

**VARIOUS SNOWPLOW STEEL CUTTING EDGES
AND SHOES (NYS DOT & Authorized Users)
Group 40903 – Award 22911.**

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 Various Snowplow Steel Cutting Edges and Shoes contracts.

Question: Who is the OGS contact for this contract award?

Answer: Carol Neelis, Contract Management Specialist
Procurement Services, 38th Floor - Corning Tower, Empire State Plaza, Albany, NY 12242
Phone: 518-474-3695
E-mail: carol.neelis@ogs.ny.gov

Question: How do I know what products the contractors' offer?

Answer: Refer to the Pricing Information document.

Question: What is the term of these contracts?

Answer: April 1, 2015 through March 31, 2021.

Question: What are the terms of the pricing?

Answer:

General -- Price shall be net, F.O.B. destination any point in New York State as designated by the ordering agency on orders over \$250.00 and shall include:

- Tailgate delivery
- All customs, duties and charges
- Expansion of delivery locations upon mutual agreement per the "Extension of Use" clause.
- Where items are specifically requested by NYS Department of Transportation to be delivered "next day", terms will be "f.o.b. destination – freight prepaid and added to invoice". Invoices bearing freight added must be supported by an actual copy of the carrier's freight bill. Orders that are delivered via the Contractor's vehicle are never eligible for payment of delivery costs.

Firm Pricing – Prices are firm for the entire contract period and the extension periods, if any, except for the price changes as allowed in clause - PPI PRICE ADJUSTMENT below.

Lower Pricing – The State reserves the right to negotiate lower pricing, or to advertise for bids, whichever is in the State's best interest as determined by the commissioner, in the event of a significant decrease in market price of any product listed. Additionally, price decreases as indicated by an annual review of the applicable PPI index will be reflected in contract pricing upon written notice by the Office of General Services to the contractor(s).

Unworkable Price Structure - Should the price structure utilized by the parties become unworkable, detrimental or injurious to the State, or result in prices which are not truly reflective of current market conditions, or result in prices deemed unreasonable or excessive by the Commissioner, and no adjustment in price is mutually agreeable, the Commissioner reserves the sole right upon 10 days written notice mailed to the contractor to terminate any contract resulting from this bid opening. If the contractor is unable or unwilling to meet contractual requirements in whole or in part based on an unworkable price structure, it shall immediately notify the State of that fact in order that the State may take appropriate action. Such notification shall be in writing and shall be directed to the Office of General Services, Procurement Services Group. Such notification shall not relieve the contractor of its responsibilities under the contract.

Limitation - Price adjustments are limited to changes as allowed for in this PRICE clause. Increases in contract costs or prices to compensate for other increases in the cost of doing business, regardless of the cause or nature of such costs to the contractor, may not be allowed during the contract period.

Other Price Adjustments - No additional, separate adjustment in price for fuel, labor, etc., shall be permitted other than the "PPI Price Adjustment" as described below.

PPI Price Adjustment - Prices are firm for the entire contract period and the extension periods, if any, except for the price changes as allowed for PPI adjustments (for details, see the PPI PRICE ADJUSTMENT clause in the "Award Document" at <https://www.ogs.ny.gov/purchase/spg/awards/4090322911CAN.HTM>).

Question: How are orders accepted by the Contractors?

Answer: All Authorized Users shall issue purchase order(s) directly to the Contractors listed in Contract Award Notice by mail or fax.

Question: What are the delivery Terms?

Answer: Delivery is expressed in number of calendar days required to make delivery after receipt of a purchase order (refer to "Contract Specifics" for each Contractor in Contractors' Information document). Delivery shall be made in accordance with instructions on Purchase Order from each agency. 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 ordering agency and, if applicable, from the Office of General Services, Procurement Services.

Question: Is there a minimum?

Answer: The minimum order quantity Contractor will be required to deliver FOB destination under the resulting contract(s) is \$250.00. However, Contractor may elect to honor orders for less than the minimum order.

Question: What information MUST be included on the Contractor's Invoice in order for payment to be made through the new Statewide Financial System (SFS)?

Answer: So that payments can be made in a timely manner by either the Business Service Center (BSC) or by agencies directly, invoices must include either the Purchase Order or Contract Number, whichever is applicable and the SFS Vendor ID Number. The invoice must also include an invoice number and clearly identify the agency receiving the goods or services. In addition, the following fields should also be included to assist agencies in reconciling their purchases: Order Date, SKU Number and/or Description, and NYS Net List Price separated by order date.

Question: What if a product has a Quality Problem?

Answer: Upon written notification by the Authorized User to the Contractor, products determined to have quality problems, being outdated or damaged, etc., shall be picked up by the Contractor within ten business days after notification with no restocking fee. The Authorized User shall elect whether to receive a replacement product or a credit/refund for the full purchase price. The Authorized User must conduct its inspection, and notify the Contractor within 30 calendar days of delivery. If a defect is not identified within 30 calendar days after delivery, the Authorized User may be required to contact the manufacturer directly. Contractor shall provide an Authorized User with the manufacturer's contact number.

Question: Is there a way to report problems to the Office of General Services with the service being provided by a Contractor?

Answer: Yes, you may contact the Contract Manager listed herein or you may click on the **Customer Service** link on the Contract Summary Page of this award on the OGS Website and complete a Contract Performance Report.

Question: Does the “OGS or Less” guidelines apply to this contract

Answer: Purchases of the products included in these Contracts are subject to the "OGS or Less" provisions of 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.).

Agencies are reminded that they must provide the State 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. State agencies should refer to Procurement Council Guidelines for additional information.

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

Answer: Yes, the Contractor shall submit electronically, each six-months, comprehensive reports as outlined in their REPORT OF CONTRACT USAGE document provided to them. Contractor agrees that additional related information may be required and shall be supplied upon request of OGS.

Question: Is there a report an Authorized User can obtain of their purchases with a particular Contractor?

Answer: Yes, upon written request by an Authorized User, the Contractor shall furnish to such Authorized User, on each six-month basis, a report listing the following: name of Products purchased, quantity purchased, unit price and total dollar volume of purchases.