
**Group 39000 – Award 23262
INDUSTRIAL AND 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 # 1: How do I buy things off this Contract?

Answer: Authorized Users may purchase off this Contract using various methods such as Purchase Orders, Purchasing Cards, and/or Web-Based Ordering.

This Contract does not have a requirement for mini-bids or other similar activities. However, we recommend Authorized Users obtain at least 3 quotes for the Products they wish to purchase from a variety of Contractors and Resellers.

There are various sections of the Contract and Appendices that discuss how to purchase Products from this Contract. For example, feel free to see Contract Section 1.5 – NYS Comptroller Approval, 3.9 – Ordering, 3.10 – Purchasing Card Orders, 3.18 - Web-Based Ordering as well as Appendix B Section 15 – Purchasing Card and 30 – Purchase Orders.

Question # 2: Who is the OGS contact for this Contract Award?

Answer: The Contract Manager for this award is listed on the OGS website landing page for this Award and the Contract Award Notification document at <https://online.ogs.ny.gov/purchase/spg/pdfdocs/3900023262ra.pdf>. Regardless of who the Contract Manager is for this award they can be contacted via email to OGS.sm.PS_IndustrialCommercial@ogs.ny.gov.

Question # 3: What is the Contract Term of this Award?

Answer: This Contract Term is scheduled to end on March 21, 2028 or until replacement contracts have been let, whichever occurs first. The Contract Term start date for the Contractors varies depending on when the Contract was approved by OGS and the Office of the State Comptroller. Each Contractor's specific Contract Term start date can be found on the Contractor Information Summary page.

Feel free to see Contract Section 3.1 – Contract Term and Extensions for additional details.

Question # 4: Where do I find detailed Contractor information?

Answer: Detailed Contractor information for this award can be found in the 'Contractor and Reseller Information' links which are accessible from the Contractor Information Summary Page at <https://online.ogs.ny.gov/purchase/spg/pdfdocs/3900023262ContractorInfo.pdf>.

Question # 5: Are there M/WBE and SDVOB Goals for Contractors applied to this Contract Award?

Answer: Yes. There are 15% MBE, 15% WBE (30% MWBE goals collectively), and 2% SDVOB goals for Contractors on this Contract.

Question # 6: How do we know if a Contractor is a New York State Minority-Owned Business Enterprise (MBE), a Women-Owned Business Enterprise, and/or a Service-Disabled Veteran-Owned Business Enterprise (SDVOB)?

Answer: There are various places you can go to verify if a Contractor holds a New York State MBE, WBE, and/or SDVOB certification. If a Contractor is a Certified New York State MBE, WBE, and/or SDVOB it should be noted on the Contract Award Notification (CAN), the Contractor Information Summary page, the Contractor's specific Contractor and Reseller Information document and the Contractor and Reseller Information document for all Contractors which is located via the Contract Specifics link on the landing page.

You can also visit other websites for this information. To verify if an entity is a MBE and/or WBE you can visit <https://ny.newnycontracts.com/?TN=ny> and search the directory. To verify if an entity is a SDVOB you can visit <https://ogs.ny.gov/veterans> and search the directory there.

Question # 7: How do we know if a Reseller is a New York State Minority-Owned Business Enterprise (MBE), a Women-Owned Business Enterprise, and/or a Service-Disabled Veteran-Owned Business Enterprise (SDVOB)?

Answer: If a Reseller is a Certified New York State MBE, WBE, and/or SDVOB it should be noted on a Contractor's specific Contractor and Reseller Information document and the Contractor and Reseller Information document for all Contractors which is located via the Contract Specifics link on the landing page.

You can also visit other websites for this information. To verify if an entity is a MBE and/or WBE you can visit <https://ny.newnycontracts.com/?TN=ny> and search the directory. To verify if an entity is a SDVOB you can visit <https://ogs.ny.gov/veterans> and search the directory there.

Question # 8: How are Contractors able to modify their Contact Information and their Reseller/Authorized Reseller/Distributor/Authorized Dealer listing?

Answer: Requests to update a Contractor's Attachment 4 – Contractor/Reseller/Distributor Information sheet must come from the Contractor themselves. Contractors may email a request to update this information to OGS.sm.PS_IndustrialCommercial@ogs.ny.gov. A Contractor's email should:

1. Clearly state they are requesting to modify their Attachment 4 information;
2. Provide the desired Attachment 4 with all the updated information in it as an attachment;
3. Provide a revised MWBE 100 which has been approved and signed by the OGS Office of Business Diversity as an attachment (when applicable); and/or
4. Provide a revised SDVOB 100 as an attachment (when applicable).

Contractors may modify any of their own or their Resellers' Information as needed as long as all the required information is present and the Contract requirements are met.

If any requested change effects the Contractor's currently approved MWBE 100 or SDVOB 100 Utilization Plans, the Contractor shall submit a revised MWBE 100 (with proof the Office of Business Diversity approved the amendment) and/or a revised SDVOB 100 as needed.

Question # 9: If a Contractor would like to add a Reseller/Authorized Reseller/Distributor/Authorized Dealer but the Reseller/Authorized 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 on the OGS website landing page for this Award and who is also referenced on the Contract Award Notification document. 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 can initiate the vendor registration process, if requested to do so. 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.

Question # 10: Are Resellers/Distributor/Authorized Dealers allowed to accept Purchase Orders and receive payments?

Answer: Yes, they are when noted as such on the All Contractor and Reseller Information page. If a Reseller is not listed to accept orders and payments, then orders and payments must be directed to the Contractor.

Feel free to see Contract Sections 3.12 – Invoicing a Payment and 3.39 – Resellers for additional information.

Question # 11: Is there any limit on what Industrial or Commercial Supplies or Equipment can be bought under this Award?

Answer: The scope for this Contract is found within Contract Section 1.2 – Scope. Purchases are limited to the Products that appear on a Contractor's current approved Price document and that fit under the scope of this Contract. Resellers are limited to only selling items on their related Contractor's current approved Price List.

Contract Section 1.3 – Out of Scope discusses services and products that fall outside the scope of this Contract. For example, customization is outside the scope of this Contract. If desired, an Authorized User needs to follow their own procurement guidelines, policies, and procedures to procure customization.

Question # 12: Where do Authorized Users obtain a Contractor's Price Lists?

Answer: Each Contractor's current Price document is available via the "Pricing" link provided for that Contractor on the Contractor Information Summary page.

Question # 13: How do I find a Product?

Answer: Unfortunately, due to the size of our Contractors' Price Lists, we are unable to put all available products within one document. There are a few techniques someone can try to find a particular Product such as:

1. Search each Contractor's Price List for the Product you are looking for, or
2. Contact Contractors to see if they have the Product you are looking for (or something similar) on their approved Price List. Feel free to ask the Contractor to show you where on their approved Price List the Product it is.

Question # 14: Why do some price lists have different dates on the Category sheet than what is on the Product Category sheets?

Answer: The date shown on each sheet represents the date that sheet was last modified. It is possible a modification occurred to one or more sheets of a Contractor's Price List but not all.

Question # 15: Are the shipping costs included within the cost of the product or can the Contractor charge for shipping separately?

Answer: The answer depends on the Product. Contractors had the following two (2) options for accounting for shipping costs:

1. The NYS Contract Price may include all shipping costs (e.g. Customs duties, and freight charges) and be net, F.O.B. destination any point in NYS, as designated by the ordering agency including Inside Delivery. When the NYS Contract Price includes price of shipping, a Contractor shall not charge separately for shipping for that item; or
2. The NYS Contract Price includes only the cost of the Product, with the option for shipping costs (e.g., customs, duties, and freight charges) to be added to the invoice as a separate line item.
 - a. Shipping costs that are invoiced as separate line item are to be prepaid by Contractor and such orders are to be shipped on an F.O.B. destination basis.
 - b. This option only applies to the costs to ship the product from the shipping point to the point of delivery.
 - c. For Products that do not include shipping costs in the NYS Contract Price, the Contractor shall:
 - i. Provide the Authorized User with an estimate of shipping charges at the time of order; and
 - ii. Include the shipping costs on the invoice for the Product upon delivery; and
 - iii. Provide the Authorized User with a copy of the freight bill for the Product(s) upon delivery.
 - d. Failure of a Contractor to provide the Authorized User with an estimate of shipping costs prior to placement of an order and/or a copy of the freight bill with the invoice, will result in the Contractor forfeiting the option to invoice for shipping separately.

In either case, Contractor shall not charge additional fees such as for oversized Products, hazardous materials, or special handling.

Feel free to see Contract Section 3.3 – Price for additional information.

Question# 16: How do I know if the shipping costs are included within the NYS Contract Price or if the Contractor may charge for shipping separately?

Answer: This information is available on the Attachment 1 – Pricing documents. The Attachment 1 – Pricing document has a sheet for each Product Category a Contractor offers. Within each sheet there is a column entitled “NYS Contract Price Includes Shipping”. For every product, the Contractor must have either selected “Yes” (meaning the NYS Contract Price includes the shipping cost) or “No” (meaning the NYS Contract Price only includes the cost of the Product therefore the Contractor retained the right to charge for shipping separately).

Question # 17: 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.

Feel free to see Contract Section 3.3 – Price, Contract Section 3.39 – Resellers, and Appendix B Section 13 – Pricing, for additional information.

Question # 18: Do the “OGS or Less” guidelines apply to this Award?

Answer: Yes. As per Contract Section 3.36, purchases of the Products included in these Contracts are subject to the "OGS or Less" provisions of State Finance Law §163(3)(a)(v).

Question # 19: Can an Authorized User order from any of the Contractors listed?

Answer: Yes. Authorized Users can order from any listed Contractor. Authorized Users are not limited to purchasing from a Contractor that serves a district or region that the Authorized User is located within.

Feel free to see Contract Sections 1.2 – Scope, 2 – Contractor Qualifications, and 3.3 – Price for additional information.

Question # 20: 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 and, if available, may submit orders electronically via web-based ordering, e-mail, or facsimile at any time. Orders submitted during business hours 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's name, and sales representative (if applicable).

Feel free to see Contract Section 3.9 – Ordering, Contract Section 3.10 – Purchasing Card Orders, and Appendix B Section 30 – Purchase Orders for additional information.

Question # 21: Is there a minimum order?

Answer: No. As per Contract Section 3.11 – Minimum Orders, there is no minimum order for this Contract.

Question # 22: What are the delivery terms?

Answer: Delivery of all Contract Products shall be made in accordance with various sections within Appendix B except as provided below.

The Contractor must offer Inside Delivery. Each delivery shall be delivered based upon the needs of the Authorized User. 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 written agreement 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 applicable, from OGS.

Upon mutual agreement, delivery locations may be expanded per the "Extension of Use" clause.

Feel free to see Contract Section 3.13 – Product Delivery as well as Appendix B Sections 31 – Product Delivery, 32 – Weekend and Holiday Deliveries, and 33 – Shipping/Receipt of Product for additional details.

Question # 23: If I am not picking up my order, how soon will orders be shipped?

Answer: Orders shall be shipped to the specified destination within 24 hours after receipt of order. There is an exception of non-stock orders which must be shipped within 10 business days after receipt of order.

In the event 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.

Feel free to see Contract Section 1.2 – Scope and 3.13 - Product Delivery for additional information.

Question # 24: What do I need to know if I want to pick up my order?

Answer: The option to pick-up orders is at the discretion of the Authorized User and must be denoted on the Purchase Order. Pick-up orders shall be ready within twenty-four (24) hours after receipt of order with the exception of non-stock orders which should be ready for pickup within ten (10) business days after receipt of order.

Feel free to see Contract Section 1.2 – Scope, 2 – Contractor Qualifications, 3.13 - Product Delivery and the Attachment 4 – Contractor/Reseller/Distributor Information Sheet for additional information.

Question # 25: What if a product needs to be returned or exchanged?

Answer: In addition to the various provisions within Appendix B, Products returned or exchanged due to quality problems, duplicated shipments, outdated Product, incorrect Product shipped, Contractor errors otherwise not specified, or Products returned or exchanged due to Authorized User errors, shall be replaced with specified Products or the Authorized User shall be credited or refunded for the full purchase price.

Products shall be replaced within ten (10) business days of written notification to the Contractor of the Authorized User's intent to return or exchange the Product.

Contractor can charge only a restocking fee for Product returned or exchanged due to Authorized User error that is determined not to be suitable for resale; the restocking fee cannot exceed the net price of the returned or exchanged Product.

Any credit or refund shall be applied against the next bill/invoice submitted by the Contractor to the Authorized User. If no credit or refund, or only a partial credit or refund, is made in such fashion, the Contractor shall pay to the Authorized User the amount of such credit or refund or portion thereof still outstanding, within thirty (30) calendar days of demand.

Feel free to see Contract Section 3.14 – Product Returns and Exchanges, as well as Appendix B Sections 34 - Title and Risk of Loss for Products Other Than Technology Products, 35 - Product Substitution, and 36 - Rejected Product for additional information.

Question # 26: How often can a Price List be updated?

Answer: After six (6) months from the initial Contract Award date, Contractors may request a Price List update a maximum of two (2) times a year.

It is important to note that Contractors are permitted to reduce their pricing any time during the contract term.

OGS reserves the right to request Price List updates in addition to the twice-yearly request limit imposed above and to disallow for price list updates within the six (6) months prior to the end of the Contract Term.

Feel free to see Contract Section 3.4 – Price Updates for additional information.

Question # 27: How can a Price List be updated?

Answer: Contractors who desire to submit a request to update their Price List shall do so in accordance with the Contract Price List Update Instructions. These instructions are accessible from the Contract Specifics page at <https://ogs.ny.gov/award-23262-specifics>.

Question # 28: Is there a way to report problems with a Contractor to the Office of General Services Procurement Services?

Answer: Yes. There are various ways to report a problem to the Office of General Services Procurement Services:

1. You may contact the Contract Manager for this award by calling them at the telephone number that is listed on the OGS website landing page for this award. You can also email them via OGS.sm.PS_IndustrialCommercial@ogs.ny.gov.
2. You may contact OGS Customer Service via 518-474-6717 or by email to customer.services@ogs.ny.gov.
3. An Authorized User may also complete a Contract Performance Report provided on the last page of the Contract Award Notification document and provide it to the Contract Manager or OGS Customer Service.

Question # 29: How do I report problems with a Reseller?

Answer: If an Authorized User has a problem with a Reseller, they must contact the Contractor that the Reseller is authorized under to report the issue and work towards a remedy. As per Contract Section 3.39 – Resellers, Contractors are fully liable for a Reseller's performance and compliance with Contract terms and conditions.

Question # 30: Is there a particular template that a Contractor should use to report sales to OGS?

Answer: Yes. Contractors shall use the Attachment 3 – Report of Contract Usage template to report their Contract Usage. This template is accessible from the Contract Specifics page at <https://ogs.ny.gov/award-23262-specifics>.