

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

**CONTRACTOR ATTACHMENT 1 – PRICING (PRICE LIST) UPDATE REQUEST INSTRUCTIONS**

This document is meant to assist awarded Contractors with Price List Update Requests in accordance with the New York State Office of General Services Procurement Services (OGS) Industrial and Commercial Supplies and Equipment Contract. Contractors are strongly encouraged to read the Contract terms and conditions in their entirety to gain an understanding of requirements. Contract Sections such as 3.3 – Price, 3.4 – Price Updates, and Section 3.5 – Price List Format contain terms and conditions that are specific to Price List Updates.

Contractors with questions or concerns may contact the Contract Manager for this award via an email to [OGS.sm.PS\\_IndustrialCommercial@ogs.ny.gov](mailto:OGS.sm.PS_IndustrialCommercial@ogs.ny.gov).

**WHEN A PRICE LIST UPDATE REQUEST MAY BE SUBMITTED:**

A Contractor may request to update their Industrial and Commercial Supplies and Equipment Attachment 1 – Pricing document twice a calendar year.

Contractors must submit everything they wish to amend with their initial Price List Update request. Contractors may not initially submit a partial request then attempt to include additional changes during the Price List Update review process unless requested to do so by OGS.

A Contractor may only have one (1) active update request open at a time.

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

Contractors are permitted to reduce their pricing to Authorized Users any time during the Contract Term without prior approval from OGS.

**HOW TO SUBMIT A PRICE LIST UPDATE REQUEST:**

Contractors have 2 options for submitting their Price List Update Requests. The request may be submitted by USB flash drive or email.

Contractors may deliver a USB flash drive to OGS Procurement Services to the OGS Contract Manager for this award. If hand delivering a USB flash drive please contact the OGS Contract Manager at least 5 business days before doing so to ensure availability. Our address is:

New York State Office of General Services  
Procurement Services  
38th Floor, Corning Tower  
Empire State Plaza  
Albany, NY 12242  
Attention: Industrial and Commercial Contract Manager

Contractors may also email their request to: [OGS.sm.PS\\_IndustrialCommercial@ogs.ny.gov](mailto:OGS.sm.PS_IndustrialCommercial@ogs.ny.gov). Due to file size limitations, the Price List Update Request may need to be submitted in multiple emails. For example, the desired Price List may need to be submitted by Product Category. If a Price List Update Request is sent via more than one (1) email, please include sequential numbering within the subject line of the email sequence to aid us in confirming the entire submission been received (1 of 5, 2 of 5, etc.).

The Price List Update Request needs to include the desired updated Attachment 1 – Pricing document and Reasonableness of Price (ROP) documentation.

**SUGGESTED SUMMARY OF STEPS:**

1. Start with the Price List Update Template;
2. Paste in data from the Current Price List into the Price List Update Template;
3. Make Changes;
4. Provide Reasonableness of Price (ROP);
5. Review The Work;
6. Work with the OGS PS Industrial Team;
7. Additional Notes.

**1. START WITH THE PRICE LIST UPDATE TEMPLATE**

To obtain the Price List Update Template:

1. Go to the OGS landing page for this Contract at <https://ogs.ny.gov/award-23262>;
2. Click on “Contract Specifics”;
3. Click on “Contractor Price List Update Template”;
4. Depending on your settings, the Microsoft Excel document should either open up or automatically download.

This template is designed to assist Contractors with items such as:

1. Calculating the NYS Contract Price;
2. Identifying Products that are energy efficient, recyclable, sustainable, or otherwise environmentally friendly and/or Products that relate to various Executive Orders:
  - a. Governor Hochul’s Executive Order # 22  
([https://www.governor.ny.gov/sites/default/files/2022-09/EO\\_22.pdf](https://www.governor.ny.gov/sites/default/files/2022-09/EO_22.pdf)) that directs State Agencies to adopt a sustainability and decarbonization program;
  - b. Additional information can be found on the GreenNY Knowledge Resources page  
(<https://ogs.ny.gov/greenny/greenny-knowledge-resources>)
3. Communicating Reasonableness of Price information.

**2. PASTE IN DATA FROM THE CURRENT PRICE LIST INTO THE PRICE LIST UPDATE TEMPLATE:**

Contractors should use the currently approved Price List in Microsoft Excel format as the base for the requested Price List update. Each Contractor’s currently approved Attachment 1 – Pricing document can be obtained from our website:

1. Go to the OGS landing page for this Contract at <https://ogs.ny.gov/award-23262>;
  - a. It is recommended that internet browser be refreshed before moving on.
2. Click on “Contractor Information”;
3. Locate the Contractor’s name within the table;
4. Click on “Pricing Information”;
  - a. This link can be found under the “Contract Specifics” column heading of the table towards the right of the Contractor’s Name;
5. Depending on your settings, the Microsoft Excel document should either open up or automatically download.

Alternatively, Contractors may copy and paste the additional columns from the Price List Update Template into their current Approved Price List. Please be advised that for posting purposes the formula

that calculates the NYS Contract Price as well as the drop down indicator for the NYS Contract Price Includes Shipping column may have been removed. Contractors are reminded to reinstate the NYS Contract Price formula and the drop down for the NYS Contract Price Includes Shipping column into their Price List Update Request document.

Due to the size of the Attachment 1 – Pricing document, Contractors may choose to create 1 file per Product Category.

### 3. MAKE CHANGES:

Once a Contractor has applied the currently approved Price List to the Price List Update Template (or vice versa) modifications can now be made. Examples of changes Contractors may request make to their Attachment 1 – Pricing document may include but are not limited to:

1. Category Discounts sheet;
  - a. Product Categories;
    - i. Contractors may change the Product Categories they wish to offer;
    - ii. The Price List must always include a minimum of five (5) Product Categories;
  - b. Minimum NYS Category Discount;
    - i. May increase or stay the same;
      1. May not decrease;
    - ii. When a Contractor has previously removed a Product Category then wants to add it back to their Price List the Minimum NYS Product Category Discount must be equal to or greater than the discount that existed when the Product Category was removed;
2. Product Category sheets;
  - a. Deletions;
  - b. Additions;
    - i. Contractors will need to provide proof of ROP for requested additions;
  - c. Item Description;
  - d. Unit of Measure (UOM);
  - e. Unit Per Unit of Measure (UPUOM);
    - i. If the price per individual Product increases, the Contractor will need to provide proof of ROP;
  - f. Manufacturer Name;
  - g. Manufacturer's Part Number;
  - h. List Price;
  - i. Total Discount;
    - i. Must always be equal to or greater than the Minimum NYS Category Discount percentage for the applicable Product Category;
  - j. NYS Contract Price;
    - i. This column includes a formula which will automatically calculate the NYS Contract Price based upon the List Price and Total Discount;
    - ii. If the NYS Contract Price of a Product increases, the Contractor must provide proof of ROP to justify the price increase;
  - k. NYS Contract Price Includes Shipping;
    - i. If this cell is changed from "Yes" to "No" the Contractor must provide proof of ROP to justify the NYS Contract Price is still comparable;
  - l. Environmental Information (Optional).

With the exception of what might be needed to combine the Contractor's current approved Price List with the Price List Update Template, Contractors shall not override the formatting (colors, fonts, formulas, etc...) of the Attachment 1 – Pricing document.

#### 4. PROVIDE REASONABLENESS OF PRICE (ROP):

Proof of ROP is required for Product additions and changes resulting in price increases. A price increase may be identified by things such as the NYS Contract Price increasing, the amount of the Product (Unit Per Unit of Measure) provided, and if shipping is no longer included within the NYS Contract Price.

1. Examples of acceptable sources to prove ROP may include but are not limited to:
  - a. For Additions and Price Increases;
    - i. A contract with a Federal government agency;
    - ii. A contract with a State government agency;
    - iii. A contract with a Cooperative purchasing organization;
    - iv. Proof of purchase by a similar purchaser;
    - v. Contractor-Published Price List;
      1. Will only be accepted if the Bidder offers a NYS Contract Price that has a forty percent (40%) (or higher) Total Discount percentage off the Contractor Published Price List;
    - vi. Original Equipment Manufacturer (OEM) Price List;
      1. Will only be accepted if the Contractor offers a NYS Contract Price that has a forty percent (40%) (or higher) Total Discount percentage off an OEM Price List;
    - vii. When re-adding a preexisting Product Category, Contractor may submit the previously approved Price List for said Product Category for consideration as proof of ROP;
  - b. Price Increases;
    - i. A Manufacturer Letter detailing a price increase percentage for one or more product lines;
    - ii. Consumer Price Index (CPI) information from <https://www.bls.gov/cpi/>;
2. Acceptable formats of the above documents include:
  - a. Adobe Acrobat PDF that has been converted to allow for Optical Character Recognition (OCR);
  - b. Microsoft Excel Documents;
  - c. Microsoft Word Documents;
3. The OGS PS Industrial Team cannot accept links as Proof of ROP;
4. OGS reserves the right to request further information to make a determination of price reasonableness, such as copies of other governmental contracts;
5. The determination of what is an acceptable source to prove ROP is at the sole discretion of the state;
6. It is within OGS's discretion to determine whether the pricing and explanation provided by Contractor is satisfactory;

#### 5. REVIEW THE WORK:

Before submitting an update request the OGS PS Industrial Contract Team recommends Contractors double-check their work for things such as the following:

1. Check for Blanks;
2. Double Check Formatting;
3. Look for Duplicates;
  - a. If duplicates are found the duplicated item with the higher price shall be removed;
4. Make sure an item that already appears on the Price List isn't included as a requested addition;
5. Confirm the Minimum NYS Category Discount has not decreased;
6. Check that the Minimum NYS Category Discount on the Product Category sheet is consistent with what is shown on each Category Discounts sheet;
7. Verify Percentage Discounts are positive numbers limited to four decimal places;
8. Ensure the Formula used to Calculate NYS Contract Price is `"=ROUND(SUM(H[Row#]- (H[Row#]*I[Row#])),4)"`;
9. Confirm Proof of ROP is supplied for requested Additions and Price Increases;

10. Verify there are a minimum of 100 Products in at least five (5) categories and a minimum 15,000 Products overall.

#### **6. WORK WITH THE OGS PS INDUSTRIAL TEAM:**

When working with us please use the general mailbox, [OGS.sm.PS.IndustrialCommercial@ogs.ny.gov](mailto:OGS.sm.PS.IndustrialCommercial@ogs.ny.gov). This mailbox is monitored by various members of our team.

The OGS PS Industrial Team typically reviews Contractor submissions and responses in the order we receive them. Contractors may not submit a second request for Price List update while a previous submission is still under review.

When getting back to us, Contractors are requested to review their responses and make sure they have responded to each issue that has been identified. In most cases general responses will not be sufficient. Contractors need to review each finding then address each of them accordingly. Also, Contractors are kindly requested to limit their responses to only those issues the OGS PS Industrial Team has identified.

After a Price List Update Request has been initiated, additional Product Categories, Products and price increases may not be accepted for consideration by the OGS PSG Industrial Team. However, Contractors may charge decreased prices to our Authorized Users at any time.

The OGS PSG Industrial Team will advise Contractors when the Price List Update Request has been approved and the updated Attachment 1 – Pricing document has been sent for posting on our website.

#### **7. ADDITIONAL NOTES:**

1. Contractors may only sell the Products for their not to exceed NYS Contract Prices that appear on the approved Attachment 1 – Pricing document which has been made publicly available to our Authorized Users via the Award's website at <https://ogs.ny.gov/award-23262>.
2. In connection with any Attachment 1 – Pricing document or a requested update thereto, OGS reserves the right to:
  - a. Correct mathematical errors;
  - b. Require clarifications;
  - c. Request additional information;
  - a. Request additional Products;
  - b. Request additional discounts;
  - c. Remove Products;
  - d. Reject requested updates, in whole or in part;
    - i. This includes but is not limited to for reasons such as:
      1. A Contractor has outstanding sales reports, proof of insurance, or any other documentation that is required under this Contract;
      2. A Contractor has modified a template's original format;
      3. The contractor does not cure outstanding issues within a timeframe specified by OGS;
        - a. Feel free to review Contract Section 3.4 – Price Updates subsection 6 for additional information;
    - ii. If a Contractor's update request is rejected, 1 of the 2 annual Price List Update Requests may be forfeited.