

Group 40451– Award 22898 Light Duty Vehicles

HOW TO USE THE CONTRACTS

PROCUREMENT METHOD

The following procurement instructions shall apply to the Contracts under Award 22898. Authorized User purchases or leases under this Award shall be made through a competitive Mini-Bid conducted via the Vehicle Marketplace, facilitated by OGS, as described in further detail below. The Vehicle Marketplace is located on the OGS website at the link below. To request a vehicle, click on “Authorized Buyers,” and download Form A: *Vehicle Request*. If you need assistance with the Vehicle Marketplace, contact the Vehicle Marketplace Team at NYSPro.VehicleMarketPlace@ogs.ny.gov.

Vehicle Marketplace: <http://vehicles.nyspro.ogs.ny.gov>

- A. When utilizing the Contracts, the Authorized User should be familiar with and follow the terms and conditions governing its use. The Authorized User is accountable and responsible for compliance with the requirements of public procurement processes. The Authorized User, when purchasing or leasing 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 and leases which should include:
- A statement of need and associated requirements;
 - Obtaining all necessary prior approvals;
 - A summary of the Contract alternatives considered for the purchase or lease, if any; and
 - The reason(s) supporting the resulting purchase or lease.
- B. An Authorized User will review the Contracts and associated NYS Vehicle Discounts on the OGS website under Contract Award 22898. Click on “Contractor Information” on the Award summary page located at <http://www.ogs.ny.gov/purchase/spg/awards/4045122898CAN.HTM>, and then “Contractor and Pricing Information”. Also, for Contract language, click on “Terms & Conditions” located at <https://www.ogs.ny.gov/purchase/spg/awards/4045122898CAN.HTM>.

C. Vehicle Marketplace:

Authorized User purchases and Leases under this Contract shall be made through a competitive Mini-Bid conducted via the Vehicle Marketplace, facilitated by OGS, as described below. The Contractor shall only provide a Vehicle under this Contract when it has been awarded under the Mini-Bid process. A Mini-Bid awarded by an Authorized User to a Contractor may not be utilized by another Authorized User for procurement of a Vehicle. See Appendix C: *Light Duty Vehicles Documents: Number 5: Vehicle Marketplace Forms*, for forms used in the Vehicle Marketplace.

1. When a need is identified, an Authorized User is required to obtain all internal/control agency approvals necessary prior to initiating a Mini-Bid through the Vehicle Marketplace. Upon internal/control agency approvals, the Authorized User will complete Form A (Class 1-2): *Mini-Bid Request*, and submit the completed Form A: *Mini-Bid Request* to OGS for processing. Executive Agencies, as designated on the Form A, must email their request to OGS.sm.Fleet.Admin@ogs.ny.gov. All other Authorized Users must email their request to NYSPro.VehicleMarketPlace@ogs.ny.gov. Form A (Class 1-2): *Mini-Bid Request* will identify such things as the number of Vehicles needed, a description of the Vehicles, including specifications, (e.g., required features, deletion of any standard equipment, addition of Options or Aftermarket components, and interior/exterior colors), Aftermarket Component Provider, delivery requirements and locations, and any

additional required terms for the Mini-Bid. If a Lease is requested, the specifications shall include any required specifications for the Lease (e.g., Lease Term and type), and Estimated Annual Mileage, if known (see Appendix D: *Lease Vehicles*). See also Contract Section III.1 *Vehicle Requirements* for minimum Vehicle requirements.

2. Upon completion of OGS review of the Form A (Class 1-2): *Mini-Bid Request*, OGS will assign a Mini-Bid Number to the request.
 - a. A Mini-Bid shall be posted to the Vehicle Marketplace website (<http://vehicles.nyspro.ogs.ny.gov>) within one (1) to three (3) business days of approval of Form A (Class 1-2): *Mini-Bid Request*, as determined by whether or not the Authorized User has designated the request as “expedited.”
 - b. It shall be the responsibility of the Contractor to monitor the Vehicle Marketplace website (<http://vehicles.nyspro.ogs.ny.gov>) for Mini-Bids that are applicable to the Vehicles that are offered by the Contractor. OGS shall not provide Contractors with daily notifications that Mini-Bids have been posted. OGS reserves the right to notify Contractors via email distribution that a Mini-Bid will be, or has been, posted. Such notification shall be sent to the email address(es) set forth in Appendix C: *Light Duty Vehicles Documents: Number 1: Contractor Information*. The Contractor shall be responsible for providing updated email address(es) during the Contract term to the Procurement Services Contract Administrator identified on the Contract Award Notification page posted at the OGS website.
 - c. OGS Reservation of Rights. OGS reserves the right to aggregate the volume of Authorized User requests for Vehicles by combining requests under one Mini-Bid Number.
3. From the date of OGS posting of Form A (Class 1-2): *Mini-Bid Request*, Contractors shall have a minimum of three (3) to five (5) business days to submit Form B (Class 1-2): *Mini-Bid Response* in response to a Mini-Bid. Procurement Services reserves the right to set Mini-Bid response submittal deadlines that are longer than three (3) to five (5) business days. The Mini-Bid response submittal deadline for each Mini-Bid shall be posted on the Vehicle Marketplace website. OGS shall remove the Mini-Bid posting from the Vehicle Marketplace website on the first business day following the response submittal deadline date.
 - a. A Contractor that offers a Vehicle in response to a posted Mini-Bid must provide the Mini-Bid response on Form B (Class 1-2): *Mini-Bid Response*, which is an Excel workbook that is available for download from the Vehicle Marketplace website. Form B (Class 1-2): *Mini-Bid Response* includes Contractor response sections for Contractor information, Vehicle information, and pricing information. A Contractor submitting a Mini-Bid response for a Mini-Bid must save the blank Excel worksheet to its computer, enter the required Vehicle and pricing information, and then email the completed Form B (Class 1-2): *Mini-Bid Response* to OGS at NYSPro.VehicleMarketPlace@ogs.ny.gov. Instructions for completion and submittal are included on the form.
 - b. Form B (Class 1-2): *Mini-Bid Response*, provides the Contractor with a field to enter deviations or other additional information applicable to the Mini-Bid. A Contractor shall use this field to identify issues related to the providing the Vehicle requested by the Authorized User. A Mini-Bid response submitted in a format other than Form B (Class 1-2): *Mini-Bid Response* shall be considered unresponsive and shall be rejected.
 - c. A Mini-Bid Response for a Lease Vehicle shall only be accepted from a Contractor if OGS has approved the addition of one (1) or more Lease Providers for its Contract (see Appendix D: *Lease Vehicles*, Section A: *Lease Terms and Conditions*, Paragraph 3 *Lease Provider*).
4. A Contractor that chooses to not offer a Vehicle in response to a posted Mini-Bid is requested to complete and submit Form B (Class 1-2): *Mini-Bid Response (No Bid)* to OGS at NYSPro.VehicleMarketPlace@ogs.ny.gov. A Contractor is requested to include on this form a reason that a "No Bid" is being submitted in response to the posted Mini-Bid. Submittal of this form is not mandatory, however, it is strongly recommended if the Contractor is a Dealer for the Vehicle specified in the Mini-Bid.
5. Timeframe for offers in Mini-Bids.

- a. Vehicle(s) Built to Specifications. The timeframe for offers shall be as specified in Appendix B §25 *Timeframe for Offers*.
 - b. Pre-Existing Inventory Vehicles. The timeframe during which offers shall remain firm and cannot be withdrawn shall be ten (10) calendar days from the first business day immediately following the Mini-Bid response submittal deadline, or such other period of time as specified in the Mini-Bid. In order for a Mini-Bid response to be responsive to a Mini-Bid involving Pre-Existing Inventory Vehicles, Contractor is required to retain the Pre-Existing Inventory Vehicles for the ten (10) calendar day period, or such other period of time as set forth in the Mini-Bid. Contractor's failure to retain the Pre-Existing Inventory Vehicles for such period of time shall render Contractor's Mini-Bid response non-responsive and the Mini-Bid response shall be disqualified.
6. OGS shall send all responses received in response to a Mini-Bid via email to the Authorized User contact designated on Form A (Class 1-2): *Mini-Bid Request* by the close of business on the first business day following the Mini-Bid response submittal deadline date. The Authorized User shall be responsible for evaluation and award of the Mini-Bid. Authorized Users are instructed to notify the Contractors of award or non-award within five (5) business days of receipt of bids from OGS.
 7. The Authorized User shall evaluate all Mini-Bid responses received in response to the Mini-Bid. The Contractor shall, upon request of the Authorized User, submit a Dealer Invoice and OEM specifications to the Authorized User prior to award of the Mini-Bid.

If the Mini-Bid is for a Lease Vehicle, in addition to the Dealer Invoice and OEM Specifications, the Contractor shall assist the Authorized User with obtaining one (1) or more quotes for Lease pricing, and proposed Lease agreement(s), from the Lease Provider(s) designated on the Contract. The Authorized User may obtain a quote for Lease pricing and proposed Lease agreement(s) from any Contractor, and the applicable Lease Provider(s), that responded to the applicable Mini-Bid for the Lease Vehicle.

8. Award of the Mini-Bid shall be made by the Authorized User as set forth below. The Authorized User must note justification of method of award on Form C (Class 1-2): *Mini-Bid Report of Use*. If at least three (3) Mini-Bid responses are not submitted, the Authorized User must justify the reasonableness of award on Form C (Class 1-2): *Mini-Bid Report of Use*.
 - a. For Vehicle(s) that will be purchased, award shall be made to a responsive bidder based on the requirements specified by the Authorized User on Form A (Class 1-2): *Mini-Bid Request*, including any Additional Vehicle Specifications that were included with the Mini-Bid.
 - b. For a Vehicle(s) that will be leased, award shall be made to the Contractor's Lease Provider that offers the lowest Lease pricing among the Lease Providers that meet the Authorized User specifications for the Lease and provides a Lease agreement that the Authorized User agrees to.
9. Upon determination of either award, or determination not to make any award to any Contractor, the Authorized User shall issue notification of award, non-award, or determination not to make any award, as applicable, to all Contractors that submitted a Mini-Bid response. Upon notification of award for Vehicle(s) Built to Specifications, a Mini-Bid awardee shall provide the Authorized User with either the Final Order Date for the Vehicle(s), or notification that the date is "TBD," (if the date has not yet been set by the OEM).
10. Upon award of the Mini-Bid, the Authorized User shall issue a Purchase Order to the Contractor following the Authorized User's standard procedures (see Contract Section II.13.1 *Purchase Orders*). In addition, the Authorized User must provide Form C (Class 1-2): *Mini-Bid Report of Use*, a copy of the Purchase Order, and any supporting documentation to NYSPro.VehicleMarketPlace@ogs.ny.gov, or other address designated by OGS, and ensure that a copy of the documents are also maintained for audit purposes following the Authorized User's standard procedures).

D. Authorized User Procurement Rights.

Authorized Users hereby reserves the right in a Mini-Bid to:

1. Reject any or all bids received in response to the solicitation;
2. Withdraw the solicitation at any time, at the Agency's sole discretion;
3. Make an award under the solicitation in whole or in part;
4. Disqualify any Bidder whose conduct and/or proposal fails to conform to the requirements of the solicitation;
5. Seek clarifications and revisions of bids;
6. Prior to the bid opening, amend the solicitation specifications to correct errors or oversights, or to supply additional information, as it becomes available;
7. Prior to the bid opening, direct Bidders to submit solicitation modifications addressing subsequent solicitation amendments;
8. Change any of the schedule dates with notification through the Vehicle Marketplace;
9. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective Bidders;
10. Waive any requirements that are not material;
11. Utilize any and all ideas submitted in the bids received;
12. Adopt all or any part of a Bidder's bid in selecting the optimum configuration.
13. Negotiate with the Bidder responding to the solicitation within the solicitation requirements to serve the best interests of the State. This includes requesting clarifications of any or all Bidders' bids;
14. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Bidder's bid and/or to determine a Bidder's compliance with the requirements of the solicitation;
15. Select and award the Mini-Bid to other than the selected Bidder in the event of unsuccessful negotiations or, optionally, in other specified circumstances as detailed in the solicitation requirements;
16. Use bid information obtained through site visits, management interviews, and the State's investigation of a Bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the Bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the solicitation.

PURCHASE ORDERS AND INVOICING

All Purchase Orders and invoices/vouchers shall include the following information. All matters pertaining to registration and licensing of a Vehicle are the responsibility of the ordering Authorized User.

A. PURCHASE ORDERS

Authorized User Purchase Orders are to include the following information:

1. Contract Number;
2. Vehicle Marketplace Mini-Bid Number;
3. Make, Model and Model Code of the Vehicle(s);
4. Option code(s) and descriptions, if applicable;
5. Aftermarket Components part numbers and descriptions, if applicable;
6. NYS Contract Price for the Vehicle;
7. Number of Vehicles;
8. Total NYS Contract Price (number of Vehicles x NYS Contract Price for the Vehicle(s)); and
9. Liquidated damages, if any.

B. INVOICES

Authorized Users are instructed not to process invoices that do not include the required information set forth below. Invoices must be detailed and include in the body of the invoice or an attachment to the invoice **all** of the following items. Failure to comply may result in lengthy payment delays.

Invoices shall include, at a minimum, the following information:

1. Contract Number;
2. Vehicle Marketplace Mini-Bid Number;
3. Make, Model and Model Code of the Vehicle(s);
4. Option code(s) and descriptions, if applicable;
5. Aftermarket Components part numbers and descriptions, if applicable;
6. Calculation of the total NYS Contract Price, including:
 - a) Base Vehicle MSRP;
 - b) NYS Vehicle Discount;
 - c) Base NYS Vehicle Price;
 - d) NYS Aftermarket Components Price;
 - e) Delivery Charge;
 - f) NYS Contract Price for the Vehicle;
 - g) Number of Vehicles; and
 - h) Total NYS Contract Price (Number of Vehicles x NYS Contract Price for the Vehicle)
7. Breakdown of Liquidated damages, if any (see Contract Section III.3.6 *Liquidated Damages*).

It is strongly advised that all contract users FOLLOW-UP WITH THE CONTRACTOR after submitting their purchase order, whether it was submitted by mail, electronically or by fax. This is to ensure that the contractor received and placed your order.

Upon receipt of your vehicle and processing payment, be sure to audit your invoice to ensure that the correct NYS Discount, and other pricing submitted with the Mini-Bid response, was used. For a leased vehicle, verify that the Total NYS Contract Price was in the calculation of the lease payments. If itemized pricing is not included in your invoice, please contact the NYSPRO Contact Person listed on summary page of this Award. The Authorized User is accountable and responsible for compliance with the requirements of public procurement processes.

State agencies must forward a copy of each vehicle purchase order to NYS OGS Risk, Insurance and Fleet Management in order to facilitate the issuance of an OGS-Issued State identification number. Each vehicle on the Purchase Order must also identify if the agency is obtaining state or street plates. Purchase Orders can be faxed, e-mailed, or mailed to:

NYS Office of General Services
Risk, Insurance and Fleet Management
Bldg. #18, State Campus
Albany, NY 12226
Fax: 518-457-7263 - E-mail: fleet.admin@ogs.ny.gov

CONTRACT PAYMENTS

Payments cannot be processed by Authorized Users until the Vehicles have been delivered and accepted in accordance with Contract Section III.3 *Delivery*. Payment will be based on any invoice used in the Contractor or Lease Provider's normal course of business. However, such invoice must contain all requirements listed above in *Purchase Orders and Invoicing*. See also Appendix B §49 *Contract Invoicing*.

Authorized Users that are State Agencies are required to forward properly completed vouchers to the Office of the State Comptroller for audit and payment. All Authorized Users are urged to process every completed voucher expeditiously, giving particular attention to those involving cash discounts for prompt payment.

Political subdivisions and others authorized by law to participate in OGS contracts are required to make payments directly to the Contractor or Lease Provider. Prior to processing such payment, the Contractor or Lease Provider may be required to complete the ordering non-State agency's own voucher form.

"OGS OR LESS" GUIDELINES APPLY TO THIS CONTRACT

Purchases and leases of the products included in this Contract are subject to the "OGS or Less" provisions of New York State Finance Law § 163(3)(a)(v). This means that State agencies can purchase or lease products from sources other than the Contractor or the Contractor's Lease Provider 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.).

State agencies are reminded that they must provide the Contractor or Lease Provider an opportunity to match the non-contract savings at least two business days prior to purchase or lease. In addition, purchases or leases 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.

NON-STATE AGENCIES PARTICIPATION

Upon request, all eligible non-State agencies must furnish Contractor or Lease Provider with the proper tax exemption certificates and documentation certifying eligibility to use the Contract. Questions regarding an organization's eligibility to purchase or lease from New York State Contracts may also be directed to OGS NYS Procurement Services Customer Services at 518-474-6717.

POOR PERFORMANCE

Authorized Users should notify NYS Procurement Services Customer Services promptly if the Contractor fails to meet the requirements of this contract. Performance which does not comply with requirements or is otherwise unsatisfactory to the Authorized User should also be reported to Customer Services:

Office of General Services	Tel: 518-474-6717
New York State Procurement	Fax: 518-474-2437
Customer Services Coordination	E-mail: customer.services@ogs.ny.gov
38th Floor Corning Tower	
Empire State Plaza	
Albany, NY 12242	

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