

**Group 39000 – Award 22918
INDUSTRIAL & COMMERCIAL SUPPLIES
AND EQUIPMENT (Statewide)**

FREQUENTLY ASKED QUESTIONS

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 Industrial & Commercial Supplies and Equipment contracts.

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

Answer: Contract Management Specialist listed on the summary page for this award.
Procurement Services, 38th Floor - Corning Tower, Empire State Plaza, Albany, NY 12242

Question: Where do I find detail 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) Product & Districts Matrix and (d) Pricing Information.

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

Answer: Yes, there are 15% MBE and 15% 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: Are there Service Disabled Veteran - Owned Business (SDVOB) Goals for Contractors applied to this Contract Award?

Answer: Yes, OGS established an overall goal of 6% for SDVOB participation. Contractor should refer to Appendix E for more information on compliance and reporting.

Question: What is the contract term of this Award?

Answer: November 3, 2015 through December 31, 2022 or until a replacement contract(s) has/have been let, whichever occurs first.

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 including Inside Delivery and shall include:

- Expansion of delivery locations upon mutual agreement per the "Extension of Use" clause.
- Authorized User and Contractor may agree to delivery terms other than Inside Delivery, however, such other delivery is not included in the NYS Contract Price and Contractor may add charges with the agreement of the Authorized User.

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- 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: Why are some items on Price Pages highlighted in yellow?

Answer: NYS Pricing for these items are \$10,000 and over. OGS strongly recommends, when purchasing any highlighted items, all Authorized Users obtain (one) 1 informal quote from a separate source for any items \$10,000 or over, and any items over \$50,000, Authorized User's obtain (three) 3 informal quotes from separate sources. These separate sources would be first, other Contractors, and then open market companies if no other Contractors have similar product. Over \$50,000, State Agency Authorized Users would be required to obtain a B-1184.

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. Following the first year of the Contract, Contractors may request an update to their pricelist from January 1st - 31st and July 1st - 31st. Pricelist update requests will be accepted only during these periods of time. 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.

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

Question: What is Hot List Pricing?

Answer: **Hot List Pricing** - 'Hot List Pricing' is a way to provide Authorized Users with better pricing on most commonly purchased products. The **Hot List Pricing** will be based on the Contractor's report of

sales submitted to OGS per the Report of Contract Usage clause. These prices will be included in the Contractor's annual updated price list published on the OGS website. All **Hot List Pricing** shall be in effect until the next annual price list update.

Question: Can an Authorized User order from any of the Contractors listed?

Answer: An Authorized User should use the Contractor(s) in the District of the Authorized User placing the order. In addition, the Authorized User should compare pricing between Contractors in their District for any item over \$10,000.

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. See Section 1.10 - Glossary, "Business Day." Orders shall be shipped to the specified destination within 24-48 hours after receipt of order with the exception of non-stock orders which must be provided within 10 business days after receipt of order. In the event that orders are not shipped in the times specified, the Contractor is responsible for contacting the Authorized User in a timely manner utilizing the contact information provided on the Authorized User's purchase order.

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 shall be itemized, and include purchase price, date of purchase, delivery information (if applicable), Authorized User name, and sales representative (if applicable).

Question: Is there a minimum order?

Answer: Shipped Products will have a minimum order of \$50.00 and shall be ordered in the Contractor's standard packaging.

Question: What are the delivery Terms?

Answer: Delivery is expressed in number of calendar days required to make delivery after receipt of a purchase order (refer to "Contract Specifics" for each Contractor in Contractors' Information document). Delivery shall be made in accordance with instructions on Purchase Order from each agency. 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 ordering agency and, if applicable, from the Office of General Services, Procurement Services.

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: https://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.