

Group 40523 – Award 22945
BUSES, TRANSIT (Adult Passenger)

HOW TO USE THE CONTRACTS

PROCUREMENT INSTRUCTIONS

Authorized Users should follow the following procurement instructions when purchasing Transit Buses from the Contract(s).

- A. When utilizing the Contract, 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 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 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; and
 - The reason(s) supporting the resulting purchase (e.g., show that basis for the selection among multiple Contracts at the time of purchase was the most practical and economical alternative and was in the best interests of the State).
- B. Prior to issuing a Purchase Order to the Contractor, the Authorized User must submit a request for Contract use to NYS DOT at the address below and include the Contractor name, Contract number, Lot and quantity of Transit Buses. Complete the Extension of Use Approval Form if the Authorized User has not been awarded Section 5310 (FTA) funding for Transit Bus purchases from NYS DOT. When the Extension of Use Approval has been completed, please forward to:
- New York State Department of Transportation
Public Transportation Bureau
50 Wolf Road, POD 54
Albany, NY 12232
Email address: dot.sm.mo.public.transportation@dot.ny.gov
- C. Upon NYS DOT approval, Authorized Users shall issue Purchase Order(s), as described in Contract Section II.11.1 *Purchase Orders* (see below), directly to the Contractor(s), specifying the Transit Bus required and shipping/delivery requirements.
- D. Before proceeding with their purchase, Authorized Users are advised to arrange a pre-production meeting with the Contractor(s) in order to ensure complete and accurate understanding of the Transit Bus specifications, and delivery requirements, that are required by the Authorized User.
- E. Upon Authorized User acceptance of Transit Buses itemized on the Purchase Order, Contractor(s) shall invoice the Authorized User for the Transit Buses, and accordingly, Authorized User shall arrange for payment.
- F. The Contractor is advised that Authorized User personnel shall not be authorized to obligate or bind the respective entity to contractual terms and conditions; therefore, there shall be no obligation to execute any Contractor documents that are not set forth in the Contract. See also Appendix B §31 *Purchase Orders*.

PRICE

Pricing for Transit Buses to be provided under the Contract shall be subject to the terms and conditions in this Section.

1. BASE ITEM UNIT PRICE

The Base Item Unit Price shall include any OEM fees, all customs duties and charges, all vehicle preparation and clean-up charges, NYS DMV and DOT inspection, installation charges, delivery and all other incidentals normally included with providing a Transit Bus under the Contract. Pursuant to Appendix B §34, *Shipping/Receipt of Product*, freight terms are F.O.B. Destination.

2. OPTIONAL EQUIPMENT UNIT PRICE

The Optional Equipment Unit Price shall include any OEM fees, all customs duties and charges, all preparation and clean-up charges, installation charges, delivery and all other incidentals normally included with providing the Optional Equipment under the Contract.

Contractor must offer Optional Equipment sold under the Contract at the Optional Equipment Unit Price that was bid. The Optional Equipment Unit Price is based on adding to or deleting the Optional Equipment from the Base Item and the applicable Base Item Unit Price.

3. CONTRACT PRICELIST

The Contract Pricelist shall be made available to Authorized Users and posted publically on the OGS website, (<http://www.ogs.ny.gov/purchase/spg/awards/40523-22945CAN.HTM>). Notwithstanding the foregoing, where an Authorized User does not have the capability to access Contract information electronically, it shall be the Contractor's responsibility, upon Authorized User request, to furnish, without charge, Contract Pricelists pursuant to the Contract, to Authorized Users who request them. Contract Pricelists may be furnished to Authorized Users in either hard-copy or electronic format. If available in both formats, they shall be furnished in the format preferred by the requesting Authorized User. Upon request, the Contractor shall assist Authorized Users in the use of Contract Pricelists.

PURCHASE ORDERS AND INVOICING

All Purchase Orders and invoices/vouchers shall include the Contract number and a line by line listing of separate charges. Order confirmation shall mean that the Contractor has received the purchase order, has reviewed it for compatibility with the Item currently on Contract, has resolved any non-compatibility problems with the Authorized User, and has entered the order with the manufacturer and that the manufacturer has accepted the order and assigned an order number and anticipated build and delivery dates.

1. PURCHASE ORDERS

Purchase orders are to include the following information:

- A. Contract number;
- B. Contractor business name;
- C. Lot designation of the Transit Bus;
- D. Make, Model and Model Code of the Transit Bus;
- E. Optional Equipment, if applicable;
- F. Liquidated damages, if any;
- G. Calculation of NYS Contract Price; and
- H. Specific designation of special price(s) which may be better than the NYS Contract Price.

2. 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:

- A. Contract number;
- B. NYS Vendor ID;
- C. Purchase Order number;
- D. Lot designation of the Transit Bus;
- E. Make, Model and Model Code of the Transit Bus;
- F. Optional Equipment, if applicable;
- G. Calculation of NYS Net Contract Price;
- H. Breakdown of liquidated damages, if any (see VI.3 *Liquidated Damages*);

CONTRACT PAYMENTS

Payments cannot be processed by Authorized Users until the Transit Bus has been delivered and accepted in accordance with Contract Section III.5 *Delivery*. Payment shall be based on any invoice used in the Contractor's normal course of business. However, such invoice must contain all requirements in Contract Section II.11 *Purchase Orders and Invoicing*, including description of the Transit Bus as well as NYS Vendor ID. See also Appendix B §48 *Contract Invoicing*.

"OGS OR LESS" GUIDELINES APPLY TO THIS CONTRACT

Purchases 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 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.).

State agencies are reminded that they must provide the 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.

NON-STATE AGENCIES PARTICIPATION

New York State political subdivisions and others authorized by New York State law may participate in centralized contracts. These include, but are not limited to local governments, public authorities, public school and fire districts, public and nonprofit libraries, and certain other nonpublic/nonprofit organizations. See Appendix B §26 *Participation in Centralized Contracts*. For Purchase Orders issued by the Port Authority of New York and New Jersey (or any other authorized entity that may have delivery locations adjacent to New York State), the terms of Contract Section III.1 *Price* shall be modified to include delivery to locations adjacent to New York State.

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

POOR PERFORMANCE

Authorized Users should notify Procurement Services Customer Services promptly if the Contractor fails to meet the requirements of the contracts resulting from this solicitation. 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
Procurement Services
Customer Services

Tel: 518-474-6717
Fax: 518-474-2437
Email: customer.services@ogs.ny.gov

38th Floor Corning Tower
Empire State Plaza
Albany, NY 12242

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