



## Office of General Services Procurement Services

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### Frequently Asked Questions Group 10201 Award 23241– PHARMACEUTICALS (Individual Prescriptions), (Statewide & Regional)

#### **Question 1: Who is the OGS contact for this award?**

**Answer:** Sean T. Baldwin  
OGS, Procurement Services, Corning Tower, 37th Floor  
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#### **Question 2: How does an authorized user submit an order?**

**Answer:** Purchase Orders shall be made in accordance with the terms set forth in Appendix B, Section 30, *Purchase Orders*. A valid Electronic Prescription must be transmitted directly from a licensed prescriber to the contracted pharmacist/pharmacy before an order can be placed by an Authorized User. Authorized Users must be able to submit orders electronically via a Contractor's web-based ordering or e-mail, at any time in accordance with NYS laws and regulations. Orders submitted prior to 2:00 p.m. shall be deemed received by Contractor on the date submitted. Orders submitted after 2:00 p.m. shall be deemed received by Contractor on the next day.

All orders shall reference Contract number, requisition, and/or Purchase Order number (if applicable). Upon Contractor's receipt of an order, confirmation is to be provided to the Authorized User electronically. Order confirmation should be sufficiently detailed, and include, at a minimum, purchase price, date of order, delivery information (if applicable), Authorized User name, and sales representative (if applicable).

The Contractor must contact the Authorized User by phone upon receipt of the order if there is any issue with fulfilling the order.

#### **Question 3: Are there opportunities for increasing discounts at the authorized user level?**

**Answer:** Authorized users are encouraged to negotiate better discounts from the contractor(s) whenever possible. Products available under this Award may also be available from other New York State contracts. OGS maintains a Pharmaceutical Prime Vendor contract, with Cardinal Health 110, LLC, <https://online.ogs.ny.gov/purchase/spg/awards/1020023184CAN.HTM> for brand name and generic drugs as well as OTC items, nutritionals and limited medical supplies/equipment. However, that contract does not include pharmacy services. Authorized users can increase savings by channeling all possible spend on pharmaceutical products into the Prime Vendor contract. Authorized users are advised to select the most cost effective procurement alternative that meets their program requirements, and to document the basis for this selection in the procurement record.

#### **Question 4: What is the term of the contracts let under this award?**

**Answer:** The contract let by New York State will run for five years from the date of award.

#### **Question 5: Is it possible that the contracts can be extended beyond the initial term?**

**Answer:** There is one contract extension option within the contract that allows for potential extension for one additional year. OGS reserves the extension rights outlined in Appendix B.

#### **Question 6: What are the packaging requirements under this Award?**

**Answer:** All pharmaceuticals must be packaged in accordance with the best commercial practice and shall comply with applicable federal and New York State requirements. Prescriptions for non-controlled substances

may be valid for up to 1 year (i.e. blood pressure medications and other maintenance medications). The Contractor shall dispense no more than a 30-day supply of medication at each filling. Blister packaging, bingo cards or unit dose must be available. Tamper resistant containers are preferred for all pharmaceuticals.

**Question 7: What are the delivery requirements under this Award?**

**Answer:** Delivery of all Contract Products shall be made in accordance with Appendix B, *Product Delivery and Shipping/Receipt of Product*.

When an order is received before 2:00 p.m. EST (Mondays through Fridays) excluding NYS Holidays and federal holidays, the Contractor will deliver the item(s) before noon on the following day to the address provided with the order.

Orders received after 2:00 p.m. EST (Mondays through Fridays) or on Saturdays, Sundays, NYS Holidays or federal holidays, will be delivered to the address provided with the order no later than 12:00 noon two days later. Every effort should be made to complete deliveries on the same or next day.

When an order is received before 2:00 p.m. EST (Mondays through Fridays) excluding NYS Holidays and federal holidays, the Contractor will deliver the item(s) before noon on the following day to the address provided with the order.

Orders received after 2:00 p.m. EST (Mondays through Fridays) or on Saturdays, Sundays, NYS Holidays or federal holidays, will be delivered to the address provided with the order no later than 12:00 noon two days later. Every effort should be made to complete deliveries on the same or next day.

**Question 8: Are any of the contractors either a Minority and/or Women Owned Business?**

**Answer:** None of the contractors are either a Minority or a Women Owned Businesses.

**Question 9: Can non-contract items be submitted on a purchase order with contract items?**

**Answer:** No, any non-contract items must be submitted on a separate purchase order.

**Question 10: Is there a way to report problems to the Office of General Services associated with the products ordered under this award?**

**Answer:** Yes. You may contact the contract manager listed on the first page of this document with any problems/concerns encountered when using this award. See the Contract Performance Report included in the Contract Award Notification.

**Question 11: Are the contractors required to contact OGS directly when any contract information changes (i.e., contact name, email address, company address, phone #, website, etc.)?**

**Answer:** Yes, it is the contractor's responsibility to make sure OGS has the most current information on file.

**Question 12: Can the authorized user compare costs and select among the three contractors when making a purchase?**

**Answer:** Each time you make a purchase under this Award, authorized users have the choice of either of the two statewide contractors or either of the regional contractors. OGS recommends that authorized users compare contractors' dispensing fees and the applicable discounts off of Average Wholesale Price (AWP) for the type of drug being ordered (Brand, Generic and Over the Counter product). Keep in mind that dispensing fees do not apply to Over the Counter products. Each contractor's discount structure and dispensing fees are included in the Contract Award Notification/Award Document and in the contracts posted at the OGS website for this Award.

Before processing payment, an authorized user should verify that an invoice follows the contractor's pricing structure set forth in the Contract Award Notification/Award Document and in the contract.

**Question 13: How are prices determined in this contract?**

**Pricing:** Price shall be determined by applying the quoted discount to the Average Wholesale Price (AWP) as listed in the Wolters Kluwer Health's "Medi-Span" database that is effective at the time of order and adding any applicable quoted Dispensing Fee for prescription drugs.

The Wolters Kluwer web address is: <https://pricerx.medispan.com/>

**Question 14: Are there limitations on the dispensing fees allowed under this Award?**

**Answer:** Yes. Dispensing Fees shall only apply to Products for which a prescription is required by the provisions of the Federal Food, Drug and Cosmetic Act or by the New York State Commissioner of Health regardless of whether the Product was dispensed pursuant to a patient specific prescription. Dispensing Fees are not applicable to Over-the-Counter medications and non-prescription items. OGS Procurement Services prohibits multiple Dispensing Fees for partial orders.

**Question 15: What information MUST be included on the contractor's invoice?**

**Answer:** Invoicing and payment shall be made in accordance with the terms set forth in Appendix B, *Contract Invoicing*. The Contractor is required to provide the Authorized User with one invoice for each Purchase Order at the time of delivery. The invoice must include detailed line item information to allow Authorized Users to verify that pricing at point of receipt matches the Contract price on the original date of order. At a minimum, the following fields must be included on each invoice:

- |  |                                      |
|--|--------------------------------------|
| 1. Contractor Name   | 10. Order Date                       |
| 2. Contractor Billing Address                              | 11. Invoice Date                     |
| 3. Contractor Federal ID Number                            | 12. Invoice Number                   |
| 4. NYS Vendor ID Number                                    | 13. Invoice Amount                   |
| 5. Account Number  | 14. Product Descriptions             |
| 6. NYS Contract Number                                     | 15. Unit Price                       |
| 7. Name of Authorized User indicated on the Purchase Order | 16. Quantity                         |
| 8. NYS Agency Unit ID (if applicable)                      | 17. Unit of Measure                  |
| 9. Authorized User's Purchase Order Number                 | 18. Dates of Service (if applicable) |

**Question 16: How will the contractors report sales?**

**Answer:** Sales information, such as monthly reports and/or detailed authorized user purchases may be required by OGS on behalf of an authorized user.

The contractors shall furnish to OGS Procurement Services a report of all Products provided under this contract during each quarterly period, no later than ten (10) business days following the close of the quarterly period. Quarterly periods will end on March 31st, June 30th, September 30th and December 31st. If this contract period begins or ends in a fractional portion of a reporting period only the actual contract sales for this fractional period should be reported in that quarterly report. Purchases by all authorized users under this contract shall be reported in the same report and be indicated as required. Reports shall be submitted using Attachment 5 – Report of Contract Usage. All fields of information shall be accurate and complete.