

Award #23253 – Language Services How to Use and FAQs

The purpose of the Language Services (On-Demand Personnel) Back-Drop Contract is to provide Authorized Users with the means to acquire various Language Services Titles and Ancillary Services Statewide.

These Backdrop Contracts have an established set of standardized terms and conditions, guidelines, processes and an RFQ template. When an Authorized User needs language services, they will issue a **competitive** Request for Quote (RFQ) in accordance with the terms and conditions of the Centralized Backdrop Contract and include any additional requirements of the positions sought to be filled. **The RFQ will be distributed by the Authorized User to all Contractors for the applicable Title and Region where the work is to be performed. Authorized Users should refer to the “Mailing List/Matrix” for the generic emails that must be used when issuing an RFQ.** It is in response to the RFQ where the Contractors shall submit the actual proposed prices to be charged. The Authorized User will then either use their NYS Procurement Card (PCard) or issue a Purchase Order to obtain temporary personnel from the selected Contractor based on the RFQ responses.

The Office of General Services’ Business Services Center (BSC) is available to assist state agencies with the development, solicitation, and processing of RFQs conducted via this contract award. For assistance with your RFQ, please contact the BSC:

Email: OGS.sm.OGSbuydesk@ogs.ny.gov
Buy Desk Support: (518) 457-4272

Authorized Users Please Note the Following Requirements:

1. An Authorized User shall check the list of Preferred Source offerings and are reminded that they must comply with State Finance Law §162, which requires that agencies afford priority to the services of Preferred Source suppliers such as the New York State Preferred Source Program for People who are Blind and NYS Industries for the Disabled, when such services meet the form, function and utility of the Authorized User and the price offered is within 15% of prevailing market prices. If a preferred source does not meet an Authorized Users’ form function and utility or the preferred source price is more than 15% above prevailing market prices, then the Authorize User may use this Award.
2. Authorized Users must use the Request for Quote (RFQ) Process to obtain Language Services under this Award, as the rates listed are Maximum-not-to-exceed rates. The Authorized User’s request will be competitive based on the development of a specific need in accordance with the contractual terms.
3. An Authorized User shall review the list of Regions to determine the applicable Region for the required service unless the Title is non-regional. **A separate RFQ should be issued for each Region.**
4. The Authorized User will identify in the RFQ any special requirements such as evening or night shifts, work inside a secure facility, specialized training or experience, etc. **Where background checks are not automatically required, the Authorized User shall inform the Contractor at this time if a background check will be necessary.** Authorized Users must

request quotes, and may request resumes, from each Contractor listed within the applicable Region for the Title(s) they are seeking. **The Authorized User must send the RFQ, using the generic email address listed within the Award (see #5 below), to each of the Contractors within the applicable Title/Region.** If the Contractor was not awarded the specific Title, the Contractor is not eligible to respond to the RFQ and no response is needed.

5. **How to Use Mailing List/Matrix to create your email for the RFQ:** Use drop-down arrows within the mailing list to filter on Title and Region (if applicable). Example: Column B – Region Number: Clear all check marks and then put a check mark next to the Region number where the work will be performed (unless the Title is non-regional; check map for the list of Regions). Column C - Job Title: Clear all check marks and then put a check mark next to the Title you are seeking (ex. Simultaneous Interpretation). Filtering on Title and Region will bring up all Contractors that have Simultaneous Interpretation for that Region. Once filtered, use the emails in Column H to send your RFQ; simply copy and paste these email addresses into your RFQ email. It is recommended that you download and save this filtered table for your procurement record and use it to verify that the bid pricing is at or below Not-to-Exceed Rates in Columns E, F, and G.

6. For all Titles where on-demand services may be requested, a minimum of two (2) Business Days should be given for Contractors to respond to the RFQ. The Authorized User will determine the amount of time needed for responses, beyond the two (2) day minimum, by taking into consideration the Title(s) and complexity of needs. A minimum of three (3) quotes must be received by the due date and time in order for the Authorized User to proceed. In some Titles/Regions, where the total number of available Contractors may be less than three, this requirement is 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, where required, Authorized Users must then contact the Contractor(s) that did not respond to find out why they did not submit a response to the RFQ and must note such reason for the procurement record. If after contacting the Contractors the Authorized User is still unable to obtain the required three quotes, where the reason for such is due to lack of sufficient information within the RFQ, they must reissue their RFQ. The Authorized User should consider modifying their RFQ to be more detailed or to address the reason(s) which may have prevented Contractors from responding to the initial RFQ. If the Authorized User has not received the requisite number of quotes after the reissued RFQ, the Authorized User may, if they elect, award based on the quotes received in response to the reissued request. In all cases, Authorized Users must document the basis for their selection under the RFQ for the procurement record.

RFQ's should be as detailed as possible, and, at a minimum, contain the following:

- a) Applicable Language(s)
- b) Applicable Ancillary Service(s)
- c) Region
- d) Job Title(s)
- e) Location
- f) Duration (not to exceed 24 months)
- g) Hours (start and stop times, and whether overtime is anticipated)
- h) Days of the week requested
- i) Shift

- j) Estimated Start date
 - k) Additional specifications, qualifications, experience or skill levels
 - l) Authorized User information
 - m) Order priority (normal- 7 days, priority - 3 days, overnight - next day, immediate - same day)
 - n) Response date and time
 - o) Other information and requirements necessary for the particular engagement
 - p) NYS Holiday Rate, if requested
 - q) Overtime Rate, if requested
7. It is highly recommended that Authorized Users award RFQ's for their on-demand interpretation/translation needs to multiple Contractors (2-3) to utilize if their primary Contractor is unable to provide the services requested on a particular day/time.
 8. When Ancillary Services are needed in conjunction with translation/interpretation services, Authorized Users must issue the RFQ to all Contractors that offer the Ancillary Service needed, as well as to all the Contractors that offer the translation/interpretation Title(s) needed. Authorized Users will include the Ancillary Service and any other additional requirements within the "Additional Skill Level, Experience or Other Requirements" area on page 2 of the RFQ.
 9. Authorized Users **must maintain a record** of the Contractors they send an RFQ to. It is strongly recommended the Authorized User save both an electronic copy, and print-out of their email for the RFQ sent to all Contractors in the applicable Lot and Region for inclusion in their procurement record and submission to the OGS Business Services Center (BSC), should a listing be requested.
 10. Contractor's quotes should be responsive to each of the Authorized User's requirements and contain a competitive Bill rate, a competitive Overtime Rate, and a NYS Holiday Rate if the Authorized User indicates in the RFQ that overtime or work on a NYS Holiday is needed or anticipated.
 11. Selection of the winning Contractor will be based on a best-value determination considering the Authorized Users needs and Contractors lowest price. Best value can be equated to low price by the Authorized User. The RFQ will result in an Authorized User either issuing a Purchase Order or providing their PCard information to the selected Contractor for Administrative Services. Each Authorized User Purchase Order or PCard 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 Section 26 regarding modification of Contract terms.
 12. Authorized Users should include as much information as possible to allow Contractors to provide complete and appropriate quotes by the due date and time provided. The Authorized User may include additional requirements, such as: security requirements, advanced degrees, federal funding requirements, familiarity with NYS-specific terms, confidentiality requirements (such as no work being performed outside of the United States), shorter time frames for responding to urgent RFQs, electronic timekeeping, specific certifications, the need for travel, etc.

13. If an Authorized User is requesting more than one candidate at a time for the same Title, the Authorized User may utilize more than one Contractor per quote. For example, if the Authorized User is requesting two (2) Interpreters, and a single Contractor is only able to provide one (1), the Authorized User may select the remaining Interpreter from another Contractor's quote to fulfill their requirements. There is no limit to the number of Contractors that may be selected in order to satisfy an Authorized User's requirements; however, the cost for each must be considered and if all other requirements are equal, low cost shall be the determining factor.
14. An Authorized User shall issue a Purchase Order, initiate a PCard transaction or other written order for work to the winning Contractor, which is effective and binding on the Contractor at the time of order in accordance with Appendix B – Purchase Orders. The Purchase Order shall contain the total exact or estimated cost, if an exact cost cannot be determined at that time. A Contractor shall not initiate services until the Purchase Order or PCard transaction is issued, and an Authorized User shall not request performance of services until the Purchase Order or PCard transaction has been issued. Purchase Orders and PCard transactions may be issued for up to a two-year period (24 months) so long as the Purchase Order or PCard transaction is issued within the term of the Backdrop Centralized Contract. A Purchase Order that goes beyond the end of a fiscal year for a State Agency will require a change notice to be implemented in the Statewide Financial System to authorize payments after the end of the prior fiscal year. Change notices are also allowed for up to two (2) years, upon both parties agreement. Blanket Purchase Orders may be used for either an exact, or an estimated number of hours at a set rate for a certain time period, specific to a Region and Title.
15. All NYS Procurement Guidelines must be followed, and the Authorized User's procurement record should clearly show why one Contractor was chosen over another.
16. Contractor questions, clarifications, and/or disputes arising from an Authorized User's RFQ and/or Contractor selection are to be reviewed and resolved by the Authorized User and the Contractor, and not by NYS OGS.
17. In the event an Authorized User has an unanticipated or expedited need for services and the RFQ process provided for in the Contract will not allow the Authorized User to meet such unanticipated or expedited need for services, the Authorized User may acquire such services without issuing an RFQ as required herein but by obtaining quotes and making an award in accordance with the individual Authorized User's procurement procedures. The Authorized User shall document the nature of the unanticipated or expedited need for services and the process for obtaining quotes and making the award. The term of any award made without issuing an RFQ as required herein shall be limited to the minimum period of time necessary to meet the unanticipated or expedited need for services, until such time as the RFQ process can be completed.
18. Suitability Determination Guidelines
In making a suitability determination, the Authorized User shall consider the information obtained through the background check for the following factors and evaluate them against the work to be performed, the performance location, and the degree of risk to its organization in accordance with Article 23-a of the NYS Correction Law:
 - a) Any loyalty or terrorism issue;
 - b) Patterns of conduct (e.g., alcoholism/drug addiction, financial irresponsibility/major

liabilities, dishonesty, non-employability for negligence or misconduct, criminal conduct);

- c) Dishonorable military discharge;
- d) Felony and misdemeanor offenses;
- e) Drug manufacturing/trafficking/sale;
- f) Major honesty issue (e.g., extortion, armed robbery, embezzlement, perjury);
- g) Criminal sexual misconduct;
- h) Serious violent behavior (e.g., rape, aggravated assault, arson, child abuse, manslaughter);
- i) Illegal use of firearms/explosives;
- j) Employment related misconduct involving dishonesty, criminal or violent behavior; and
- k) Misrepresentation of information including educational and professional background, legal status or valid licensure.

The Authorized User shall evaluate any adverse information about a Candidate by considering the following factors before making a suitability determination:

- a) The nature, extent and seriousness of the conduct;
- b) The circumstances surrounding the conduct;
- c) The frequency and recent timeframe of the conduct;
- d) The individual's age and maturity at the time of the conduct;
- e) The presence or absence of rehabilitation and other pertinent behavior changes;
- f) The potential for pressure, coercion, exploitation, or duress;
- g) The likelihood of continuation of the conduct;
- h) How, and if, the conduct bears upon potential job responsibilities; and
- i) The Temp's employment history before and after the conduct.

A negative suitability determination must be supported by a finding that the adverse information has a direct bearing on the potential job duties or that it is deemed sufficiently serious to bar the Candidate from a governmental site. The Authorized User should consult with its legal counsel regarding any questions on the suitability determination.

19. The Contractor is required to provide the Authorized User with one invoice for each Purchase Order at the time of delivery. The invoice must include detailed line-item information to allow Authorized Users to verify that pricing at point of receipt matches the Contract price on the original date of order. At a minimum, the following fields must be included on each invoice:

- Contractor Name
- Contractor Billing Address
- Contractor Federal ID Number
- NYS Vendor ID Number
- Account Number
- NYS Contract Number
- Name of Authorized User indicated on the Purchase Order
- NYS Agency Unit ID (if applicable)
- Authorized User's Purchase Order Number
- Order Date
- Invoice Date
- Invoice Number
- Invoice Amount
- Service or Product Descriptions
- Unit Price

- Quantity
- Unit of Measure
- Dates of Service (if applicable)

Frequently Asked Questions (FAQs):

- 1. How do I know if I'm an Authorized User of NYS OGS contracts, including the Administrative Services Backdrop Contract?**
 - Please contact NYS OGS Procurement Services Customer Services at: 518-474-6717, or via email at: OGS.sm.customer.services@ogs.ny.gov.
- 2. Is there a restricted period during the RFQ process?**
 - When the BSC is issuing an RFQ on behalf of another agency, they do impose a restricted period, which runs from the release of the RFQ to the quotation closing date.
- 3. Are PCard purchases allowed under this Backdrop Contract?**
 - Yes. All Contractors have agreed to accept the NYS Procurement Card (PCard), or other electronic form(s) of payment, from Authorized Users, for all Titles and Ancillary Services.
- 4. Is a fee for PCard purchases allowed?**
 - No. Contractors are not allowed to implement any additional fees on top of the bill rate they bid. Per the contract language: "This is a "Full Service" Contract. For purposes of this Contract, "Full Service" shall mean that the Contractor's price includes all costs of providing Temporary Personnel, including but not necessarily limited to: all administrative requirements; all other additional costs such as necessary financial reports; all reporting or other requirements; all overhead costs, and profit."
- 5. Are Contractors allowed to increase not-to-exceed pricing during the term of the backdrop contract?**
 - Yes. Maximum-Not-To-Exceed (NTE) Bill Rates, including Overtime Rates and NYS Holiday Rates, and Contractors' NTE rates, for all Titles, will be automatically adjusted by the OGS contract administrator twenty-four (24) months after contract award, again at forty-eight (48) months after award, and a final time in the event of a contract extension. Such an adjustment will be based on percent changes in the U.S. Bureau of Labor Statistics Employment Cost Index (Index) for total compensation, by occupational group and industry - Service Providing Industries. (see table on page 4 of the following link: <https://www.bls.gov/news.release/pdf/eci.pdf>).
- 6. Are Contractors allowed to increase their quoted RFQ pricing at any time during the term of the engagement?**
 - No. Accepted quoted pricing may not increase during the term for which the Contractor has been awarded services.
- 7. Are there minimum fees for in-person interpretation?**
 - A Contractor will be paid a minimum of two (2) hours of the agreed upon rate for ASL, Consecutive and Simultaneous Interpretation, for the following:
 - For any appointment where performance time for services is for less than two (2) full hours, the Contractor will be paid for two (2) full hours. Contractor will be paid for a

minimum of two hours for on-site work, unless the interpreter is late for the scheduled appointment. For unplanned services requested outside an Authorized User's normal operating hours (8 a.m. to 5 p.m., Monday through Friday), an interpreter may be compensated one (1) additional hour. This requirement applies to all in-person interpretation services.

- Any appointment canceled with less than a twenty-four (24) hour notice from the scheduled appointment time (as long as the interpreter was on time).
- Other unusual circumstances approved by the Authorized User.

8. How is the winning Contractor selected?

- Selection of the winning Contractor will be based on a best-value determination considering the Authorized User's needs and Contractors lowest price. Best value can be equated to low price. The Authorized User may interview selected candidates to make a best value award. The Authorized User should determine (and document) the evaluation method, as would be done for any other procurement. The Authorized User should also be prepared to explain the evaluation and selection should an unsuccessful bidder request a debriefing. Additional information relating to a Best Value procurement is available in "The New York State Procurement Guidelines", which can be found at: <https://ogs.ny.gov/system/files/documents/2018/08/psnys-procurement-guidelines.pdf>

9. How do I know if the Backdrop Contractors are up to date on their required insurance?

- Please contact the OGS Bureau of Risk Insurance Management (BRIM) at: ogs.sm.insrev@ogs.ny.gov for confirmation of a Contractors current insurance.

10. If the resumes received do not meet my needs, can I request additional resumes?

- Yes. All bidders are to be treated fairly, equally and in compliance with State Finance Law and the Purchasing Instructions; therefore, you would need to reach out to all bidders that responded to request additional resumes.

11. Are Authorized Users obligated to notify all bidders, including non-awardees, of the results?

- While it's not required under the terms of the Award, it is recommended that Authorized Users follow up with notification of award to all non-awardees, not only as courtesy, but for the procurement record. If a Contractor would like to know the results of a specific RFQ, they should submit a FOIL request to the contracting agency (Authorized User).

12. Are Authorized Users obligated to notify non-selected bidders of the selected bidder's pricing?

- While it's not required under the terms of the Award, the information is subject to a FOIL request.

13. Are Contractors required to bid the position in the region where the position is based or can they travel between regions (i.e.. Regions 3 and 4)?

- Contractors may only bid the region where position is based.

14. If Contractors overbid (quote higher than their NTE rates), will they be notified and allowed to modify their quote?

- If a Contractor bids greater than their NTE rates the Authorized User may reach out to them to notify them and request lower pricing. Contractors are not allowed to bid

higher than their NTE rates.

15. **If a Contractor submitted an incorrect bill rate on their bid and corrected it to a higher rate after the RFQ closing date, is that acceptable?**
 - No. The Contractor must honor the price they bid even if it was a mistake. If they cannot/will not provide services at that price, the agency may select another Contractor from the quotes previously provided or reissue the RFQ.
16. **Does an RFQ template from a non-hosted agency need to be handled in different manner?**
 - No. All RFQs are handled in the same way.
17. **Are reissued RFQs sent to all Contractors or only those who didn't bid?**
 - Reissued RFQs must be sent to all Contractors regardless of whether they submitted a bid on the initial RFQ, or not, thus allowing all Contractors the same opportunities to review the RFQ and respond accordingly.
18. **Who do I contact if I still have questions regarding this Award?**
 - Please contact the OGS contract manager, Laura Dempsey, at: 518- 473-9825, or via email, at: laura.dempsey@ogs.ny.gov