

How to Use This Contract and FAQs

1. Introduction

The purpose of the Media Buying Services (Statewide) Contract is to provide Authorized Users with a means of acquiring media buying services. Generally, Media Buying Services are recommended when the Authorized User desires assistance with media strategy and placement services. If the Authorized User has determined the media outlet (e.g., placement of a recruitment ad in a newspaper or trade periodical) then the use of the services under this Contract may not be necessary. Media Buying Services include, but may not be limited to, the following:

1. strategic media planning, buying, and placement across all types of media platforms (video, digital, audio, social media, print, out-of-home, sports, arena-stadium, etc.);
2. provide planning and guidance for budgeting and planning purposes including strategy and demographic research;
3. deliver expert solutions in utilizing the most effective and efficient media for individual campaign goals and objectives as determined by the Authorized User;
4. monitor and maintain the effectiveness of every media buy, providing specific and detailed purchase information and post-buy analysis;
5. media campaigns can be statewide, regional, county, or even zip code based campaigns; and
6. Authorized Users may require media campaigns to be in any language and be multi-cultural.

The following services are specifically excluded from the scope of this RFP and resulting Contracts:

1. creation and production of media as creative work associated with the media buy;
2. branding services; and
3. campaigns targeting individuals, groups, or areas outside of the State of New York.

These Backdrop Contracts have an established set of standardized terms and conditions, guidelines, and processes. Authorized Users are advised to familiarize themselves with the contract terms and conditions. When an Authorized User determines the need for Media Buying Services, they will submit a Media Buy Request (MBR) in accordance with the terms and conditions of the Centralized Backdrop Contract and include any additional requirements. **The Authorized User is encouraged to request quotes from all Contractors. The Centralized Backdrop Contract has maximum not-to-exceed commission rates. It is in response to the MBR where the Contractors shall submit the actual commission rate to be charged.** The Contractors are not required to reduce their maximum not-to-exceed commission rates.

The process of submitting a MBR will result in an Authorized User Agreement and the Authorized User will then either use their NYS Procurement Card (P-Card) or issue a Purchase Order to the selected Contractor to obtain Media Buying Services based on the quotes obtained from the Contractors.

2. Instructions for Authorized Users and Contractors

This Contract is issued under a multiple award structure. Authorized Users shall procure media buying services that best meet their form, function, and utility requirements. **Authorized Users and Contractors are encouraged to take the following steps when submitting a MBR to Contractor(s):**

1. Authorized User determines the need for Media Buying Services for a campaign.
2. Authorized Users shall check the list of Preferred Source Product offerings and are reminded that they must comply with State Finance Law, particularly § 162, regarding

commodities/services provided by preferred source suppliers. If the needed media buying services are available in the desired form, function and utility from a Preferred Source, the Authorized User shall engage the Preferred Source.

3. Authorized User will obtain any required internal/external approvals to submit a MBR to Contractor(s).
4. Authorized Users will submit a MBR via email to the Contractor(s). Authorized Users should request a delivery receipt of the email to the Contractors. **Authorized Users are encouraged to submit a MBR to all of the Contractors.** At a minimum, Authorized Users are advised to provide Contractor(s) with the following in their MBR to get the best response possible:
 - a. name and purpose of campaign;
 - b. demographic to be reached for campaign;
 - c. location of campaign;
 - d. budget;
 - e. length of campaign;
 - f. creative content available;
 - g. preferred type of media to buy, if any;
 - h. requirement for Contractor to provide proposed breakdown of media costs by outlet (e.g., Facebook, YouTube, TV, radio, etc.), including media outlet payment due dates and payment requirements for all media purchasing;
 - i. confirmation of Contractor's commission rate to be charged;
 - j. requirement for Contractor to disclose any conflicts of interest;
 - k. any additional requirements or documentation to be provided by Contractor;
 - l. Authorized User's evaluation criteria to be used to evaluate the Contractor(s) responses, such as upfront costs to be paid by Authorized Users, proposed media strategy, past experience with similar campaigns, account management experience, etc.
 - m. deadline for questions, interviews, etc., if any;
 - n. deadline for response to MBR; and
 - o. deadline for selection of Contractor and notice to any non-selected Contractors.
5. Contractors are required to respond to the MBR within twelve (12) hours of submission of the MBR by the Authorized User. The Authorized User has the discretion to allow the Contractor additional time to respond to the MBR.
6. At a minimum, Contractors are expected to provide Authorized Users with the following information in response to the MBR:
 - a. analyses, evaluations and recommendations based on professional experience, market research and a strategic framework, including but not limited to:
 1. Audience size
 2. Audience demographics
 3. Audience behavior
 4. Media platforms to be used
 5. Number of impressions
 - b. geographical concentration of targeted audience market research for all media buys;
 - c. strategies and tactical details that support the marketing solution being proposed;
 - d. media flowcharts, plans and other data to illustrate the planned placement and costs associated with media buy;
 - e. time requirements and/or projections;
 - f. industry trends and/or new developments in media strategy, media planning and buying in order to employ new methods as they become available;
 - g. measurements of success of the media plan/marketing solution;

- h. proposed breakdown of media costs by outlet (e.g., Facebook, YouTube, TV, radio, etc.), including media outlet payment due dates and payment requirements for all media purchasing;
 - i. confirmation of Contractor's commission rate to be charged;
 - j. disclosure of any conflicts of interest; and
 - k. response to Authorized User's specific requests for additional requirements or documentation, if any.
7. Each campaign awarded by an Authorized User will be exclusive to one Contractor. Contractors will not have channel exclusivity across campaigns. Contractors are not required to submit a response in request to an Authorized User's MBR. If a Contractor decides not to provide an MBR, the Contractor should inform the Authorized User and provide the reason.
8. It is recommended the Authorized User retain a copy of the email containing the MBR they sent to all Contractors, identifying the Contractor(s) the MBR was sent to for inclusion in their procurement record.
9. The Authorized User will review the response(s) received and make their selection that best meets their form, function, and utility requirements as determined by the Authorized User. Authorized Users are encouraged to promptly notify non-selected Contractors that their response to the MBR was not selected and the reasons for the non-selection. Authorized Users subject to Article 11 of the State Finance Law shall provide the opportunity for debriefings in accordance with Section 163 (9)(c). All other Authorized Users are strongly encouraged to provide an opportunity for debriefing.
10. Authorized Users must follow their applicable procurement rules and/or guidelines to ensure that compliance is met. Authorized User's procurement record should clearly demonstrate why one Contractor was chosen over another.
11. An Authorized User shall issue a Purchase Order to the Contractor, which is effective and binding on the Contractor at time of order. The Authorized User Agreement shall contain the total exact or estimated cost, if an exact cost cannot be determined at that time. A Contractor shall not initiate services until the Purchase Order is issued, and an Authorized User shall not request performance of services until the Purchase Order has been issued.
12. Contractor will begin services.
13. Authorized User will follow the appropriate media placement verification process and post-buy analysis, billing and reconciliation process for invoice approval, including receiving a prompt payment discount if warranted.
14. During Contract performance, Contractor questions, clarifications, and/or disputes arising from an Authorized User's quote request and/or Contractor selection are to be reviewed and resolved by the Authorized User and the Contractor, and not by NYS OGS Procurement Services.
15. During Contract performance, issues related to MWBE and SDVOB goal compliance are to be referred to the MWBE (ogs.sm.mwbe@ogs.ny.gov) or SDVOB office (VeteransDevelopment@ogs.ny.gov), as applicable, within OGS.
16. During Contract performance, questions regarding the centralized Contract should be referred to NYS OGS Procurement Services. Please contact the Contract Manager as stated on the Contract Landing Page.

3. Recommended Authorized User Invoice/Voucher Review Procedures

It is recommended that Authorized Users adhere to the following procedures:

1. Ensure that Contractor is complying with Section 2.2.7, *Post-Buy Analysis, Billing, and Reconciliation Services* and Section 3.6, *Invoicing and Payment*, of the Contract;
2. Make payment for approved actual media purchased (net billing) plus a commission based upon the net billing. The Contractor's commission rate includes any other costs the Contractor would bill as part of this Contract, such as travel materials, research, equipment, profit, and labor;
3. Verify that the commission rate complies with the accepted rate in response to the MBR; and
4. Request Contractor to disclose any credits due from media outlets from Authorized User media buys and disclose the options for handling such credits.

Frequently Asked Questions (FAQs)

1. **Who is the Authorized User?**
New York State Agencies, political subdivisions, local governments, public authorities, public school and fire districts, public and nonprofit libraries, and certain other nonpublic/nonprofit organizations. See Appendix B, Section (2)(a).
2. **How do I know if I'm an Authorized User of NYS OGS Contracts, including the Media Buying Services Contract?**
Please contact NYS OGS Procurement Services Customer Services at: 518-474-6717, or via email at: OGS.sm.customer.services@ogs.ny.gov.
3. **Does an Authorized User have to obtain a Prevailing Wage Rate Number (PRC#) prior to requesting quotes from Contractors?**
No. Prevailing wages do not apply to this contract.
4. **How is the Contractor selected for a media campaign?**
The Contractor will be chosen based on the response to the Authorized User's Media Buy Request (MBR) that best meets their form, function, and utility requirements. The Authorized User should also be prepared to explain the evaluation process and basis for the selection should an unsuccessful Contractor inquire as to why they didn't win.
5. **How do I determine which Contractors to submit Media Buy Requests to?**
Authorized Users will refer to the Contractor Information Summary page available at: <https://online.ogs.ny.gov/purchase/snt/awardnotes/7905023171can.htm> to identify the Contractors.
6. **Does the Media Buying Services Contract have MWBE or SDVOB goals?**
There are 15% WBE and 15% MBE goals on this Contract. There are no SDVOB goals.
7. **Are P-Card purchases allowed under this Backdrop Contract?**
Yes, if the Contractor has agreed to accept the NYS Procurement Card (P-Card), or other electronic form(s) of payment, from Authorized Users for all charges. This is indicated on the Contractor Information Summary Page.

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

Please contact the OGS Bureau of Risk Insurance Management (BRIM) at:
ogs.sm.insrev@ogs.ny.gov.

9. What happens when a Contractor quotes a commission rate that exceeds the not-to-exceed rate on their Contract?

If a Contractor, in response to an Authorized User's MBR quotes above their not-to-exceed commission rate, then the Authorized User can disqualify the Contractor's quote.

10. Does the Contract allow for price increases?

No, Section 3.3, *Rate*, of the Contract requires that the Contractor's not-to-exceed commission rate will not change during the life of the Contract, including all extensions. The Contractors are free to reduce their commission rates in response to Media Buy Requests.

11. What is included in the Contractor's commission rate?

The Contractor's commission rate includes any other costs their firm would plan to bill as part of this Contract, such as travel, materials, research, equipment, overhead, profit, and labor. The commission rate will be rounded to two decimal places.

12. Can an Authorized User submit a MBR for multiple media campaigns?

No, a separate MBR must be done for each campaign in accordance with Section 2.2.9, *Media Buy Request (MBR) Process*, of the Contract.

13. Can media expenses be paid prior to the conclusion of the media buy campaign?

In accordance with Section 2, #4, above, Authorized Users should request Contractors to disclose any media outlet payment requirements for launching a campaign in response to a MBR. Authorized Users should consider the media outlet's payment requirements, if any, when selecting a Contractor in response to its MBR. Payments of media expenses must be agreed upon between the Authorized User and the Contractor. The Contractor's commission rate cannot be paid until after the conclusion of the campaign once the billing reconciliation process has been completed in accordance with Section 2.2.7, *Post-Buy Analysis, Billing, and Reconciliation Services*, and Section 3.6, *Invoicing and Payment*, of the Contract.

14. Is there a minimum Media Buy Request?

Yes, the minimum order, or Media Buy Request for this Contract is \$1,000.00. Contractors may elect to honor MBRs less than \$1,000.00.

15. Are subcontractors allowed?

Subcontractors may only be used in accordance with section 3.21, *Subcontracting*.

16. Who do I contact if I still have questions regarding the Contract?

Please contact the OGS Contract Manager as stated on the Contract Landing Page.

Sample Media Buy Request (MBR)

Campaign: On March 1, 2020, the sale of single-use plastic bags will be banned in New York State. In order to prepare shoppers for the new law and encourage the use of re-usable bags, New York State would like to educate consumers about the pending change and benefits of eliminating single-use bags using a multi-media public service campaign. This campaign will be English and Spanish language.

Length of campaign: February 1, 2020 – February 15, 2020

Budget: \$500,000 outside NYC
\$1,000,000 inside NYC

Location of campaign: Throughout New York State. New York City is defined as the five boroughs of Brooklyn, Bronx, Manhattan, Queens and Staten Island.

Demographic: Supermarket and retail shoppers of all ages and income brackets.

The following material available for use in the media buy. It is not required that all of these elements are used in the media buy:

- 6 second video
- 15 second video
- 30 second video
- 30 second voiceover
- Any size static collateral that will be required for print, online, social media, or out-of-home materials recommended for the media buy.

Based on the campaign description above, the Contractor should propose a media plan which includes the following:

1. The precise locations, including counties, the proposed media placements will be in;
2. Analyses, evaluations and recommendations based on professional experience, market research and a strategic framework, including, but not limited to:
 - a. Media platforms to be used;
 - b. Weight of each platform in the overall buy;
 - c. Cost for each element of the media buy;
 - d. A list of sizes and formats of recommended media elements;
 - e. Audience size;
 - f. Audience demographics; and
 - g. Number of impressions anticipated;
3. Strategies and tactical details that support the marketing solution being proposed;
4. Media flowcharts, plans and other data to illustrate the planned placement and costs associated with the media buy (where and when placements will be made);
5. Time requirements and/or projections;
6. Measurements of success of the media plan/marketing solution (provide examples); and
7. Rationale for decision making on the media buys.
8. proposed breakdown of media costs by outlet (e.g., Facebook, YouTube, TV, radio, etc.), including media outlet payment due dates and payment requirements for all media purchasing;
9. confirmation of Contractor's commission rate to be charged;
10. description of past experience, if any, with similar campaign and its outcome;
11. description of experience with account management staff;
12. disclosure of any conflicts of interest.

Evaluation Criteria: Each Contractor's response to the MBR will be evaluated using the following criteria:

1. Contractor's response reflects an understanding of the MBR that resulted in a responsible media buy recommendation;
2. Contractor's reasoning for the allocation of the budget for the MBR showed an understanding of the appropriate use of each media platform to achieve the maximum value for the campaign;
3. Contractor's creativity/originality/inventiveness in response to the MBR when looking at the NYS media market and time of year the campaign will run;
4. Contractor's response to MBR was complete, clear and satisfactorily covered each aspect of the MBR;
5. Contractor's proposed measures of success appropriately document the effectiveness of the campaign;
6. Contractor's commission rate and any upfront media costs to be paid by Authorized Users, if any;
7. Contractor's past experience with similar campaigns; and
8. Contractor's account management experience with similar campaigns.

Deadlines: Written questions are due via email by December 9, 2019

Answers will be provided via email by December 13, 2019

Responses are due via email by December 20, 2019

Notification of selected Contractor and non-selected Contractor(s) by December 30, 2019