

OUTDOOR AND SITE FURNITURE INCLUDING PICNIC TABLES (Statewide)
Group 21510 – Award 22984

FREQUENTLY ASKED QUESTIONS
Revised January 8, 2019

Authorized Users of these contracts are strongly encouraged to read the contract terms and conditions in its entirety to gain an understanding of requirements for both the Contractors and Users. Below is a brief listing of Questions & Answers (Q&A's) to facilitate the use of the Outdoor and Site Furniture Including Picnic Tables (Statewide) contracts.

Question: Who is the OGS contact for this Contract Award?

Answer: Lori L. Bahan, Contract Management Specialist
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Question: Does this contract contain items that meet the Executive Order #4 specification for 'Outdoor Furniture and Playground Equipment'?

Answer: Yes, products highlighted in green on the Contractor's price list meet the "E04 Environmentally Preferable Specifications contained in the Solicitation. These items have positive environmental qualities including minimum recycled content and sourcing requirements (for wood).

Question: Where do I find detailed Contractor information?

Answer: Contractor Information for each Contractor is located in the "Contractors' Information" link on the OGS website landing page for this Award. Within this document are links to: (a) Contractor's Information document, which includes Contract Number, Contact Information, Pricing, Volume Discounts and Procurement Card specifics; (b) Resellers; (c) Pricing Information.

Question: Are there M/WBE Goals for Contractors applied to this Contract Award?

Answer: Yes, there are 5% MBE and 5% WBE goals applied. Contractor should refer to Appendix D for more information on compliance and reporting.

Question: How do we know if Contractor is either a Minority and/or Women Owned Business?

Answer: If a Contractor is a NYS Economic Development Certified M/WBE, it will be noted in the Contract Award Notification (CAN) under the Contractor's Contract Number.

Question: What is the contract term of this Award?

Answer: April 25, 2016 through April 24, 2021.

Question: Where do Authorized Users obtain Contractors' Pricelists?

Answer: Refer to the Pricing Information document accessed through the "Contractor's Information" link. The format of the Pricelists include a NYS Contract Price column.

Question: What are the terms of Pricing?

Answer: Price includes all customs duties and charges and is net, F.O.B. destination any point in New York State, for orders, as designated by the ordering agency.

- Expansion of delivery locations upon mutual agreement per the “Extension of Use” clause.
- Contractor will be expected to process and ship orders to various destinations. Each order shall be delivered based upon the needs of the Authorized Users.
- Delivery shall be made in accordance with the instructions on the Purchase Order from each Authorized User and in accordance with Authorized User’s security rules, which will be communicated during purchase ordering process. If there is a discrepancy between the Purchase Order and what is listed on the Contract, it is the Contractor’s obligation to seek clarification from the Authorized User and, if applicable, from OGS.

Question: Can an Authorized User negotiate lower pricing on large quantities of the same product?

Answer: Yes, an Authorized User can negotiate lower pricing at all times.

Question: How often are the NYS Contract Price updated and how is the update processed?

Answer:

NYS Contract Pricing are firm for one year from the start date of the contract. Contract prices may be changed on the first anniversary of the contract start date and annually thereafter. OGS, at their discretion, may request price changes at any time, if it is in the best interest of the State.

Pricing Update

Updated Pricing shall be submitted on electronic media (i.e., CD or Flash Drive) in Excel format. Submissions in any other format will be returned to the Contractor. Contractors will be required to update their approved Attachment 1 – Pricing documents redlining additions and deletions and highlighting Products whenever a price adjustment has occurred. NYS Contract Price must be reasonable. OGS reserves the right to request further information to make a determination of price reasonableness, such as copies of other governmental contracts

Contractor may request a price adjustment, including new Products, annually on the anniversary of the contract start date and annually thereafter, but discounts cannot be reduced for the life of the contract. Percentages reflected in the NYS Net Pricing must be equal to or better than those established by the Contractor’s original Bid. New products (Products not previously approved) may also be offered annually. The discount offered on the new products after contract award shall be no lower than the minimum established product category discount or the Deeper Discount by Manufacturer if applicable.

Requests for price adjustments and new Products shall be submitted 30 days prior to the anniversary start date of the Contract and annually thereafter. Requests from Contractor(s) for price increases at any other time will not be granted. The Contractor shall provide OGS with one (1) electronic copy of the updated pricing. No Price Updates will be granted to any Contractor who has outstanding Sales Reports, Proof of Insurance or any other documentation that is required under the resulting contract.

Contractor’s submission of contract updates in connection with any Contract pricelist update, OGS reserves the right to: Request additional information, reject contract updates, remove products from Contracts, remover products from contract updates, and request additional discounts for new or existing products.

Escalation Cap

In a single year of the contract, the maximum price increase for each individual item on contract shall not exceed the percent increase in the latest available National Consumer Price Index – all Urban Consumers (CPI-U), Not seasonally adjusted, U.S. City Average, All items (Series ID: CUUR0000SAO, CUUS0000SAO), as published by the U.S. Department of Labor, Bureau of Labor Statistics, Washington, D.C. 20212, CPI-U data may be obtained at www.bls.gov.

The following example illustrates the computation of percent change:

CPI for current period	230.000
Less CPI for previous period	225.000
Equals index point change	5.000
Divided by previous period CPI	225.000
Equals	0.022
Result multiplied by 100	0.022 x 100
Equals percent change	2.2

The “CPI for current period” shall be the index in effect at the time the Contract pricelist update request is received, “CPI for previous period” shall be the index in effect when the Contract Pricelist was last updated. Increases are not cumulative. Price increases are limited to the prior year prices only.

Contractors shall be permitted to reduce their pricing any time during the contract term.

Question: How are orders accepted by the Contractors?

Answer: Purchase Orders shall be made in accordance with the terms set forth in Appendix B – Purchase Orders. Authorized Users may submit orders over the phone. Orders submitted during business hours shall be deemed received by Contractor on the date submitted. If available, Authorized Users may submit orders electronically via web-based ordering, e-mail, or facsimile at any time. Orders submitted after business hours shall be deemed received by Contractor on the next business day.

Contractors will be expected to process and ship orders to various destinations. Each order shall be delivered based upon the needs of the Authorized User.

Question: Is there a minimum order?

Answer: There is no mandatory minimum order.

Question: What are the delivery Terms?

Answer: Contractor will be expected to process and ship orders to various destinations. Each order shall be delivered based upon the needs of the Authorized User.

Delivery shall be made in accordance with the instructions on the Purchase Order from each Authorized User and in accordance with Authorized User’s security rules, which will be communicated during purchase ordering process. If there is a discrepancy between the Purchase Order and what is listed on the Contract, it is the Contractor’s obligation to seek clarification from the Authorized User and, if

Question: What if a product has a Quality Problem or Errors?

Answer:

Contractor Errors or Quality Problems

Products returned/exchanged due to quality problems, duplicated shipments, outdated product, incorrect Product shipped, or Contractor errors otherwise not specified, shall be replaced with specified Products or the Authorized User shall be credited/refunded for the full purchase price.

Products shall be replaced within five (5) business days of written notification to the Contractor. Delivery for a replacement Product shall be the same as stated in the Product Delivery clause herein.

Returned Products shall be picked up by the Contractor in accordance with Appendix B, *Rejected Product*. No restocking fee is allowed.

Authorized User Errors

Products returned/exchanged due to Authorized User errors shall be replaced with specified Products or the Authorized User shall be credited/refunded for the full purchase price.

Product shall be replaced within five (5) business days of written notification to the Contractor. Delivery for a replacement Product shall be the same as stated in Product Delivery clause herein.

Returned Products shall be picked up by the Contractor at the time of delivery of the replacement Product, or within ten calendar days of receipt of written notification by the Contractor if a credit/refund is to be issued.

There shall be no restocking fee if returned Products are suitable for resale. Contractor may charge a restocking fee not to exceed the net price of a returned Product if not suitable for resale.

Question: Is there a way to report problems to the Office of General Services with the service being provided by a Contractor?

Answer: Yes, you may contact the Contract Manager listed herein or you may contact **OGS Customer Service** utilizing the link on this award Contract Summary Page and/or completing a Contract Performance Report and return to the Contract Manager.

Question: Does the "OGS or Less" guidelines apply to this Award?

Answer: Purchases of the products included in these Contracts are subject to the "OGS or Less" provisions of State Finance Law §163(3)(a)v). This means that State agencies can purchase products from sources other than the Contractor provided that such products are substantially similar in form, function or utility to the products herein and are:

1. lower in price
-and/or-
2. available under terms which are more economically efficient to the State agency (e.g. delivery terms, warranty terms, etc.).

Agencies are reminded that they must provide the State contractor an opportunity to match the non-contract savings at least two business days prior to purchase. In addition, purchases made under "OGS or Less" flexibility must meet all requirements of law including, but not limited to, advertising in the New York State Contract Reporter, prior approval of the Comptroller's Office and competitive bidding of requirements exceeding the discretionary bid limit. State agencies should refer to Procurement Council Guidelines for additional information.

Question: Is there a particular reporting template that a Contractor should use to report sales to OGS?

Answer: Yes, the Contractor shall submit electronically, each six-months, comprehensive reports as outlined in their REPORT OF CONTRACT USAGE document and contract agreement provided to them. Contractor agrees that additional related information may be required and shall be supplied upon request of OGS.

Question: Are Resellers/Distributor/Authorized Dealer allowed to accept purchase orders and receive payments?

Answer: Yes, where noted on the Authorized Dealer Information page. If a Reseller is not listed to accept orders and payments, then orders and payments must be directed to the Contractor.

Question: Are Contractors able to modify their Resellers/Distributor/Authorized Dealer listing and if so, how should modifications be requested?

Answer: If a Contractor allows Reseller to participate in the contract in accordance with the Authorized Dealers/Distributors clause of the Award, requests to add or delete dealers/distributors or to modify dealers/distributors' information must be submitted for prior approval of the State by the submission of a completed, revised Dealer/Distributor Information document to the Contract Manager listed herein. A Contractor should make additions/deletions to their Attachment 9 - *Reseller/Distributor/Authorized Dealer Information Sheet* submitted with their bid Solicitation.

Question: If a Contractor would like to add a Reseller/Distributor/Authorized Dealer but the Reseller/Dealer/Authorized Distributor does not have a valid NYS Vendor Identification number, what is the process for requesting one?

Answer: NYS Vendor Identification numbers can be obtained by submitting an OSC Substitute W-9 form to the Contract Manager who is referenced herein. An OSC Substitute W-9 form can be found at the following link: http://www.osc.state.ny.us/vendors/forms/ac3237s_fe.pdf

OGS will initiate the vendor registration process. Once the process is initiated, registrants will receive an email from the Office of State Comptroller (OSC) that includes the unique ten-digit NYS Vendor Identification Number assigned to the Reseller/Distributor/Authorized Dealer and instructions on how to enroll in the online Vendor Self-Service application.