

Appendix C – Contract Modification Procedure

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This document provides Contractors with instructions on how to submit Contract Modifications under the Manufacturer Umbrella Contract.

The Office of General Services (OGS) has implemented COMeT (Centralized Online Management e-Procurement Tool). This tool allows Contractors to manage their pricelist, contact information, and authorization of Reseller(s) / Sales Agent(s) through an online portal.

These Contract Modification Procedures, which incorporate the Appendix C.1 - Contract Pricing Modifications form and COMeT, are subject to change at the discretion of OGS.

Section 1. TYPES OF CONTRACT MODIFICATIONS

There are four types of Contract Modifications:

- Contractor Information,
- Pricelist,
- Request to Add a Lot to an Existing Umbrella Contract, and
- Change to Lot 3 - Cloud Risk Level.

Only one Contract Modification request per type can be in process at a time. This will help to ensure there will not be an overlap or discrepancy with the Appendix C.1 or Appendix D.

Situations requiring a Contract Modification include one or more of the general categories displayed in the chart below:

#	Category	Modification Type	How to Submit Modification	Additional Information
1.	Contractor is adding, removing, or updating contact information for their Manufacturer Umbrella Contract.	Contractor, Reseller, and Sales Agent Information	COMeT	Section 2 Contractor Information Updates
2.	Contractor is adding, removing, or updating information for an authorized Reseller.	Contractor, Reseller, and Sales Agent Information	COMeT	Section 2 Contractor Information Updates
3.	Contractor is adding, removing, or updating information for an authorized Sales Agent.	Contractor, Reseller, and Sales Agent Information	COMeT	Section 2 Contractor Information Updates
4.	Contractor is lowering the price of a Product.	Pricelist Update, Simple Update	COMeT	Section 3.1 Simple Updates
5.	Contractor is increasing the percentage discount of an existing Product Category.	Pricelist Update, Simple Update	COMeT	Section 3.1 Simple Updates
6.	Contractor is adding a Product to a Product Category that was previously approved by OGS.	Pricelist Update, Simple Update	COMeT	Section 3.1 Simple Updates
7.	Contractor is increasing the Price of a Product entirely due to an increase in the List Price of the Product on their Manufacturer's Price List.	Pricelist Update, Simple Update	COMeT	Section 3.1 Simple Updates
8.	Contractor is adding a Product in a new Product Category that has not been previously approved by OGS.	Pricelist Update, Complex Update	COMeT	Section 3.2 Complex Updates
9.	Contractor is adding a Product Bundle for Lot 1 or Lot 2 only.	Pricelist Update, Complex Update	COMeT	Section 3.2 Complex Updates; Section 3.11 Bundle Pricing
10.	Contractor previously awarded Lot 3 – Cloud wishes to add a Cloud Solution package.	Pricelist Update, Complex Update	COMeT	Section 3.2 Complex Updates

#	Category	Modification Type	How to Submit Modification	Additional Information
11.	Contractor is deleting a Product.	Pricelist Update, Complex Update	COMeT	Section 3.2 Complex Updates; Section 3.2.1 Removal of Products
12.	Contractor is adding a Product to replace a deleted Product with a different Unit of Measure.	Pricelist Update, Complex Update	COMeT	Section 3.2 Complex Updates, Section 3.2.3 Change the Unit of Measure of a Product
13.	Contractor proposes to change the Unit of Measure for a Product that is currently on Contract.	Pricelist Update, Complex Update	COMeT	Section 3.2 Complex Updates, Section 3.2.3 Change the Unit of Measure of a Product
14.	Contractor is requesting to add a Lot to their existing contract.	Pricelist Update, Complex + Add a Lot	COMeT	Section 3.2.2 Request to add a Lot to an Existing Umbrella Contract
15.	Contractor previously awarded Lot 3 – Cloud wishes to change their Cloud Risk Level.	Risk Level	Email	Section 4 Change to Lot 3 – Cloud Risk Level

Section 2. CONTRACTOR INFORMATION UPDATES

Contractor Information updates include:

- Changes to Contractor contact information.
- Changes to Resellers / Sales Agents including additions, deletions, or changes to contact information.

#	Category	Mandatory Documentation
1.	Contractor is updating contact information for their Manufacturer Umbrella Contract.	n/a
2.	Contractor is adding, removing, or updating information for an authorized Reseller.	<ul style="list-style-type: none"> • If adding a Reseller that does not have an NYS Vendor ID, Contractor must provide a completed OSC Substitute W-9 form for each such Reseller (see Section 2.1 for additional information) • If adding/removing a Reseller for Lot 1, 2, and/or 4 with a NYS MBE, WBE or MWBE certification, Contractor must provide an updated MWBE 100 form(s) for each affected Lot (see Section 2.2 for additional information) • If adding/removing a Reseller for Lot 4 with a NYS SDVOB certification, Contractor must provide an updated SDVOB 100 form (see Section 2.3 for additional information)
3.	Contractor is adding, removing, or updating information for an authorized Sales Agent.	n/a

Contractors must provide all requested changes and supporting documentation to Contractor's Appendix D – Contractor and Reseller Information to OGS using COMeT.

2.1 NYS VENDOR ID

All Resellers on the Contract must be registered in the New York State Vendor File (Vendor File) administered by the Office of the State Comptroller (OSC) and have a New York State ten-digit vendor identification number (Vendor ID). A Vendor ID is not the same as a TIN/FEIN.

To receive a Vendor ID, the Reseller is to complete the OSC Substitute W-9 Form (<https://www.osc.state.ny.us/files/vendors/2017-11/vendor-form-ac3237s-fe.pdf>) and submit the form to MfrUmbrella.Contractors@ogs.ny.gov. OGS will initiate the vendor registration process for all authorized

Resellers. Once the process is initiated, registrants will receive an e-mail identifying their Vendor ID and instructions on how to enroll in the online Vendor Self-Service application.

2.2 MWBE 100 – MWBE UTILIZATION PLAN

If a Contractor is adding or removing a NYS MWBE certified Reseller under Lot 1, 2 or 4 as part of a Contractor Information update, the Contractor must submit a revised MWBE 100 - MWBE Utilization Plan or a BDC 333.1 - Application for Waiver of MWBE Participation Goal form to OGS as part of the Contract Modification submission for each affected Lot. OGS Procurement Services will forward the revised Utilization Plan or the Application for Waiver to the OGS Office of Business Diversity (OBD) for review and approval. These forms can be found under the Commodity & Service Contracts tab located at <https://ogs.ny.gov/mwbe/forms>.

2.3 SDVOB 100 – OGS SDVOB UTILIZATION PLAN

If a Contractor is adding or removing a NYS SDVOB certified Reseller under Lot 4 as part of a Contractor Information update, the Contractor must submit a revised SDVOB 100 – OGS SDVOB Utilization Plan or a BDC 333.1S – Application for Waiver of SDVOB Participation Goal to OGS as part of the Contract Modification submission. OGS Procurement Services will review the submitted revised SDVOB Utilization Plan or Application for Waiver and advise the Contractor of OGS acceptance or issue a notice of deficiency. These forms can be found under the Commodity and Services Contracts Forms tab located at <https://ogs.ny.gov/veterans/forms>.

Section 3. PRICELIST UPDATES

Contractor shall not quote or offer Products that are the subject of a Contract Modification until receipt of approval from OGS.

For a compliant Pricelist Modification submission, Contractor must comply with all the following:

- Contractor must complete and submit an Appendix C.1 – Contract Pricing Modifications using the version of Appendix C.1 currently available in COMeT,
- Contractor must include only the desired changes to their pricelist on the submitted Appendix C.1,
- Contractor must include its most current Manufacturer's Price List,
- Duplicate SKUs within a Lot are prohibited, and
- If a SKU is being created for this Contract, only a unique SKU may be proposed on Appendix C.1.

Best Practices for Modifications marked as Time Sensitive or Associated with AGG Buy in COMeT:

- Contractor should use the optional fields in COMeT, such as the Comments field, to inform OGS why the requested changes are urgent (e.g. changes are related to a pending RFQ response or changes are related to a Hardware Aggregate Buy).
- Contractor should restrict the modification request to only the urgent changes needed to expedite the processing of a time sensitive Pricelist Modification. A Pricelist Modification should not be marked as urgent unless it contains 50 or fewer SKUs.

OGS reserves the right to request detailed information related to the need for an urgent Pricelist Modification request, including but not limited to: the name and contact information for the Authorized User conducting the RFQ, a copy of the RFQ, and/or the identifier of the Aggregate Buy.

3.1 SIMPLE UPDATES

Simple Updates are changes to a pricelist that do not impact the pricing methodology established within the Contract terms and conditions for an awarded Lot.

A Simple Update includes only changes that fall under the following general categories:

#	Category	Mandatory Documentation
4.	Contractor is lowering the price of a Product.	<ul style="list-style-type: none"> • Appendix C.1 • Manufacturer's Price List
5.	Contractor is increasing the percentage discount of an existing Product Category.	<ul style="list-style-type: none"> • Appendix C.1 • Manufacturer's Price List

#	Category	Mandatory Documentation
6.	Contractor is adding a Product to a Product Category that was previously approved by OGS.	<ul style="list-style-type: none"> Appendix C.1 Manufacturer's Price List
7.	Contractor is increasing the Price of a Product entirely due to an increase in the List Price of the Product on their Manufacturer's Price List.	<ul style="list-style-type: none"> Appendix C.1 Manufacturer's Price List

3.2 COMPLEX UPDATES

Complex Updates are changes to a pricelist that impact the pricing methodology and/or require additional documentation.

If a pricelist update includes any of the following categories, Contractor must mark the update as a Complex Update in COMeT:

	Category	Mandatory Documentation
8.	Contractor is adding a Product in a new Product Category that has not been previously approved by OGS.	<ul style="list-style-type: none"> Appendix C.1 Manufacturer's Price List One or more of the documents listed in Section 3.4.1
9.	Contractor is adding a Product Bundle to Lot 1 or Lot 2 only.	<ul style="list-style-type: none"> Appendix C.1 Manufacturer's Price List One or more of the documents listed in Section 3.4.1
10	Contractor previously awarded Lot 3 - Cloud is adding a Cloud Solution Package.	<ul style="list-style-type: none"> Appendix C.1 Manufacturer's Price List One or more of the documents listed in Section 3.4.1
11.	Contractor is deleting a Product.	<ul style="list-style-type: none"> Appendix C.1 If requested by OGS, one of the documents listed in Section 3.2.1.1
12	Contractor is adding a Product to replace a deleted Product with a different Unit of Measure.	<ul style="list-style-type: none"> Appendix C.1 Manufacturer's Price List The Mandatory Information listed in Section 3.2.3
13	Contractor proposes to change the Unit of Measure for a Product currently on Contract.	<ul style="list-style-type: none"> Appendix C.1 Manufacturer's Price List The Mandatory Information listed in Section 3.2.3
14	Contractor is requesting to add a Lot to their existing contract.	<ul style="list-style-type: none"> Appendix C.1 Contract Modification Form (last two pages of this form) Attachment 4 – Verifiable Sales One or more of the documents listed in Section 3.4.1 Invoices or Sales Reports Proof of compliance with additional insurance coverage, if applicable Proof of compliance with MWBE requirements, if adding Lot 1,2,4 Proof of compliance with SDVOB requirements, if adding Lot 4

3.2.1 REMOVAL OF PRODUCTS.

For requests to delete Products, OGS may require Contractor submit End of Life (EOL) documentation as justification for removal of products. Deleted products will not be allowed to be placed back onto the contract.

3.2.1.1 ACCEPTABLE END OF LIFE DOCUMENTATION

Public Notices: Examples include a press release or customer notification. In cases where the notice is general enough not to incorporate detail to the SKU level, a crosswalk indicating exactly which SKUs are affected and related to the end of life product model is required.

Internal Notices: Roadmaps or other independent reports showing the end of life of products are allowed. In cases where the notice is general enough not to incorporate detail to the SKU level, a crosswalk indicating exactly which SKUs are affected and related to the end of life product model is required.

List Price: Lack of a SKU on a Manufacturer's Price List illustrates the SKU is no longer for sale. Contract pricelists are not all inclusive and do not qualify.

3.2.2 REQUEST TO ADD A LOT TO AN EXISTING UMBRELLA CONTRACT

Contractors wishing to add a Lot (Lot 1 -Software; Lot 2 - Hardware; Lot 3 - Cloud; or Lot 4 – Implementation Services) to their existing Manufacturer's Umbrella Contract shall request a copy of the most recent Periodic Solicitation submission requirements from OGS by emailing MfrUmbrella.Contractors@ogs.ny.gov.

Contractor must submit a request to Add a Lot to an awarded Manufacturer Umbrella Contract in COMeT to OGS for review and approval.

Contractor must include all of the following information in a request to Add a Lot:

- all information required in the most recent Periodic Solicitation sections entitled Verifiable Sales, Manufacturer's Price List, Reasonableness of Pricing,
- all information required in Appendix C Contract Pricing Modifications Lot Specific Requirements (as applicable), and
- Proof of compliance with Appendix J - Contractor's Insurance Requirements (as applicable to the additional lot).

Contractor must not quote or offer a Product that is the subject of a Request to Add a Lot to an Existing Umbrella Contract until receipt of approval from OGS.

Please note – the timeframe for proof of Verifiable Sales defined in the most recent periodic recruitment shall be shifted accordingly. Contractors must demonstrate the minimum of Verifiable Sales during the 25-month period preceding the date the modification request was submitted.

Document Checklist to Add a Lot:

- ☐ Appendix C, Contract Modification Form (last two pages of this form)
 - Signed
 - Indicating the desire to add a Lot under the section Request Type, Adding New Lot
- ☐ Appendix C.1 – Contract Pricing Modifications (equivalent of Attachment 1, PR2 requirement)
 - Contractor Information tab
 - Category Discount tab
 - Lot(s) to be added tab(s), plus bundle tab(s) if applicable.
- ☐ Attachment 4 – Verifiable Sales
 - Vendor Certification tab, completed and signed
 - Lots to be added tab
- ☐ ROP benchmark documents
- ☐ Invoices / Sales Reports
- ☐ Proof of compliance with Insurance requirements, if adding Lot 3 or if applicable
- ☐ Proof of compliance with MWBE requirements if adding Lots 1, 2, or 4
- ☐ Proof of compliance with SDVOB requirements, if adding Lot 4

3.2.3 CHANGE THE UNIT OF MEASURE OF A PRODUCT

If a Contractor:

- A) Has deleted or proposes to delete a Product and requests to add a Product that is for the same offerings, but has a different Unit of Measure; OR
 - B) Proposes to change the Unit of Measure for a Product currently on Contract,
- The Contractor must demonstrate Reasonableness of Price.

To demonstrate Reasonableness of Price, the Contractor must provide all the following:

- 1. A pricing justification demonstrating that the Contractor changed the Unit of Measure for legitimate business reasons (e.g. a change in an industry standard, change of Contractor's suppliers, etc.) and not profit margin;
- 2. A comparison of other Contractor's new proposed pricing with that of other competing Contractor's pricing including the Unit of Measures; and
- 3. A list of all current Authorized User Agreements under the Contractor's Mfr. Umbrella Contract that contains all the following information:
 - A. The current quantity and pricing of the deleted Product;
 - B. The future quantity and pricing of the proposed Product and the corresponding pricing under any subsequent renewal or new Authorized User Agreement (using the same discount for the future proposed Authorized User Agreement for informational purposes only); and
 - C. The total difference as both a dollar value and percent showing the change in the proposed future Authorized User Agreement.

3.3 PRICING

In no event shall NYS Net Price in Appendix C.1 - Contract Pricing Modifications exceed the Contractor's List Price on their Manufacturer's Price List.

3.4 REASONABLENESS OF PRICING FOR COMPLEX UPDATES

NYS Net Pricing offered in Appendix C.1 - Contract Pricing Modifications will be reviewed by OGS to assess reasonableness of price. Contractors are encouraged to offer their best possible pricing. The Contract price lists referenced in Section 3.4.1 below will be accepted as documentation of reasonableness of price. Contractors should carefully read the instructions to Appendix C.1 - Contract Pricing Modifications to be sure that all information requested therein is provided and proposed pricing is equal to or better than the applicable price list referenced in Section 3.4.1 below.

If reasonableness of pricing is not demonstrated to OGS's satisfaction, the Contractor's Contract Modification may be non-approved.

3.4.1 ACCEPTABLE DOCUMENTATION OF REASONABLENESS OF PRICE

Acceptable documentation of reasonableness of price, in order of priority, is set forth below. Contractor must submit the documentation highest in the following order of precedence:

- 1. NYS Centralized Contract price list
 - NYS Centralized contract must have been approved by NYS
 - Contract price list shall be the most currently approved or the price list in effect at Contract expiration
 - If Contract has expired, the expiration date of the Contract shall be no more than one (1) year prior to the submission date of the requested Contract Modification.
 - Contract and Contract price list shall be included with modification request
- 2. Federal Contract price list (may be submitted only if the Products are not available/offered on 1 above)
 - Federal contract must have been approved by the Government Entity.
 - Contract price list shall be the most currently approved or the price list in effect at Contract expiration.
 - If Contract has expired, the expiration date of the Contract shall be no more than one (1) year prior to the submission date of the requested Contract Modification.

- Contract and Contract price list shall be included with modification request.
 - Discount percentage off List Price for proposed Products must be either identified on the Contract price list or provided separately with the Contract Modification.
3. Other NYS or Government Entity Contract Price List (may be submitted only if the Products are not available/offered on 1 or 2 above)
- The other NYS or Government Entity contract must have been approved by NYS or the Government Entity.
 - Contract price list shall be the most currently approved or the price list in effect at Contract expiration
 - If Contract has expired, the expiration date of the Contract shall be no more than one (1) year prior to the submission date of the requested Contract Modification.
 - Contract and Contract price list shall be included with modification request.
 - Discount percentage off List Price for proposed Products must be either identified on the Contract price list or provided separately with the Contract Modification.
4. Paid Invoices from Government Entities (may be submitted only if the Products are not available/offered on 1, 2 or 3 above)
- Paid invoices (amounts have been paid and funds have been collected) of Products from the same Lots that the contract modification pertains to.
 - Sufficient information to be included on the invoice to identify the qualifying Lot Products including the following:
 - Government Entity
 - Description of Qualifying Lot Products
 - Manufacturer Part Number (SKU)
 - Net price of each qualifying item
 - Invoice date must be no more than one 1 year prior to the submission date of the Contract Modification request or the most current Periodic Recruitment
 - All paid invoices will be included with the Contract Modification request .

If a Contractor has no direct government Contract for a specific Lot of Products but sells its Products through a Reseller or other provider (e.g. Contract Management Provider) to Government Entities, then that Contractor can establish Reasonableness of Price pursuant to this Section through the Government Entity Contract Price Lists and/or invoices of the Reseller/other provider. On Appendix C.1 - Contract Pricing Modifications the Contractor will identify which Products this relationship applies to in the Reasonableness of Price Validation section, columns W-AA. The Contractor will provide the Reseller/other provider's Contract price list/invoices.

3.5 MONETARY VALUES

All monetary values shall not exceed four decimal places. Contractor must comply with this requirement as follows:

1. If the Contractor has SKUs that a) have a monetary value that is less than one dollar, b) have five or more decimal places, and c) the value of the fifth decimal place is less than five ("Near Zero Value" e.g., .00004), Contractor may round these SKUs' monetary values to four decimal places with the last decimal place being one (.00001); or
2. If the Contractor has SKUs where the List Price has more than four decimal places, and the fourth decimal place was a nine, Contractor may round up and only have three decimal places; and
3. In all other situations where the monetary value of the SKU exceeds four decimal places, Contractor must round these to four or fewer decimal places following standard rounding rules (i.e., round down for four or less, and round up for five or more).

3.6 DISCOUNT PERCENTAGE

All discount percentage values shall not exceed two decimal places (e.g. 20.25222% shall be rounded to nearest one hundredth 20.25%).

3.7 WHERE THE NYS NET PRICE IS BASED UPON AN APPROVED GSA SUPPLY SCHEDULE THEN:

3.7.1 ASSOCIATED DISCOUNTS

The Authorized Users shall be entitled to all associated discounts enumerated in the GSA Supply Schedule (including, but not limited to discounts for additional sites and volume discounts), as well as any other pricing or discount terms as are expressly enumerated in this NYS Contract or GSA schedule, when calculating the NYS Net Price.

3.8 VOLUME DISCOUNTS

A Contractor is encouraged to offer volume discounts.

3.9 TRAVEL, MEALS AND LODGING

For Lots 1, 2, and 3, NYS Net Price for Products is inclusive of all travel, meals, and lodging.

For Lot 4, Net Price is exclusive of travel. When travel, meals, and lodging are authorized as an allowable expense in the Authorized User's RFQ, reimbursement shall be made in accordance with Base Contract, Section 2.66 and the State's Travel Reimbursement Manual (<http://www.osc.state.ny.us/agencies/travel/manual.pdf>) published by OSC.

The travel amount quoted by Contractors in OGS's Financial Templates is a not to exceed amount.

3.10 MAINTENANCE/SUPPORT OPTIONS

Maintenance/Support options, including a detailed description of each type of maintenance/support offering, (e.g. response time, 24 x 7 coverage, etc.) must be provided in Appendix C.1 - Contract Pricing Modifications. The description shall also include the Product for which the maintenance/support is being offered.

3.11 BUNDLE PRICING

Product Bundles are only permitted for Lots 1 and 2. Contractors must not propose Product Bundles for Lot 3.

Each main bundle SKU should be listed on the regular applicable Lot tab on the Appendix C.1 Contract Pricing Modifications spreadsheet, then broken out on the bundle worksheet tab for the applicable Lot.

The regular applicable Lot tab should list each main bundle SKU, all normal SKU line requirements, and a summary of the components contained listed within the Product Description. A Reasonableness of Price review will be performed on the product bundle.

The Bundle worksheet breakout is to include, at minimum: 1) Component Manufacturer, 2) Product Name, 3) Product Description, 4) Manufacturer SKU, and 5) each component's Manufacturer's List Price for each component of the Product Bundle. If approved, each main bundle SKU will stay in the applicable Lot tab. Bundle worksheets are used for review only and will not be made available with the pricelist online.

3.12 PROPRIETARY MAINTENANCE/SUPPORT AND PRE-PACKAGED TRAINING PRODUCTS

For Lots 1-3, Contractor may include for its Proprietary product line, Maintenance/support, and pre-packaged training.

3.13 PERCENTAGE DISCOUNTS

All percentage discounts shall remain firm (unchanged) or may be increased by the Contractor for the duration of the Contract Term. It is not acceptable to request SKUs be moved from a Product Category with a higher discount to a Product Category with a lower discount.

3.14 LOT SPECIFIC PRICING REQUIREMENTS

3.14.1 LOT 1 - SOFTWARE

3.14.1.1 Pricing Calculations

A Contractor must provide a detailed line item breakout in Appendix C.1 - Contract Pricing Modifications of Software options including, but not limited to licensing metrics, total annual cost including all support, Maintenance/support, Fleet Management, and technical offerings.

Calculations of Software pricing shall be based on per user, per device, per seat, per site, per enterprise license, the size of the industry standard logical partition, virtual partition or, in the absence of industry standard logical or virtual partitions, pricing shall be based on the machine capacity on which the Software is installed and running, rather than the size of the entire machine on which the partition is resident. OGS reserves the right to evaluate any alternative pricing structure that is or becomes commercially available throughout the term of the Contract.

3.14.2 LOT 2 – HARDWARE

3.14.2.1 Imaging and/or Loading Services

Upon request from Authorized User, image creation and/or image loading onto Authorized User Equipment (e.g. desktops, laptops, tablets, and servers) may be provided by the Contractor. If the Contractor charges a fee, Appendix C.1 - Contract Pricing Modifications must include SKUs for imaging and/or loading services. Contractor may require Authorized User to show proof of license for image creation and/or image loading.

3.14.2.2 Refurbished or Remanufactured Parts

Refurbished or remanufactured parts will be allowed on Appendix C.1 - Contract Pricing Modifications. In order to maintain End Of Life/obsolete existing Equipment, refurbished or remanufactured parts may be offered when new parts are not in production. Refurbished or remanufactured parts must be clearly labeled as "Refurbished Parts" or "Remanufactured Parts," respectively.

3.14.2.3 Related Software

Software which is bundled with Hardware and is required for installation, configuration, and is integral to the operation of the Hardware. This Related Software must be acquired and delivered at the time of the Hardware purchase.

3.14.3 LOT 3 – CLOUD

3.14.3.1 Data Transfer Upon Transition Costs

Appendix C.1 - Contract Pricing Modifications shall include a SKU for Data transfer costs (at the end of the Contract and/or Authorized User Agreement term). Appendix C.1 - Contract Pricing Modifications shall include a SKU for:

- per unit (e.g. megabyte (MB), gigabyte (GB), terabyte (TB), petabyte (PB)) stored data transfer; and
- per unit (e.g. MB, GB, TB, PB) for real-time data transfer.

3.14.4 LOT 4 – IMPLEMENTATION SERVICES

3.14.4.1 Titles Associated with Implementation Services

Contractors shall submit all titles and not to exceed hourly rates associated with Implementation. These rates must be as provided in the Appendix C.1 - Contract Pricing Modifications. The price information shall exclude all travel/lodging/and per diem costs.

Section 4. CHANGE TO LOT 3 – CLOUD RISK LEVEL

#	Category	Mandatory Documentation
15.	Contractor previously awarded Lot 3 – Cloud wishes to change their Cloud Risk Level	Proof of compliance with all insurance requirements

A Contractor wishing to increase their Lot 3 – Cloud Risk Level is permitted to submit a Contract Modification request to do so during the contract term. **A Contractor (and the Resellers on the Contractor's Contract) must not respond to Lot 3 RFQs with a Cloud Level of Risk classification that exceeds their current Level of Risk until receipt of approval of the Contract Modification to change their Level of Risk from OGS Procurement Services.**

If a Contractor wants to increase their Lot 3 – Cloud Risk Level, the Contractor must obtain approval from OGS of compliance with the required minimum Insurance coverage applicable to the increased Level of Risk listed on the following chart:

LEVEL OF RISK	MINIMUM INSURANCE COVERAGE BY TYPE OF INSURANCE		
	Data Breach and Privacy/Cyber Liability	Technology Errors and Omissions	Crime
Low	\$2,000,000	\$2,000,000	\$2,000,000
Moderate	\$5,000,000	\$5,000,000	\$5,000,000
High	\$10,000,000	\$10,000,000	\$10,000,000

Procedure to submit proof of compliance for review and approval by OGS Procurement Services:

1. Contractor must submit proof of compliance to OGS Procurement Services via e-mail to MfrUmbrella.Contractors@ogs.ny.gov.
2. OGS Procurement Services will forward the proof of compliance to the OGS Bureau of Risk and Insurance Management (OGS BRIM).
3. OGS BRIM will perform a review of the proof of compliance and will notify OGS Procurement Services when compliance with all Contract insurance requirements has been demonstrated. OGS BRIM may contact Contractor directly with clarifications related to the proof of compliance submitted. Contractor shall not construe any communications from OGS BRIM indicating that sufficient proof of compliance was submitted as approval of the Contract Modification.
4. OGS Procurement Services will update the Contractor's Cloud Risk Level in COMeT, as well as on all applicable Contract documents.
5. OGS Procurement Services will notify the Contractor that the request to change their Lot 3 – Cloud Risk Level has been approved.

If a Contractor needs to increase its Level of Risk in order to respond to an RFQ, the Contractor must submit a Contract Modification request to increase their Level of Risk, noting in the email to OGS Procurement Services that it is for an RFQ quote. OGS reserves the right to request a copy of the RFQ. Contractors are encouraged to submit the request for an increased Level of Risk as soon as possible to ensure an adequate time for review and approval by OGS before the quote due date.

Please note OGS does not need to approve additional insurance requirements set by Authorized Users if additional requirements do not involve an increase in the Level of Risk.

Section 5. PROCESS AND TIMEFRAME OF REVIEW

Processing times for Contract Modifications by OGS may be affected by many factors, including the number of modifications received, staffing levels, and workload allocations. OGS reserves the right to impose additional limits regarding what type of Contract Modifications may be submitted by a Contractor or may impose limits on the number of Contract Modifications permitted while OGS Procurement Services is processing extensions of current Contracts and/or a Periodic Recruitment for additional Contracts.

Effective December 11, 2024, OGS will perform an initial pass/fail review of each Contract Modification submitted by a Contractor to determine if the Contractor has submitted all mandatory documentation required by the Modification type. If OGS determines that the Contractor has failed to provide any mandatory documentation required for that Contract Modification type as specified in Sections 2, 3 and/or 4, OGS will not perform any further review of the Contract Modification and will reject the Contract Modification.

Once OGS has determined that a Contractor has provided all mandatory documentation, OGS will review in accordance with the following procedure:

1. OGS will review all submitted mandatory documentation provided by the Contractor to determine if there are any issues with the Contract Modification that require clarification.
2. Once OGS completes the review described in #1, OGS will either:
 - A. provide questions and/or action items to the Contractor and require the Contractor respond by providing the required information as directed by OGS in a complete, accurate and acceptable form within 15 business days.
OR
 - B. Determine there are no issues requiring clarification and will approve the Contract Modification.
3. For a Contractor that received a request for clarification in # 2, if, after 15 business days:
 - A. The Contractor has not responded to OGS by providing the required information, OGS will reject the Contract Modification,
OR
 - B. The Contractor responds by providing information, OGS will resume review of the Contract Modification to determine if the Contractor provided the required information in a complete, accurate and acceptable form.
4. Following the review described in #3B, if:
 - A. OGS determines that all required information has been provided, OGS will approve the Contract Modification.
OR
 - B. OGS determines that the Contractor did not provide all required information in a complete, accurate and acceptable form, OGS will provide a second and final round of questions and/or action items to the Contractor and require the Contractor to respond by providing the required information in a complete, accurate and acceptable form within 15 business days.
5. For a Contractor that received a second and final request for clarification in #4B, if, after 15 business days:
 - A. The Contractor has not responded to OGS providing the required information, OGS will reject the Contract Modification.
OR
 - B. The Contractor responds by providing information, OGS will resume review of the Contract Modification to determine if the Contractor provided the required information in a complete, accurate and acceptable form.
6. Following the review described in #5B, if:
 - A. OGS determines that all required information has been provided, OGS will approve the Contract Modification.
OR
 - B. If OGS determines that the Contractor did not provide all required information in a complete, accurate and acceptable form after this second round of clarification, OGS will reject the Contract Modification.

Following three (3) Contract Modification rejections within a 90-calendar day period, Contractor must wait 30 calendar days following the date of the notification by OGS of the third rejection before submitting a Contract Modification for consideration by OGS. Contract Modifications submitted before the expiration of the 30-calendar day period will be rejected.

Section 6. OGS RESERVED RIGHTS

In addition to OGS's reserved rights in the Contract, OGS also reserves the right to:

- Request additional information;
- Reject Contract Modifications;
- Remove Products from Contract Modification requests;
- Request additional discounts for new or existing Products;
- Conduct additional research and request additional information to assess the reasonableness of pricing; and
- Require the Contractor to lower its offered pricing to that which OGS has determined to be reasonable and to remove items from Contractor's pricelist which are out of scope or for which pricing is determined not to be reasonable.
- Perform a review, at any time, to confirm existing pricing pages adhere to contract terms and conditions.

Contract Modification Form

Contract No. PM	Contract Description Information Technology Umbrella Contract – Manufacturer Based (Statewide)		
Contractor Name		Contract Period From To	Date of Submission
Contract Contact Name	Contractor Phone Number	Contractor E-Mail	

NOTE: Submission of this form does not constitute acceptance by the State of New York until approved by OGS.

INSTRUCTIONS:

1. This form is to be used for Add a Lot Contract Modifications.
2. This form is to be completed in full, signed, and submitted electronically in PDF to OGS for approval. This form and all other required documents related to this Contract Modification shall be uploaded to COMeT.
3. Upon request, OGS will return a copy of this form to the Contractor with the results of the OGS Review.
4. Modification requests must be submitted in accordance with the terms and conditions herein.

Request Type	Description of Request
<input type="checkbox"/> Adding New Lot	Which Lot? <input type="checkbox"/> Lot 1 Software <input type="checkbox"/> Lot 2 Hardware <input type="checkbox"/> Lot 3 Cloud* <input type="checkbox"/> Lot 4 Implementation *If adding Lot 3, which Minimum Insurance Risk Coverage: <input type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High <input type="checkbox"/> Required Verifiable Sales information is submitted via COMeT <input type="checkbox"/> Required Appendix C.1 worksheet tabs are completed and submitted via COMeT <input type="checkbox"/> Required Reasonableness of Price (ROP) information is submitted via COMeT <input type="checkbox"/> Required Lot Specific Requirements have been met <input type="checkbox"/> Proof of compliance with Insurance requirements (if adding Lot 3) is submitted via COMeT <input type="checkbox"/> Required Contact Information Update is submitted via COMeT <input type="checkbox"/> Documentation of compliance with MWBE requirements is submitted via COMeT, if adding Lots 1, 2, or 4 <input type="checkbox"/> Documentation of compliance with SDVOB requirements is submitted via COMeT

Attached Documentation Includes
<input type="checkbox"/> NYS Centralized price list (indicate Contract #) <input type="checkbox"/> Federal Contract price list (indicate Federal Contract #) <input type="checkbox"/> Other NYS or Governmental Entity Contract price list (indicate Entity and Contract #) <input type="checkbox"/> Paid invoices from Governmental Entity (identify Customer Name) <input type="checkbox"/> Governmental Entity Contract Price List and/or Invoices of Reseller (where Products are sold by Reseller) (indicate Contract # , Customer Name and Reseller Name) <input type="checkbox"/> Manufacturer's Price List <input type="checkbox"/> Other - Please Explain:

Contractor Certification and Affirmation

Contractor certifies and affirms the information contained in this Contract Modification Request is complete, true, and accurate.

Contractor also certifies and affirms that the Manufacturer's Price List containing the List Price being provided to OGS is what is published, made available, or distributed nationally, and

Finally, the signer affirms under penalties of perjury that he or she is duly authorized to legally bind the Contractor referenced above and that he or she signed this Contractor Certification as the legally binding act of the Contractor.

Print Full Contractor Entity Name

By:

Signature of Person Authorized to
Legally Bind the Contractor

Print Name of Signatory

Print Title of Signatory

Date

OGS REVIEW

ADDITION OF NEW LOT

- ☐ Approved
☐ Approved as Amended
☐ Disapproved (see OGS Comments)

OGS Comments:

Name: _____

Title: _____ Date _____