

**Appendix C**  
**CONTRACT MODIFICATION REQUEST FORM AND PROCEDURES**

The following guidelines are subject to change at the discretion of Procurement Services at any time. A Contract Amendment requires a formally executed document by mutual agreement of the Parties, to be provided by Procurement Services Contract Administrator, after submission and approval of the Contract Modification Form.

- 1. TYPES OF CONTRACT MODIFICATIONS:** In order to expedite processing of a contract modification, where proposed changes involve more than one category below, each change should be submitted to OGS as a separate request.
  - A. UPDATES:** “Updates” are changes that do not require a change to the established Centralized Contract terms and conditions. For a list of Updates, please see Section III.1 of this document.
  - B. AMENDMENTS INVOLVING PERIODIC RECRUITMENT (“Amendment”):** “Amendments are for 1) a Change in Lots Awarded, 2) a Change in the Regions Awarded, 3) an agreement by an existing Contractor to new terms and conditions either issued **as part of a Periodic Recruitment** or by Procurement Services in accordance with §6.8 *Contract Update Procedures*. The change in Lots or Regions **can only occur at the time of Periodic Recruitment**. The process for submitting and processing Amendments Involving Periodic Recruitment will be included in the Periodic Recruitment version of Solicitation 23150. Procurement Services will work directly with the Contractor to obtain the required documentation for each requested amendment and notify Contractor in writing if approved.
- 2. CONTRACTOR’S SUBMISSION OF CONTRACT MODIFICATIONS:** In connection with any Contract modification, Procurement Services reserves the right to:
  - request additional information
  - reject Contract modifications
  - remove Equipment from Contract modification requests
  - request additional discounts for new or existing Equipment
- 3. PRICE LEVEL JUSTIFICATION – FORMAT:** Contractor is required to submit the Equipment and price level information for the update in an Excel spreadsheet format electronically via e-mail (and in hard copy if requested by Procurement Services) to the Procurement Services Contract Administrator. The list must be dated. The Product and price level information should include and identify (e.g., by use of separate worksheets or by using italics, bold and/or color fonts):
  - Price level increases
  - Price level decreases
  - Equipment being added
- 4. SUPPORTING DOCUMENTATION:** Each modification request Must include the current contract pricing discount relevant to the Products included in the update.
- 5. SUBMITTAL OF MODIFICATION REQUESTS:** A Contract modification request must be accompanied by a completed Contract Modification Form. Contractor should briefly describe the nature and purpose of the update (e.g., update requested in order to reflect a recently approved GSA schedule, to restructure the price level to its customers generally, and/or for new Products which fall into a new group or category that did not exist at the time of approval of the Contract by OGS). The Contract Modification Form must contain original signatures by an individual authorized to sign on behalf of Contractor and must be notarized.
- 6. POSTING OF APPROVED PRICING**

All Approved updated Pricing will be published on the OGS Website and May be reviewed or edited by Procurement Services at any time.

**CONTRACT MODIFICATION REQUEST FORM**

The Contract modification request Must be accompanied by the relevant current contract pricing discount information.

<b>CONTRACT MODIFICATION FORM</b>	
OGS CONTRACT NO.: _____	DATE OF SUBMISSION: _____
CONTRACT DESCRIPTION: <b>Intelligent Facility and Security Systems and Solutions</b>  Contractor Name: _____	
CONTRACT PERIOD: From: _____  To: _____	CONTRACTOR CONTACT: NAME: _____  PHONE NO: _____  E-MAIL: _____
<b>NOTE: Submission of this FORM does not constitute acceptance by the State of New York until approved by the appropriate New York State representative(s).</b>	

**COMPLETE STATEMENTS 1 THROUGH 7 BELOW:**

1. This request is an: 1a. <input type="checkbox"/> Update 1b. <input type="checkbox"/> Amendment  See contract for an explanation of these terms.	2. The intent of this submittal is to: <input type="checkbox"/> Add new Equipment <input type="checkbox"/> Delete Equipment <input type="checkbox"/> Adding new Product Line(s) <input type="checkbox"/> Deleting Existing Product Line(s) <input type="checkbox"/> Increase/Reduce Pricing <input type="checkbox"/> Add/delete Job Titles & Labor Rates <input type="checkbox"/> Update Dealer List <input type="checkbox"/> Add/delete Crane Rental <input type="checkbox"/> Add/delete Allowable Vehicle Rentals <input type="checkbox"/> Add/delete Central Station Monitoring
3. In the event of a Periodic Recruitment, a Contractor may propose the following:  <input type="checkbox"/> Change Lots <input type="checkbox"/> Add Regions <input type="checkbox"/> Update Terms	
4. All terms and conditions of the Contract Must apply to this request.  <input type="checkbox"/> Agree <input type="checkbox"/> Disagree	5. All discounts (and where applicable markups) as agreed to in the Contract Must apply.  <input type="checkbox"/> Agree <input type="checkbox"/> Disagree
6. All Percent (%) Discounts and (where applicable Percent (%) Markups or other Not-To-Exceed Pricing) are: <input type="checkbox"/> GSA <input type="checkbox"/> Most Favored Nation* <input type="checkbox"/> Other (Provide Explanation) *Prices offered are the lowest offered to any similarly situated entity.	7. Attached documentation includes: <input type="checkbox"/> Current approved GSA (labeled "For information only") <input type="checkbox"/> Manufacturer's/Distributor's Published Pricing List with List Price/MSRP ("List Price/MSRP File") (labeled "For information only") <input type="checkbox"/> Contractor's Proposed Pricing Pages

**The following ACKNOWLEDGEMENT statement Must be signed by an individual authorized to sign on behalf of Contractor for the modification being requested in this Contract Modification document. The authorized Contractor’s representative’s signature Must be notarized.**

Signature of Authorized Contractor Representative:

**CORPORATE, PARTNERSHIP, INDIVIDUAL OR LIMITED LIABILITY COMPANY**  
**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
  :   **Sworn Statement:**  
COUNTY OF \_\_\_\_\_ }  
  }

On the \_\_\_ day of \_\_\_\_\_ in the year 20 \_\_ , before me personally appeared:  
\_\_\_\_\_, known to me to be the person  
who executed the foregoing instrument, who, being duly sworn by me did depose and say that \_he  
resides at \_\_\_\_\_, Town of  
\_\_\_\_\_,  
County of \_\_\_\_\_, State of \_\_\_\_\_; and further that:

**[Check One]**  
**(If an individual):** \_he executed the foregoing instrument in his/her name and on his/her own behalf.

**If a corporation:** \_he is the \_\_\_\_\_ of  
\_\_\_\_\_, the corporation described in said instrument; that, by authority of the  
Board of Directors of said corporation, \_he is authorized to execute the foregoing instrument on behalf of  
the corporation for purposes set forth therein; and that, pursuant to that authority, \_he executed the  
foregoing instrument in the name of and on behalf of said corporation as the act and deed of said  
corporation.

**If a partnership:** \_he is the \_\_\_\_\_ of  
\_\_\_\_\_, the partnership described in said instrument; that, by the terms of  
said partnership, \_he is authorized to execute the foregoing instrument on behalf of the partnership for the  
purposes set forth therein; and that, pursuant to that authority, \_he executed the foregoing instrument in  
the name and on behalf of said partnership as the act and deed of said partnership.

**If a Limited Liability Company):** \_he is the \_\_\_\_\_ of  
\_\_\_\_\_, LLC, the Limited Liability Company described in said instrument;  
that, by the terms of said partnership, \_he is authorized to execute the foregoing instrument on behalf of  
the partnership for the purposes set forth therein; and that, pursuant to that authority, \_he executed the  
foregoing instrument in the name and on behalf of said partnership as the act and deed of said  
partnership.

\_\_\_\_\_  
**Notary Public**

FOR STATE USE ONLY

**OGS APPROVAL:**

Approved \_\_\_\_\_

Approved as amended\* \_\_\_\_\_

Disapproved\* \_\_\_\_\_

\*OGS Amendment/Comments: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date \_\_\_\_\_

# **INTELLIGENT FACILITY & SECURITY SYSTEMS AND SOLUTIONS**

## **CONTRACT UPDATE PROCEDURES**

**Group: 77201**

**Award: 23150**

**NYS Office of General Services  
Procurement Services**

**Contact:**

Michael DeCicco

518-474-3562

[OGS.sm.SST\\_security@ogs.ny.gov](mailto:OGS.sm.SST_security@ogs.ny.gov)

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## **1. OVERVIEW:**

1. This Attachment is Supplemental to, but does not supplant, §6.8 of Solicitation 23150 which forms the basis of This Award.
2. All Contract updates Shall be processed in accordance with these procedures.
3. Any Product Lines, Job Titles, etc. added to the Contract after award Shall be subject to the provisions of Appendix B, *Pricing*, §3.11.1 Reasonableness of Price, and §6 *Terms and Conditions*.
4. Procurement Services (OGS) reserves the right to revise this document at any time.



## 2. DEFINITIONS:

As used in this document, the following terms mean the following:

1. **Allowable Lift Rentals** means lifts and bucket trucks used to raise or lower employees of the Contractor (including employees of a Subcontractor) to perform Installation, Integration, and Maintenance of Equipment that falls within the scope of Award 23150 and is listed on the Contractor's OGS Approved Pricing Pages published on the OGS website.
2. **Contractor's Proposed Pricing Pages** means the excel file the Contractor provides to OGS as part of any Contract Update Request
3. **Crane Rental** means cranes, boom trucks, and any associated counterweights (including counterweight trailers), used to raise or lower Equipment that falls within the scope of Award 23150 and is listed on the Contractor's OGS Approved Pricing Pages published on the OGS website so the Contractor's employees (including any Subcontractor's employees) can perform Installation, Integration, and Maintenance of this Equipment.
4. **Day** for purposes of this Appendix, means a Business Day as defined in Attachment 15 - *Glossary of Terms*<sup>1</sup>.
5. **Description of Duties** – See Attachment 1 – *NYS Net Pricing Pages*.
6. **Distributor's Certificate (Dist. Cert.)** means Attachment 12 - *Lot 1 Distributor's Certificate*.
7. **Distributor's Guarantee (Dist. Guar.)** means Attachment 14 - *Lot 2 Distributor's Guarantee*.
8. **Equipment Cheat Sheet** means the excel spreadsheet containing a list of line items that OGS has determined are not acceptable and Must not be included in any OGS Approved Pricing Pages
9. **Existing Distributor** means a Distributor which has previously executed a Distributor's Guarantee or Distributor's Certificate for a particular Contract (e.g., Contract PT-----).
10. **Existing Job Title** means a Job Title which a Contractor has previously submitted to and received approval from Procurement Services to offer this on its Contract (PT-----). A Job Title is NOT an "Existing Job Title" for Contractor A if the Job Title is only offered on Contractor B's Contract OGS Approved Pricing Pages.
11. **Existing Product Line** means a Product Line which a Contractor has previously submitted to and received approval from Procurement Services to offer this on its Contract (PT-----). A Product Line is NOT an "Existing Product Line" for Contractor A if the Product Line is only offered on Contractor B's Contract OGS Approved Pricing Pages.
12. **Line Card** means a Written list of Product Lines that a Distributor is authorized to sell or resell commercially, published or otherwise available, including, but not limited to, on the Distributor's website.
13. **Manufacturer Certificate (Cert.)** means Attachment 11 - *Lot 1 Manufacturer's Certificate*.
14. **Manufacturer's Guarantee (Mfr.'s Guar.)** means Attachment 13 – *Lot 2 Manufacturer's Guarantee*.

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<sup>1</sup> For definitions of all other the capitalized terms associated with this document, please see Section 2 ("Definitions") of *Appendix B*, the "Definitions" worksheet of *Attachment 1 – NYS Net Pricing Pages*, and *Attachment 15 – Glossary of Terms*. These documents can be found on the Award's solicitation files page posted here: <https://ogs.ny.gov/procurement/bid-document-files-intelligent-facility-and-security-systems-and-solutions-statewide>

**15. Minor Update Request** means either:

- A. The addition, to an Existing Product Line(s) on a Contract, of no more than 30 line items of Equipment which fall within the scope of This Award, or
- B. The update the List Price/MSRP, to an Existing Product Line(s) on a Contract, of no more than 30 line items of Equipment which fall within the scope of This Award, or

**OR**

- C. The addition of up to Two (2) Dealers to a Lot 1 Equipment Only Contract.

**16. New Distributor** means a Distributor which has not previously executed a Distributor's Guarantee or Distributor's Certificate for a particular Contract (PT-----).

**17. New Product Line** means a Product Line which is not an approved Product Line on a particular Contract (e.g., contract PT-----). Even if another Contractor offers this Product Line, whenever another Contractor requests to add this to their Contract, it is a "New Product Line."

**18. New Job Title** means a Job Title, Description of Duties, and Total Hourly Rate which is not an approved labor rate on a particular Contract (PT-----). Even if another Contractor offers this Job Title, whenever another Contractor requests to add this to their Contract, it is a "New Job Title."

**19. Newly-Developed Job Title** means a Job Title which was not included in Attachment 1 – *NYS Net Pricing Pages* issued with Solicitation 23150.

**20. OGS Approved Pricing Pages** means the excel file that contains all pricing information for each Contractor's Contract, including, but not limited to, Product Line, Equipment/Model #, Equipment Description, Unit of Measurement, Warranty Period (# of Years after acceptance as required by Appendix B, Clause 54, List Price/MSRP, Contractually-Approved Percent (% Discount From List Price/MSRP, NYS Net Pricing, and (for Contractors awarded Lot 2) Job Titles, Descriptions of Duties, etc.; is posted on the OGS public website; and May be updated by OGS from time to time during the Contract Term.

**21. Previously Established Job Title** means either:

- A. A Job Title which was included in Attachment 1 – *NYS Net Pricing Pages* issued with Solicitation 23150 (e.g., Electrician/Electrical Installer, Technician, Steamfitter, etc.), or

**OR**

- B. After Contract Award, a Newly-Developed Job Title which Procurement Services has previously approved under This Award and is listed in at least One (1) Contractor's OGS Approved Pricing Pages on the OGS website.

**22. Product Data** means Manufacturer's catalog sheets, cut sheets, brochures, standard diagrams, illustrations, schedules, performance charts, test data, standard schematic drawings, specifications, and Installation instructions.

**23. Receive** means:

- A. That a Contractor transmits, in accordance with the instructions in this document, a Contract Update Request or Minor Update Request to Procurement Services (the individuals identified in this Attachment), and

**AND**

- B. The Contractor has submitted this Contract Update Request or Minor Update Request during a time period where, in accordance with this Attachment, the Contractor is permitted to submit such a Contract Update Request or Minor Update Request.

### 3. OVERVIEW OF UPDATES

1. Below is a table listing the various types of Updates:

Action	Additional Notes
Update existing Product Line: 1. Add new Equipment 2. Deleting discontinued Equipment 3. Updating (increasing or decreasing) NYS Net Pricing (except for Custom-Built Equipment NYS Net Pricing) based on updates to the List Price/MSRP and maintaining the Contractually-Approved Percent (%) Discount Structure From List Price/MSRP	This refers to an Existing Product Line on a particular Contractor's Contract. The "Pricing" only refers to the "List Price/MSRP" and corresponding NYS Net Pricing for Equipment.
For Contractors awarded Lot 2, update Custom-Built Equipment.	This involves the addition, deletion, or pricing updates for Custom-Built Equipment.
For Contractor awarded Lot 1 or Lot 2, adding a new Product Line(s) or removing an existing Product Line(s)	This involves the addition or deletion of a Product Line(s) to the Contract (e.g., adding or removing Pelco). For Lot 2, where the Product Line(s) is for a System not currently offered on the Contractor's contract, the Contractor must also add the corresponding Job Title(s).
For Contractors awarded Lot 2, adding or removing: 1. Job Title(s), 2. Subcontractor Percent (%) Markups, or which fit the scope of This Award.	This involves the additional or deletion of Job Title (and the accompanying Description of Duties, Total Hourly Rates, etc.), Subcontractor Categories, and a Subcontractor Percent (%) Markup.
For Contractors awarded Lot 2, updating (increasing/decreasing) the Total Hourly Rates for either: 1. Job Titles Included in n NYS DOL Prevailing Wage Rate Schedule; 2. Jot Titles Not Included in an NYS DOL Prevailing Wage Rate Schedule but on the Contractor's GSA Schedule; or 3. If neither A or B (and for increases only), based on either the Core CPI, or 2%, whichever is less, on the anniversary(s) of Contract award.	For Item # 1, OGS will perform this automatically. Items 2 and 3 both require OGS" approval before they become effective.
For Contractors ONLY awarded Lot 1 Equipment only, adding or removing Dealers	This only applies to Contractors only awarded Lot 1 Equipment Only. A Contractor awarded a contract as a result of this Solicitation cannot be a Dealer on another contract awarded as a result of this Solicitation.
For Contractors awarded Lot 2, adding or removing: 1. Job Title(s), 2. Subcontractor Percent (%) Markups, or which fit the scope of This Award.	This involves the additional or deletion of Job Title (and the accompanying Description of Duties, Total Hourly Rates, etc.), and a Subcontractor Percent (%) Markup.

2. The following table lists several documents that Must be submitted with depending on the Action being requested in the Contract Update:

Action	Contract Modification Request Form	Cover Letter	Mfr. Or Dist. Published Price List with List Price/ MSRP	Contractor's Proposed Pricing Pages	Mfr.'s or Dist. Certificate*	Mfr.'s or Dist. Guarantee*	Dealer Proposal Form	Attachment 1 Region Labor Rate Sheet (for awarded Regions)
For contractors awarded Lot 1 or Lot 2 Updating an existing Product Line: a. Add new Equipment b. Deleting discontinued Equipment c. Updating (increasing or decreasing) Equipment pricing based on changes to the List Price/MSRP-Pricing (and maintaining the Contractually-Approved Percent (%) Discount Structure From List Price/ MSRP)	X	X	X	X				
For Contractor awarded Lot 1 adding New Product Line(s) which fit the scope of This Award or removing an existing Product Line	X	X	X	X	X			
For Contractor awarded Lot 2 adding New Product Line(s) which fit the scope of This Award	X	X	X	X		X		
For Contractors awarded Lot 2 adding or deleting Job Titles (Services) or Subcontractor Percent (%) Markups which fit the scope of This Award	X	X		X				X
For Contractors awarded Lot 2 updating Existing Job Titles Not Included in an NYS DOL Prevailing Wage Rate Schedule	X	X		X				
For Contractors ONLY awarded Lot 1 Equipment only, adding or removing a Dealer	X	X					X	

3. As part of the submission of complete, accurate, and timely contract updates:

A. Page 2 of Appendix C Must be signed by a representative of the Contractor authorized to bind the Contractor,

**AND**

B. Page 3 Must be notarized by completing the acknowledgement on Page 3 evidencing the authorized Representative

4. The Cover Letter Must list:

A. The particular Product Lines or Product Line Subcategories either being:

1. Added
2. Deleted

**OR**

3. Updated

**AND/OR**

B. For Contractors Awarded Lot 2, any Job Titles, Central Station Monitoring Services, Subcontractor Percent (%) Markup, Crane Rental, or Allowable Vehicle Rental being:

1. Added

**OR**

2. Deleted

**AND/OR**

C. For Contractors awarded Lot 1, any proposed Dealers being:

1. Added or

**OR**

2. Deleted

5. ALL Updates and Amendments MUST be approved by OGS.
6. Amendments Involving Periodic Recruitment can only occur at the time of the issuance of a Periodic Recruitment.
7. Contractors are responsible for working with OGS to ensure their Contract pricing information is current. All Contractors have been forwarded a copy of their OGS Approved Pricing Pages as unprotected excel in the format of 7720123150PL\_(name & date). For all future updates, this spreadsheet will be the basis of Contractor's request
8. Contractors Must ensure all required information is provided in the format prescribed by OGS:
9. OGS requires that Contractors submit Updates quarterly (three months from the date of OGS' approving the Contractor's previous Update request.
10. However, OGS also understands that there May be cases where a Contractor needs to make a Minor Update to fulfill an immediate Authorized User need. Contractors Must have the Authorized User email/call OGS the Minor Update is to address an immediate need of the Authorized User.
11. Any Update request, apart the Minor Updates described in Sec. III.7, submitted less than three (3) months after OGS notifies the contractor of the approval of the contractor's previous Update will not be accepted and deemed invalid.

12. Where a Contractor submits two (2) Minor Update requests within a three (3) calendar month period, the Bidder will not be permitted to submit any Auto Add Updates for three (3) months from the date of OGS approving the second Minor Update.
13. Please be advised, Contractors may submit an Update request, but this does not mean the Contract update request is approved.
14. Contractors Must plan and ensure OGS receives adequate lead time. §5, *Processing Requirements and Timeframes for Updates* of this document details OGS anticipated timeframes for processing Update requests.
15. Updates will generally be processed in the order they are received. OGS will expedite Updates requests only based on a direct (either email or phone call) Authorized User request to Procurement Services, and reserves the right to not expedite based upon current bandwidth and resources.

## **4. ESTABLISH AND MAINTAIN PRICING:**

1. Contractually-Approved Percent (%) Discount Structure From List Price/MSRP
  - A. Any Contractually-Approved Percent (%) Discount Structure From List Price/MSRP which is either:
    - 1) Awarded as a result of a Bidder's proposal submitted in response to this Solicitation

**OR**

    - 2) Added/approved by OGS in accordance with the procedures specified in this Appendix,

Must not, once approved by OGS, be reduced for the Term of the Contract under any circumstances.
  - B. If a Contractor states it can no longer honor the Contractually-Approved Percent (%) Discount Structure From List Price/MSRP, the Contractor Must:
    - 1) Request OGS remove this Product Line or Product Line Subcategory from its OGS Approved Pricing Pages

**AND**

    - 2) Confirm in Writing that if in the future the Contractor requests to add this Product Line or Product Line Subcategory back onto its contract, it Must offer NYS at least equal to, or better Percent (%) Discount(s) for the Product Line or Product Line Subcategory than the Contractually-Approved Percent (%) Discount Structure From List Price/MSRP.
2. Contractually-Approved Percent (%) Markup Structure Over the Prevailing Wage Rate and Supplemental Benefits:
  - A. Any Contractually-Approved Percent (%) Markup Structure Over the Prevailing Wage Rate and Supplemental Benefit which is either:
    - 1) Awarded/Approved as a result of a Bidder's proposal submitted in response to this Solicitation

**OR**

    - 2) Added/approved by OGS in accordance with the procedures specified in this Appendix,

Must not, once approved, be increased for the Contract Term under any circumstances.
  - B. If a Contractor states it can no longer honor the Contractually-Approved Percent (%) Markup Structure Over the Prevailing Wage Rate and Supplemental Benefit, it Must:
    - 1) Request OGS remove this Job Title from its OGS Approved Pricing Pages, and

**AND**

    - 2) Confirm in Writing that if in the future the Contractor requests to add this Product Line back onto its Contract, it Must offer NYS at least equal to, or lower Contractually-Approved Percent (%) Markup Structure Over the Prevailing Wage Rate and Supplemental Benefit.



3. All Custom-Built Equipment NYS Net Pricing May only be increased annually on the anniversary of the date of initial Award by Core CPI or 2%, whichever is less.
4. All Job Titles Not Included in an NYS DOL Prevailing Wage Rate Schedule but which are included on a Contractor's GSA Contract May be updated based on updates to the Contractor's GSA Contract less the industrial funding fee (IFF).
5. All Job Titles Not Included in an NYS DOL Prevailing Wage Rate Schedule and not listed on a Contractor's GSA contract May only be increased annually on the anniversary of the date of initial Award by Core CPI or 2%, whichever is less.
6. All Central Station Monitoring Fees May only be increased annually on the anniversary of the date of initial Award by Core CPI or 2%, whichever is less.
7. Any Subcontractor Percent (%) Markup which is either:
  - A. Awarded/Approved as a result of a Bidder's proposal submitted in response to this Solicitation,

**OR**

  - B. Added/approved by OGS procedures specified this Appendix,

Must not, once approved, be increased for the Contract Term under any circumstances.
8. Any Crane Rental Equipment NYS Hourly Rental Net Price May only be increased annually on the anniversary of the date of initial Award by Core CPI or 2%, whichever is less
9. Any Allowable Vehicle Rental NYS Hourly Rental Net Price May only be increased annually on the anniversary of the date of initial Award by Core CPI or 2%, whichever is less
10. All Not-To-Exceed Pricing Must not include industrial funding fees (IFF) or other contract administration or use fees
11. Changes in other Government or Comparable contracts (e.g. GSA Contracts), Must not be used to:
  - A. Reduce the Contractually-Approved Percent (%) Discount Structure From List Price/MSRP,

**OR**

  - B. Increase the Contractually-Approved Percent (%) Markup Structure Over the Prevailing Wage Rate and Supplemental Benefit
12. OGS WILL not approve any Update or Amendment submitted by a Contractor which requests to either Reduce a Contractually-Approved Percent (%) Discount Structure from List Price/MSRP or Increase a Contractually-Approved Percent (%) Markup Structure Over the Prevailing Wage Rate and Supplemental Benefit.

## 5. PROCESSING REQUIREMENTS AND TIMEFRAMES FOR UPDATES:

1. Before submitting a Contract Update Request, Contract Must contact the OGS Contract Manager and request a copy of their OGS Approved Pricing Pages and use this as the basis for developing its proposed NYS Net Pricing Pages to submit to OGS.
2. For all Contract Updates when a Contractor submits a Contract Update, OGS will review this within 30 business days of the date OGS Receives the Contract Update. For all Contract Update Request OGS Receives on or after January 2<sup>nd</sup>, 2022, OGS will perform an initial pass or fail review to determine as follows:

- A. If a Contractor is proposing to add a New Product Line or update an Existing Product Line, Contractor Must

- 1) Correctly perform the review, and

**AND**

- 2) Provide the documentation in its Contractor's Proposed Pricing Pages

Required by §8.1 *Mandatory Review Using the Equipment Cheat Sheet* of this document.

If OGS determines the Contractor did not correctly perform the aforementioned review and provide this information with its initial Contract Update request, OGS will not perform any further review of the Contract Update and will deny (reject) the Contract Update Request.

- B. If the Contractor proposes to add a Product Line or Product Line Subcategory that is not currently offered on Award 23150<sup>2</sup>

- 1) The Contractor Must provide the information required in §7.3 *Product line Scope Justification*

**AND**

- 2) Where the Contractor claims the Product Line or Product Line Subcategory is a Public Address System, the Contractor Must provide the information required by §7.3.1

Or OGS will not perform any further review of the Contract Update Request and will deny (reject) the Contract Update Request

- C. If a Contractor proposes to reduce their Contractually-Approved Percent (%) Discount Structure from List Price MSRP for any Product Line or Product Line Subcategory, OGS will not perform any further review of the Contract Update Request and will deny (reject) the Contract Update Request

- D. If Contractor proposes to reduce their Contractually-Approved Percent (%) Markup Over the Prevailing Wage Rate and Supplemental Benefit for any Job Title or the Subcontractor Percent

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<sup>2</sup> Please see the Product Line and Systems Matrix for a list of all Product Lines and Product Line Subcategories currently offered on Award 23150 at the following link:  
[https://online.ogs.ny.gov/purchase/snt/awardnotes/7720123150\\_Matrix.xlsx](https://online.ogs.ny.gov/purchase/snt/awardnotes/7720123150_Matrix.xlsx)

(%) Markup, OGS will not perform any further review of the Contract Update Request and will deny (reject) the Contract Update Request

- E. Except as part of a Periodic Recruitment, if Contractor requests to change Lots, including, but not limited to a Contractor awarded Lot 1 proposing to add Services, Central Station Monitoring, Crane Rentals, or Allowable Vehicle Lists is proposing to change Lots and OGS will not perform any further review of the Contract Update Request and will deny (reject) the Contract Update Request
- G. Except as part of a Periodic Recruitment, if Contractor requests to change Regions, OGS will not perform any further review of the Contract Update Request and will deny (reject) the Contract Update Request
- H. If a Contractor awarded Lot 2 proposes to add Crane Rental, and does not indicate this by both:
  - 1) Selecting “Add/delete Crane Rental” on question 2 of Page 2 of this document

**AND**

  - 2) Listing the following in the Crane/Allowable Vehicle Rental Pricing template sheet:
    - A) Project equipment rental description (size, type, etc.)
    - B) NYS Hourly Rental Net Price
    - C) NYS Hourly Overtime Rental Net Price\*

OGS will not perform any further review of the Contract Update Request and will deny (reject) the Contract Update Request.

- I. If a Contractor
  - 1) Selecting “Add/delete Allowable Vehicle Rental” on question 2 of Page 2 of this document

**AND**

  - 2) Listing the following in the Crane/Allowable Vehicle Rental Pricing template sheet:
    - A) Project equipment rental description (size, type, etc.)
    - B) NYS Hourly Rental Net Price
    - C) NYS Hourly Overtime Rental Net Price\*

OGS will not perform any further review of the Contract Update Request and will deny (reject) the Contract Update Request.

- J. If a Contractor submits a Contract Update Request to either
  - 1) Add a New Product Line

**OR**

  - 2) Update an existing Product Line

But does not include the Manufacturer's or Distributor's List Price/MSRP File used to develop its Contractor's Proposed Pricing Pages, OGS will not perform any further review of the Contract Update Request and will deny (reject) the Contract Update Request.

- K. Where the Contractor has not provided outstanding Contract Usage Reports, OGS will not perform any further review of the Contract Update Request and will deny (reject) the Contract Update Request.

OGS will not allow a Contractor to clarify these issues and there will be no exceptions.

3. For any Contractor that complied with the provisions in in Subsection 2 above, OGS will review all other documents determine if there are any issues in the Contract Update that require clarification.
4. Once OGS completes the review in Subsection 3, OGS will either:
  - A. Email questions and action items to the Contractor and require the Contractor respond by providing the required information in a complete, accurate, and acceptable form within 15 days,

**OR**

  - B. Determines there are no issues requiring clarification, OGS will approve the Contract Update Request in accordance with subsection.
5. For those entities that OGS sent requests for clarification to in step 4, if, after 15 days:
  - A. The Contractor does not respond to Procurement Services by providing the required information, Procurement Services will deny the Update Request and notify the Contractor that the Update request,

**OR**

  - B. If the Contractor responds by providing information, Procurement Services will review this within 30 days of the date it Procurement Services Receives this information to determine if Contractor provided the required information in a complete, accurate, and acceptable form.
6. If during the review conducted described in Sec. 4B OGS determines that the Contractor did not provide the complete, accurate, and unacceptable information as required by OGS, OGS will email questions to the Contractor and require the Contractor respond by providing the required information in a complete, accurate, and acceptable form within 15 days.
7. If, after 15 days:
  - A. The Contractor does not respond to OGS by providing the required information, Procurement Services will notify the Contractor that the Update request is denied,

**OR**

  - B. If the Contractor responds by providing information, Procurement Services will review this within 30 days of the date OGS this information to determine if Contractor provided the required information in a complete, accurate, and acceptable form, provided, that if Procurement Services determines that the Contractor did not provide the complete, accurate, and acceptable required information, OGS will deny the Update request.
8. During the review, the Update IS NOT approved. Therefore, Contractors cannot reference any proposed update to Authorized Users.

9. Any Contractor whose Update request is denied Must not submit an Update request until three months after the date of OGS' notification of denial of the Update request without first reaching out to Procurement Services .
  
10. During a Periodic Recruitment, the timeframe for OGS' review listed in Items 1, 3B, and 5B above Shall be 90 business days from the date Procurement Services Receives the Update.

## **6. SUBMISSION REQUIREMENTS FOR AMENDMENTS**

### **DURING PERIODIC RECRUITMENT:**

The process for submitting and processing Amendments Involving Periodic Recruitment will be included in the Periodic Recruitment version of Solicitation 23150.

## 7. MANUFACTURERS, DISTRIBUTORS, PRODUCT LINES, & EQUIPMENT:

### 7.1 Overview:

Contracts Under Award 23150 have specific requirements regarding Manufacturers, Distributors, Product Lines, and Equipment.

This section outlines several procedures and determinations regarding:

1. If a Business Entity is a Manufacturer or Distributor

**AND**

2. Required Forms

**AND**

3. Acceptable Product Lines, Product Line Subcategories, and Equipment.

### 7.2 Appropriate Forms, Designation, and Authorization:

#### 7.2.1 Attachments 13, 14, 15, and 16

1. Except where the Contractor is the Manufacturer of a Product Line, for any Contract awarded Lot 1 who is requesting to add a New Product Line Must obtain and provide to Procurement Services either:

- A. An Attachment 11 - *Lot 1 Manufacturer's Certificate*

**OR**

- B. Either

- 1) Attachment 12 - *Lot 1 Distributor's Certificate* from a New Distributor

**OR**

- 2) If the Product Line will be certified by an Existing Distributor, use the following to determine what is required to be submitted:

Contract Update Lot 1 Equipment Only Add New Product Line	Entity to Guarantee	Is the Product Line currently listed on the Distributor's Certificate on file with Procurement Services?	Updated Distributors Certificate Required
New Product Line	Existing Distributor	Yes	No
New Product Line	Existing Distributor	No	Yes

2. Except where the Contractor is the Manufacturer of a Product Line, any Contractor awarded Lot 2 who is requesting to add a New Product Line Must obtain and provide to Procurement Services either:

A. An Attachment 13 -- *Lot 2 Manufacturer's Guarantee* from the Manufacturer of the Product Line

**OR**

B. Either:

1) If the Product Line will be guaranteed by a New Distributor, an Attachment 14 - *Lot 2 Distributor's Guarantee*

**OR**

2) If the Product Line will be guaranteed by an Existing Distributor, use the following to determine what is required to be submitted:

Update Lot 2 Adding New Product Line	Entity to Guarantee	Is the Product Line currently listed on the Distributor's Guarantee on file with Procurement Services?	Updated Distributors Guarantee Required?
New Product Line	Existing Distributor	Yes	No
New Product Line	Existing Distributor	No	Yes

### 7.2.2 Demonstrating a Contractor is a Manufacturer

This Award defines<sup>1</sup> Manufacturer as:

*An organization or Business Entity that creates, makes, manipulates, produces, processes, or fabricates Equipment or something of value, by changing a raw material or commodity from one form to another or creates a new product or commodity.*

In order for a Contractor is a Manufacturer, Contractor Must provide the following:

1. Manufacturer's Product Data

**AND/OR**

2. ISO certifications (or other industry standard documents) for Contractor's manufacturing processes

**AND/OR**

3. Documents from Underwriter's Laboratory (UL) or Fireman's Mutual (FM), etc.

Demonstrating that the Contractor is the Manufacturer.

Final determination for whether or not a Business Entity is a Manufacturer resides solely with OGS.

### 7.2.3 Demonstrating a Business Entity is a Distributor

This Award defines<sup>1</sup> a Distributor as:

*A Business Entity which purchases Products either directly from a Manufacturer, or from another Business Entity and then re-sells these to another Business Entity as part of a supply chain. For purposes of this Solicitation, any MWBE or SDVOB "supplier" of Products is a "Distributor," but*



*this Shall not deem the supplier a “broker” as “broker” is used in the Article 15-A of the Executive Law and any Regulations issued for the same.*

Distributors do not perform Installation, Integration, or Maintenance. Therefore, OGS will not accept any Business Entity as a Distributor that:

1. Performs Installation, Integration, and/or Maintenance
2. Holds itself out as performing Installation, Integration, and/or Maintenance

**OR**

3. Possesses an NYS Fire Alarm Security System Installer License or Master Electrician License

Except for those Distributors listed in §7.4.4 *Business Entities OGS Determined are Distributors* of this document, whenever a Contractor proposes to utilize a Business Entity as a Distributor, OGS will review to determine if the Business Entity meets the contractual definition of a Distributor.

#### **7.2.4 Distributor’s Line Card**

Whenever a Distributor executes either an Attachment 12 – *Lot 1 Distributor’s Certificate* or an Attachment 14 - *Lot 2 Distributor’s Guarantee*, the Distributors Must not certify or guarantee a Product Line that is not listed on the Distributor’s Line Card.

OGS will not accept an Attachment 12 – *Lot 1 Distributor’s Certificate* or Attachment 14 – *Lot 2 Distributor’s Guarantee* that lists Product Lines that are not on the Distributor’s Line Card.

#### **7.2.5 Situations Manufacturers Prohibited from Executing Manufacturer’s Guarantees**

1. Where a Manufacturer executes an Attachment 13 – *Lot 2 Manufacturer’s Guarantee* listing a particular Contractor, OGS will review the Manufacturer’s website to verify that the Contractor is Authorized to:

- A. Sell the Manufacturer’s Equipment,

**AND**

- B. Perform Installation, Integration, and Maintenance of the Manufacturer’s Equipment included in the Manufacturer’s Product Line.

If OGS determines the Manufacturer does not list the Contractor as authorized to install, Integrate, and maintain the Product Line or Product Line Subcategory on its website, OGS will not approve adding the Manufacturer’s Product Line or Product Line Subcategory to the Contractor’s Contract.

2. Where a Manufacturer executes an Attachment 13 – *Lot 2 Manufacturer’s Guarantee* for a Contractor where:

- A. The Manufacturer holds a Contract under Award 23150,

**AND**

- B. The Manufacturer’s Website does not list the Contractor named in the Attachment 13 – *Lot 2 Manufacturer’s Guarantee* as authorized to perform Installation, Integration, and Maintenance

OGS will not accept the Attachment 13 – *Lot 2 Manufacturer's Guarantee* from the Manufacturer and will not approve adding this Product Line to the Contractor's Contract.

### **7.2.6 Product Lines That Include Equipment Manufactured by Other Manufacturers**

1. The Price/MSRP Files for certain Product Lines or Product Line Subcategories include Equipment that is Not Manufactured by the Manufacturer of the Product Line or Product Line Subcategory the "Listed Manufacturer") but instead is Manufactured by another Manufacturer whose own Product Line or Product Line Subcategory:

A. Is offered on at least one Contract under Award 23150,

**OR**

B. Could be offered on a Contract as some or all of the items of Equipment comprising the Product Line or Product Line Subcategory fall within the scope of Award 23150.

For Example:

- Certain Product Lines include Uninterruptable Power Supplies (UPS) Manufactured APC by Schneider Electric, Tripp Lite, etc.
- Certain Product Lines include Equipment Manufactured by HID Global.

2. In these instances, the Contractor Must remove the Equipment not Manufactured by the Listed Manufacturer from the Listed Manufacturer's Product Line or Product Line Subcategory. For example, if Acme's Product Line ABC includes certain APC UPS, the Contractor Must remove the UPS items of Equipment from Acme's Product Line ABC in its NYS Net Pricing Pages.
3. This does not apply when UL issues a Certification for the item of Equipment referencing the Listed Manufacturer as the Manufacturer of this Equipment. OGS Must be able to verify this on the UL website (see below):

Final determination for whether the Listed Manufacturer meets this resides solely with OGS.

### **7.3 Product Line Scope Justification**

If proposing to add any Product Line or Product Line Subcategory that has not been previously approved on any other Contract, the Contractor Must:

1. Identify which System or Systems does the Product Line or Product Line Subcategory fall (e.g. Public Address System)

**AND**

2. Explain why the Product Line or Product Line Subcategory meets the definition of the System or Systems referenced

**AND**

3. Provide an example of a customer project either Contractor performed or another entity performed where this Product Line was used in a manner which meets the definition of the System or Systems Contractor Selected; in particular if Contractor is providing a project they performed, include **the final scope of work (actual document) for the project the customer sent the Contractor**

**AND**

4. Provide Product Data, Documentation, and/or applicable Building Codes (actual language/portion, not just a reference) documents demonstrating that the Equipment comprising the Product Line or Product Line Subcategory meet the definition of the System or Systems Contractor selected.

Contractor Must submit this in a separate spreadsheet and include the supporting documentation such as the. Product Data that is referenced in the spreadsheet.

Final determination for whether a Product Line or Product Line Subcategory falls within the scope of Award 23150 is solely that of OGS.

### **7.3.1 Determining if a Product Line Meets the Definition of a Public Address System**

1. This Award defines<sup>1</sup> Public Address Systems as follows:

*A System for delivering messages, instructions, alerts, or other communications, via speakers/loudspeakers. This System Must contain an “emergency override” or “priority override” so that any emergency notification message, alarm notification, etc. overrides any other function being performed or which could be performed by a Public Address System.*

2. For any Product Line or Product Line Subcategory that is not currently on Award 23150 where:
  - A. the Contractor either claims the Product Line or Product Line Subcategory include and meet the definition of Public Address System

**OR**

- B. In the course of OGS’ Review OGS determines the Product Line or Product Line Subcategory May include Public Address Systems

the Contractor Must demonstrate that the Equipment comprising the Product Line or Product Line Subcategory meets the definition of a Public Address System by including a Priority or Emergency Override function

3. As part of and in addition to providing the documentation required by §7.3, *Product Line Scope Justification*, Contractor Must demonstrate that the Equipment comprising the Product Line or Product Line Subcategory contains a priority or emergency override.
4. Final determination for whether a Product Line or Product Line Subcategory meets the aforementioned definition of Public Address System is solely that of OGS.

### **7.3.2 Determining if a Gate and Gate Operator Fall with the Scope of This Award**

1. If a Contractor that is permitted to offer gate wishes to add a gate and gate operator Equipment to its Contract, then it Must comply with the following:
  - A. The gate operator and gate Equipment Must be manufactured by the same Manufacturer.

**AND**

- B. The gate operator Equipment Must:

- 1) Be certified by Underwriter's Laboratory (UL) as meeting UL Standard 325<sup>3</sup>

**AND**

- 2) Contain and be controlled by a microprocessor that is factory-installed

**AND**

- 3) Require technical, professional, and scientific skill to Program, Integrate, and Commission, etc.

**AND**

- 4) Be part of the Physical Access Control System,

**AND**

- C. If the Contractor May use the gate and gate operator Equipment as part of a Parking Access Control System to allow the entrance and exit of vehicles in addition to being part of the Physical Access Control System, the gate operator Equipment Must,

- 1) Make a judgment as to the appropriateness of granting access to an individual,

**AND**

- 2) Use ID cards, badges, license plate recognition, RFID tags, etc. to grant entry/exit to/from a Facility

2. To demonstrate its gate and gate operator Equipment meet the aforementioned requirements, Contractors Must provide Product Data, Documentation, or Submittals as part of their Contract Update Request that demonstrate the gate and gate operator Equipment meet these requirements.

## 7.4 Specific Determinations

OGS has made the following determinations. Any Contract Update or portion of a Contract update that does not comply with these determinations will be rejected by OGS.

### 7.4.1 Acceptable Product Lines Certified or Guaranteed by Kele:

If a Contractor provides either an Attachment 12 - *Lot 1 Distributor's Certificate* or an Attachment 14 – *Lot 2 Distributor's Guarantee* from Kele, the following are the only Product Lines certified or guaranteed by Kele that OGS has determined:

1. Fall within the scope of This Award,

**AND**

2. Contain what appears to be all Equipment that comprise either the entire Product Line or All Product Line Subcategories that fall within the scope of This Award.

<https://online.ogs.ny.gov/purchase/snt/awardnotes/7720123150AcceptableDistributorProductLines.xlsx>

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<sup>3</sup>Please see the following link <https://standardscatalog.ul.com/ProductDetail.aspx?productId=UL325>

These are the only Product Lines certified or guaranteed by Kele that OGS will approve and OGS will not approve adding any other Product Lines being certified or guaranteed by Kele.

This list is subject to change by OGS at any time.

Kele must not include its own Product Line (the Product Line containing the Equipment Kele Manufacturers). Please see below §7.4.2 *Kele Product Line* for additional information.

#### **7.4.2 Kele Product Line**

In addition to being a Distributor, Kele is a Manufacturer of a Product Line.

In order to certify or guarantee this Product Line on Contract, Kele Must execute either:

1. For a Contractor awarded Lot 1, an Attachment 11 – *Lot 1 Manufacturer's Certificate*

**OR**

2. For a Contractor awarded Lot 2, an Attachment 13 – *Lot 2 Manufacturer's Guarantee*

### 7.4.3 Genesis Cable Required Attachments

Any Contractor that requests to add the Genesis Cable Product Line to their Contract Must obtain one of the following depending on the Lot they are awarded:

1. For any Contractor awarded Lot 1, obtain either:

Option	Product Line	Contractor Sources Directly from Resideo	Contractor Sources from ADI Global	Contractor Sources from a Different Distributor than ADI Global	Form Contractor Must obtain and provide to OGS
1	Genesis Cable	Yes	No	No	Manufacturer's Certificate from Resideo Corporation listing "Genesis" or "Genesis Cable"
2	Genesis Cable	No	Yes	No	*As ADI and Resideo are both within the same corporate family, even if proposing to only source through ADI Global, Contractors Must still supply both:  1. Manufacturer's Certificate from Resideo Corporation listing "Genesis" or "Genesis Cable" AND 2. Distributor's Certificate from ADI Global listing "Genesis" or "Genesis Cable"
3	Genesis Cable	No	No	Yes	Distributor's Certificate from a Distributor other than ADI Global which lists "Genesis" or "Genesis Cable" in its Line Card
4	Genesis Cable	Yes	Yes	No	1. Manufacturer's Certificate from Resideo Corporation listing "Genesis" or "Genesis Cable" AND 2. Distributor's Certificate from ADI Global listing "Genesis" or "Genesis Cable"
5	Genesis Cable	Yes	No	Yes	1. Manufacturer's Certificate from Resideo Corporation listing "Genesis" or "Genesis Cable" AND 2. Distributor's Certificate from a Distributor other than ADI which lists "Genesis" or "Genesis Cable" in its Line Card

Option	Product Line	Contractor Sources Directly from Resideo	Contractor Sources from ADI Global	Contractor Sources from a Different Distributor than ADI Global	Form Contractor Must obtain and provide to OGS
6	Genesis Cable	No	Yes	Yes	1. Distributor’s Certificate from ADI Global listing “Genesis” or “Genesis Cable” AND 2. Distributor’s Certificate from a Distributor other than ADI which lists “Genesis” or “Genesis Cable” in its Line Card
7	Genesis Cable	Yes	Yes	Yes	1. Manufacturer’s Certificate from Resideo Corporation listing “Genesis” or “Genesis Cable” AND 2. Distributor’s Certificate from ADI Global listing “Genesis” or “Genesis Cable” AND 3. Distributor’s Certificate from a Distributor other than ADI which lists “Genesis” or “Genesis Cable” in its Line Card

**OR:**

2. For any Contractor awarded Lot 2:

Option	Product Line	Contractor Sources Directly from Resideo	Contractor Sources from ADI Global	Contractor Sources from a Different Distributor than ADI Global	Form Contractor Must obtain and provide to OGS
1	Genesis Cable	Yes	No	No	Manufacturer’s Guarantee from Resideo Corporation listing “Genesis” or “Genesis Cable”
2	Genesis Cable	No	Yes	No	*As ADI and Resideo are both within the same corporate family, even if proposing to only source through ADI Global, Contractors Must still supply both:  1. Manufacturer’s Guarantee from Resideo Corporation listing “Genesis” or “Genesis Cable” AND 2. Distributor’s Guarantee from ADI Global listing “Genesis” or “Genesis

Option	Product Line	Contractor Sources Directly from Resideo	Contractor Sources from ADI Global	Contractor Sources from a Different Distributor than ADI Global	Form Contractor Must obtain and provide to OGS
					Cable”
3	Genesis Cable	No	No	Yes	Distributor’s Guarantee from a Distributor other than ADI Global which lists “Genesis” or “Genesis Cable” in its Line Card
4	Genesis Cable	Yes	Yes	No	1. Manufacturer’s Guarantee from Resideo Corporation listing “Genesis” or “Genesis Cable” AND 2. Distributor’s Guarantee from ADI Global listing “Genesis” or “Genesis Cable”
5	Genesis Cable	Yes	No	Yes	1. Manufacturer’s Guarantee from Resideo Corporation listing “Genesis” or “Genesis Cable” AND 2. Distributor’s Guarantee from a Distributor other than ADI which lists “Genesis” or “Genesis Cable” in its Line Card
6	Genesis Cable	No	Yes	Yes	1. Distributor’s Guarantee from ADI Global listing “Genesis” or “Genesis Cable” AND 2. Distributor’s Guarantee from a Distributor other than ADI which lists “Genesis” or “Genesis Cable” in its Line Card
7	Genesis Cable	Yes	Yes	Yes	1. Manufacturer’s Guarantee from Resideo Corporation listing “Genesis” or “Genesis Cable” AND 2. Distributor’s Guarantee from ADI Global listing “Genesis” or “Genesis Cable” AND 3. Distributor’s Guarantee from a Distributor other than ADI which lists “Genesis” or “Genesis Cable” in its Line Card

The Manufacturer or Distributor Must list the name of the Product Line as Genesis or Genesis Cable.

**7.4.4 Honeywell Home Intruder Detection Systems Required Attachments**



Any Contractor that requests to add the Honeywell Home Intruder Detection System Product Line to their Contract Must obtain one of the following depending on the Lot they are awarded:

Option	Product Line	Contractor Sources Directly from Resideo	Contractor Sources from ADI Global	Contractor Sources from a Different Distributor than ADI Global	Form Contractor Must obtain and provide to OGS
1	Honeywell Home Intruder Detection Systems	Yes	No	No	Manufacturer's Certificate from Resideo Corporation listing Honeywell Home Intruder Detection Systems
2	Honeywell Home Intruder Detection Systems	No*	Yes	No	*As ADI and Resideo are both within the same corporate family, even if proposing to only source through ADI Global, Contractors Must still supply both:  1. Manufacturer's Certificate from Resideo Corporation listing Honeywell Home Intruder Detection Systems AND 2. Distributor's Certificate from ADI Global listing Honeywell Home Intruder Detection Systems
3	Honeywell Home Intruder Detection Systems	No	No	Yes	Distributor's Certificate from a Distributor other than ADI Global which lists Honeywell Home Intruder Detection Systems in its Line Card
4	Honeywell Home Intruder Detection Systems	Yes	Yes	No	1. Manufacturer's Certificate from Resideo Corporation listing Honeywell Home Intruder Detection Systems AND 2. Distributor's Certificate from ADI Global listing Honeywell Home Intruder Detection Systems
5	Honeywell Home Intruder Detection Systems	Yes	No	Yes	1. Manufacturer's Certificate from Resideo Corporation listing Honeywell Home Intruder Detection Systems AND 2. Distributor's Certificate from a Distributor other than ADI which lists Honeywell Home Intruder Detection Systems in its Line Card
6	Honeywell Home Intruder	No	Yes	Yes	1. Distributor's Certificate from ADI Global listing Honeywell Home Intruder Detection Systems

Option	Product Line	Contractor Sources Directly from Resideo	Contractor Sources from ADI Global	Contractor Sources from a Different Distributor than ADI Global	Form Contractor Must obtain and provide to OGS
	Detection Systems				AND 2. Distributor's Certificate from a Distributor other than ADI which lists Honeywell Home Intruder Detection Systems in its Line Card
7	Honeywell Home Intruder Detection Systems	Yes	Yes	Yes	1. Manufacturer's Certificate from Resideo Corporation listing Honeywell Home Intruder Detection Systems AND 2. Distributor's Certificate from ADI Global listing Honeywell Home Intruder Detection Systems AND 3. Distributor's Certificate from a Distributor other than ADI which lists Honeywell Home Intruder Detection Systems in its Line Card

**OR:**

2. For any Contractor awarded Lot 2:

Option	Product Line	Contractor Sources Directly from Resideo	Contractor Sources from ADI Global	Contractor Sources from a Different Distributor than ADI Global	Form Contractor Must obtain and provide to OGS
1	Honeywell Home Intruder Detection Systems	Yes	No	No	Manufacturer's Guarantee from Resideo Corporation listing Honeywell Home Intruder Detection Systems
2	Honeywell Home Intruder Detection Systems	No	Yes	No	*As ADI and Resideo are both within the same corporate family, even if proposing to only source through ADI Global, Contractors Must still supply both:  1. Manufacturer's Guarantee from Resideo Corporation listing Honeywell Home Intruder Detection Systems AND 2. Distributor's Guarantee from ADI Global listing Honeywell Home

Option	Product Line	Contractor Sources Directly from Resideo	Contractor Sources from ADI Global	Contractor Sources from a Different Distributor than ADI Global	Form Contractor Must obtain and provide to OGS
					Intruder Detection Systems
3	Honeywell Home Intruder Detection Systems	No	No	Yes	Distributor's Guarantee from a Distributor other than ADI Global which lists Honeywell Home Intruder Detection Systems in its Line Card
4	Honeywell Home Intruder Detection Systems	Yes	Yes	No	1. Manufacturer's Guarantee from Resideo Corporation listing Honeywell Home Intruder Detection Systems AND 2. Distributor's Guarantee from ADI Global listing Honeywell Home Intruder Detection Systems
5	Honeywell Home Intruder Detection Systems	Yes	No	Yes	1. Manufacturer's Guarantee from Resideo Corporation listing Honeywell Home Intruder Detection Systems AND 2. Distributor's Guarantee from a Distributor other than ADI which lists Honeywell Home Intruder Detection Systems in its Line Card
6	Honeywell Home Intruder Detection Systems	No	Yes	Yes	1. Distributor's Guarantee from ADI Global listing Honeywell Home Intruder Detection Systems AND 2. Distributor's Guarantee from a Distributor other than ADI which lists Honeywell Home Intruder Detection Systems in its Line Card
7	Honeywell Home Intruder Detection Systems	Yes	Yes	Yes	1. Manufacturer's Guarantee from Resideo Corporation listing Honeywell Home Intruder Detection Systems AND 2. Distributor's Guarantee from ADI Global listing Honeywell Home Intruder Detection Systems AND 3. Distributor's Guarantee from a Distributor other than ADI which lists Honeywell Home Intruder Detection Systems in its Line Card

### **7.4.5 Business Entities OGS Determined are Distributors**

As of November 24<sup>th</sup>, 2021, OGS has determined the following are Distributors for purposes of Award 23150:

<https://online.ogs.ny.gov/purchase/snt/awardnotes/7720123150ListofDistributors.xlsx>

For these Business Entities, a Contractor does not need to demonstrate to OGS that these entities are Distributors. However, all other requirements of the Contractor apply.

In particular, the Contractor does not need to demonstrate they are Distributors.

Contractors May only source Equipment from a Distributor (including these Business Entities) on its Contract if the Contractor meets All of the following:

1. The Distributor properly completed and executed either:
  - A. For a Contractor Awarded Lot 1, an Attachment 12 – *Lot 1 Distributor's Certificate*,
  - OR**
  - B. For a Contractor Awarded Lot 2, an Attachment 14 – *Lot 2 Distributor's Guarantee*Listing the Contractor.
2. The Contractor provided either the Attachment 12 – *Lot 1 Distributor's Certificate* or Attachment 14 – *Lot 2 Distributor's Guarantee* executed by the Distributor listing the Contractor to OGS.
3. OGS determined the Attachment 12 – *Lot 1 Distributor's Certificate* or Attachment 14 – *Lot 2 Distributor's Guarantee* is acceptable and notified the Contractor of this determination in Writing.
4. The item of Equipment being sourced is part of a Product Line that the Distributor included in the Attachment 12 – *Lot 1 Distributor's Certificate* or Attachment 14 – *Lot 2 Distributor's Guarantee* (as applicable) that OGS determined is acceptable (or a Product Line Subcategory of the Product Line OGS determined is acceptable); and
5. The item of Equipment being sourced and the Product Line or Product Line Subcategory the item of Equipment is part of are on the Contractor's NYS Net Pricing Pages published on the OGS website.

This list is not an all-inclusive list but is only based on the Bid Submissions and Contract Updates submitted by Contractors and subject to change by OGS at any time.

## 8. PRICING REVIEWS:

The following are various procedures related to pricing reviews that Contractor' Must perform as part of a Contract Update Request.

### 8.1 Mandatory Review Using Equipment Cheat Sheet Master Copy

For every Contract Update Request to add a New Product Line or update an Existing Product Line by OGS Receives on or after December 15<sup>th</sup>, 2021, Contractors Must perform the actions outlined in this section. Failure to perform these required actions will result in OGS not reviewing or approving your Contract Update Request and will require a Contractor to wait three (3) months to submit a new Contract Update Request.

Once Contractor has prepared its Contractor's Proposed Pricing Pages containing any New Product Lines and Updated Existing Product Lines, perform the following:

1. Contractor Must access the following documents at the corresponding links and download them:

A. Equipment Cheat Sheet Master Copy

<https://online.ogs.ny.gov/purchase/snt/awardnotes/7720123150EquipmentCheatSheet.xlsx>

B. Equipment Cheat Sheet Instructions

<https://online.ogs.ny.gov/purchase/snt/awardnotes/7720123150EquipmentCheatSheetInstructions.docx>

2. In accordance with the procedure outlined in the *Equipment Cheat Sheet Instructions*, Contractor Must use the Equipment Cheat Sheet to review all Equipment contained in their Contractor's Proposed Pricing Pages to identify and document any prohibited line items.

3. Contractor Must not remove the results of this review from its Contractor's Proposed Pricing Pages but instead Must send this version of their Contractor's Proposed Pricing Pages to OGS as part of a Contract Update Request.

4. OGS will review the Contractor's Proposed Pricing Pages and proceed as follows:

A. If OGS determines the Contractor complied with the requirements of this section, OGS will

1. Proceed to review the remainder of the Contract Update Request,

**AND**

2. Create an updated version of the Contractor's Proposed Pricing Pages with the prohibited items removed which OGS will use for its review of the Contract Update Request,

**OR**

B. If OGS determines the Contractor:

1) Did not use and perform the review using the Equipment Cheat Sheet and

**AND/OR**

- 2) Did not provide OGS the version of the Contractor's Proposed Pricing Pages that contain the review results

**AND/OR**

- 3) Manipulated or otherwise attempted to change the review process,

**AND/OR**

- 4) Did not follow the instructions in the

OGS will not review and approve the Contract Update Request but instead will deny (reject) the Contract Update Request.

There will be no exceptions and no clarification when OGS determines the Contractor did not comply with the requirements of this section and denies (rejects) the Contract Update Request.

## 8.2 Additional Pricing Reviews

In addition to the Equipment Cheat Sheet Review, Contractors Must use review their Contractor's Proposed Pricing Pages using the following before submitting this to OGS.

1. Any Contractor either adding a New Product Line or updating an Existing Product Line Must;
  - A. Review their Contractor's Proposed Pricing Pages for the following terms prior to submission:
    - 1) Call for quote
    - 2) To be determined
    - 3) Consult Factory
    - 4) Custom Call for Quote
    - 5) Custom Call
    - 6) N/A
    - 7) Value
    - 8) Call
    - 9) Custom.
  - B. If included in the NYS Net Pricing Pages, determine if the particular line item does not have a NYS Net Price

**AND**

- C. If the line item does not have a List Price/MSRP, then either:
  - 1) Remove this line item from your Contractor's Proposed Pricing Pages

**OR**

- 2) For a Lot 2 Contractor, if this item May be offered as Custom-Built Equipment, submit this as such.
2. Any Contractor awarded Lot 1 and either adding a New Product Line or updating an Existing Product Lines Must:
    - A. Review their proposed NYS Net Pricing Pages for the following terms in their Equipment pricing prior to submission:
      - 1) Web/Web-based
      - 2) SaaS
      - 3) PaaS
      - 4) IaaS
      - 5) .Net
      - 6) Remote Access
      - 7) Hosted
      - 8) Cloud.
    - B. If included in your Contractor's Proposed Pricing Pages, determine if this Equipment is Cloud Offerings as defined in Attachment 15 – *Glossary of Terms* Solicitation 23150

**AND**

- C. If:
    - 1) Yes to B above, remove these from your Contractor's Proposed Pricing Pages, or
- OR**
- 2) No to B above, submit a response in your cover letter answering the following questions:
    - A) Are these items on hardware which is owned and retained by customers (Authorized Users) (Yes or No only)?
    - B) Are these items behind the customer's firewall (Yes or No only)?
    - C) Is any data stored/housed remotely (on non-customer premises) (Yes or No only)?
    - D) Does/Can any other Third Party "Act on" or "Manage" these items besides the customer (Yes or No Only)?

**AND**

- E) Is all data transmitted on networks managed by the customer, behind their firewall/Encryption (Yes or No Only)?
3. Any Contractor that is either adding a New Product Line or updating Existing Product Lines Must:

A. Review their Contractor's Proposed Pricing Pages for the following words which may indicate references to separate Travel Costs and Site Access Costs in your Contractor's Proposed Pricing Pages:

- 1) Travel
- 2) Meals
- 3) Lodging
- 4) Per Diem
- 5) Travel & Expenses
- 6) T&E
- 7) Airfare
- 8) Mileage
- 9) Site Access.

B. Determine/Verify If these terms are for separate Travel Costs or Site Access Costs

**AND**

C. If

1) Yes to B above, either:

- A) Remove the aforementioned language from the corresponding line items, making them inclusive of all Travel Costs and Site Access Costs

**OR**

- B) Remove the entire line item from your Contractor's Proposed Pricing Pages

**OR**

2) No to B above, include an explanation.

4. Any Contractor that is either adding a new Product Line or updating an existing Product Lines Must:

A. Review your Contractor's Proposed Pricing Pages for the following words which May indicate line items which are for separate shipping charges:

- 1) Shipping
- 2) Handling
- 3) Packaging
- 4) Delivery.

B. Determine/Verify If these line items are either:



1) Separate Shipping Charges, or

**OR**

2) Reference Separate Shipping Charges

**OR**

3) Merely describe some functional/specification aspect of the line item and therefore allowable,

**AND**

C. If:

1) Yes to B.1) above, remove the line item from your proposed NYS Net Pricing Pages

**OR**

2) Yes to B.2) above, remove the reference to separate shipping charges or

**OR**

3) Yes to B.3) above:

A) List these items in your cover letter

**AND**

B) Explain how these items are not referencing separate shipping charges and not shipping charges

**AND**

C) Explain how these terms merely describe some functional/specification aspect of the line item and therefore allowable.

5. Any Contractor that is either adding a New Product Lines or updating an existing Product Lines Must:

A. Review your proposed Contractor's Proposed Pricing Pages prior to submission for the following terms:

1) Install

2) integrat(-e), (-ion)

3) service

4) implement

5) custom

6) consult

7) maint(-enance), (-ain)

- 8) repair
- 9) replace
- 10) project manager
- 11) commission
- 12) professional service
- 13) support
- 14) labor

B. If the Contractor locates these terms, determine/verify If these terms are for Services

**AND**

C. If:

- 1) The Contractor determines these are for Services, remove these line items from their Contractor's Proposed Pricing Pages

**OR**

2) If these are not Services, the Contractor Must:

- A) List these items in your cover letter
- B) Explain how these items are not Services

**AND**

- C) Explain how these words merely describe some functional/specification aspect of the line item and therefore allowable.

Please Note; Software Maintenance, Software Support, are all "Maintenance" cannot be offered on Lot 1 Equipment Only Contracts.

- 6. Where a Contractor is requesting to add additional Equipment to an Existing Product Line, and there are more than four (4) Product Line Subcategories within this Product Line, with each having its own Contractually-Approved Percent (%) Discount from List Price/MSRP, OGS reserves the right to require the Contractor to provide a spreadsheet detailing:
  - A. The new Equipment being added,
  - B. The existing Equipment being deleted
  - C. Any existing Equipment whose List Price/MSRP and by extension NYS Net Pricing are being either increased or decreased.

### 8.3 Adjustments to Job Titles Not Included in an NYS DOL Prevailing Wage Rate Schedule and Custom-Built Equipment NYS Net Pricing:

Requests for adjustments to Total Hourly Rates for Job Titles Not Included in an NYS DOL Prevailing Wage Rate Schedules or Custom-Built Equipment NYS Net Pricing May be submitted on or after the first anniversary of initial award (and on or after the subsequent anniversaries) utilizing the Update process. These adjustments will be addressed as follows:

1. For those Job Titles Not Included in an NYS DOL Prevailing Wage Rate Schedule but on the Contractor's GSA Contract, an increase in the Total Hourly Rate to equal the GSA Contract Hourly Rate less the Industrial Funding Fee; or
2. For all other Job Titles Not Included in an NYS DOL Prevailing Wage Rate Schedule, Central Station Monitoring Fees, Crane Rental Equipment Hourly Net Pricing, Crane Rental Equipment Hourly Overtime Net Pricing, Allowable Lift Rentals, and all Custom-Built Equipment NYS Net Pricing, either:
  - A. Core CPI

**OR**

  - B. 2%

Whichever is less.

### 8.4 Addition of Foreman Job Titles:

1. After award of Contract, Contractors awarded Lot 2 May request to add the following
  - A. Electrician/Electrical Installer Foreman
  - B. Electrician/Electrical Installer General Foreman
  - C. Electrical Lineman Foreman
  - D. Electrical Lineman General Foreman
2. Upon request by a Contractor, Procurement Services will:
  - A. Insert the Job Title, Des into the Contractor's NYS Net Pricing Pages
  - B. Forward the updated NYS Net Pricing Pages to the Contractor
  - C. Require the Contractor to submit to Procurement Services proposed NYS Net Pricing Pages with:
    - 1) A proposed Percent (%) Markup
    - 2) The portion of the applicable collective bargaining agreements
    - 3) A proposed comparable contract/customer name
    - 4) A comparable contract/customer hourly rate
  - D. Forward this information to Procurement Services along with any other required documentation.

- E. Procurement Services will then review this information in accordance with the Procedures outlined in Section IV of this document.
3. The proposed Percent (%) Markups:
- A. For the Electrician/Electrical Installer Foreman and Electrician/Electrical Installer General Foreman cannot exceed the Contractually-Approved Percent (%) Markup Structure Over the Prevailing Wage Rate and Supplemental Benefits for the Electrician/Electrical Installer Job Title on the Contractor's NYS Net Pricing Pages

**AND**

- B. For the Electrician Lineman Foreman and Electrician Lineman General Foreman cannot exceed the Contractually-Approved Percent (%) Markup Structure Over the Prevailing Wage Rate and Supplemental Benefits for the Electrician Lineman Job Title on the Contractor's NYS Net Pricing Pages.

### 8.5 Reclassification of Job Titles:

In the event NYS DOL classifies any work/Job Title which is currently not classified as "Public Work" as "Public Work" and publishes Prevailing Wage Rate(s) and Supplemental Benefit(s) for this work/Job Title, Procurement Services Shall develop/utilize and insert:

1. Job Title(s)
2. Descriptions of Duties
3. Prevailing Wage Rates
4. Supplemental Benefits
5. Applicable Formulas

And update all Contractors' NYS Net Pricing Pages by inserting this information into these files and sending each Contractor their updated NYS Net Pricing Pages.

Each Contractor as part of their next Update Must insert a proposed Percent (%) Markup for this Job Title into their NYS Net Pricing Pages and submit this to Procurement Services. The Contractor's NYS Net Pricing Pages Shall calculate:

1. Total Hourly Rate
2. Overtime Hourly Pay Rate
3. Overtime Total Hourly Rate
4. After Business Hours Hourly Pay Rate
5. After Business Hours Total Hourly Rate
6. Saturday Hourly Pay Rate
7. Saturday Total Hourly Rate
8. Sunday and State Holiday Hourly Pay Rate

## 9. Sunday and State Holiday Total Hourly Rate

Contractor Must demonstrate Reasonableness of Price for this proposed Percent (%) Markup.

Once approved by Procurement Services, this proposed Percent (%) Markup Shall become the Contractually-Approved Percent (%) Markup Over the Prevailing Wage Rate and Supplemental Benefit. Procurement Services Shall then publish the updated NYS Net Pricing Pages to its website for this Contract.

### 8.6 Addition of Newly-Developed Job Titles:

1. After award of Contract, Contractors awarded Lot 2 or Authorized Users May request Procurement Services Develop Newly-Developed Job Titles for certain work which fits the scope of This Award. Procurement Services May also develop Newly-Developed Job Titles as well.
2. Upon request by a Contractor, OGS will:
  - A. Determine if the Work to be covered by the requested Newly-Developed Job Title:
    - 1) Falls within the scope of This Award, and
    - 2) Is not included in the Description of Duties of any Previously-Established Job Titles
  - B. If yes to both questions VII.2.B.i.a and VII.2.B.i.b, then Procurement Services Shall develop/approve a Newly-Developed Job Title and associated information.
  - C. Insert this Job Title and all associated information into the Contractor's NYS Net Pricing Pages
  - D. Forward the updated NYS Net Pricing Pages to the Contractor
  - E. Require the Contractor to submit to Procurement Services proposed NYS Net Pricing Pages with:
    - 1) A proposed Percent (%) Markup
    - 2) The portion of the applicable collective bargaining agreements listing the foreman rate(s)
    - 3) A proposed comparable contract/customer name

**AND**

    - 4) A comparable contract/customer hourly rate
  - F. Upon Receipt of Contractor's proposed NYS Net Pricing Pages, Procurement Services will then review this information in accordance with the procedures outlined in Section IV of this document.

**AND**

  - G. Once this Newly-Developed Job Title has been approved by OGS for one (1) Contractor, if any other Contractor requests to add this Job Title to their Contract, Procurement Services Shall resume VII.2.B.iii
3. OGS will not allow the addition of Newly-Added Job Titles which overlap with Previously Established Job Title. For example, Procurement Services will not add a "Network Engineer" Job Title as the Description of Duties which would be associated with this are included in the Description of Duties for the Technician Job Title.

Final determination for whether a proposed Newly-Developed Job Title overlaps with a Previously Established Job Title resides solely with OGS.

### 8.7 Deferred/Installment Payment Option

Contractors who wish to offer Deferred/Installment Payment options Must submit Update requests to Procurement Services to add the following for the Equipment in their NYS Net Pricing Pages:

1. The NYS Net Pricing for the Equipment
2. The Price Per month
3. The fixed percentage/rate of interest per month
4. The price of the interest per month
5. The sum of the price per month and the interest price per month
6. The number of months for which interest will be charged
7. The total price of the Equipment (multiplying the sum price by the number of months)

**AND**

8. The difference between the Total Price of the Equipment and the NYS Net Pricing.

OGS will not approve Deferred/Installment Payment Options for Services.

### 8.8 Update to Job Titles Included in an NYS DOL Prevailing Wage Rate Schedule

Whenever an updated Prevailing Wage Rate and Supplemental Benefit is published by NYS DOL and becomes effective, Procurement Services Shall update all Contractors' Total Hourly Rates for Job Titles Included in an NYS DOL Prevailing Wage Rate Schedule by inserting the updated Prevailing Wage Rate and Supplemental Benefit rates into the Contractor's NYS Net Pricing Pages. The formulas in the NYS Net Pricing Pages will calculate the updated:

1. Total Hourly Rate
2. Overtime Hourly Pay Rate
3. Overtime Total Hourly Rate
4. After Business Hours Hourly Pay Rate
5. After Business Hours Total Hourly Rate
6. Saturday Hourly Pay Rate
7. Saturday Total Hourly Rate
8. Sunday and State Holiday Hourly Pay Rate
9. Sunday and State Holiday Total Hourly Rate

Procurement Services will publish these updated NYS Net Pricing Pages on its Website.

## 8.9 Removal of Job Titles for a Particular System

Wherever a Contractor awarded Lot 2 requests to remove a Job Title from their Contract for a particular System, once approved, the Contractor is no longer permitted to perform any Services/work on the particular System. The Index of Award for This Award will be updated to reflect that the Contractor does not offer this System(s), Product Line, etc.

OGS will remove any Product Line or Product Line Subcategory that requires the particular Job Title being removed.

## 8.10 Addition of Crane Rental

Contractors awarded Lot 2 and offering the following systems on their Contract May request to add cranes and boom trucks (Crane Rentals),

- Electrical Distribution and Control Systems
- Fire Pump Systems
- Microprocessor-Controlled HVAC Equipment Systems
- Parking Access Control Systems
- Physical Access Control Systems that include gate operator Equipment and gate Equipment.

In order to add Crane Rentals, Contractors Must Comply with the following:

### 8.10.1 NYS Rental Offering

1. In the spreadsheet posted to the Contract Modification Documents section entitled “Crane/Allowable Vehicle Rental Pricing,” Contractor Must propose the following to OGS:

- A. Project equipment rental description (size, type, etc.)
- B. NYS Hourly Rental Net Price
- C. NYS Hourly Overtime Rental Net Price\*

\*The NYS Hourly Overtime Rental Net Price is only applicable due to an error, miscalculation, or other issue caused or made by the Authorized User which results in the Contractor requiring the rental longer than previously agreed. The Contractor Must not use this rate to solely charge for additional hours if they are known up front (e.g. if a crane is ordered for 12 hours, the Contractor Must not charge 8 hours at the regular rate, and then 4 at the overtime).

2. The NYS Hourly Rental Net Price and NYS Hourly Overtime Rental Net Price Must include, but is not limited to, all of the following costs:
  - A. Bringing the Crane Rental to the site where the work is performed and returning the Crane Rental to the Subcontractor once the work is complete
  - B. Storing the Crane Rental
  - C. Fuel and fuel tax
  - D. Any vehicle inspection, maintenance, repair, replacement of parts or tires, recall, etc.
  - E. All applicable insurance

- F. Vehicle depreciation
- G. All other taxes including, but not limited to tools, mileage, excise/sales, etc.
- H. Scheduling, routing, and other back-office administration of the Subcontractor providing the Crane Rental
- I. Overhead such as licensing, registration, etc.
- J. Profit

**AND**

- K. Any other cost associated with renting the Crane Rental except for:
  - 1) The Labor covered by the Crane Operator, Ironworker, and Teamster Job Title (where applicable) along with the corresponding Authorized User Total Hourly Rates, etc.
  - 2) Where applicable, The Subcontractor Percent (%) Markup over the Authorized User NYS Hourly Rental Net Price (or where allowed the Authorized User NYS Hourly Overtime Rental Net Price and Crane Operator, Ironworker, and Teamster Authorized User Total Hourly Rate
  - 3) Any Authority Having Jurisdiction Fees
- 3. Contractor Must demonstrate Reasonableness of Price to OGS for the NYS Hourly Rental Net Price and NYS Hourly Overtime Rental Net Price offerings in accordance with §8.12 *Reasonableness of Price* of this document.

**8.10.2 Labor Rates for Crane Rental**

- 1. Contractor Must propose the following Job Titles to be added to its Contract using the spreadsheet posted to the Contract Modification Documents section entitled “Crane/Allowable Vehicle Rental Pricing” and the applicable Region Labor Rate tab:
  - A. Crane Operator
  - B. Ironworker
  - C. Teamster
- 2. OGS has provided the Contractor the following:
  - A. Job Title
  - B. Description of Duties
  - C. Prevailing Wage Occupational Subcategory
  - D. Prevailing Wage Rate
  - E. Supplemental Benefits
  - F. After Hours Hourly Pay Rate



G. Overtime Hourly Pay Rate

H. Saturday Hourly Pay Rate

**AND**

I. Sunday and State Holiday Pay Rate

3. Using the information provided by OGS, Contractor Must propose a Percentage (%) Markup for these Job Titles that will calculate:
  - A. The Total Hourly Rate
  - B. The After Hours Total Hourly Rate
  - C. The Overtime Total Hourly Rate
  - D. The Saturday Total Hourly Rate
  - E. The Sunday and State Holiday Total Hourly Rate
4. Contractor Must demonstrate Reasonableness of Price to OGS for the proposed Percentage (%) Markups for these Job Titles in accordance with §8.12 *Reasonableness of Price* of this document, using the columns Comparable Contract/Customer and Comparable/ Contract Customer Total Hourly Rate (or Percent Markup) found in the “Crane & Vehicle Rental Pricing” spreadsheet.

## 8.11 Addition of Allowable Rental Vehicles

Contractors awarded Lot 2 May request to add Allowable Rental Vehicles to its Contract using the following procedure:

1. In the spreadsheet posted to the Contract Modification Documents section entitled “Crane/Allowable Vehicle Rental Pricing,” Contractor Must propose the following to OGS:
  - A. Project equipment rental description (size, type, etc.)
  - B. NYS Hourly Rental Net Price
  - C. NYS Hourly Overtime Rental Net Price\*

\*The NYS Hourly Overtime Rental Net Price is only applicable due to an error, miscalculation, or other issue caused or made by the Authorized User which results in the Contractor requiring the rental longer than previously agreed. The Contractor Must not use this rate to solely charge for additional hours if they are known up front (e.g. if a lift is ordered for 12 hours, the Contractor Must not charge 8 hours at the regular rate, and then 4 at the overtime).

2. The NYS Hourly Rental Net Price and NYS Hourly Overtime Rental Net Price Must include, but is not limited to, all of the following costs:
  - A. Bringing the Allowable Rental Vehicle to the site where the work is performed and returning the Allowable Rental Vehicle to the Subcontractor once the work is complete
  - B. Storing the Allowable Rental Vehicle
  - C. Fuel and fuel tax

- D. Any vehicle inspection, maintenance, repair, replacement of parts or tires, recall, etc.
- E. All applicable insurance
- F. Vehicle depreciation
- G. All other taxes including, but not limited to tools, mileage, excise/sales, etc.
- H. Scheduling, routing, and other back-office administration of the Subcontractor providing the Allowable Rental Vehicle
- I. Overhead such as licensing, registration, etc.
- J. Profit

**AND**

- K. Any other cost associated with renting the Allowable Rental Vehicle except for:
  - 1) The Labor of the Contractor or Subcontractor's employees performing Services using the Allowable Rental Vehicles along with the corresponding Authorized User Total Hourly Rates, etc.
  - 2) Where applicable, The Subcontractor Percent (%) Markup over the Authorized User NYS Hourly Rental Net Price (or where allowed the Authorized User NYS Hourly Overtime Rental Net Price
  - 3) Any Authority Having Jurisdiction Fees
- 3. Contractor Must demonstrate Reasonableness of Price to OGS for the NYS Hourly Rental Net Price and NYS Hourly Overtime Rental Net Price offerings in accordance with §8.12 *Reasonableness of Price* of this document.

## 8.12 Reasonableness of Price

"Reasonableness of Price" as used in Appendix C is for the "Not-to-Exceed Pricing" on a Contract only and is separate and distinct from any determinations of Reasonableness of Price by an Authorized User under §4.4 Direct Engagement Reasonableness of Price Determinations in the How to Use. Please further review the Solicitation §3.12.1 for further information on Reasonableness of Pricing.

Contractors Must not propose or use OGS' determination of Reasonableness of Price for the "Not-To-Exceed Pricing" to comply with the requirements of §4.4 Direct Engagement Reasonableness of Price Determinations.

For any Update submitted where the Contractor is requesting to add New Product Lines, add New Job Titles, or add to their Contract, the Contractor Must demonstrate Reasonableness of Price in accordance with the following:

### 8.12.1 All Product Lines Excluding Those With Only Custom-Built Equipment

- 1. Whenever a Contractor proposes to add a New Product Line (including a new Product Line Subcategory only but excluding a Product Line only containing Custom-Built Equipment, Contractor Must offering NYS the same or better Percent (%) Discount as either:

- A. The Percent (%) Discount (less any administrative Fees such the GSA IFF) the Contractor offers an active contract with similar governmental entities (GSA, Federal Government, other state contract, NASPO, Sourcewell, US Communities, etc.) for this Product Line

**OR**

- B. Where the Contractor either does not hold any active contracts with similar governmental entities or the active contracts with similar governmental entities they hold do not include the New Product Line they are requesting to add, the Contractor Must offer NYS the same or Better Percent (%) Discount as either:

- 1) The Percent (%) Discount Contractor offered to and was accepted by Its Best Commercial Customer for this Product Line

**OR**

- 2) The Percent (%) Discount for this Product Line on another Contractor's Contract under Award 23150.

2. Where a Contractor holds one or more active contracts with similar governmental entities, and each such contract has a different Percent (%) Discount for the Product Line, the Contractor Must offer NYS the most advantageous (highest) Percent (%) Discount for the Product Line among all the Contractor's active contracts with similar governmental entities.
3. If the pricing structure on Contractor's active contract with similar government entities or pricing offered to Best Commercial Customers is not a Percent (%) Discount (discounted from List Price/MSRP), but instead a different type of pricing structure (e.g. discount from a different pricing point than List Price/MSRP, a markup over cost, etc.), the Contractor Must offer NYS a Percent (%) Discount that is the same or better than the pricing offered on the active contract as if the pricing structure on the active contract with a similar governmental entity was a Percent (%) Discount.

### **8.12.2 New Job Titles that are Included in an NYS DOL Prevailing Wage Rate Schedule**

1. If requesting a New Job Titles that are Included in an NYS DOL Prevailing Wage Rate Schedule, and already established under Award 23150, Contractors Must use the updated Attachment 1 – NYS Net Pricing posted to the Contract Modifications Documents section of the Award 23150 website, and complete the applicable information, including the Comparable Contract/Customer and Comparable Percent Markup and/or Total Hourly Rate, for each line of each Job Title being requested for the Regions Awarded, and save that file and submit as part of the update request..
2. Whenever a Contractor proposes to add a New Job Title that is Included in an NYSDOL Prevailing Wage Rate Schedule Contractor Must offering NYS the same or better (lower) Percent (%) Markup as either:
- A. The Percent (%) Discount (less any administrative Fees such the GSA IFF) the Contractor offers an active contract with similar governmental entities (GSA, Federal Government, other state contract, NASPO, Sourcewell, US Communities, etc.) for this Job Title

**OR**

- B. Where the Contractor either does not hold any active contracts with similar governmental entities or the active contracts with similar governmental entities they hold do not include the New Job Title Included in an NYS DOL Prevailing Wage Rate Schedule they are requesting to add, the Contractor Must offer NYS the same or better Percent (%) Markup as either:

- 1) The Percent (%) Markup Contractor offered to and was accepted by Its Best Commercial Customer for this Job Title

**OR**

- 2) The Percent (%) Markup for this Job Title on another Contractor's Contract under Award 23150.
2. Where a Contractor holds one or more active contracts with similar governmental entities, and each such contract has a different Percent (%) Markup for the Job Title, the Contractor Must offer NYS the most advantageous (lowest) Percent (%) Markup for the Job Title among all the Contractor's active contracts with similar governmental entities.
3. If the pricing structure on Contractor's active contract with similar government entities or pricing offered to Best Commercial Customers is not a Percent (%) Markup over a Prevailing Wage Rate and Supplemental Benefits but instead a different type of pricing structure (e.g. an hourly rate) the Contractor Must offer NYS a Percent (%) Markup that is the same or better than the pricing offered on the active contract as if the pricing structure on the active contract with a similar governmental entity was a Percent (%) Markup.

### **8.12.3 New Job Titles that are not Included in an NYS DOL Prevailing Wage Rate Schedule**

1. If requesting a New Job Titles that are not Included in an NYS DOL Prevailing Wage Rate Schedule, and already established under Award 23150, Contractors Must use the updated Attachment 1 – NYS Net Pricing posted to the Contract Modifications Documents section of the Award 23150 website, and complete the applicable information, including the Comparable Contract/Customer and Comparable Total Hourly Rate, for each line of each Job Title being requested for the Regions Awarded, and save that file and submit as part of the update request.
2. Whenever a Contractor proposes to add a Job Title not Included in an NYS DOL Prevailing Wage Rate Schedule, Contractor Must offering NYS the same or better Total Hourly Rates as either:
  - A. The hourly rates (less any administrative Fees such the GSA IFF) the Contractor offers an active contract with similar governmental entities (GSA, Federal Government, other state contract, NASPO, Sourcewell, US Communities, etc.) for this Job Title

**OR**

  - B. Where the Contractor either does not hold any active contracts with similar governmental entities or the active contracts with similar governmental entities they hold do not include the Job Titles they are requesting to add, the Contractor Must offer NYS the same or Better Total Hourly Rates as either:
    - 1) The hourly rate Contractor offers to and was accepted by Its Best Commercial Customer for this Job Title

**OR**

    - 2) The Total Hourly Rate for this Job Title on another Contractor's Contract under Award 23150.
3. Where a Contractor holds one or more active contracts with similar governmental entities, and each such contract has a different hourly rate for the Job Title, the Contractor Must offer NYS the most

advantageous (lowest) Hourly Rate for the Job Titles among all the Contractor's active contracts with similar governmental entities.

#### **8.12.4 Custom-Built Equipment**

1. Whenever a Contractor proposes to add Custom-Built Equipment, Contractor Must offering NYS the same or better NYS Net Pricing as either:
  - A. The net pricing (less any administrative Fees such the GSA IFF) the Contractor offers an active contract with similar governmental entities (GSA, Federal Government, other state contract, NASPO, Sourcewell, US Communities, etc.) for this Custom-Built Equipment

**OR**

  - B. Where the Contractor either does not hold any active contracts with similar governmental entities or the active contracts with similar governmental entities they hold do not include Custom-Built Equipment they are requesting to add, the Contractor Must offer NYS the same or Better NYS Net Pricing as either:
    - 1) The net pricing Contractor offers to and was accepted by Its Best Commercial Customer for this Custom-Built Equipment

**OR**

    - 2) The NYS Net Price for this Custom-Built Equipment on Another Contractor's Contract under Award 23150.
2. Where a Contractor holds one or more active contracts with similar governmental entities, and each such contract has a different net pricing for the Custom-Built Equipment, the Contractor Must offer NYS the most advantageous (lowest) net pricing from for the Custom-Built Equipment among all the Contractor's active contracts with similar governmental entities.

#### **8.12.5 Central Station Monitoring**

1. Whenever a Contractor proposes to add Central Station Monitoring, Contractor Must offering NYS the same or better NYS Net Pricing as either:
  - A. The net pricing (less any administrative Fees such the GSA IFF) the Contractor offers an active contract with similar governmental entities (GSA, Federal Government, other state contract, NASPO, Sourcewell, US Communities, etc.) for this Central Station Monitoring

**OR**

  - B. Where the Contractor either does not hold any active contracts with similar governmental entities or the active contracts with similar governmental entities they hold do not include the Central Station Monitoring they are requesting to add, the Contractor Must offer NYS the same or Better NYS Net Pricing as either:
    - 1) The net pricing Contractor offers Its Best Commercial Customer for this Central Station Monitoring

**OR**

    - 2) The NYS Net Pricing another Contractor's Contract under Award 23150.

2. Where a Contractor holds one or more active contracts with similar governmental entities, and each such contract has a different net pricing for the Central Station Monitoring, the Contractor Must offer NYS the most advantageous (lowest) net pricing for the Central Station Monitoring among all the Contractor's active contracts with similar governmental entities.

### **8.12.6 Crane Rental and Allowable Vehicle Rental**

1. Whenever a Contractor proposes to add Crane Rental and/or Allowable Vehicle Rentals, Contractor Must offering NYS the same or better NYS Hourly Rental Net Pricing and NYS Hourly Overtime Rental Net Pricing as either:

- A. The net pricing (less any administrative Fees such the GSA IFF) the Contractor offers an active contract with similar governmental entities (GSA, Federal Government, other state contract, NASPO, Sourcewell, US Communities, etc.) for this Crane Rental and/or Allowable Vehicle Rentals

**OR**

- B. Where the Contractor either does not hold any active contracts with similar governmental entities or the active contracts with similar governmental entities they hold do not include the Crane Rental and/or Allowable Vehicle Rentals they are requesting to add, the Contractor Must offer NYS the same or Better NYS Net Pricing as either:

- 1) The net pricing Contractor offers and was accepted by Its Best Commercial Customer for this Crane Rental or Allowable Vehicle Rentals

**OR**

- 2) NYS Hourly Rental Net Pricing and NYS Hourly Overtime Rental Net Pricing for this Crane Rental and/or Allowable Vehicle Rentals on another Contractor's Contract under Award 23150.

2. Where a Contractor holds one or more active contracts with similar governmental entities, and each such contract has a different net pricing for the Crane Rental and/or Allowable Vehicle Rentals, the Contractor Must offer NYS the most advantageous (lowest) net pricing for the Crane Rental and/or Allowable Vehicle Rentals among all the Contractor's active contracts with similar governmental entities.

## 9. ADDITIONAL MISCELLANEOUS PROVISIONS:

In addition to the other requirements and procedure set forth in this document and the Contract, Contractors Must comply with the following.

### 9.1 Update to List of Approved MWBE and SDVOB

1. Whenever a Contractor requests to update their MWBE Utilization Plan and/or SDVOB Utilization Plan, they Must submit the request to the OGS Contract Manager listed on Page 1 of this document first for review.
2. The Contractor Must submit the following as applicable to OGS as part of their request:

Designation	Type of Request*	Forms Required
MWBE	Add or Delete Subcontractor*	<ol style="list-style-type: none"> <li>1. MWBE 100</li> <li>2. Where:                             <ol style="list-style-type: none"> <li>A. The Contractor offers Equipment that requires an NYS Fire Alarm Security System Installer License<sup>4</sup> to Install, Integrate, and Maintain <b>AND</b></li> <li>B. The Contractors holds an NYS Fire Alarm Security System Installer License <b>AND</b></li> <li>C. Either or both:                                     <ol style="list-style-type: none"> <li>1) The MWBE 100 indicates the Subcontractor will or may perform Services on Equipment that requires an NYS Fire Alarm Security System Installer License, <b>AND/OR:</b></li> <li>2) The Subcontractor holds itself out as performing Services that require an NYS Fire Alarm Security System Installer License</li> </ol> </li> </ol> </li> </ol> <p>The Contractor Must provide proof of an active NYS Fire Alarm Security System Installer License or if ONLY awarded Regions 1 and 2<sup>2</sup> provide proof of both holding active Master Electrician Licenses for all municipalities that issue such licenses and being registered with NYS Department of State<sup>5</sup>.</p> <ol style="list-style-type: none"> <li>3. An email from the proposed Subcontractor to the Contractor confirming the proposed Subcontractor agrees to be listed on the Contractor’s MWBE Utilization Plan as a Subcontractor to perform Services</li> </ol>
MWBE	Add or Delete a Distributor	<ol style="list-style-type: none"> <li>1. MWBE 100</li> <li>2. Either:                             <ol style="list-style-type: none"> <li>A. For Contractor Awarded Lot 1, Distributor’s Certificate executed by the proposed MWBE and listing the Product Lines the proposed MWBE is certifying to NYS for the Contractor <b>OR</b></li> <li>B. For Contractor Awarded Lot 2, Distributor’s Guarantee executed by the proposed MWBE and listing the Product Lines the proposed MWBE is guaranteeing to NYS for the Contractor</li> </ol> </li> </ol>

<sup>4</sup> [Section 69-M of the General Business Law](https://www.dos.ny.gov/licensing/pdfs/SECURITY.pdf) and [19 NYCRR §195.2](https://www.dos.ny.gov/licensing/pdfs/SECURITY.pdf) are published on NYS Department of State’s website and can be accessed by copying and pasting the following link into an internet browser address bar:  
<https://www.dos.ny.gov/licensing/pdfs/SECURITY.pdf>

<sup>5</sup> The NYS Department of State, Division of Licensing, Index of Licenses and Registrations website search page can be accessed by copying and pasting the following link into an internet browser address bar:  
[https://appext20.dos.ny.gov/lcns\\_public/chk\\_load](https://appext20.dos.ny.gov/lcns_public/chk_load)

		<ol style="list-style-type: none"> <li>3. Link to (website) or copy of proposed MWBE Line Card that Must list the Product Lines the proposed MWBE is certifying or guaranteeing to NYS for the Contractor</li> <li>4. Where the proposed Distributor is not a Business Entity OGS has determined is a Distributor in (see the file <i>ListofDistributors, §7.4.5 Business Entities OGS Determined are Distributors</i>), Contractor Must demonstrate the Business Entity is a Distributor in accordance with §7.2.3 <i>Demonstrating a Business Entity is a Distributor</i>.</li> <li>5. Where the proposed Distributor will be certifying or guaranteeing a New Product Line, Contractor Must provide all other information required to add a New Product Line, including, but not limited to:             <ol style="list-style-type: none"> <li>A. Cover Letter <b>AND</b></li> <li>B. List Price MSRP File <b>AND</b></li> <li>C. Reasonableness of Price</li> </ol> </li> </ol>
SDVOB	Add or Delete a Subcontractor*	<ol style="list-style-type: none"> <li>1. SDVOB 100</li> <li>2. Where:             <ol style="list-style-type: none"> <li>A. The Contractor offers Equipment that requires an NYS Fire Alarm Security System Installer License<sup>4</sup> to Install, Integrate, and Maintain <b>AND</b></li> <li>B. The Contractors holds an NYS Fire Alarm Security System Installer License <b>AND</b></li> <li>C. Either or both:                 <ol style="list-style-type: none"> <li>1) The SDVOB 100 indicates the Subcontractor will or may perform Services on Equipment that requires an NYS Fire Alarm Security System Installer License, <b>AND/OR:</b></li> <li>2) The Subcontractor holds itself out as performing Services that require an NYS Fire Alarm Security System Installer License</li> </ol> </li> </ol> <p>The Contractor Must provide proof of an active NYS Fire Alarm Security System Installer License or if ONLY awarded Regions 1 and 2<sup>2</sup> provide proof of both holding active Master Electrician Licenses for all municipalities that issue such licenses and being registered with NYS Department of State<sup>5</sup>.</p> <li>3. An email from the proposed Subcontractor to the Contractor confirming the proposed Subcontractor agrees to be listed on the Contractor’s SDVOB Utilization Plan as a Subcontractor to perform Services</li> </li></ol>
SDVOB	Add or Delete a Distributor	<ol style="list-style-type: none"> <li>1. SDVOB 100</li> <li>2. Either:             <ol style="list-style-type: none"> <li>A. For Contractor Awarded Lot 1, Distributor’s Certificate executed by the proposed SDVOB and listing the Product Lines the proposed SDVOB is certifying to NYS for the Contractor <b>OR</b></li> <li>B. For Contractor Awarded Lot 2, Distributor’s Guarantee executed by the proposed SDVOB and listing the Product Lines the proposed SDVOB is guaranteeing to NYS for the Contractor</li> </ol> </li> <li>3. Link to (website) or copy of proposed SDVOB Line Card that Must list the Product Line the proposed SDVOB is certifying or guaranteeing to NYS for the Contractor</li> <li>4. Where the proposed Distributor is not a Business Entity OGS has determined is a Distributor in (see the file <i>ListofDistributors, §7.4.5 Business Entities OGS Determined are Distributors</i>), Contractor Must demonstrate the Business Entity is a Distributor in accordance with §7.2.3 <i>Demonstrating a Business Entity is a Distributor</i>.</li> <li>5. Where the proposed Distributor will be certifying or guaranteeing a New Product Line, Contractor Must provide all other information required to add a New Product Line, including, but not limited to:</li> </ol>



		A. Cover Letter <b>AND</b> B. List Price MSRP File <b>AND</b> C. Reasonableness of Price
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\*For Contractors awarded Lot 2 only.

3. OGS will review the information provided by the Contractor in accordance with the applicable sections of this document.
4. If OGS determines the proposed MWBE Utilization Plan or SDVOB Utilization Plan is acceptable, OGS will:
  - A. For the MWBE Utilization Plan:
    - 1) Transmit the MWBE Utilization Plan to the MWBE Office for approval  
  
**AND**
    - 2) If approved by the OGS MWBE office and, if approved by the OGS MWBE Office, where the approved MWBE is a Distributor, update the Product Line and Systems Matrix to reflect this information  
  
**AND/OR**
  - B. For SDVOB Utilization Plan:
    - 1) Approved the SDVOB 100
    - 2) Notify the Division of Service-Disabled Veteran Owned Business
    - 3) Notify the Contractor  
  
**AND**
    - 4) Where the approved SDVOB is a Distributor, update the Product Line and Systems Matrix<sup>2</sup> to reflect this information

## 9.2 Addition (or Deletion) of Systems which requires an NYS Fire Alarm Security System Installer License as required by Law:

Where a Contractor awarded Lot 2 requests to add Systems and the corresponding Job Titles to its Contract which require an NYS Fire Alarm Security System Installer license<sup>3</sup> to Install, Integrate, and Maintain, the Contractor Must provide proof to OGS that it possesses an active license in good standing:

Where a Contractor awarded Lot 2 requests to remove Job Titles which are for Systems which require a license, the Contractor must provide proof that it has removed any System and Product Line from its Contract which correspond to this Job Title. The Index of Award for This Award on the OGS website will also be updated to reflect that the Contractor does not offer this System(s), Product Line(s), etc.