

How to Use This Contract Issued December 9, 2018

This document provides the Authorized User general instructions on how to use the Photovoltaic Systems and Installation Services (Statewide) Contract. These instructions assume the Authorized User has a good knowledge of Mini-bid procurement methodology. An Authorized User must familiarize itself with the OGS Centralized Contract terms and conditions. Additional general procurement information is available on the OGS website.

Authorized Users who utilize this contract must create and conduct a Best Value Mini-Bid. A Mini-Bid Project Definition must be distributed to all of the Contractors awarded the Region, Lot(s) and Item(s) contained in the Mini-Bid Project Definition. Mini-Bid Project Definitions may contain multiple Lots and items, but may only contain one Region. Close attention should be made to ensure the Mini-Bid Project Definitions only goes to Contractors that have been awarded the applicable Region, Lot(s) and item(s). Appendix D - Mini-Bid Project Definition Template has been created to assist Authorized Users in the creation of Mini-Bid Project Definitions.

Section 1. General Information

1.1 OGS CENTRALIZED CONTRACT SCOPE

This Award establishes backdrop contracts for Photovoltaic Systems and Installations Services (Statewide) in various regions across the state which allow Authorized Users that have the structural and geographic potential with a streamlined process to purchase, and if required, have solar panels installed on the Authorized User's property. The backdrop contracts allow Contractors to be prequalified to bid on specific projects that will be let by Authorized Users at a later date through the use of a Best Value Mini-bid for a Mini-Bid Project Definitions.

This award is for use by Authorized Users of OGS centralized contracts which includes, but is not limited to, New York State agencies and non-state organizations (political subdivisions, local governments, public authorities, public schools, fire districts, public and nonprofit libraries, community colleges, and certain other nonpublic/nonprofit organizations. Authorized users of this award are strongly encouraged to review the Executed Contracts in their entirety to gain an understanding of requirements for both the contractor and users.

1.2 LOTS

This award includes the following Lots. A summary of the Lots and Regions awarded can be found under the 'Award Summary' link on the landing page at: (<https://www.ogs.ny.gov/purchase/snt/awardnotes/0530223137can.htm>).

Lot 1: Photovoltaic Systems

This lot is for Photovoltaic Systems which includes but not limited to:

Product Category	Examples
Packaged Photovoltaic Systems	A complete packaged system which contains all necessary components of the system including but not limited to:
	~Photovoltaics Panels
	~Mounting Racks
	~Inverter
	~Battery Pack
	~Charge Controllers
	~Meters
	~Array Disconnect
	~Breakers
~Cables	

	A packaged Photovoltaic System may be grid tied; grid tied with battery storage; off-grid or off-grid with battery storage.
Solar Modules (Solar Panels)	~Monocrystalline Silicon PV (mono-silicon or single silicon)
	~Polycrystalline Silicon PV (multi-crystalline, multi-silicon, ribbon)
	~Thin film solar panels
	~Building Integrated
Racking Systems	~Roof Mounting Frames & Hardware
	~Ground Mounting Frames & Hardware
	~Pole Mounts
	~Tracking hardware
Inverters	~String Inverters
	~Micro-Inverters
	~Power Optimizers
	~Inverter Communication Units
Charge Controllers	~Maximum power point tracking (MPPT)
Battery Packs	~High Cycle-Life Batteries
	~Deep Cycle Emergency/Stand By
	~Lithium Ion
	~Battery Racks
	~Lead Acid Batteries
Ancillary Products	~Wiring
	~Cables
	~Adaptors
	~Combiner Boxes
	~Safety Disconnects
	~Surge Suppressors
	~Breaker Panels
	~Meters
Miscellaneous Photovoltaic Products	~Solar Powered Area Lights
	~Solar Powered Street Lights
	~Portable Solar Generators

Lot 2: Installation Services

Lot 2 is for Installation Services of products purchased from Lot 1 Photovoltaic Systems. To provide Lot 2 Installation Services, the Contract must be awarded and have sold the products under Lot 1 in the applicable Region.

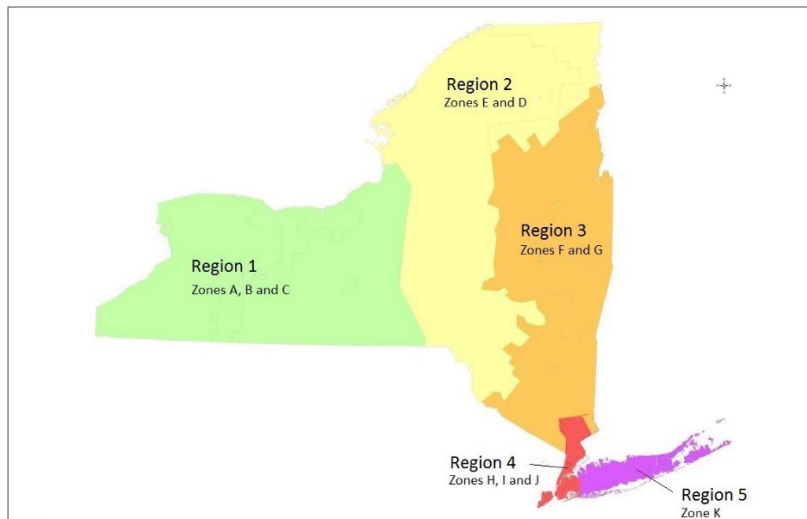
All Installation Services must be related to and ordered in conjunction with Products offered under the Bidder's award for Lot 1 – Products. Installation Services shall not be performed for Products not purchased through this Solicitation or offered by another Contractor's Lot 1 award.

Contractors may be awarded one or more of the following three system size installations:

- Item 1: 0 to 100 kW systems
- Item 2: 101 to 500 kW systems
- Item 3: >500 kW systems

1.3 REGIONS

This award includes five Regions, with each Region containing the NYISO zones and counties listed below.



Notes:

- Zones A-K plotted on map above are referenced below and broken down further by County.
- Counties may cross over borders of NYISO Zones and be a part of multiple NYISO Zones.

NYS Counties by NYISO Zone:

Region	NYISO Zone	Counties
1	Zone A	Niagara, Erie, Orleans, Monroe, Livingston, Genesee, Wyoming, Cattaraugus, Chautauqua
1	Zone B	Wayne, Monroe, Ontario, Allegany
1	Zone C	Oswego, Onondaga, Cayuga, Cortland, Broome, Tioga, Tompkins, Seneca, Yates, Ontario, Schuyler, Chemung
2	Zone D	Franklin, Clinton, Essex, Hamilton
2	Zone E	Franklin, St Lawrence, Jefferson, Lewis, Herkimer, Oneida, Madison, Otsego, Chenango, Delaware, Sullivan
3	Zone F	Essex, Hamilton, Warren, Washington, Fulton, Saratoga, Montgomery, Schenectady, Rensselaer, Otsego, Schoharie, Albany, Columbia, Greene
3	Zone G	Greene, Ulster, Dutchess, Putnam, Orange, Rockland
4	Zone H	Westchester
4	Zone I	Westchester
4	Zone J	Bronx, New York, Richmond, Kings, Queens
5	Zone K	Nassau, Suffolk

Section 2. Developing and Distributing the Mini-bid RFP

2.1 Procurement Instructions To Authorized Users

The OGS Group 05302 – Photovoltaic Systems and Installation Services (Statewide) Centralized Contracts are awarded under a multiple award structure. Products and Services offered under the Contracts, pricing, and other Contract information will be posted to the OGS website and, if applicable, the awarded Contractors' dedicated NYS websites. Authorized Users shall procure Products and Services that best meet their form, function and utility requirements.

Authorized Users who are subject to NYS Executive Order 4 are encouraged to:

- A. Purchase higher efficiency units when available
- B. Provide routine inspection (recommended yearly at a minimum) as well as cleaning and servicing per Manufacturer's recommendations
- C. Install performance monitoring equipment that will allow quantification of savings
- D. Investigate available government and private funding sources, many of which will be in the form of loans repaid with savings realized by converting to renewable energy source
- E. Reduce the State's carbon footprint by procuring local or regional products. For projects registered with a LEED rating system, offer units that are manufactured within 500 miles of the project site

Before proceeding with their purchase, Authorized Users shall check the list of Preferred Source offerings and are reminded that they must comply with State Finance Law, particularly § 162, regarding commodities/services provided by preferred source suppliers. Where commodities/services are not available from Preferred Source suppliers in the form, function and utility required by the Authorized User, Authorized Users shall purchase from OGS Group 05302 – Photovoltaic Systems and Installation Services (Statewide) Centralized Contracts.

To utilize the Centralized Contracts, Authorized Users must conduct a Mini-Bid, issue a Mini-Bid Contract Number to the winning Contractor and, if the Authorized User is a state agency, set up the Mini-Bid Contract in SFS before placing Purchase Orders against the Mini-Bid Contract Number.

Authorized Users using the OGS Group 05302 – Photovoltaic Systems and Installation Services (Statewide) Centralized Contracts should be familiar with that contract's terms and conditions. The Authorized User is accountable and responsible for compliance with the requirements of public procurement processes. The Authorized User, when purchasing from OGS Contracts, should hold the Contractor accountable for Contract compliance and meeting the Contract terms, conditions, specifications, and other requirements. Authorized Users shall not have the authority to modify the terms of the Contract, except as to better terms and pricing for a particular Mini-Bid Contract. Please see Appendix B Clauses 26, *Modification of Contract Terms*, and 30, *Purchase Orders*. Also, in recognition of market fluctuations over time, Authorized Users are encouraged to seek improved pricing whenever possible.

The following are examples of documentation that should be created and maintained by the Authorized User as part of a Procurement Record. This list is not meant to be all inclusive.

- Approved Requisition or Purchase Order;
- DOB 1184 Attachment A or B (State Agencies only. Please review: http://www.budget.ny.gov/guide/bprm/bulletins/b-1184_revised.html);
- Mini-Bid Project Definition distribution and announcements;
- Pre-bid Conference Sign-In Sheet and Transcript;
- Bid Protests and Responses;
- Justification for Rejecting Bids or Proposals;
- Blank Mini-Bid Project Definition Document (including appendices);
- Questions & Answers;
- Evaluation Instruments;
- Completed Evaluation Score Sheets & Evaluation Summary;

- Bid Tabulation;
- Bidders List;
- Reasonableness of Price;
- Awarded Bid;
- Proposals Received;
- Any Contractor Correspondence (e.g. clarifications);
- Rejected Bids with Justification;
- Tentative Award letter;
- Non-award Letters;
- Award

Authorized Users may purchase Photovoltaic Systems with internet or Cloud-based capabilities, but must carefully review any associated terms and conditions prior to purchase, and such terms and conditions have not been reviewed or approved by OGS.

2.2 Mini-Bid Requirements

Authorized Users who utilize this Contract must create and conduct a best value Mini-Bid. The Mini-Bid Project Definition must be distributed to all of the Contractors awarded the Region, Lot(s) and Item(s) contained in the Mini-Bid Project Definition. Mini-Bid Project Definitions may contain multiple Lots and items, but may not contain more than one Region. Close attention should be made to ensure the Mini-Bid Project Definition only goes to Contractors that have been awarded the applicable Region, Lot(s) and item(s). Appendix D - *Mini-Bid Project Definition Template* has been created to assist Authorized Users in the creation of Mini-Bid Project Definitions.

The process of developing a Mini-Bid Project Definition includes, but is not limited to, studying the feasibility of constructing a PV System, obtaining all necessary stakeholder approvals, gathering site and billing data, developing the Mini-Bid Project Definition, developing evaluation criteria and tools for the technical and cost proposals, distributing the Mini-Bid Project Definition, evaluating responses, choosing the winning proposal, making an award and overseeing the construction of the system.

This Contract requires that a Mini-Bid be completed and an award made on the basis of “best value”. Thus, a Mini-Bid award must be made to the Contractor who offers the best value solution. State Finance Law § 163(4)(d) mandates that a contract for services be awarded on the basis of best value which takes into consideration cost as well as technical or non-cost factors. For certain service and technology procurements, best value can be equated to lowest price, where all requirements have been met by the Contractor.

For procurements where best value is equated to lowest price, the following methods may be used to determine lowest price:

Type of PV System	Recommended Method of Determining Lowest Price (See Note 1)
PV Systems	Lowest Levelized Cost of Energy (LCOE)
PV Systems with Battery Storage Systems	Lowest Levelized Cost of Energy (LCOE)
Stand-Alone Battery Storage Systems	Lowest Levelized Cost of Energy (LCOE)

Note 1: See Section 1.25 'Definitions' for definitions of Lowest Levelized Cost of Energy and Lowest Net Cost.

Authorized Users may also choose to award Mini-Bid Contracts using weighted technical and cost evaluations, however it is the Authorized User's responsibility for developing proposal requirements, identifying the relative weights for the administrative, technical and cost proposals, developing evaluation criteria, developing scoring methodologies and developing evaluation tools. Should a weighted evaluation be used, the evaluation weight assigned to the Technical evaluation shall not exceed 70% of the total score, and Cost evaluation shall be no less than 30% of the total score.

In addition, if the Authorized User elects to develop technical evaluation criteria and is subject to the requirements of Article 11 of the State Finance Law, State Finance Law Section 163(1) (j) allows the inclusion of a quantitative factor for offerers that are small businesses or certified minority- or women-owned business enterprises (MWBES) as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the Executive Law. It is recommended that up to 5% of the total technical evaluation scale be awarded to a proposer who meets one of these criteria. In addition, if the Authorized User includes a quantitative factor in its evaluation as part of the Mini-Bid process, it must obtain a certification from each Contractor indicating whether such Contractor is a small business pursuant to Executive Law Section 310(20). The Authorized User must use the directory of New York State Certified MWBES to verify a Contractor's status as a MWBE.

The Authorized User may choose to provide additional Technical evaluation point components for the Contractor to provide more focused proposals (e.g. 5% Key personnel interviews).

The Technical Proposal requirements for the Mini-Bid Project Definition may include items such as the submission of a site plan, a technical description of the proposed photovoltaic system, pricing data, a customer service/system support plan, a project implementation plan, management plan, references, monitoring and data acquisition system, data presentation/educational display, operations and maintenance plan, PV system performance guarantee, equipment warranties, environmental considerations, and any other documentation necessary for the Authorized User to conduct a full and complete evaluation. The Contractor will provide a proper analysis of power generation so that actual utility rates and system cost can be compared with expected/derived hourly solar production to determine the cost effectiveness of the project. The Authorized User may determine, at its discretion, whether or not to make an award for the Mini-Bid Project Definition after review and evaluation of Mini-Bid responses.

Contractors awarded the applicable Region, Lot(s) and Item(s) may respond to a Mini-Bid Project Definition by submitting a proposal to the Authorized User and fulfilling the Mini-Bid Project Definition requirements established in the Mini-Bid Project Definition. Only Contractors awarded the applicable Region, Lot(s) and Item(s) included in the Mini-Bid Project Definition are eligible to respond. Please note that Contractors are encouraged, but are not required, to respond to a Mini-Bid Project Definition.

2.3 Feasibility Studies/Stakeholder Considerations

The Authorized User is responsible for performing feasibility studies and obtaining all necessary stakeholder approvals prior to conducting the Mini-Bid. Considerations may include, but are not limited to, those listed in the following tables.

Considerations for State Agency Authorized Users:

New York State Division of Budget	Inform their Budget Examiner of the proposed projects; include location and type of Solar project (roof, ground, etc.). It is recommended that Authorized Users review the costs associated with the project. Consider the
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	present worth of the lower cost electricity over the life of the PV System.
Office of General Services Design & Construction	<p>Inform Design & Construction of their proposed projects; include location and type of Solar project (roof, ground, etc.).</p> <p>Upon final OK to move forward with project, obtain a permit from OGS Design and Construction, or other Construction-Permitting Agency. Although the Contractor is responsible for obtaining all required permits and licenses, the final development plans must be reviewed, approved, and stamped by the Office of General Services Design and Construction, or other Construction-Permitting Agency.</p> <p>If Purchaser is a New York State Agency, OGS Design & Construction division, or other State construction-permitting agency as defined in 19 NYCRR 1204.3(e), shall provide all Uniform Code services which shall include (i) the issuances of all permits and certificates, (ii) inspections, and (iii) reporting.”</p>
Office of General Services Real Estate	<p>Inform, for inventory purposes, the OGS Real Estate Center of intent to install the PV System on property owned by the State and include the address, and specific proposed location of the panels (i.e., rooftop, or ground mount).</p> <p>Post installation: provide a copy of the approved design plans to Real Property Management to keep on record.</p>

Considerations for other Authorized Users:

Budget	<p>Inform their budget office of the proposed projects; include location and type of Solar project (roof, ground, etc.). It is recommended that Authorized Users review the costs associated with the project. Consider the present worth of the lower cost electricity over the life of the PV System.</p>
Local Zoning Enforcement Officer and Planning Board	<p>Authorized Users should review and abide by local zoning and land use laws. Final development plans should be reviewed by a licensed engineer or architect representing the Authorized User.</p>
Municipal Assessor	<p>Authorized Users should take into consideration the current cost of the land and the future assessment value when</p>

	considering a Solar project. (Note: the assessment is typically exempt from upward adjustment due to the installation of solar, however local taxing authorities can opt out of the exemption but must do so proactively).
Energy Review	Authorized Users should review projected grid electricity cost for the life of the PV System.-

2.4 Development of the Mini-Bid Technical Requirements

Authorized Users may have distinct requirements or unique needs, which may be established in the Mini-Bid Project Definition at the Authorized User's option. Such additional requirements that Authorized Users may consider establishing as requirements in the Mini-Bid Project Definition include, but are not limited to, the following:

a. Project Organization Chart

As part of the Mini-Bid, the Authorized User may require the Contractor to develop and submit a proposed project organization chart. The project organization chart should identify all the proposed key personnel of each team component and how the team will be managed. If required, the project organization chart must include both Contractor and State staff roles if identified in the Mini-Bid Project Definition.

b. Licensing

The Authorized User may require Contractors to provide a list of all relevant State-Specific Contracting Licenses held by the firm to perform work in New York State, including classification and number (attach list and copies of such documents), or to list any Electrical, Structural and/or Professional Engineering Licenses held by firm members, including classification and number.

c. Proposed Equipment Warranties

The Authorized User may require Contractors to provide additional or extended warranties beyond what is required in Section 4 *Specifications*, for all major system components including modules, inverters, monitoring systems, tracking systems and mounting structures. Documentation must describe the duration of the warranty, and the nature of the performance guarantee(s). For all equipment, include the manufacturer and/or model information, the equipment, labor and roof penetration warranties, and details on insurance to protect Authorized Users from installation failures and whether the Contractor is bonded.

d. References

The Authorized User may require Contractors to provide three (3) customer references from customers who worked with the firm during the installation phase. References should clearly indicate size of system, date of completion, and the role played by your firm. The Authorized User may also require Contractors to provide three (3) references from customers who are currently receiving operations and maintenance service from the firm.

e. Operations and Maintenance Plan

The Authorized User may require Contractors to describe the proposed Operations & Maintenance procedures for the system.

f. PV System Performance Guarantee Agreement

As part of the Mini-Bid Project Definition, the Authorized User may require a system performance guarantee agreement with a true-up mechanism.

2.5 Authorized User Compliance with MWBE Participation Goals

OGS has determined that the overall minority and women owned business enterprise (“MWBE”) participation rate for MWBEs on the Group 05302 – Photovoltaic Systems and Installation Services (Statewide) Contracts shall be equal to or greater than 30% of the State Agency and Authority (as defined in New York State Executive Law §310 and hereinafter referred to as “State Agency”) spend. These goals have been applied at the Centralized Contract level, as a result State Agency Authorized Users do not need to collect MWBE Utilization Plans for the Mini-Bids.

Other Authorized Users may have their own internal policies and procedures regarding MWBE participation goals to which they should adhere.

2.6 Authorized User Compliance With SDVOB Participation Goals

OGS has determined that the overall service disabled veteran owned business (“SDVOB”) participation rate on the Group 05302 – Photovoltaic Systems and Installation Services (Statewide) Contracts shall be equal to or greater than 6% based on the current availability of qualified SDVOBs. These goals have been applied at the Centralized Contract level, as a result State Agency Authorized Users do not need to collect SDVOB Utilization Plans for the Mini-Bids.

Other Authorized Users may have their own internal policies and procedures regarding SDVOB participation goals to which they should adhere.

2.7 Protests

All Mini-Bid protests will be decided by the Authorized User. It is the Authorized User’s responsibility to include instructions for the filing of protests, including the submittal address, in the Mini-Bid Project Definition.

2.8 Mini-Bid Contract Number

For State agencies, a Mini-Bid Contract Number must be issued by OGS to the selected Contractor for each Mini-Bid Contract. Mini-Bid Contract Numbers are issued in accordance with the following:

Each Contractor who was awarded a “Master” Group 05302 – Photovoltaic Systems and Installation Services (Statewide) contract was issued a unique “PS” Master Contract Number for the life of their contract. This “Master” Contract Number is comprised of “PS” followed by a three-digit number and then the letters “AA” (For example PS970AA).

For example, if a Contractor was assigned a Master Contract Number PS970AA, then the first purchase order executed with the Contractor would be assigned the number PS970AB, the second PS970AC and the third PS970AD and so on.

For State agencies, the agency is responsible for entering the Mini-Bid Contract Number into SFS. Mini-Bid Contracts are not subject to OSC pre-audit and are entered as a TNT audit type with a TFR00017 contract profile.

For Authorized Users who are not State agencies, Mini-Bid Contract Numbers will be issued by OGS for tracking purposes only.

2.9 Conducting the Mini-Bid

The process for conducting a Mini-Bid by a State Agency Authorized User is as follows:

1. An Authorized User will review the location of the project to determine what region it is located in. Please note that if an Authorized User has projects at multiple sites located in several regions, then separate Mini-Bid Project Definitions must be done for each region.
2. An Authorized User will review the list of lots and items awarded in the applicable region.
3. An Authorized User will develop a Mini-Bid Project Definition.
4. An Authorized User will provide the eligible Contractors awarded the applicable region, lot(s) and item(s) a copy of the Mini-Bid Project Definition.
5. Contractors develop a bid and submit it to the Authorized User by the appropriate date.
6. An Authorized User will evaluate the bids and award the Mini-Bid Contract using best value as specified in the Project Definition. Authorized Users must review the specifications for Photovoltaic Systems submitted in response to the Mini-Bid Project Definition to ensure they meet the requirements in Section 4 *Specifications* of the Centralized Contract.
Please note that the Product pricing and markup rates for the Mini-Bid response(s) shall be less than or equal to the corresponding Product pricing and markup rates awarded for the Contractor's Centralized Contract.
7. Should a protest be submitted by a Contractor regarding a Mini-Bid Contract award, the protest must be considered and decided by the Authorized User.
8. The Authorized User will submit a copy of the 'Mini-Bid Project Definition' and Mini-Bid Contract to the OGS Procurement Services Contract Manager listed on the Contract Award Notification document or contract landing page.
9. The Procurement Services Contract Manager will provide the Authorized User with a Mini-Bid Contract Number for the awarded Contractor upon receipt of the 'Mini-Bid Project Definition' and Mini-Bid Contract. NOTE: The OGS Contract Manager is NOT reviewing or approving the 'Mini-Bid Project Definition' or Mini-Bid Contract, but is only issuing a unique Mini-Bid Contract Number for accurate record keeping purposes.
10. A State Agency Authorized User, only, will enter the Mini-Bid Contract number into SFS. Mini-Bid Contracts are not subject to OSC pre-audit and are entered as a TNT audit type with a TFR00017 contract profile.
Non-State Authorized User will issue encumbrance documents or other written orders in accordance with their organization's procurement rules that are effective and binding on the Contractor when placed in the mail addressed to the Contractor at the address shown on the signature page.
11. A State Agency Authorized User, only, will issue encumbrance documents or other written orders that are effective and binding on the Contractor when placed in the mail addressed to the Contractor at the address shown on the signature page.

2.10 Authorized User Reserved Rights

An Authorized User has the right, in its sole discretion, to:

- A. Reject any or all Bids received in response to a Mini-Bid Project Definition;
- B. Withdraw a Mini-Bid Project Definition at any time in its sole discretion;
- C. Make an award under a Mini-Bid Project Definition in whole or in part;
- D. Disqualify any Contractor whose conduct and/or fails to conform to the requirements of a Mini-Bid Project Definition;

- E. Seek clarifications and revisions of the Bid;
- F. Amend a Mini-Bid Project Definition prior to the Bid opening to correct errors or oversights, or to supply additional information as it becomes available;
- G. Direct Contractors, prior to the Bid opening, to submit Bid modifications addressing subsequent Mini-Bid Project Definition amendments;
- H. Change any of the schedule dates with notification to Contractors;
- I. Eliminate any mandatory, non-material requirements that cannot be complied with by all Contractors;
- J. Waive any requirements that are not material;
- K. Utilize any and all ideas submitted in the Bids received;
- L. Adopt all or any part of a Contractor's Bid in selecting the optimum configuration;
- M. Negotiate with a Contractor within the Mini-Bid Project Definition requirements to serve the best interests of the State. This includes requesting clarifications of any or all Bids;
- N. Require clarification at any time during the Mini-Bid process and/or require correction of arithmetic or other apparent errors for the purposes of assuring a full and complete understanding of a Contractor's Bid and/or to determine a Contractor's compliance with the requirements of the Mini-Bid Project Definition;
- O. Select and award the Contract to other than the selected Contractor in the event of unsuccessful negotiations or in other specified circumstances as detailed in the Mini-Bid Project Definition;
- P. Accept and consider for award, Bids with non-material Bid Deviations or non-material Bid defects such as errors, technicalities, irregularities, or omissions;
- Q. Use any information which the Authorized User obtains or receives from any source and determines relevant, in the Authorized User's sole discretion, for the purposes of bid evaluation and Contractor selection;
- R. Consider a proper alternative where an evidently incorrect reference/parameter/component/product/model/code number is stated by the State, Authorized User or the Contractor;
- S. Reject an obviously unbalanced Bid as determined by the Authorized User;
- T. Conduct negotiations with the next responsible Contractor, should the Authorized User be unsuccessful in negotiating with the selected Contractor;
- U. Make no award for any Product, region, or lot, as applicable, for reasons including, but not limited to, unbalanced, unrealistic or excessive Contractor pricing, a change in Authorized User requirements and/or Products, or an error in the Mini-Bid (e.g., use of incorrect reference, pack size, description, etc.). In such case, evaluation and ranking of Bids may be made on the remaining Products, regions, or lots; and
- V. Offer a Contractor the opportunity to provide supplemental information or clarify its Bid, including the opportunity to explain or justify the balance, realism, and/or reasonableness of its pricing.