
**Group 39000 – Award 23262
INDUSTRIAL AND COMMERCIAL SUPPLIES
AND EQUIPMENT (Statewide)**

HOW TO USE

This document provides the Authorized User general instructions on how to use the Industrial and Commercial Supplies and Equipment Contract. 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. Please also see the Frequently Asked Questions (FAQ's) for additional information regarding usage of this Contract. Additional general procurement information is also available on the OGS website.

Section 1. General Information

1.1 OGS CENTRALIZED CONTRACT SCOPE

The purpose of this Contract is to provide Authorized Users with a means of acquiring Industrial and Commercial Supplies and Equipment which are purchased repetitively or on an emergency basis. It also provides a means for inventory reduction by offering quick shipment (within twenty-four (24) hours) of a broad array of Products and aggregation and purchasing of a variety of different Products from the same Contractor with a single order. This Contract also offers Authorized Users the ability to pick-up orders.

Feel free to see Contract Sections 1.2 – Scope and 1.3 – Out of Scope for additional information.

1.2 PRODUCT CATEGORIES

Contractors are required to always offer Products in at least five (5) of the sixteen (16) Product Categories:

1. Building Supplies
2. Cleaning
3. Electrical
4. Fluid Power Equipment
5. Hand Tools
6. Heating, Ventilation, Air Conditioning (HVAC)
7. Lighting
8. Maintenance
9. Material Handling
10. Motors/Power Transmission
11. On-Site Personal Safety
12. Pneumatics
13. Power Tools
14. Production Tools
15. Pumps and Plumbing
16. Site Safety and Security

Contractors are permitted to request addition or removal of Product Categories as part of a Price List update.

Information on the Product Categories and the Products each specific Contractor is offering may be found on their Attachment 1 – Pricing document.

To navigate to the Price List from the Landing Page:

1. Click on the “Contractor Information” link
 - a. This will take you to the Contractor Information Summary page
 - b. Locate the Contractor you are interested in
 - c. Towards the right of the Contractor’s name you will find a link for “Pricing”
2. Click on “Pricing”
 - a. The Price List should download via a Microsoft Excel document

1.3 PHYSICAL LOCATION OR PHYSICAL PRESENCE

In order to facilitate the need for Authorized Users to pick-up orders, free of charge, the Contractor on its own or through the use of Reseller(s) must have at least one Physical Location or a Physical Presence in each of the four (4) Contract defined Districts. A Physical Location refers to a distribution center, store or warehouse in a **fixed location**, while Physical Presence refers to a **mobile** distribution center, store or warehouse. The Physical Location and/or Physical Presence needs to be in operation on Business Days for a minimum of eight (8) hours, between the hours of 7:00 am and 6:00 pm.

DISTRICT A	DISTRICT B	DISTRICT C	DISTRICT D
Allegany	Broome	Albany	Bronx
Cattaraugus	Cayuga	Clinton	Kings
Chautauqua	Chenango	Columbia	Nassau
Chemung	Cortland	Dutchess	New York
Erie	Delaware	Essex	Queens
Genesee	Fulton	Franklin	Richmond
Livingston	Hamilton	Greene	Rockland
Monroe	Herkimer	Orange	Suffolk
Niagara	Jefferson	Putnam	Westchester
Ontario	Lewis	Rensselaer	
Orleans	Madison	Saratoga	
Schuyler	Montgomery	Schenectady	
Seneca	Oneida	Sullivan	
Steuben	Onondaga	Ulster	
Wayne	Oswego	Warren	
Wyoming	Otsego	Washington	
Yates	St. Lawrence		
	Schoharie		
	Tioga		
	Tompkins		

Information regarding the actual locations of the Physical Locations and/or a Physical Presences offered by a specific Contractor is available on the Attachment 4 – Contractor/Reseller/Distributor Information document.

To navigate to the Contractor and Reseller information from the Landing Page:

1. Click on the “Contractor Information” link
 - a. This will take you to the Contractor Information Summary page
 - b. Locate the Contractor you are interested in

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- c. Towards the right of the Contractor's name you will find a link for "Contractor and Reseller Information"
 2. Click on "Contractor and Reseller Information"
 - a. The Contractor specific information for themselves and their Resellers should download via a Microsoft Excel document

Also, the same information for every Contractor and Reseller are shown on the All Contractor and Reseller Information document.

To navigate to this information from the Landing Page:

1. Click on the "Contract Specifics" link
 - a. This will take you to the Contracts Specifics page
2. Click on "All Contractor and Reseller Information"
 - a. This document should download via a Microsoft Excel document

Section 2. PURCHASING

2.1 GENERAL

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

The Contract does not include any requirements on Authorized Users regarding requesting quotes, 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.

OGS **strongly recommends**, all Authorized Users obtain at least three (3) quotes from separate sources for any items or Purchase Orders that are valued at \$10,000 or over. These separate sources would be first, other Contractors, and then open market companies if no other Contractors have a similar product.

Authorized Users must purchase from Contractors and/or Resellers who offer the Products and pricing that best meet their needs in the most practical and economical manner.

Authorized Users are reminded to always follow the Procurement Guidelines of their Agency and the State. This includes the possible need for an approval from an agency such as the NYS Office of the State Comptroller. State Agency Authorized Users may be required to obtain an approved B-1184 prior to purchasing from this Contract as well.

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.

2.2 MWBE AND SDVOB GOALS

To aide Authorized Users in the fulfillment of their own MWBE and/or SDVOB Utilization requirements, certification information for Contractors and Resellers under this Contract is available on:

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1. The Contract Award Notification (CAN) under the Contractor's Contract Number (Contractor only)
 - a. To navigate to the Contract Award Notification from the Landing Page:
 - i. Click on the "Award Document" link
 1. This will take you to the Contract Award Notification page
 2. Locate the Contractor you are interested in
 2. The Contractor Information Summary page (Contractor only)
 - a. To navigate to the Contractor Information Summary page from the Landing Page:
 - i. Click on the "Contractor Information" link
 1. This will take you to the Contractor Information Summary page
 2. Locate the Contractor you are interested in
 3. The Contractor and Reseller Information document provided for each Contractor
 - a. To navigate to the Contractor and Reseller information from the Landing Page:
 - i. Click on the "Contractor Information" link
 1. This will take you to the Contractor Information Summary page
 2. Locate the Contractor you are interested in
 3. Towards the right of the Contractor's name you will find a link for "Contractor and Reseller Information"
 - ii. Click on "Contractor and Reseller Information"
 1. The Contractor specific information for themselves and their Resellers should download via a Microsoft Excel document
 4. The All Contractor and Reseller Information document.
 - a. To navigate to this information from the Landing Page:
 - i. Click on the "Contract Specifics" link
 1. This will take you to the Contracts Specifics page
 - ii. Click on "All Contractor and Reseller Information"
 1. This document should download via a Microsoft Excel document

2.3 PRICING

Purchases are limited to only the Products on the Contractor's current, approved Price List. Resellers under a Contractor's Centralized Contract are limited to **only** selling items on their related Contractor's current, approved Price List. Products may be purchased at or below the NYS Contract Price shown on the Price List for that Product. The NYS Contract Price may or may not include the shipping cost for the Product.

To navigate to each Contractor's currently approved Price List from the Landing Page:

1. Click on the "Contractor Information" link
 - a. This will take you to the Contractor Information Summary page
 - b. Locate the Contractor you are interested in
 - c. Towards the right of the Contractor's name you will find a link for "Pricing"
2. Click on "Pricing"
 - a. The Price List should download via a Microsoft Excel document

The Price document includes a "Category Discounts" sheet which identifies the Contractor and advises of additional information. This additional information includes:

1. The Product Categories the Contractor is offering Products under
2. The Minimum NYS Category Discount the Contractor is offering per Product Category
3. If the Contractor is offering additional discounts for:
 - a. Using a Purchasing Card (P Card)

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- b. Prompt Payment
 - c. Authorized User Pick Up
 - d. Volume Discounts
 4. If the Contractor accepts the NYS Purchasing Card
 - a. If there is a minimum purchase amount required for use of the P Card
 - b. If there is a maximum purchase amount when a P Card is used

The Price document also includes individual sheets for each Product Category. Each Product Category specific sheet contains columns to capture the following information for each Product:

1. Bidder's/Contractor's Part Number
2. Item Description
3. Unit of Measure (UOM)
4. Units Per Unit of Measure (UPUOM)
5. Manufacturer Name
6. Manufacturer's Part Number
7. List Price
8. Total Discount
9. NYS Contract Price
10. If the NYS Contract Price Includes Shipping

The Price document allows for filtering of offered Products based on any of the above criteria.

The NYS Contract Price is a not-to-exceed price and Authorized User may negotiate lower pricing.

Each specific Product a Contractor offers should only be offered within a single Product Category.

Unfortunately, due to the size of our Contractor's 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
 - a. Since the Price Lists are in Microsoft Excel format they can be searched one at a time by methods such as:
 - i. Utilizing the "Find & Select Tool"
 1. You can access this tool by Starting in the "Home" option of the sheet
 - a. Locating the "Editing" group
 - b. Clicking the drop down option for the "Find & Select" command with in the "Editing" area of "Home"
 - c. Click on "Find"; or
 2. Hold down "ctrl" and "f" at the time on your keyboard
 3. Either way you get there a box will pop up
 - a. You can enter the criteria you want to search by (such as the item name or number) in the search field
 - b. You can amend the parameters such as by searching only the sheet you are within or to searching the entire workbook
 - i. Searching the entire workbook is especially beneficial when looking for Products that may fit under more than one Product Category.
 - ii. Using a column's Filter option

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1. You can identify the column you believe the information you have would be in
 - a. Click on the drop down arrow
 - b. Select the Filter by option you would like to use
 - c. Then enter the information you want to filter the column by
 2. You can contact Contractors to see if they have the Product you are looking for (or something similar) on their approved Price List.
 - a. Feel free to ask the Contractor to show you where on their approved Price List the product it is.
 3. You can contact Resellers to see if they have the Product you are looking for (or something similar) on the approved Price List for one or more Contractors they are affiliated with for this Contract.
 - a. Feel free to ask the Reseller to show you where on a Contractor's approved Price List the product it is.

All Products offered must be available statewide.

2.4 PURCHASE ORDERS

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's name, and sales representative (if applicable).

There is no minimum order for this Contract.

Feel free to see Contract Section 3.9 – Ordering, 3.10 – Purchasing Card Orders, and 3.11 – Minimum Orders as well as Appendix B Section 30 – Purchase Orders for additional information.

2.5 SHIPPING COSTS

Contractors have 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 may include 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:

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- i. Provide the Authorized User with an estimate of shipping charges at the time of order; and
 - ii. Upon delivery, include the shipping costs on the invoice for the Product, 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.

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).

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

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.

Feel free to see Contract Section 3.3 – Price and 3.13 – Product Delivery for additional information.

Section 3. Delivery, Product Returns & Exchanges

3.1 DELIVERY

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

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.

Orders shall be shipped to the specified destination within twenty four (24) hours after receipt of order with the exception of non-stock orders which should be shipped within ten (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.

Contractors 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 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 1.2 – Scope, 2 – Contractor Qualifications, 3.9 – Ordering, 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.

3.2 PRODUCT RETURNS & EXCHANGES

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.

*When navigating our website you may find it beneficial to refresh the page. Refreshing the page will help display the most current information.