



## Office of General Services Procurement Services

Corning Tower, Empire State Plaza, Albany, NY 12242 | <https://ogs.ny.gov/procurement> | [customer.services@ogs.ny.gov](mailto:customer.services@ogs.ny.gov) | 518-474-6717

# Contract Award Notification

<b>Title</b>	<b>:</b>	<b>Group 31502 Comprehensive Bituminous Concrete (Hot Mix Asphalt and Cold Patch) (All State Agencies and Political Subdivisions)</b>
		<b>Classification Code(s):30</b>
<b>Award Number</b>	<b>:</b>	<b><u>23148</u></b> (Replaces Award 23053)
<b>Contract Period</b>	<b>:</b>	<b>April 1, 2019 to March 31, 2021</b> Note: Contract Period for PC68573 (only) is effective from August 01, 2019 to March 31, 2021
<b>Bid Opening Date</b>	<b>:</b>	<b>December 18, 2018</b>
<b>Date of Issue</b>	<b>:</b>	<b>April 1, 2019 (Revised June 8, 2020)</b>
<b>Specification Reference</b>	<b>:</b>	<b>SPEC-938 dated October 25, 2018</b>
<b>Contractor Information</b>	<b>:</b>	<b>Appears on Page 4 to 15 of this Award</b>

### Address Inquiries To:

State Agencies & Vendors	Political Subdivisions & Others
<b>Name</b> : Christine Dettmer <b>Title</b> : Contract Management Specialist <b>Phone</b> : 518-473-9122 <b>E-mail</b> : <a href="mailto:Christine.Dettmer@ogs.ny.gov">Christine.Dettmer@ogs.ny.gov</a>	<b>Procurement Services Customer Services</b> <b>Phone</b> : 518-474-6717 <b>E-mail</b> : <a href="mailto:customer.services@ogs.ny.gov">customer.services@ogs.ny.gov</a>

**Procurement Services values your input.  
Complete and return "Contract Performance Report" at end of document.**

### Description

Bituminous Concrete is a mixture of stone of various sizes and liquid bituminous material. The mixture is heated and proportioned in a bituminous concrete plant and compacted on a road in a heated state. Once the material cools, it becomes a hard durable material. Bituminous concrete is used for roads, parking lots, tennis courts, sidewalks, bike paths and for patching same. Cold patch is also referred to as stockpile patch. It is a non-heated mixture of liquid bituminous material and stone of various sizes and special ingredients that allow it to be easily handled for placement in potholes but hardens when compacted in those same potholes.

PR # 23148

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## SECTION 1: CONTRACTOR INFORMATION

### 1.1 Contractor Information

**NOTE: See individual contract items to determine actual awardees.**

<u>CONTRACT #</u>	<u>CONTRACTOR &amp; ADDRESS</u>	<u>CONTACT INFORMATION</u>	<u>FED. ID#/ NYS VENDOR ID#</u>
<b>PC68535</b> WBE SB	ALLIANCE PAVING MATERIALS, INC. 846 Lawrence Street Rome, New York 13440	Phone #: 315-337-0795 Contact: Jamie Aiello E-mail: jamie@ocuto.com Web Site: www.ocuto.com  Hours: 7:00AM to 5:00PM (M-F)  <i>Vendor accepts Procurement Card for orders up to \$5,000</i>	16-1090940 1000007743
<b>PC68536</b> SB	ASPHALT SUPPLY OF LONG ISLAND LLC. 56 Comsewogue Road East Setauket, New York 11733	Phone #: 631-473-0200 Contact: Helene Vecchia E-mail: asphaltsupply@optonline.net  Hours: 7:00AM to 3:30PM (M-F)  <i>Vendor accepts Procurement Card for orders up to \$50,000</i> <i>Vendor offers prompt payment discount: 1% / 14 days</i>	46-2449664 1100136087
<b>PC68537</b> SB	BARRE STONE PRODUCTS INC. 14120 West Lee Road Albion, New York 14411	Phone #: 585-589-4481 Contact: Mark D. Keeler E-mail: crusherun@aol.com Web Site: www.barrestone.com  Hours: 8:00AM to 5:00PM (M-F); Saturday - seasonal	16-1274400 1000007971
<b>PC68538</b>	BARRETT PAVING MATERIALS INC 4530 Wetzel Road Liverpool, New York 13090	Phone #: 315-652-4585 Alt Phone: 315-794-1296 Contact: Tom Kotary E-mail: tkotary@barrettpaving.com Web Site: www.barrettpaving.com  Hours: 7:00AM to 4:30PM (M-F); 8:00AM to 12:00PM (Sat, Sun)  <i>Vendor accepts Procurement Card for orders up to \$50,000</i>	13-3003901 1000038867

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<b><u>CONTRACT #</u></b>	<b><u>CONTRACTOR &amp; ADDRESS</u></b>	<b><u>CONTACT INFORMATION</u></b>	<b><u>FED. ID#/ NYS VENDOR ID#</u></b>
<b>PC68539</b> SB	BLACK GOLD INDUSTRIES INC PO Box 306 Ridge, New York 11961	Phone #: 631-878-1676 Contact: Nick Garone E-mail: xcel123@aol.com	05-0620795 1100010716
	Hours: 7:00AM to 5:00PM (M-F); Sat, Sun – as needed		
<b>PC68540</b> SB	BROOME BITUMINOUS PRODUCTS INC 416 Prentice Road Vestal, New York 13850	Phone #: 607-729-0498 Contact: Daniel W. Gates E-mail: dgates@broomebit.com	16-1275720 1000015652
	Hours: 7:00AM to 5:00PM (M-F) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>		
<b>PC68541</b> SB	BROOME-TIOGA BITUMINOUS PRODUCTS INC PO Box 354 Vestal, New York 13850	Phone #: 607-729-0498 Contact: Walt Rouse E-mail: wrouse@broomebit.com	45-1154292 1100024751
	Hours: 7:00AM to 5:00PM (M-F) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>		
<b>PC68542</b>	CALLANAN INDUSTRIES INC d/b/a IROQUOIS ROCK PRODUCTS P.O. Box 15097 Albany, New York 12212	Toll-Free #: 800-446-8649 Phone #: 518-225-2539 Contact: James Elacqua E-mail: james.elacqua@callanan.com Web Site: www.callanan.com	14-1539261 1000027416
	Hours: 7:00AM to 4:00PM (M-F); 7:00AM to 12:00PM (Sat.) - seasonal and only at some locations Sunday – call customer service <i>Vendor accepts Procurement Card for orders up to \$50,000</i>		
<b>PC68543</b> SB	CAMBRIA ASPHALT PRODUCTS INC 5204 Lockport Junction Rd Lockport, New York 14094	Phone #: 585-798-4501 Contact: Thomas Biamonte E-mail: tom@shelbystone.com Web Site: www.shelbystone.com	26-4502642 1100080634
	Hours: 7:00AM to 3:30PM (M-F); 7:00AM to 12:00PM (Sat, Sun) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>		

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<b><u>CONTRACT #</u></b>	<b><u>CONTRACTOR &amp; ADDRESS</u></b>	<b><u>CONTACT INFORMATION</u></b>	<b><u>FED. ID#/ NYS VENDOR ID#</u></b>
<b>PC68544</b> SB	CHENANGO CONCRETE CORPORATION 145 Podpadic Road Richmondville, New York 12149  Hours: 8:00AM to 5:00PM (M-F)  <i>Vendor accepts Procurement Card for orders up to \$50,000</i>	Phone #: 518-294-9964 Contact: Martin A. Galasso Jr E-mail: martyjr@lancdev.com Web Site: Lancasterdevelopment.com	16-1296603 1000015698
<b>PC68545</b>	COBLESKILL STONE PRODUCTS INC P.O. Box 220 Cobleskill, New York 12043  Hours: 7:00AM to 3:30PM (M-F)	Phone #: 518-234-0221 Contact: Shane Strong E-mail: csp.shane@yahoo.com	14-1646795 1000006949
<b>PC68546</b> SB	COLARUSSO BLACKTOP a division of A. COLARUSSO & SON INC 91 Newman Rd., P.O. Box 302 Hudson, New York 12534  Hours: 7:00AM to 4:00PM (M-F)  <i>Vendor accepts Procurement Card for orders up to \$50,000</i>	Phone #: 518-828-3218 Contact: J.R. Heffner E-mail: jrh@acolarusso.com Web Site: www.acolarusso.com	14-1424400 1000006693
<b>PC68547</b>	COLD MIX MANUFACTURING CORP 65 Edison Avenue Mount Vernon, New York 10550  Hours: 8:00AM to 4:30PM (M-F)  <i>Vendor accepts Procurement Card for orders up to \$50,000</i> <i>Vendor offers prompt payment discount: 2% / 10 days Net 30 days</i>	Toll-Free #: 800-985-9192 Phone #: 914-755-4575 Contact: David Figlo E-mail: david@greenpatch.com Web Site: www.greenpatch.com	26-1482240 1000017489
<b>PC68548</b> SB	COUNTY LINE STONE CO., INC 4515 Crittenden Rd Akron, New York 14001  Hours: 7:00AM to 3:30PM (M-F); 7:00AM to 12:00PM (Sat, Sun) – May to October	Phone #: 716-542-5435 Contact: Brad Buyers E-mail: melissa@clstone.us Web Site: www.clstone.us	16-0836378 1000007535

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<b><u>CONTRACT #</u></b>	<b><u>CONTRACTOR &amp; ADDRESS</u></b>	<b><u>CONTACT INFORMATION</u></b>	<b><u>FED. ID#/ NYS VENDOR ID#</u></b>
<b>PC68549</b> SB	CUSHING STONE COMPANY, INC 725 State Highway 5S Amsterdam, New York 12010  Hours: 7:00AM to 4:00PM (M-F) <b>Contract Period for PC68549 is effective from: April 22, 2019 to March 31, 2021</b>	Phone #: 518 887-2521 Contact: James M. Loucks E-mail: cushingstone@cranesville.com	14-0594140 1000006626
<b>PC68550</b>	DALRYMPLE GRAVEL & CONTRACTING CO., INC 2105 South Broadway Pine City, New York 14871  Hours: 8:00AM to 4:30PM (M-F) <i>Vendor accepts Procurement Card for orders from \$1 up to \$10,000</i>	Phone #: 607-737-6200 x116 Contact: Jeanne Buckbee E-mail: jbuckbee@dalgravel.com	16-0399910 1000007432
<b>PC68551</b>	DOLOMITE PRODUCTS COMPANY, INC d/b/a A.L. BLADES, RAM, AMENIA SAND & GRAVEL  1150 Penfield Road Rochester, New York 14625  Hours: 7:00AM to 3:45PM (M-F)	Phone #: 607-661-4893 Contact: Jonathan Cook E-mail: jcook@dolomitegroup.com	16-0410930 1000007433
<b>PC68552</b> SB	EAST ISLAND ASPHALT CORP 1217 Speonk Riverhead Rd Speonk, New York 11972  Hours: 7:00AM to 5:00PM (M-F); Sat, Sun – as needed <i>Vendor accepts Procurement Card for orders up to \$50,000</i>	Phone #: 631-878-8127 Contact: Jen Puco E-mail: jpuco@rosemar.com	20-4608101 1100013221
<b>PC68553</b> SB	EASTERN MATERIALS LLC 1250 Riverfront Center Amsterdam, New York 12010  Hours: 7:00AM to 3:30PM (M-F); Saturday 7:00 AM-Noon Note: Contract Period for PC68553 (only) is effective from June 4, 2019 to March 31, 2021	Phone #: 518-684-6007 Contact: Joseph Tesiero E-mail: tesiero@cranesville.com	20-5775897 1000044380
<b>PC68554</b> SB	ELMIRA ROAD MATERIALS LLC 170 East Service Rd Binghamton, New York 13901  Hours: 7:00AM to 3:00PM (M-F); 7:00AM to 3:00PM (Sat, Sun) – 200 ton minimum	Phone #: 607-245-6101 Contact: Jeff O'Brien E-mail: jeff_erm@stny.rr.com	20-8422330 1000016804

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<b><u>CONTRACT #</u></b>	<b><u>CONTRACTOR &amp; ADDRESS</u></b>	<b><u>CONTACT INFORMATION</u></b>	<b><u>FED. ID#/ NYS VENDOR ID#</u></b>
<b>PC68555</b>	GERNATT ASPHALT PRODUCTS, INC 13870 Taylor Hollow Road  Collins, New York 14034	Phone #: 716-532-3371  Contact: William M. Phillips E-mail: bphillips@gernatt.com Web Site: www.gernatt.com  Hours: 7:00AM to 4:30PM (M-F); 7:00AM to 12:00PM (Sat, Sun)	16-0847121 1000007542
<b>PC68556</b>	GORMAN BROS., INC 200 Church Street Albany, New York 12202	Toll-Free #: 800-332-7795 Phone #: 518-462-5401 Contact: Kimberly A. Wilson E-mail: kwilson@gormanroads.com Web Site: www.gormanroads.com  Hours: 8:30AM to 4:30PM (M-F)	14-0704840 1000013676
<b>PC68557</b>	HANSON AGGREGATES NY LLC 5126 South Onondaga Rd P.O. Box A Nedrow, New York 13120	Phone #: 315-469-3217 Contact: Roger P. Hutchinson E-mail: roger.hutchinson@lehighhanson.com Web Site: www.lehighhanson.com  Hours: 7:00AM to 4:00PM (M-F)  <i>Vendor accepts Procurement Card for orders up to \$50,000</i>	16-0928494 1000028456
<b>PC68558</b> SB	J.E. SHEEHAN CONTRACTING CORPORATION 208 Sissonville Road Potsdam, New York 13676	Phone #: 315-265-8427 Contact: Lori Hollis E-mail: loriollis@jesheehan.net  Hours: 7:00AM to 3:30PM (M-F)  <i>Vendor accepts Procurement Card for orders from \$15,000 up to \$50,000</i>	16-1247659 1000028876
<b>PC68559</b> SB	JAMESTOWN MACADAM, INC 74 Walden Ave Jamestown, New York 14701	Phone #: 716-664-5108 Contact: Steve Russo E-mail: srusso@jamestownmacadam.com Web Site: www.jamestownmacadam.com  Hours: 7:00AM to 3:00PM (M-F)  <i>Vendor accepts Procurement Card for orders up to \$50,000</i>	16-0971315 1000007629



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<b><u>CONTRACT #</u></b>	<b><u>CONTRACTOR &amp; ADDRESS</u></b>	<b><u>CONTACT INFORMATION</u></b>	<b><u>FED. ID#/ NYS VENDOR ID#</u></b>
<b>PC68560</b>	JOCAR ASPHALT LLC d/b/a RASON MATERIALS P.O. Box 530 Old Bethpage, New York 11804	Phone #: 631-334-1959 Contact: Ryan Freeman E-mail: freemanryan@hotmail.com	45-4924901 1100080600
	Hours: 7:00AM to 3:00PM (M-F); 7:00AM to 3:00PM (Sat) – Melville plant only - 1000 ton minimum		
<b>PC68561</b>	JOINTA LIME CO. 269 Ballard Road Wilton, New York 12831	Phone #: 518-584-2421 Contact: Peter Fitzgerald E-mail: Pbfitzgerald@dacollins.com Web Site: www.dacollins.com	14-0784630 1100176453
	Hours: 7:00AM to 3:00PM (M-F) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>		
<b>PC68562</b> SB	KINGS PARK MATERIALS LLC P.O. Box 530 Old Bethpage, New York 11804	Phone #: 631-334-1959 Contact: Ryan Freeman E-mail: freemanryan@hotmail.com	82-4822716 1100220659
	Hours: 7:00AM to 3:00PM (M-F)		
<b>PC68563</b> SB	LYDEL BROOKHAVEN CORP 19 B Stiriz Road Brookhaven, New York 11719	Phone #: 631-878-8127 Contact: Jen Puco E-mail: jpuco@rosemar.com	27-2218892 1100089610
	Hours: 7:00AM to 5:00PM (M-F); Sat., Sun - as needed <i>Vendor accepts Procurement Card for orders up to \$50,000</i>		
<b>PC68564</b> SB	MORLYN ASPHALT CORP. 420 Bernas Road Cochecton, New York 12726	Phone #: 845-932-8206 Contact: Kenneth Bowdren E-mail: maureenc@jmss.biz	14-1809680 1000027942
	Hours: 7:00AM to 4:00PM (M-F) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>		
<b>PC68565</b>	N.Y. MATERIALS, LLC 29 Edison Ave Mount Vernon, New York 10550	Phone #: 914-699-3370 Contact: Frank Inello E-mail: Frank@newyorkmaterials.com	01-0575979 1000010879
	Hours: 8:00AM to 4:30PM (M-F) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>		

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<b>PC68566</b>	NEW CASTLE ASPHALT, LLC 230 Riverside Ave Rensselaer, New York 12144	Phone #: 518-874-6037 Contact: Christine Sutherland E-mail: csutherland@rifenburg.com Web Site: <a href="http://newcastleasphalt.com">newcastleasphalt.com</a>	27-3457889 1100056556
	Hours: 7:00AM to 5:00PM (M-F) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>		
<b>PC68567</b>	NEW ENTERPRISE STONE & LIME CO., INC 500 Como Park Blvd Buffalo, New York 14227	Phone #: 716-826-7310 Contact: Robert Warrington E-mail: rwarrington@nesl.com Web Site: <a href="http://www.nesl.com">www.nesl.com</a>	23-1374051 1100008287
	Hours: 7:00AM to 4:00PM (M-F)		
<b>PC68568</b> SB	NOEL J. BRUNELL & SON, INC 4019 State Route 22 Plattsburgh, New York 12901	Phone #: 518-561-1290 Contact: Emilie Simoneau E-mail: <a href="mailto:emilie@brunellasphalt.com">emilie@brunellasphalt.com</a> Web Site: <a href="http://www.brunellasphalt.com">www.brunellasphalt.com</a>	14-1456087 1000051434
	Hours: 8:00AM to 4:30PM (M-F)		
<b>PC68569</b> SB	NORTHERN ASPHALT LLC 6131 East Taft Road North Syracuse, New York 13212	Phone #: 315-433-5115 Contact: Richard Riccelli E-mail: <a href="mailto:richr@riccellienterprises.com">richr@riccellienterprises.com</a> Web Site: <a href="http://www.riccellienterprises.com">www.riccellienterprises.com</a>	46-5087422 1100176439
	Hours: 7:00AM to 5:00PM (M-F); 7:00AM to 12:00PM (Sat, Sun)		
<b>PC68570</b>	PACKAGE PAVEMENT CO., INC P.O. Box 408 Stormville, New York 12582	Phone #: 845-221-2224 Contact: Mike Holt E-mail: <a href="mailto:holt@packagepavement.com">holt@packagepavement.com</a> Web Site: <a href="http://packagepavement.com">packagepavement.com</a>	14-1395160 1000013748
	Hours: 8:00AM to 3:30PM (M-F)		
<b>PC68571</b>	PALLETTE STONE CORP. 269 Ballard Road Wilton, New York 12831	Phone #: 518-584-2421 Contact: Peter Fitzgerald E-mail: <a href="mailto:pbfitzgerald@dacollins.com">pbfitzgerald@dacollins.com</a> Web Site: <a href="http://www.dacollins.com">www.dacollins.com</a>	14-0951322 1000006634
	Hours: 7:00AM to 3:00PM (M-F) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>		

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<b><u>CONTRACT #</u></b>	<b><u>CONTRACTOR &amp; ADDRESS</u></b>	<b><u>CONTACT INFORMATION</u></b>	<b><u>FED. ID#/ NYS VENDOR ID#</u></b>
<b>PC68572</b>	PECKHAM MATERIALS CORP. 763 Schoharie Turnpike Athens, New York 12414	Phone #: 518-945-1120 x 250 Contact: Jeri Camputaro E-mail: jcamp@peckham.com Web Site: www.peckham.com	14-1470013 1000006732
	Hours: 8:00AM to 4:30PM (M-F) <i>Vendor offers prompt payment discount: 1% / 10 days</i>		
<b>PC68573</b>	PIKE INDUSTRIES, INC 249 Granger Rd Barre, Vermont 05641	Phone#: 603-630-1873 Contact: Tom Custeau Email: tcusteau@pikeindustries.com Web Site: pikeindustries.com	02-0422469 1100047228
	Hours: 7:00AM to 3:00PM (M-F) (Sat.,Sun): Scheduled and Sporadic <i>Vendor accepts Procurement Card for orders up to \$50,000</i> <b>Contract Period for PC68573 is effective from: August 01, 2019 to March 31, 2021</b>		
<b>PC68574</b> SB	POMPA BROS. INC 5 Petrified Gardens Road Saratoga Springs, New York 12866	Phone #: 518-587-3043 Contact: Marianne Pompa LaRoche E-mail: info@pompabros.com Web Site: www.pompabros.com	14-1713907 1000039298
	Hours: 7:00AM to 4:00PM (M-F) <i>Vendor accepts Procurement Card for orders from \$100 up to \$50,000</i>		
<b>PC68575</b>	POSILLICO MATERIALS, LLC 1750 New Highway Farmingdale, New York 11735	Phone #: 631-390-5706 Contact: Chuck Forte E-mail: cforte@posillicoinc.com Web Site: www.posillico.com	11-2528502 1000037948
	Hours: 8:00AM to 5:00PM (M-F) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>		
<b>PC68576</b>	POSILLICO MATERIALS EAST LLC 1750 New Highway Farmingdale, New York 11735	Phone #: 631-390-5706 Contact: Chuck Forte E-mail: cforte@posillicoinc.com	82-2131723 1100201579
	Hours: 8:00AM to 5:00PM (M-F)		

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<b><u>CONTRACT #</u></b>	<b><u>CONTRACTOR &amp; ADDRESS</u></b>	<b><u>CONTACT INFORMATION</u></b>	<b><u>FED. ID#/ NYS VENDOR ID#</u></b>
<b>PC68577</b>	PRO ASPHALT LLC 800 Canal Street Mount Vernon, New York 10550  Hours: 7:00AM to 3:00PM (M-F)  <i>Vendor accepts Procurement Card for orders up to \$50,000</i> <i>Vendor offers prompt payment discount: 2% / 10 days, Net 30 days</i>	Phone #: 914-469-4671 Contact: Paul Chianese E-mail: Paul@proasphaltny.com	81-3396938 1100200093
<b>PC68578</b>	RCA ASPHALT, LLC 7 Edison Avenue Mount Vernon, New York 10550  Hours: 7:00AM to 3:00PM (M-F)	Phone #: 914-699-3370 Contact: Frank Inello E-mail: Frank@rcaasphalt.com Web Site: www.rcaasphalt.com	13-4031958 1000013476
<b>PC68579</b>	REDLAND QUARRIES OF NY, INC DBA LAFARGE 75 Pineview Drive. Suite #100 Amherst, New York 14228  Hours: 8:00AM to 5:00PM (M-F)  Contract Period for PC68579 (only) is effective from: May 15, 2019 to March 31, 2021	Phone #: 716-505-5300 Contact: Kimberly Paul E-mail: Kimberly.paul@lafargeholcim.com	16-1375200 1000009539
<b>PC68580</b> SB	SCATT MATERIALS CORPORATION 44 South Fourth Street Bay Shore, New York 11706  Hours: 7:00AM to 3:30PM (M-F); 7:00AM to 1:00PM (Sat.)  <i>Vendor accepts Procurement Card for orders up to \$50,000</i>	Phone #: 631-586-0554 Contact: Annette Barelli E-mail: tpratt@prattbrothers.com	11-2607021 1000054341
<b>PC68581</b> SB	SENECA STONE CORPORATION 2105 S. Broadway Pine City, New York 13148  Hours: 7:00AM to 4:30PM (M-F)  <i>Vendor accepts Procurement Card for orders from \$1 up to \$50,000</i>	Phone #: 315-209-0149 Contact: Dave Kick E-mail: dkick@senecastone.com	16-1124518 1000007782

**Group 31502 - Comprehensive Bituminous Concrete  
(Hot Mix Asphalt and Cold Patch)  
(All State Agencies and Political Subdivisions)**

**AWARD PAGE 13**

<b><u>CONTRACT #</u></b>	<b><u>CONTRACTOR &amp; ADDRESS</u></b>	<b><u>CONTACT INFORMATION</u></b>	<b><u>FED. ID#/ NYS VENDOR ID#</u></b>
<b>PC68582</b> SB	SHELBY CRUSHED STONE, INC 10830 Blair Rd Medina, New York 14103	Phone #: 585-798-4501 Contact: Thomas Biamonte E-mail: tom@shelbystone.com Web Site: www.shelbystone.com	20-2421945 1000018998
Hours: 7:00AM to 4:00PM (M-F); 7:00AM to 12:00PM (Sat, Sun) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>			
<b>PC68583</b> SB	SPALLINA MATERIALS, INC P.O. Box 337 Mount Morris, New York 14510	Phone #: 585-658-2248 Contact: Todd Krenzer E-mail: tkrenzer@spallinamaterials.com Web Site: spallinamaterials.com	20-4484008 1000008635
Hours: 7:00AM to 3:00PM (M-F) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>			
<b>PC68584</b>	SUIT-KOTE MATERIALS, INC 1911 Lorings Crossing Road Cortland, New York 13045	Toll-Free #: 800-622-5636 Phone #: 315-238-7053 x350 Contact: Mike Murphy E-mail: mmurphy@suite-kote.com Web Site: www.suite-kote.com	16-1177189 1000007846
Hours: 7:30AM to 4:00PM (M-F) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>			
<b>PC68585</b> SB	T.H. KINSELLA INC P.O. Box 7 Fayetteville, New York 13066	Phone #: 315-637-3390 Contact: Allan E. Curtis E-mail: allanecurtis@yahoo.com	16-0927249 1000007600
Hours: 7:00AM to 4:00PM (M-F) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>			
<b>PC68586</b> SB	TETZ ASPHALT, LLC 130 Crotty Road Middletown, New York 10941	Phone #: 845-692-4486 Contact: Denise Tetz E-mail: denise@etetz-sons.com	20-8397319 1000019951
Hours: 7:00AM to 5:00PM (M-F); 7:00AM to 12:00PM (Sat, Sun) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>			

**Group 31502 - Comprehensive Bituminous Concrete  
(Hot Mix Asphalt and Cold Patch)  
(All State Agencies and Political Subdivisions)**

**AWARD PAGE 14**

<b><u>CONTRACT #</u></b>	<b><u>CONTRACTOR &amp; ADDRESS</u></b>	<b><u>CONTACT INFORMATION</u></b>	<b><u>FED. ID#/ NYS VENDOR ID#</u></b>
<b>PC68587</b> SB	THALLE INDUSTRIES, INC 172 Route 9 Fishkill, New York 12524	Phone #: 914-490-7328 Contact: John J. Amato E-mail: jamato@thalleindustries.com Web Site: www.thalleindustries.com	13-3277028 1000054739
	Hours: 6:00AM to 4:30PM (M-F); 6:00AM to 2:30PM (Sat, Sun) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>		
<b>PC68588</b>	TILCON NEW YORK INC 9 Entin Road Parsippany, New Jersey 07054	Toll-Free #: 855-659-1100 Phone #: 914-260-0221 Contact: Michael Keahon E-mail: mkeahon@tilconny.com Web Site: www.tilconny.com	06-1032119 1000036520
	Hours: 6:00AM to 5:00PM (M-F) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>		
<b>PC68589</b> SB	TRI-CITY HIGHWAY PRODUCTS, INC 145 Podpadic Road Richmondville, New York 12149	Phone #: 518-294-9964 Contact: Martin A. Galasso Jr E-mail: martyjr@lancdev.com Web Site: lancasterdevelopment.com	16-1634151 1000044200
	Hours: 8:00AM to 5:00PM (M-F) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>		
<b>PC68590</b> SB	TROY SAND & GRAVEL INC 36 Grange Road West Sand Lake, New York 12196	Toll Free #: 1-800 -287-2854 Phone #: (518) 273-5800 Ex 29 Contact: Nicholas M DiNova Jr. E-mail: ndinova@bondedconcrete.com Web Site: www.troysand&gravel	20-3172003 1000055560
	Hours: 6:00AM to 4:00 PM (M-F) (Sat, Sun): Saturday 1/2 Day by Appointment <b>Contract Period for PC68590 (only) is effective from: April 22, 2019 to March 31, 2021</b>		
<b>PC68591</b>	UNIQUE PAVING MATERIALS CORP. 3993 E 93 <sup>rd</sup> Street Cleveland, Ohio 44105	Toll Free #: 800-441-4880 Phone #: 216-441-4880 Contact: Amy Berman or Amber Bentlejewski E-mail: cs@uniquepavingmaterials.com Web Site: www.uniquepavingmaterials.com	34-1601338 1000031353
	Hours: 8:30AM to 4:30PM (M-F) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>		

**Group 31502 - Comprehensive Bituminous Concrete  
(Hot Mix Asphalt and Cold Patch)  
(All State Agencies and Political Subdivisions)**

**AWARD PAGE 15**

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<b><u>CONTRACT #</u></b>	<b><u>CONTRACTOR &amp; ADDRESS</u></b>	<b><u>CONTACT INFORMATION</u></b>	<b><u>FED. ID#/ NYS VENDOR ID#</u></b>
<b>PC68592</b>	UPSTONE MATERIALS INC 111 Quarry Road Plattsburgh, New York 12901	Phone #: 518-569-0868 Contact: Kris Cross E-mail: kcross@upstonematerials.com	82-1158917 1100184717
	Hours: 8:00AM to 4:30PM (M-F) <i>Vendor accepts Procurement Card for orders up to \$50,000</i>		
<hr/>			
<b>PC68593</b> SB	VESTAL ASPHALT, INC 201 Stage Road Vestal, New York 13850	Phone #: 607-785-3393 Contact: Dispatch E-mail: Dispatch@vestalaspalt.com Web Site: www.vestalaspalt.com	16-1201418 100007868
	Hours: 8:00AM to 5:00PM (M-F); Sat., Sun – upon request		
<hr/>			
<b>PC68594</b>	WILLIAM E. DAILEY, INC 295 Airport Road Shaftsbury, Vermont 05265	Phone #: 802-442-9923 Contact: Dan Dearstyne E-mail: ddear@peckham.com Web Site: www.peckham.com	03-0191348 1000042655
	Hours: 8:00AM to 4:30PM (M-F) <i>Vendor offers prompt payment discount: 1% / 10 days</i>		

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Cash Discount, If Shown, Should be Given Special Attention.  
**INVOICES MUST BE SENT DIRECTLY TO THE ORDERING AGENCY FOR PAYMENT.**  
**(See "Invoicing and Payments" in this document.)**

AGENCIES SHOULD NOTIFY NEW YORK STATE PROCUREMENT SERVICES PROMPTLY IF THE CONTRACTOR FAILS TO MEET DELIVERY OR OTHER TERMS OF THIS CONTRACT. PRODUCTS OR SERVICES WHICH DO NOT COMPLY WITH THE SPECIFICATIONS OR ARE OTHERWISE UNSATISFACTORY TO THE AGENCY SHOULD ALSO BE REPORTED TO PROCUREMENT SERVICES.

## **1.2 Small, Minority and Women-Owned Businesses**

The letters SB listed under the Contract Number indicate the contractor is a NYS small business. Additionally, the letters MBE and WBE indicate the contractor is a Minority-owned Business Enterprise and/or Woman-owned Business Enterprise.

## **1.3 Recycled, Remanufactured and Energy Efficient Products**

Procurement Services supports and encourages the purchase of recycled, remanufactured, energy efficient and "energy star" products. If one of the following codes appears as a suffix in the Award Number or is noted under the individual Contract Number(s) in this Contract Award Notification, please look at the individual awarded items for more information on products meeting the suffix description.

RS, RP, RA	Recycled
RM	Remanufactured
SW	Solid Waste Impact
EE	Energy Efficient
E*	EPA Energy Star
ES	Environmentally Sensitive

## **1.4 Note to Authorized Users**

When placing purchase orders under the contract(s), the authorized user should be familiar with and follow the terms and conditions governing its use which usually appears at the end of this document. The authorized user is accountable and responsible for compliance with the requirements of public procurement processes. The authorized user must periodically sample the results of its procurements to determine its compliance. In sampling its procurements, an authorized user should test for reasonableness of results to ensure that such results can withstand public scrutiny.

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. Also, in recognition of market fluctuations over time, authorized users are encouraged to seek improved pricing whenever possible.

Authorized users have the responsibility to document purchases, particularly when using OGS multiple award contracts for the same or similar product(s)/service(s), which should include:

- a statement of need and associated requirements,
- a summary of the contract alternatives considered for the purchase,
- the reason(s) supporting the resulting purchase (e.g., show the basis for the selection among multiple contracts at the time of purchase was the most practical and economical alternative and was in the best interests of the State).



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## **1.5 Estimated Quantities**

A Contract resulting from this Solicitation shall be an estimated quantity Contract. No specific quantities are represented or guaranteed, and the State provides no guarantee of individual Authorized User participation. The Contractor must furnish all quantities actually ordered at or below the Contract prices. The anticipated dollar value of the award for this Solicitation, based on historical purchases under previous awards, is approximately \$45,000,000 annually. The individual value of each resultant Contract is indeterminate and will depend upon the number of Contracts issued and the competitiveness of the pricing offered. Authorized Users will be encouraged to purchase from Contractors who offer the Products and pricing that best meet their needs in the most practical and economical manner. See Appendix B, Estimated/Specific Quantity Contracts and Participation in Centralized Contracts.

Numerous factors could cause the actual quantities of Products purchased under a Contract resulting from this Solicitation to vary substantially from the estimates in the Solicitation. Such factors include, but are not limited to, the following:

Such Contracts may be non-exclusive Contracts.

There is no guarantee of quantities to be purchased, nor is there any guarantee that demand will continue in any manner consistent with previous purchases.

The individual value of each Contract is indeterminate and will depend upon actual Authorized User demand and actual quantities ordered during the contract period.

The State reserves the right to terminate any Contract for cause or convenience prior to the end of the term pursuant to the terms and conditions of the Contract.

- Contract pricing that is lower than anticipated could result in a higher quantity of purchases by Authorized Users than anticipated.
- Contract pricing that is higher than anticipated could result in a lower quantity of purchases by Authorized Users than anticipated.

By submitting a Bid, Bidder acknowledges the foregoing and agrees that actual good faith purchasing volumes during the term of the resulting Contracts could vary substantially from the estimates provided in this Solicitation.

## **1.6 Procurement Instructions for Authorized Users**

The resultant Contracts will be issued under a multiple award structure. Authorized Users shall procure products that best meet their form, function, and utility requirements. Refer to Attachment 9 – General Specifications for more detailed instructions.

Authorized Users may select the appropriate contractor to perform their particular project by using the quick quote worksheet form. Refer to Section 6.5 – Quick Quote of this document for instructions on how to use the Quick Quote process.

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.

Pursuant to State Finance Law § 163(10) (c), at the time of purchase, Authorized Users must base their selection among multiple Contracts upon which is the most practical and economical alternative that is in the best interests of the State.

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## SECTION 2: QUICK QUOTE

### 2.1 How to Use the Contract

#### **How do I choose a contractor for Hot Mix Asphalt or Cold Patch?**

To look for Hot Mix Asphalt or Cold Patch Contractors, please refer to the price pages published on the OGS Procurement Services webpage. The price pages contain the maximum price that the contractor can charge for each item. That price may be lowered through the Quick Quote process.

#### **May I buy from any contractor or do I have to choose only from the contractors listed in my DOT Region or county?**

Authorized Users of this contract can choose ANY of the contractors listed in this Contract Award Notification, without restrictions. Only Contractors that listed in this award may be used as part of this contract.

**There are no purchasing restrictions by NYSDOT Region or by County when selecting a contractor. Please consider all the closest listed awardees located in your county and all the counties around you (including the surrounding counties that fall in a different NYSDOT Region) before sending the included Quick Quote Form.**

#### **Is a listed contractor on this Award allowed to increase the price included in this Contract Award Notification?**

At no time may a unit price (without the Price Adjustment) for a specific item exceed the unit price shown in this Contract Award Notification. However, the user should be aware that this unit price doesn't include the Price Adjustment(s) set by the pricing information clause and the contractor is within his/her right to ask for that Price Adjustment.

#### **Is the Quick Quote Worksheet mandatory when using this contract?**

The use of the Quick Quote Worksheet will be MANDATORY for all purchases using the Contract(s) contained in this Contract Award Notification, with the only exception for cases where the material is being picked up by the user (at the plant). In those cases, the use of the Quick Quote will be optional (at the user's discretion).

### 2.2 Price Reductions

Contractors shall be permitted to reduce their pricing any time during the contract term. In addition, contractors may choose to offer lower prices in specific instances or for projects. Contractors may do so through the agencies use of the "quick quote" procedure.

## 2.3 Quick Quote

Authorized Users may select the appropriate contractor to perform their particular project by using the quick quote worksheet form.

During the course of selecting and awarding one of the contractors listed in this contract, Authorized Users should try to obtain lower prices and contractors may wish to lower their contract prices for various reasons, i.e., excess supply, slow business, etc. Each quick quote situation is unique, and the price is firm for that particular project only. If Bid security is a concern, the Authorized User may require Bids to be sealed and/or opened publicly.

**The use of the Quick Quote Worksheet will be MANDATORY for all purchases made by any Authorized User through the Contract(s) resulting from this IFB, with the only exception being for cases where the material is being picked up by the Authorized User (at the plant). In those cases, the use of the Quick Quote will be optional (at the Authorized User's discretion).**

The Quick Quote form will be published at the NYS OGS website (at the contract's landing page) once the contract is awarded.

The Quick Quote Worksheet should be sent to the contractors in its MS Excel format. The contractor at that point should quick quote every single line item that the Authorized User is requesting. If the Price Pages published by OGS show a No Bid (N/B) or a No Award for one of those Contractor's line item, that Contractor won't be able to bid the entire Quick Quote. Under those circumstances, if a Quick Quote is received, the Authorized User should reject it.

Agencies using the quick quote are required to award to the lowest responsive Bid meeting the Authorized User's requirements outlined in the requested quote. There are no negotiations permitted following the "Quick Quote" and prices cannot be changed once offered. If award is made to other than the lowest Bid, the Authorized User must prepare detailed documentation explaining the action taken for the failure to meet requirements. (i.e., the low contractor could not provide the product in the time frame required, contractor did not have needed equipment, etc.). This explanation along with the worksheets must be made a part of the procurement record.

Contractors are not required to lower prices when they receive a quick quote. They may quote the contract price. However, **at no time may a quick quote unit price (without the Price Adjustment) exceed the contract price. Materials cost, hauling expenses, etc., can be lowered by the contractor during the quick quote process.**

Since asphalt price adjustments will be charged/credited to all invoices (after the work is finished), the Authorized User and the contractor understand that the Project's Total Cost shown in the Quick Quote includes all the needed Price Adjustments for the month indicated in the Quick Quote (the month when the Quick Quote was sent to the Contractor). If the project (or part of the project) is executed in a different month than the one used to calculate the Quick Quote, then the Project's Total Cost will change accordingly to reflect the Price Adjustments for the Month in which the project (or part of the project) was actually performed.

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## **SECTION 3: PRICE PAGES**

### **3.1 Price Pages**

See Hot Mix Asphalt and Cold Patch Price Pages at:

<https://online.ogs.ny.gov/purchase/spg/pdfiles/315023148a.pdf>



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## SECTION 5: PREVAILING WAGE RATES

### 5.1 Prevailing Wage Rates – Public Works and Building Services Contracts

Work being bid is subject to the prevailing wage rate provisions of New York State Labor Law. See "Prevailing Wage Rates - Public Works and Building Services Contracts" in Appendix B, OGS General Specifications. Any federal or State determination of a violation of any public works law or regulation, or labor law or regulation, or any OSHA violation deemed "serious or willful" may be grounds for a determination of vendor non-responsibility, rejection of Bid, suspension or termination of Contract.

**IMPORTANT NOTE: Authorized Users MUST obtain a separate PRC # for each purchase from this contract where prevailing wage rates apply. The PRC # provided in this Bid is for information and evaluation purposes only.**

For access to the Department of Labor (DOL) Prevailing Wage Schedule, use the following link:  
<http://wpp.labor.state.ny.us/wpp/showFindProject.do?method=showIt>

For Prevailing Wage Updates, use the following DOL link:  
<http://wpp.labor.state.ny.us/wpp/publicViewPWChanges.do?method=showIt>

Links to schedule updates appear in the table at the bottom of the web page.

#### Worker Notification

Labor Law § 220(3-a)(a)(ii) requires Contractors and subcontractors to provide written notice to all laborers, workers or mechanics of the *prevailing wage rate* for their particular job classification *on each pay stub*\*. It also requires Contractors and subcontractors to *post a notice* at the beginning of the performance of every public work Contract *on each job site* that includes the telephone number and address for the Department of Labor and a statement informing laborers, workers or mechanics of their right to contact the Department of Labor if he/she is not receiving the proper prevailing rate of wages and/or supplements for his/her particular job classification. The required notification will be provided with each wage schedule, may be downloaded from [www.labor.state.ny.us](http://www.labor.state.ny.us) or made available upon request by contacting the Bureau of Public Work at 518-457-5589.

\*In the event that the required information will not fit on the pay stub, an accompanying sheet or attachment of the information will suffice.

#### OSHA 10-Hour Construction Safety and Health Course

Labor Law § 220-h requires that on all public work contracts of at least \$250,000, all laborers, workers, and mechanics working on site be certified as having successfully completed the OSHA 10-hour construction safety and health course. It further requires that the advertised Bids and contracts for every public work contract of at least \$250,000 contain a provision of the requirement AND only applies to workers on a public work project that are required under Article 8 to receive the prevailing wage. Further information may be found at:

[www.labor.state.ny.us/workerprotection/publicwork/PWContents.shtm](http://www.labor.state.ny.us/workerprotection/publicwork/PWContents.shtm)

#### Living Wage

An Authorized User subject to a local law establishing a "living wage", such as Section 6-109 of the New York City Administrative Code, is required to ensure the Contractor sought to be hired complies with such local law. If the pay rate(s) for a job title(s) as set forth in Appendices 7 through 13 – Price Pages is less than the local law "living wage," then the Authorized User subject to such local law cannot use this Contract for such job title(s). Local laws, however, are not a term and condition of the OGS contract.

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## **SECTION 6: TERMS AND CONDITIONS**

### **6.1 Contract Term and Extensions**

The Contract will be in effect for a term of up to twenty-four (24) months. The Contract term shall commence after all necessary approvals and shall become effective upon mailing or electronic communication of the final executed documents to the Contractor (see Appendix B, *Contract Creation/Execution*).

All OGS Centralized Contracts resulting from this Solicitation shall have a co-terminus end date. At the State's option, the Contract may be extended for 3 years, in increments as deemed to be in the best interest of the State. Whether the optional extensions are exercised is at the sole discretion of the State. A Contractor shall retain the right to decline a Contract extension offered under this section. Any Contract extension will be under the same terms and conditions, subject to any additional applicable statutory and policy requirements. Any extensions provided under this section shall apply in addition to any rights set forth in Appendix B, *Contract Term – Extension*.

The Contract term provided for in this section shall extend 6 months beyond its termination date only for Authorized Users whose contracts must be registered with the Office of the New York City Comptroller. During the 6-month period the definition of Authorized User shall be deemed to refer only to Authorized Users whose contracts must be registered with the Office of the New York City Comptroller. This extension is in addition to any other extensions available under the Contract. The extension provided for in this paragraph shall be upon the then-existing terms and conditions; provided, however, during such extension an Authorized User, as defined in this paragraph, may agree to amend such terms and conditions solely to comply with changes in statutory requirements (e.g. changes in minimum, prevailing or living wages, or regulated services).

### **6.2 Short term Extension**

This section shall apply in addition to any rights set forth in Appendix B, *Contract Term – Extension*. In the event a replacement Contract has not been issued, any Contract let and awarded hereunder by the State may be extended unilaterally by the State for an additional period of up to 30 calendar days upon notice to the Contractor with the same terms and conditions as the original Contract and any approved modifications. With the concurrence of the Contractor, the extension may be for a period of up to 90 calendar days in lieu of 30 calendar days. However, this extension automatically terminates should a replacement Contract be issued in the interim.

### **6.3 Best Pricing Offer**

During the Contract term, if the Commissioner becomes aware that the Contractor is selling substantially the same or a smaller quantity of a Product outside of this Contract upon the same or similar terms and conditions as that of this Contract at a lower price to a federal, state or local governmental entity, the price under this Contract, after consultation with the Contractor, may be reduced to a lower price on a prospective basis at the discretion of the Commissioner. The Commissioner reserves the right to request information to verify pricing for the purposes of this clause.

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## 6.4 Price Structure

- a. If, during the Contract Term, the Contractor is unable or unwilling to meet contractual requirements in whole or in part based on the price structure of the Contract, it shall immediately notify the Office of General Services, Procurement Services in writing. Such notification shall not relieve the Contractor of its responsibilities under the Contract. The State may, but is not required to, consider an equitable adjustment in the Contract terms and/or pricing in the circumstances outlined in Appendix B, *Savings/Force Majeure*.
- b. Should the Commissioner in his or her sole discretion determine during the Contract Term that (i) the Contract price structure is unworkable, detrimental, or injurious to the State, or (ii) the Contract price structure results in prices which are unreasonable, excessive, or not truly reflective of current market conditions, and no adjustment in the Contract terms and/or pricing is mutually agreeable, the State may terminate the Contract upon 10 business days written notice mailed to the Contractor.

## 6.5 Furnished Materials Items – Requirements

### **Hot Mix Asphalt Items only:**

Material items furnished under these contracts shall be produced in an approved hot mix asphalt (HMA) mixing plant meeting the requirements outlined in Section 401 of the New York State Department of Transportation Standard Specifications most current version and all current addenda at the time of the Bid opening. Note: material item 302.01 - Bituminous Stabilized Course can also be produced in accordance with option A of Section 302 – Bituminous Stabilized Course of the New York State Department of Transportation, Standard Specifications, most current version and all current addenda at the time of the Bid opening.

### **Cold Patch Items only:**

Items 15402.2010 and 15402.2030 can be produced using HMA batch plant or portable pug mills.

If the Bidder indicates that they intend to supply material from a location other than an approved plant, they must also provide truck scales at that location, meeting the following requirements:

- Truck scales shall be a platform scale conforming to the requirements of National Institute of Standards and Technology Handbook 44 and of sufficient capacity and size to weigh the largest vehicle in one weighing.
- In addition, any truck scale used for determining delivered quantity at the stockpile site shall be equipped with an approved recording device of a type approved by the Director, Materials Bureau of DOT. The recorder shall produce a ticket with a time-date print and any two of the following weights: gross, net or tare.

Tare weights shall be printed either by weighing each truck empty for each delivery, or the tare weight may be preset and printed or manually entered on the ticket. When the tare weight is not printed by weighing each truck empty for each delivery, tare weights for each truck shall be checked twice a day or more frequently as required by the Regional Director or their representative. Provisions shall be made so that scales may not be manually manipulated during the printing process. In addition, the system shall be interlocked to allow printing only when the scale has come to a complete rest.



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## 6.6 Ordering

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, and, if available, may submit orders electronically via web-based ordering, e-mail, or facsimile at any time. Orders submitted shall be deemed received by Contractor on the date submitted.

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 or via facsimile. 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).

## 6.7 Purchasing Card Orders

If the Contractor accepts orders using the State's Purchasing Card (see Appendix B, Purchasing Card), also referred to as the Procurement Card, the Contractor shall not charge or bill the Authorized User for any additional charges related to the use of the Purchasing Card, including but not limited to processing charges, surcharges or other fees.

## 6.8 Invoicing and Payment

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 matching the different options outlined in the Quick Quote form (except for the appropriate price adjustment, which should reflect the one for the month when the project was executed) to allow Authorized Users to verify that pricing at point of receipt matches the correct price on the original date of order.** At a minimum, the following fields must be included on each invoice:

- Contractor Name
- Contractor Billing Address
- Contractor Federal ID Number
- NYS Vendor ID Number
- Account Number
- NYS Contract Number
- Name of Authorized User indicated on the Purchase Order
- NYS Agency Unit ID (if applicable)
- Authorized User's Purchase Order Number
- Order Date
- Invoice Date
- Invoice Number
- Invoice Amount
- Product Descriptions
- Unit Price
- Quantity
- Unit of Measure
- Dates of Service (if applicable)

Cost centers or branch offices within an Authorized User may require separate invoicing as specified by each Authorized User. The Contractor's billing system shall be flexible enough to meet the needs of varying ordering systems in use by different Authorized Users. Visit the following link for further guidance for vendors on invoicing: <https://bsc.ogs.ny.gov/content/vendor-information>.

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## **6.9 Unanticipated Excessive Purchase**

The State reserves the right to negotiate lower pricing, or to advertise for Bids, for any unanticipated excessive purchase.

## **6.10 Contract Administration**

The Bidder shall provide a sufficient number of Customer Service employees who are knowledgeable and responsive to Authorized User needs and who can effectively service the Contract. Bidder shall also provide an Emergency Contact in the event of an emergency occurring after business hours or on weekend/holidays.

Bidder shall provide a dedicated Contract Administrator to support the updating and management of the Contract on a timely basis. Information regarding the Customer Service, Emergency Contact, and Contract Administrator shall be set forth in Attachment – *Bidder Information Questionnaire*.

Contractor must notify OGS within five Business Days if it's Contract Administrator, Emergency Contact, or Customer Service employees change, and provide an interim contact person until the position is filled. Changes shall be submitted electronically via e-mail to the OGS Contract Management Specialist.

## **6.11 NYS Financial System (SFS)**

New York State is currently operating on an Enterprise Resource Planning (ERP) system, Oracle PeopleSoft software, referred to as the Statewide Financial System (SFS). SFS is currently on PeopleSoft Financials version 9.2. SFS supports requisition-to-payment processing and financial management functions.

The State is also implementing an eProcurement application that supports the requisitioning process for State Agencies to procure Products in SFS. This application provides catalog capabilities. Contractors with Centralized Contracts have the ability to provide a “hosted” or “punch-out” catalog that integrates with SFS and is available to Authorized Users via a centralized eMarketplace website. Additional information may be found at:

<https://nyspro.ogs.ny.gov/content/nys-emarketplace-1>

There are no fees required for a Contractor's participation in the catalog site development or management. Upon completion and activation of an on-line catalog, State Agencies will process their orders through the SFS functionality and other Authorized Users can access the catalog site to fulfill orders directly.

The State is also implementing the PeopleSoft Inventory module in the near future to track inventory items within the item master table. Further information regarding business processes, interfaces, and file layouts may be found at: [www.sfs.ny.gov](http://www.sfs.ny.gov) and <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>.

## **6.12 Insurance**

The Contractor shall maintain in force at all times during the terms of the Contract, policies of insurance pursuant to the requirements outlined in Attachment 4 - *Insurance Requirements*.

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### **6.13 Report of Contract Usage**

Contractor shall submit Attachment 8 – Report of Contract Usage including total sales to Authorized Users of this Contract by Contractor, and all authorized resellers, dealers and distributors, if any.

Contractor shall furnish three (3) reports containing total sales for both State agency and authorized non-state agency contract purchases no later than fifteen (15) days after the end of each report period as follows:

<b>Report Period</b>	<b>From</b>	<b>To</b>	<b>Report Due Before</b>
1st	04/01/2019	03/31/2020	04/15/2020
2nd	04/01/2020	09/30/2020	10/15/2020
3rd	10/01/2020	03/31/2021	04/15/2021

Contractors shall specify if any authorized resellers, dealers or distributors are NYS Certified Minority- and/or Women-Owned Business Enterprises (MWBs), small business enterprises (SBEs), or Service-Disabled Veteran-Owned Businesses (SDVOBs).

The report is to be submitted electronically via e-mail in Microsoft Excel to OGS Procurement Services, to the attention of the individual listed on the front page of the Contract Award Notification and shall reference the Contract Group Number, Award Number, Contract Number, Sales Period, and Contractor's name.

The report in Attachment 8 – Report of Contract Usage contains the minimum information required. Additional related sales information, such as detailed user purchases may be required by OGS and must be supplied upon request. Failure to submit reports on a timely basis may result in Contract cancellation and designation of Contractor as non-responsible.

### **6.14 Contractor Requirements and Procedures for Participation by New York State Certified Minority- and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women**

#### **I. New York State Law**

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations (“NYCRR”), the New York State Office of General Services (“OGS”) is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-Owned Business Enterprises (“MWBs”) and the employment of minority group members and women in the performance of OGS contracts.

#### **II. General Provisions**

- A. OGS is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 140-145 (“MWBE Regulations”) for all State contracts as defined therein, with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.

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- B. The Contractor agrees, in addition to any other nondiscrimination provision of the Contract and at no additional cost to OGS, to fully comply and cooperate with OGS in the implementation of New York State Executive Law Article 15-A and the regulations promulgated thereunder. These requirements include equal employment opportunities for minority group members and women (“EEO”) and contracting opportunities for MWBEs. Contractor’s demonstration of “good faith efforts” pursuant to 5 NYCRR § 142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the “Human Rights Law”) or other applicable federal, State, or local laws.
- C. Failure to comply with all of the requirements herein may result in a finding of non-responsiveness, a finding of non-responsibility, breach of contract, withholding of funds, suspension or termination of the Contract, and/or such other actions or enforcement proceedings as allowed by the Contract and applicable law.

### **III. Equal Employment Opportunity (EEO)**

- A. The provisions of Article 15-A of the Executive Law and the rules and regulations promulgated thereunder pertaining to equal employment opportunities for minority group members and women shall apply to all Contractors, and any subcontractors, awarded a subcontract over \$25,000 for labor, services, including legal, financial and other professional services, travel, supplies, equipment, materials, or any combination of the foregoing, to be performed for, or rendered or furnished to, the contracting State agency (the “Work”) except where the Work is for the beneficial use of the Contractor.
1. Contractor and subcontractors shall undertake or continue existing EEO programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, or marital status. For these purposes, EEO shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff or termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) the performance of work or the provision of services or any other activity that is unrelated, separate, or distinct from the Contract; or (ii) employment outside New York State.
  2. By entering into this Contract, Contractor certifies that the text set forth in clause 12 of Appendix A, attached hereto and made a part hereof, is Contractor’s equal employment opportunity policy. In addition, Contractor agrees to comply with the Non-Discrimination Requirements set forth in clause 5 of Appendix A.
- B. Form EEO 100 – Staffing Plan To ensure compliance with this section, the Contractor agrees to submit, or has submitted with the Bid, a staffing plan on Form EEO 100 to OGS to document the composition of the proposed workforce to be utilized in the performance of the Contract by the specified categories listed, including ethnic background, gender, and federal occupational categories.
- C. Form EEO - 101 - Workforce Utilization Reporting Form (Commodities and Services) (“Form EEO-101-Commodities and Services”)
1. The Contractor shall submit, and shall require each of its subcontractors to submit, a Form EEO-101-Commodities and Services to OGS to report the actual workforce utilized in the performance of the Contract by the specified categories listed including ethnic background, gender, and Federal occupational categories. The Form EEO-101-Commodities and Services must be submitted electronically to OGS at [EEO\\_CentCon@ogs.ny.gov](mailto:EEO_CentCon@ogs.ny.gov) on a quarterly basis during the term of the Contract by the 10th day of April, July, October, and January.

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2. Separate forms shall be completed by Contractor and all subcontractors.
  3. In limited instances, the Contractor or subcontractor may not be able to separate out the workforce utilized in the performance of the Contract from its total workforce. When a separation can be made, the Contractor or subcontractor shall submit the Form EEO-101-Commodities and Services and indicate that the information provided relates to the actual workforce utilized on the Contract. When the workforce to be utilized on the Contract cannot be separated out from the Contractor's or subcontractor's total workforce, the Contractor or subcontractor shall submit the Form EEO-101-Commodities and Services and indicate that the information provided is the Contractor's or subcontractor's total workforce during the subject time frame, not limited to work specifically performed under the Contract.
- D. Contractor shall comply with the provisions of the Human Rights Law and all other State and federal statutory and constitutional non-discrimination provisions. Contractor and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status, or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal and conviction and prior arrest.

#### **IV. Contract Goals**

For purposes of this procurement, OGS conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set goals for participation by MWBEs as subcontractors, service providers, or suppliers to Contractor. Contractor is, however, encouraged to make every good faith effort to promote and assist the participation of MWBEs on this Contract for the provision of services and materials. The directory of New York State Certified MWBEs can be viewed at:

<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=2528>.

Additionally, following Contract execution, Contractor is encouraged to contact the Division of Minority and Women's Business Development ((518) 292-5250; (212) 803-2414; or (716) 846-8200) to discuss additional methods of maximizing participation by MWBEs on the Contract.

##### **A. Good Faith Efforts**

Pursuant to 5 NYCRR § 142.8, evidence of good faith efforts shall include, but not be limited to, the following:

1. A list of the general circulation, trade, and MWBE-oriented publications and dates of publications in which the Contractor solicited the participation of certified MWBEs as subcontractors/suppliers, copies of such solicitations, and any responses thereto.
2. A list of the certified MWBEs appearing in the Empire State Development ("ESD") MWBE directory that were solicited for this Contract. Provide proof of dates or copies of the solicitations and copies of the responses made by the certified MWBEs. Describe specific reasons that responding certified MWBEs were not selected.
3. Descriptions of the Contract documents/plans/specifications made available to certified MWBEs by the Contractor when soliciting their participation and steps taken to structure the scope of work for the purpose of subcontracting with, or obtaining supplies from, certified MWBEs.
4. A description of the negotiations between the Contractor and certified MWBEs for the purposes of complying with the MWBE goals of this Contract.
5. Dates of any pre-bid, pre-award, or other meetings attended by Contractor, if any, scheduled by OGS with certified MWBEs whom OGS determined were capable of fulfilling the MWBE goals set in the Contract.

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6. Other information deemed relevant to the request.

**V. Fraud**

Any suspicion of fraud, waste, or abuse involving the contracting or certification of MWBEs shall be immediately reported to ESD's Division of Minority and Women's Business Development at (855) 373-4692.

**ALL FORMS ARE AVAILABLE AT:** <http://www.ogs.ny.gov/MWBE/Forms.asp>

**6.15 Participation Opportunities For New York State Certified Service-Disabled Veteran Owned Businesses**

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"), thereby further integrating such businesses into New York State's economy. OGS recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of OGS contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders/Contractors are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

For purposes of this procurement, OGS conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, and suppliers to Contractor. Nevertheless, Bidder/Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials. The directory of New York State Certified SDVOBs can be viewed at: <https://ogs.ny.gov/Veterans/default.asp>

Bidder/Contractor is encouraged to contact the Division of Service-Disabled Veteran's Business Development at 518-474-2015 to discuss methods of maximizing participation by SDVOBs on the Contract.

**ALL FORMS ARE AVAILABLE AT:** <https://ogs.ny.gov/Veterans/default.asp>

**6.16 Use of Recycled or Remanufactured Materials**

New York State supports and encourages Contractors to use recycled, remanufactured or recovered materials in the manufacture of Products and packaging to the maximum extent practicable without jeopardizing the performance or intended end use of the Product or packaging unless such use is precluded due to health or safety requirements or Product specifications contained herein.

Refurbished or remanufactured components or Products are required to be restored to original performance and regulatory standards and functions and are required to meet all other requirements of this Solicitation. Warranties on refurbished or remanufactured components or Products must be identical to the manufacturer's new equipment warranty or industry's normal warranty when remanufacturer does not offer new equipment. See Appendix B, *Remanufactured, Recycled, Recyclable or Recovered Materials*.

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## **6.17 Environmental Attributes and NYS Executive Order Number 4**

New York State is committed to environmental sustainability and endeavors to procure Products with reduced environmental impact. One example of this commitment may be found in Executive Order No. 4 (Establishing a State Green Procurement and Agency Sustainability Program), which imposes certain requirements on State Agencies, authorities, and public benefit corporations when procuring Products. More information on Executive Order No. 4, including specifications for offerings covered by this Contract, may be found at <https://www.ogs.ny.gov/greenyny/>. State entities subject to Executive Order No. 4 are advised to become familiar with the specifications that have been developed in accordance with the Order, and to incorporate them, as applicable, when making purchases under this Contract.

## **6.18 Consumer Products Containing Mercury**

Contractor shall comply with the requirements of Title 21 of Article 27 of the NYS Environmental Conservation Law regarding restrictions on the sale, purchasing, labeling and management of any products containing elemental mercury under this Contract.

## **6.19 Overlapping Contract Products**

Products available under the resulting Contract may also be available from other New York State Contracts. Authorized Users will be advised to select the most cost effective procurement alternative that meets their program requirements and to maintain a procurement record documenting the basis for this selection.

## **6.20 “OGS or Less” Guidelines**

Purchases of the Products included in the Solicitation and resulting Contract 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 Office of the State Comptroller and competitive bidding of requirements exceeding the discretionary threshold. State Agencies should refer to Procurement Council Guidelines for additional information.

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## **6.21 Non-State Agencies Participation in Centralized Contracts**

New York State political subdivisions and others authorized by New York State law may participate in Centralized Contracts. These include, but are not limited to, local governments, public authorities, public school and fire districts, public and nonprofit libraries, and certain other nonpublic/nonprofit organizations. See Appendix B, *Participation in Centralized Contracts*. For Purchase Orders issued by the Port Authority of New York and New Jersey (or any other authorized entity that may have delivery locations adjacent to New York State), the terms of the *Price* clause shall be modified to include delivery to locations adjacent to New York State.

Upon request, all eligible non-State agencies must furnish Contractors with the proper tax exemption certificates and documentation certifying eligibility to use State contracts. A list of categories of eligible entities is available on the OGS web site (<https://www.ogs.ny.gov/purchase/snt/othersuse.asp>). Questions regarding an organization's eligibility to purchase from New York State Contracts may also be directed to NYS Procurement Services Customer Services at 518-474-6717.

## **6.22 Extension of Use**

Any Contract resulting from this Solicitation may be extended to additional States or governmental jurisdictions upon mutual written agreement between New York State and the Contractor. Political subdivisions and other authorized entities within each participating state or governmental jurisdiction may also participate in any resultant Contract if such state normally allows participation by such entities. New York State reserves the right to negotiate additional discounts based on any increased volume generated by such extensions.

## **6.23 New Accounts**

Contractor may ask State Agencies and other Authorized Users to provide information in order to facilitate the opening of a customer account, including documentation of eligibility to use New York State Contracts, agency code, name, address, and contact person. State Agencies shall not be required to provide credit references.

## **6.24 Drug and Alcohol Use Prohibited**

For reasons of safety and public policy, in any Contract resulting from this Solicitation, the use of alcoholic beverages or illegal drugs by the Contractor's personnel shall not be permitted in performance of the Contract.

## **6.25 Traffic Infractions**

Neither the State nor Authorized Users will be liable for any expense incurred by the Contractor's personnel for any parking fees or as a consequence of any traffic infraction or parking violation attributable to employees of the Contractor in performance of the Contract.



State of New York  
Office of General Services  
Procurement Services  
Contract Performance Report

Please take a moment to let us know how this contract award has measured up to your expectations. If reporting on more than one contractor or product, please make copies as needed. This office will use the information to improve our contract award, where appropriate. **Comments should include those of the product's end user.**

Contract No.: \_\_\_\_\_ Contractor: \_\_\_\_\_

Describe Product\* Provided (Include Item No., if available): \_\_\_\_\_

**\*Note:** "Product" is defined as a deliverable under any Bid or Contract, which may include commodities (including printing), services and/or technology. The term "Product" includes Licensed Software.

	Excellent	Good	Acceptable	Unacceptable
• Product meets your needs				
• Product meets contract specifications				
• Pricing				

**CONTRACTOR**

	Excellent	Good	Acceptable	Unacceptable
• Timeliness of delivery				
• Completeness of order (fill rate)				
• Responsiveness to inquiries				
• Employee courtesy				
• Problem resolution				

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Agency: \_\_\_\_\_ Prepared by: \_\_\_\_\_

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

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_ E-mail: \_\_\_\_\_

**Please email to: [customer.services@ogs.ny.gov](mailto:customer.services@ogs.ny.gov):**

OGS Procurement Services  
Customer Services, 38th Floor  
Corning Tower - Empire State Plaza  
Albany, New York 12242

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