement methodology.

General procurement information is available at the New York State Office of General Services (OGS) Procurement Services website. <https://ogs.ny.gov/procurement/buyer-information>

Contract information, including a list of contractors, contractor information and price lists can be found on the Contract website. An Authorized User may contact the OGS Contract Manager identified on the website with any questions, concerns or clarifications regarding the Contract. <https://ogs.ny.gov/award-23356>.

Authorized Users are reminded to maintain a complete procurement record.

Section 2. General Contract Information.

2.1. Piggyback Contracts.

Group 73001, Award PGB-23356 includes “Piggyback” contracts made between OGS and the Contractors. The terms and conditions of the Piggyback Contracts (found on the “Contractor Information” web page, under the “Terms & Conditions” link) shall supersede any conflicting terms and conditions set forth in the Master Agreements. Authorized Users should read and become familiar with all the terms and conditions in the Piggyback Contracts. The Master Agreements resulting from RFP 2-10115 are established by NASPO ValuePoint Cooperative Purchasing and may be accessed through the link included on the “Contractor Information” page.

2.2. OGS Centralized Contract Scope.

The intent of this Contract is to provide IT Research and Advisory Services for all Authorized Users. This Contract provides for the procurement of IT Research, Advisory Services, and related Consulting Services.

2.3. Who Can Use This Award?

This award is for use by Authorized Users of OGS centralized contracts which includes, but is not limited to, New York State agencies and Non-State organizations (political subdivisions, local governments, public authorities, public schools, fire districts, public and nonprofit libraries, community colleges, and certain other nonpublic/nonprofit organizations).

2.4. How many contractors are on this Award?

There are two (2) Contractors on this Award.

2.5. What is the contract term of this Award?

The contract term for this contract runs from the date approval by the NYS Office of the State Comptroller (OSC) until January 18, 2026.

2.6. What regions are covered by the Award?

The Contract Award includes the entire State of New York.

2.7. Second Amendment

An amendment to each Contract in this Award was mutually agreed to by the Contractors and OGS and approved by OSC simultaneously with approval of the Contract by OSC on 1/10/2025. This amendment struck and replaced the following Contract Sections: 1.1 – Overview and Scope, 2.1 – Contract Documents and Conflict of Terms, 2.8 - Ordering, and 2.36 – Contract Modifications. Each Contract was also amended to add Appendix E (this document). The Second Amendment and the Contract for each Contractor are available on this Award’s website.

Section 3. Contractors/Pricing.

3.1. Contractors.

The participating Contractors are listed on the “Contractor Information” webpage.

3.2. Contract Pricing.

An Attachment 1 – Pricing for each Contractor can be found on the “Contractor Information” webpage, under the “Pricing Information” link.

3.3. Pricing Terms.

The price for Product shall either be at the agreed-upon discounts and service rates listed in Attachment 1 – Pricing, or at a price that is more advantageous to the Authorized User.

Price shall include all customs, duties, and charges, and be net, F.O.B. destination to any point in New York State as designated by the ordering Authorized User.

3.4. Can an Authorized User negotiate lower pricing on large purchases?

Yes, Authorized Users are encouraged to negotiate lower pricing at any time.

3.5. Pricing/Product Updates.

Attachment 1 – Pricing may be updated from time to time. All updates will be posted on the OGS website by OGS Procurement Services. Current price pages are available on the Contract webpage.

3.6. Ordering.

Purchase Orders shall be made in accordance with the terms set forth in Appendix B – Purchase Orders. All orders shall reference Contract number, requisition, and/or purchase order number (if applicable). Upon Contractor’s receipt of an order, confirmation is to be provided to the Authorized User electronically or via facsimile. Order confirmation shall be itemized, and include purchase price, date of purchase, delivery information (if applicable), Authorized User name, and sales representative (if applicable).

3.7. OSC Approval.

Pursuant to Chapter 839 of the Laws of 2022, OSC approval is required for purchases from OGS centralized contracts exceeding the OSC approval threshold as defined in STF §112. Please refer to OSC Contract Advisory No.31, Purchases From Centralized Contracts for guidance on how to obtain OSC approval for such purchases made under this Contract.

3.8. Feedback.

Authorized Users should report any problems to the contact person listed on the Contract website or post a review on Procurated (<https://go.procurated.com/new-york/>).

Section 4. Requesting Quotes.

4.1. Request for Quotes (RFQ).

To encourage competition, a competitive Request for Quote (RFQ) process is **required** for all transactions under this Award. An Authorized User must distribute the RFQ to all awarded Contractors under this Award.

Authorized Users must maintain a record of the Contractors they send the RFQ to. It is highly recommended the Authorized User save an electronic copy of their email for the RFQ sent to all Contractors for inclusion in their procurement record.

Quotes obtained without utilizing the RFQ process will not be considered valid under the Contract. Submitting a Purchase Order directly to a Contractor without first utilizing the RFQ process (except as provided in Appendix B, Section 27(e)) is prohibited.

All RFQ issued under this Award must reference Group 73001, Award PGB-23356, IT Research & Advisory Services

The Contracts have been issued under a multiple award structure. Authorized Users shall procure services that best meet their form, function, and utility requirements. 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.

4.2. Basis for Award.

Selection of the winning Contractor will be based on a best-value determination by the Authorized User.

<p>Method of Award Best Value with Financial and/or Technical Score.</p>	<p>→</p>	<p>Minimum Requirement</p> <ul style="list-style-type: none">• The Service(s) must meet the stated specifications.• There may be mandatory Pass/Fail requirements.• The Technical Evaluation must not be comprised of Mandatory Pass/Fails but instead must consist of objective and quantifiable factors to be scored with an evaluation tool.• Authorized Users must finalize their evaluation tool before the due date of the RFQ response.• There is a financial score and/or a technical score.• Technical weighing may <u>not exceed</u> 70% including consideration whether to use the quantitative factor set forth in State Financial Law section 163(1)(j), for Small Businesses or MWB entities.
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The RFQ will result in an Authorized User either issuing a Purchase Order or providing their Purchasing Card information to the selected Contractor for Information Technology Research and Advisory Services. Each Authorized User Purchase Order or Purchasing Card transaction for services will be governed first by the terms and conditions specified in the OGS Centralized Contract and second by any terms and conditions added to the Authorized User’s RFQ. See Appendix B – Clause 26 – Modification of Contract Terms.