

ATTACHMENT 4 – HOW TO USE

Authorized Users must follow these How to Use procedures. Authorized Users must adhere to the terms and conditions of the Telecommunication Connectivity Services Contract (“Contract”) in conjunction with their own procurement policies, procedures, rules, regulations, and guidelines when procuring Services from Award 23100.

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

Authorized Users must refer to the Attachment 4d – Physical Service Connection Charge Checklist for specific information regarding Physical Service Connection Charges.

Additional general procurement information is available at the New York State Procurement website. (<https://nyspro.ogs.ny.gov/content/buying-101>)

Authorized Users may contact the OGS Contract Manager via OGS.sm.sst_telecommunications@ogs.ny.gov with any questions, concerns, or clarifications.

An Excel spreadsheet of the List of Contractors can be downloaded from the OGS website by clicking on the link labeled “Listing of Contractors.”

The Office of the State Comptroller retains the right to post-audit any procurement, including those executed from this Contract. Authorized Users are reminded to maintain a complete procurement record.

Section 1. GENERAL INFORMATION

1.1 CONTRACT SCOPE

The intent of this Contract is to streamline the procurement of Telecommunication Connectivity Service needs for Authorized Users.

1.2 LOTS

Authorized User Agreements may include one or more of the following 3 lots in their Request for Quote (RFQ):

Lot Number	Description
1	Voice Connectivity Services
2	Data Connectivity Services
3	Mobile Communication Connectivity Services

1.3 GEOGRAPHIC AVAILABILITY

The Contract allows Contractors to provide Telecommunication Connectivity Services on either a Statewide or per County basis. Please view the Excel spreadsheet of Geographic Availability which details where Contractors are eligible to provide service via <https://online.ogs.ny.gov/purchase/snt/awardnotes/7701723100ContractorPage.pdf> and clicking on the link labeled “Contractor Information”.

1.4 AUTHORIZED USER PROCUREMENTS

It is highly recommended that Authorized Users procure Telecommunication Connectivity Services issuing a Request for Quotations (RFQ). An Authorized User may procure Telecommunication Connectivity Services from this Contract by issuing a Purchase Order and following their own procurement policies, procedures, rules, regulations and guidelines.

Please note that in Attachment 4c, RFQ Financial Response, Contractor is required to list all required on premises equipment from Contractor Pricelist and to state whether or not the equipment is included in the service pricing as listed on the Contractor Pricelist. If Authorized User only issues a Purchase Order and not an RFQ, Contractor is still responsible for identifying required on premises equipment and informing the Authorized User of whether or not the equipment is included in the service pricing as listed on the Contractor Pricelist.

Other than equipment included in Lot 3 - Mobile Communication Connectivity Services, if equipment is not included in the service pricing as listed on the Contractor Pricelist, Authorized User will be responsible for procuring the equipment outside of this Contract.

1.5 SERVICE DESCRIPTION

Authorized Users should review the Contractors’ pricelists to see if the type of Service they need is listed. Each pricelist will include Contractor’s description of its Services. The description will include the following information regarding each Service:

1. a detailed description;
2. technical specifications;
3. minimum and maximum amount of Data that can be transmitted;
4. information pertaining to the available features;
5. required Network or System specifications that allow the Service to operate;
6. how the Service will be provided, including any Physical Service Connection Charges; and
7. an affirmative statement from the Telecommunication Provider that it shall not collect, store, or act upon any Authorized User Data transmitted through the Service.

1.6 EXCLUDED PRODUCTS AND SERVICES

This Contract expressly excludes the following from its scope:

1. Alpha, beta, experimental, or unannounced Services;
2. Managed Services
3. Cloud Based Services;
4. Cloud Solutions;
5. Consulting Services;
6. Installation other than installation associated with a Physical Service Connection Charge;
7. Implementation Services;
8. Products and Services that are available for purchase under other OGS Centralized Contracts;
9. Software;
10. Leasing or renting of Hardware, Equipment, or Devices;
11. All Hardware, Equipment, and Devices, that are not provided as an Accessory with the Telecommunication Connectivity Service;
12. SKUs that Equate to Blocks of Hours;
13. Use of Resellers; and
14. Staff Augmentation (Stand-Alone Hourly Based Services).

Examples of Products and Services that are available for purchase under other OGS Centralized Contracts and therefore are expressly excluded from this Solicitation includes, but is not limited to, the following:

Products and/or Service	OGS Centralized Contract(s)
Software	Information Technology Umbrella Contract – Distributor Based (Group 73600 Award 22876) Information Technology Umbrella Contract – Manufacturer Based (Group 73600 Award 22802)
Hardware, including all tablets, laptops, desktops, or printers	Information Technology Umbrella Contract – Distributor Based (Group 73600 Award 22876) Information Technology Umbrella Contract – Manufacturer Based (Group 73600 Award 22802)
Cloud Products	Information Technology Umbrella Contract – Manufacturer Based (Group 73600 Award 22802)
Contact Center as a Service	Aggregate Buy RFQ 16.2 under the Information Technology Umbrella Contract – Manufacturer Based (Group 73600 Award 22802)
Colocation Services	Information Technology Umbrella Contract – Manufacturer Based (Group 73600 Award 22802)

Section 2. AUTHORIZED USER RFQ REQUIREMENTS

A competitive Request for Quotation (RFQ) process is highly recommended for all Authorized User transactions. The Contract sets forth base terms and conditions. The RFQ process requires the Authorized User to solicit the Contractors.

The winning Contractor shall enter into an agreement with the Authorized User, known as an Authorized User Agreement, to provide the awarded Services.

2.1 RFQ PROCESS OVERVIEW

The following is an overview of the sequence of events that will typically occur during the RFQ Process.

1. Develop and release your RFQ Participation of Interest (optional);
2. Develop your RFQ;
3. Release your RFQ to all Contractors within the applicable Lot(s);
4. Conduct a Question and Answer Period (optional);
5. Collect RFQ Responses;
6. Evaluate RFQ Responses;
7. Make a final determination;
8. Notify all Contractors who responded;
9. Develop your Authorized User Agreement; and
10. Finalize your Authorized User Agreement.

2.2 RFQ DEVELOPMENT

Before developing an RFQ Authorized Users should review the terms and conditions of the Contract.

An Authorized User RFQ should include, as applicable, such factors as:

1. Contract SKUs;
2. Delivery requirements, including:
 - a. Delivery date,
 - b. Delivery location, and
 - c. Any other unique delivery requirements;
3. Necessary qualifications including:
 - a. Training,
 - b. Licenses, and
 - c. Permits;
4. Customer Premise Equipment (CPE) ;
5. Installation date;
6. Systems to integrate with;
7. Increased insurance limits
8. Fiscal year budget/legislative deadlines; and
9. Quote due date.

Authorized Users should include detailed information regarding their needs and current infrastructure. This information will allow a Contractor to determine if a particular Service will be sufficient or if there is a more efficient or more economical Service available.

2.2.1 BASIS FOR AWARD

Based on the Authorized User’s business need, one of the following bases for award financial/technical weighting options must be utilized when developing the RFQ:

Basis for Award	Minimum Requirement
Lowest Price Meeting Specified Technical Requirements	The Services must meet the stated specifications.
Lowest Price Meeting Specified Technical Requirements <u>and</u> Mandatory Pass/Fail Requirements	The Services must meet the stated specifications. Mandatory pass/fail requirements must be met
Best Value with Technical and Financial Score	The Product/Services must meet the stated specifications There may be mandatory pass/fail requirements There is a technical score and a financial score Technical weighting may <u>not exceed</u> 70% including consideration whether to use the quantitative factor set forth in State Finance Law section 163(1)(j), for small or MWBE businesses.

2.2.2 TEMPLATES TO BE USED WHEN CONDUCTING AN RFQ

The following templates, with instructions, are provided for RFQ development: Attachment 4a - RFQ Participation of Interest, Attachment 4b - RFQ Template, Attachment 4c - RFQ Financial Response, and Attachment 4d - Physical Service Connection Charge Checklist.

The Authorized User shall develop an RFQ using the RFQ Templates or their own document. If the Authorized User chooses to use their own RFQ document, it must reference Group 77017, Award 23100, Telecommunication Connectivity Services Contracts (Statewide and Regional) and conform to the requirements of Section 2.5 below. OGS suggests including the following language:

“All purchases resulting from this RFQ shall be in accordance with terms and conditions of the OGS Telecommunication Connectivity Services Contract and any additional terms and conditions set forth in this RFQ and its Attachments.”

2.3 RFQ PARTICIPATION OF INTEREST

Prior to releasing an RFQ, the Authorized User may utilize Attachment 4a – RFQ Participation of Interest in order to determine Contractor’s ability to meet the proposed specifications and interest in providing the proposed Services. By using this document, the Authorized User can determine which Contractors are interested in participating in the RFQ. The Authorized User will specify within the Attachment 4a – RFQ Participation of Interest whether or not the Contractors have to respond in order to receive the resulting RFQ or any further Documentation.

2.4 COMPETITIVE RFQ

A competitive Request for Quotation (RFQ) process is highly recommended for all Authorized User transactions. An Authorized user’s RFQ will be distributed to all awarded Contractors in the applicable Lot in accordance with the Contractual terms. Contractors will compete against each other by submitting Quotes to the Authorized User as directed in the RFQ. Any proposed Service Level Agreements (SLA) or similar additional terms and conditions must be submitted by Contractor as part of its Quote to be evaluated by the Authorized User. Authorized User shall review to determine if such additional terms and conditions are in the best interest of the Authorized User and whether or not they should be accepted. The awarded Contractor will enter into an Authorized User Agreement or Purchase Order with the Authorized User. An award may be based on a Lowest Price or Best Value, as specified in the RFQ.

2.4.1 FEWER THAN THREE RESPONSIVE PROPOSALS RECEIVED

If fewer than three (3) responsive Quotes are received, an Authorized User should document for the procurement record the reasoning behind selecting the awarded Contractor.

2.5 AUTHORIZED USER TERMS AND CONDITIONS

The Authorized User Agreement shall specify the respective responsibilities of the Authorized User and the Contractor.

An Authorized User may include additional terms and conditions within the RFQ and resulting Authorized User Agreement if the additional terms and conditions do not conflict with the Contract. Examples of additional terms and conditions include:

- Expedited delivery timeframe;
- Unique delivery requirements like delivery to multiple locations;
- Additional Contractor incentives, such as discount for expedited payment/Procurement Card use; and
- Any additional/increased insurance requirements.

2.6 PROJECTED SPEND AND SECURING FUTURE DISCOUNTS

OGS recommends that you include language that allows you to hold pricing for Services that you intend to re-purchase within the next 6 to 12 months. Authorized Users should refrain from overstating their volume needs and make accurate predictions as to realistic purchase estimates. Sample Language: “Agency will purchase some, all or more of the quantities of the Services detailed in the Financial Response (see Excel spreadsheet) over a twelve (12) month period from date of award, but not necessarily at one time. The Agency requires that the prices be held for twelve (12) months from the date of award.”

2.7 GENERAL RFQ REMINDERS

Authorized Users are reminded that they can:

1. Include additional insurance;
2. Have a kick off meeting with Contractors;
3. Use the RFQ Participation of Interest document to gauge interest among the Contractors;
4. Encourage the use of MWBEs, SBEs, and SDVOBs; and
5. Aggregate their spending, as Contractors must hold pricing if the requirement is added per Section 2.6 above.

2.8 OTHER SCOPE REQUIREMENTS THAT MAY BE APPLICABLE TO AN RFQ

The clauses contained in this Section may apply to an Authorized User's RFQ. Authorized Users are encouraged to read the clauses below and determine if the clause applies to its RFQ. If the clause applies to the Authorized User's RFQ then the Authorized User must incorporate that clause into their RFQ.

2.8.1 ADDITIONAL INSURANCE

Authorized User may require Contractor to provide additional insurance and/or increased insurance coverages. Authorized User must define these mandatory requirements in the RFQ. Like all mandatory requirements, any Contractor not meeting the mandatory insurance requirements shall be rejected.

If the Authorized User increases or adds any additional insurance requirements, then it is the responsibility of the Authorized User to ensure that these mandatory requirements are met.

Contractors, however, shall not exceed Contract pricing in response to an Authorized User's RFQ.

2.8.2 PHYSICAL SERVICE CONNECTION CHARGES

If a Physical Service Connection Charge is required, the Contract already contains specific clauses that may apply to Authorized User's RFQ. Those clauses are highlighted in the below table to assist Authorized Users in developing an RFQ.

Contract Section Number	Contract Section Title
4.2	PHYSICAL SERVICE CONNECTION CHARGES
5.1.4	PHYSICAL SERVICE CONNECTION CHARGES – STATEMENT OF WORK

Authorized Users must attach a completed Attachment 4d – Physical Service Connection Charge Checklist to any RFQ that will foreseeably include a Service Connection Charge.

2.8.3 ATTACHMENT 6 REQUIREMENTS

Attachment 6 – Primary Security and Privacy Mandates provides Authorized Users with an overview of federal and state laws, regulations, policies, standards, and guidelines that may apply to Authorized Users' Data. Authorized Users must include all applicable federal and state laws, regulations, policies, standards, and guidelines in their RFQ and resulting Authorized User Agreement.

2.8.4 CONTRACT CLAUSES

The Contract already contains some clauses that may be applicable to an Authorized User's RFQ. Those clauses are highlighted in the below table to assist Authorized Users in developing an RFQ.

Contract Section Number	Contract Section Title
4	SERVICE TERMS AND CONTIONS
6	GENERAL TERMS AND CONDITIONS

2.9 EVALUATION OF QUOTES

The RFQ must be evaluated based on the Authorized User's pre-defined methodology. Evaluation tools cannot be altered after Quotes are received.

2.10 NOTIFICATION OF QUOTE RESULTS AND DEBRIEFINGS

The Authorized User shall notify the non-awardees of RFQ results in a timely manner after notifying the awardee. Authorized Users subject to Article 11 of the State Finance Law shall provide the opportunity for debriefings in accordance with Section 163 (9)(c). All other Authorized Users are strongly encouraged to provide an opportunity for debriefing.

2.11 NEGOTIATION WITH TENTATIVE AWARDEE

Once the tentative award has been made based on Lowest Price or Best Value, the Authorized User may enter into negotiations to obtain the best price possible, or to obtain additional savings based on the released RFQ. Negotiations shall not include factors that would have altered the evaluation of the RFQ response.

2.12 BID PROTESTS AND DISPUTES UNDER AN AUTHORIZED USER AGREEMENT

Should a protest be submitted by a Contractor regarding an RFQ, the protest will be considered and decided by the Authorized User. Disputes under an Authorized User Agreement will also be handled by the Authorized User.

Section 3. AUTHORIZED USER PURCHASE ORDER REQUIREMENTS

3.1 PURCHASE ORDERS

An Authorized User may procure services from this Contract by issuing a Purchase Order and following their own procurement policies, procedures, rules, regulations and guidelines. However, it is highly recommended that when there is more than one Contractor who provides a desired Service within an Authorized User's county that the Authorized User participate in the RFQ process. Regardless, an Authorized User should always contact a Contractor prior to procuring a Service to discuss pertinent details and obtain a quote.

3.2 QUOTES

OGS highly recommends that Authorized Users review the pricelists associated with this Contract and requests quotes from Contractors prior to procuring a Service. This can be done even if there is more than one Contractor who offers the desired service at the Authorized User's location.

When requesting quotes the Authorized Users should advise Contractors of specific needs or desires that relate to the service they want. Authorized Users should include detailed information regarding their situation and current infrastructure. This information will allow a Contractor to determine if a particular Service will be sufficient or if there is a more efficient or more economical Service available.

3.2.1 THREE RESPONSIVE QUOTES

It is highly recommended that Authorized Users get at least three quotes from three Contractors for Services. Authorized users should then select the Contractor that best meets their form, function, and utility.

3.3 PRICELIST REVIEW

Authorized Users should review the Contractor's Pricelists that pertain to this Contract before placing a Purchase Order. Authorized Users should confirm the following:

1. the Service they are going to purchase is available on the Contractor's pricelist;
2. the Contractor can provide Service to the Authorized Users' location; and
3. the Price of the Service that is listed on the Contractor's Pricelist

OGS encourages Authorized Users to ask Contractors for lower pricing than what appears on the pricelist.

3.4 PURCHASE ORDER REQUIREMENTS

The Contract already contains specific clauses that apply to Authorized User's Purchase Orders. Authorized Users should review those clauses before entering into any Purchase Order. Those clauses are located in Section 6.1.1 of the resulting Contract.

Section 4. AUTHORIZED USER REQUIREMENTS

4.1 AT-RISK WORK PROHIBITED

Authorized Users are cautioned that at-risk work is strictly prohibited. No work is to be undertaken by the Contractor prior to receipt of the executed Authorized User Agreement (e.g. Purchase Order).

4.2 PROCUREMENT RECORD AND NEW YORK STATE PROCUREMENT COUNCIL GUIDELINES

An Authorized User is reminded that it must adhere to the procedures of this Contract, its own internal procurement policies and procedures and all federal, State and/or local statutes, when applicable.

The following link to the New York State Procurement Council Guidelines provides additional procurement information and examples of documentation that should be created and maintained by the Authorized User as part of a procurement record:

<https://ogs.ny.gov/system/files/documents/2018/08/psnys-procurement-guidelines.pdf>

4.3 OFFICE OF THE STATE COMPTROLLER

For purchases available from this Contract, the Authorized User may issue a Purchase Order/Authorized User Agreement directly to the Contractor without prior approval by the Office of the State Comptroller (OSC).

However, Authorized Users are reminded, the Office of the State Comptroller retains the right to post-audit any procurement, including those executed from this Contract. Authorized Users are reminded to follow all procurement guidelines.