

## BID 22790 INQUIRY RESPONSES

Inquiry #	Bid Document	Section Number	Inquiry	Answer
1	Phased Solicitation Document	1.3	For phase 2 online event will you consider a date that is good for all approved bidders?	OGS will provide as much advance notice as practicable of the Phase 2 Reverse Auction/Online Bidding Event to Bidders that qualify under Phase 1, but will not be canvassing bidders for their availability.
2	Phased Solicitation Document	1.8	Will Procurement Services please provide a definition for the word "Product" as none is listed?	Please refer to Appendix B, §2, <i>Definitions</i> for a definition of "Product."
3	Phased Solicitation Document	1.8	Will bidders be allowed to apply margin or price floors to the non-core category discounts?	No. Pursuant to Phased Solicitation 22790 (Revised 8-11-15) Section 5.1, Method of Award, "A single discount shall be bid against each subcategory for all Non-Core List Products listed in the respective subcategory."
4	Phased Solicitation Document	1.8	"Price Realism" shall refer to an evaluative concept of whether a Bidder's proposed prices are too low, such that there may be a risk of poor performance. Can the State define the evaluative concept or the analysis being utilized to determine "price realism"?	<p>OGS declines this request. Pursuant to Phased Solicitation 22790 (Revised 8-11-15) Section 4.5.16, New York State Procurement Rights, OGS reserves the right to "Reject any Reverse Auction Bid containing proposed prices that are unrealistically low as determined by PS."</p> <p>Bidders' proposed Bid pricing will be reviewed against the historical Net Pricing paid by OGS for Core and Non-Core List Products. OGS will also review the variance between Bidders' prices and the variance between a Bidder's placeholder and Reverse Auction Bid price.</p>
5	Phased Solicitation Document	1.8 (#9)	The Solicitation reads " <i>List Price shall mean the manufacturer's suggested retail price (MSRP)</i> ". Some products do not have an MSRP. How does Procurement Services intend to determine the list price of a product that does not have an MSRP? For example, the following items do not have an MSRP: 8-1/2x11 Perforated Pad Wide-Ruled White 12pk -- Staples SKU 163865, Universal SKU UNV20630, Office Depot SKU 305466.	See revised definition for List Price in Phased Solicitation 22790 (Revised 8-11-15) Section 1.8, <i>Definitions</i> .

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6	Phased Solicitation Document	1.8 (#10)	<p>The Solicitation reads "<i>Miscellaneous Office Supplies</i>" shall refer to a wide range of small, expendable materials that are used on a regular or daily basis by Authorized Users and includes, but is not limited to, office supplies, break room supplies, paper, technology/electronics and accessories, janitorial/sanitation supplies, and ink/toner cartridges..." How does Procurement Services intend to distinguish between the products included in this Solicitation with those that may be available from the Contractor through other active NYS contracts, such as technology or janitorial supply contracts?</p>	<p>Please refer to Phased Solicitation 22790 (Revised 8-11-15) Section 6.20, Overlapping Contract Products.</p>
7	Phased Solicitation Document	2	<p>Are the preferred products listed in the price file Attachment 01 the actual brand and product numbers or are these just similar products in form, quality, performance and intended use? If so, will the branded products the State cross referenced them to be the items a vendor will need force sub back to, to meet the requirements of the State preferred vendors?</p>	<p>In the Preferred Source Core List tab of Attachment 1 – Office Supplies Workbook (Revised 8-11-15), the Product descriptions provided in Columns D through I under the Preferred Source Core List Products heading are essentially the same Products, and must be blocked for sale by the Contractor. There may be additional essentially the same Products that will be identified prior to the execution of the Contract and during the course of the Contract.</p> <p>The Preferred Source Core List also includes Products offered by NYSPSP and NYSID under the heading of Preferred Source Supplemental Products. These Preferred Source Supplemental Products must be offered by the Contractor, but the Contractor has no obligation to block Products identified in Columns D through I or require Authorized User to purchase these Supplemental Products.</p>

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8	Phased Solicitation Document	2.1	Would OGS consider making the excluded products applicable only to actual State Agencies, however, make those same products available under this contract to Political Subdivisions, Counties, Municipalities, Cities, K-12 Schools, Higher Education and other qualified purchasing entities? This could help make this contract be of greater benefit for those other users and make this contract a greater success for the State	OGS declines to make the requested change. The requirements of the Preferred Source Program under State Finance Law apply to Authorized Users, including, but not limited to, State Agencies, political subdivisions and public benefit corporations (including most public authorities). However, for purposes of the resultant Contract the Preferred Source requirements apply to all Authorized Users.
9	Phased Solicitation Document	2.1	How does Procurement Services or EASI intend to assess the designation of a particular product's category for a bidder's entire non-core product offering in its pre-qualified catalog and online marketplace offering? Will Procurement Services require all bidders to identify the categorization of all non-core products to ensure consistency in applying NYS's definitions of categories? For example, one bidder may have a mouse pad identified in its prequalified catalog as a Tech item, whereas another bidder may have a mouse pad categorized as an office supply in its pre-qualified catalog.	Under the Non-Core List tab of Attachment 1 – Office Supplies Workbook (Revised 8-11-15), there is a comprehensive listing of Non-Core List Product Subcategory Examples that outlines how the resultant Contractor must subcategorize Products in the Non-Core List in the Contractor's Contract Pricelist. The Contractor must use the Non-Core List Product Subcategory Examples as guidance in categorizing the Non-Core List Products, regardless of the categorization of those Products in the Prequalified Catalog and/or Online Marketplace.
10	Phased Solicitation Document	2.1	Is the one percent transaction fee (not to exceed \$42,500 annually) paid to EASI an annual fee or a one-time fee paid during Year 1 of the contract?	The total Transaction Fee paid to EASI shall not exceed \$42,500.00 for the life of the Contract.
11	Phased Solicitation Document	2.1, Paragraph 3	<i>"...Bidders will submit...Bidder's current List Prices for the Core and Non-Core Products OGS has identified as available by Bidder in its Prequalified Catalog and Online Marketplace."</i> In order to be clear, should the List Price match what is printed in the Bidder's Prequalified Catalog, or does Procurement Services intend to let each Bidder price products (under this contract) at the Bidder's then current list price?	See revised definition for List Price in Phased Solicitation 22790 (Revised 8-11-15) Section 1.8, Definitions.

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12	Phased Solicitation Document	2.3	Would a municipality qualify as a government entity?	Yes, for purposes of Section 2.3, a municipality qualifies as a government entity.
13	Phased Solicitation Document	2.3	Would a blanket purchase agreement in which firm pricing has been established be considered a contract?	No.
14	Phased Solicitation Document	2.3	If a municipality does not qualify- would it be acceptable to work through a buying group that has held a government contract for office supplies?	Please see response to Question 13. No, it is not acceptable for a Contractor to work through a buying group. Bidders must meet all qualifications pursuant to the Phased Solicitation 22790 (Revised 8-11-15), Section 2.3, Qualification of Bidder. Bidder must have held the government contract.
15	Phased Solicitation Document	2.4	Is there a minimum count of products that must be offered in the pre-qualified catalog?	No, there is no minimum count of Products that must be offered in the Prequalified Catalog. However, with the exception of the list of excluded Products identified in Section 2.1, it is required that the Contractor offer all Products in its Prequalified Catalog that are within scope and supplement the Prequalified Catalog with its Online Marketplace offerings for sale of Products to Authorized Users. See revised Section 2.4.
16	Phased Solicitation Document	2.4	The Solicitation defines "Online Marketplace" in Section 1.8 (#17) as: <i>"Internet Site where the Bidder conducts online sales and other business transactions"</i> . In Section 2.4, the Solicitation states that the Contractor is <i>"expected to supplement"</i> its pre-qualified catalog offering with <i>"Online Marketplace offerings"</i> . Could Procurement Services please clarify if the online marketplace is a reference to the Internet site or is it referencing an expanded assortment of products beyond the prequalified catalog? Does Procurement Services intend for the Contractor to offer additional products beyond its prequalified catalog?	Pursuant to Phased Solicitation 22790 (Revised 8-11-15) Section 2.4, Prequalified Catalogs, "Contractor is required to supplement the Prequalified Catalog with its Online Marketplace offerings for sale of Products to Authorized Users." See revised Section 2.4.

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17	Phased Solicitation Document	2.4	Since the Bid Submission Deadline is September 1, 2015, we will be basing our offering on our 2015 pre-qualified catalog. Does Procurement Services intend to allow our offering to be updated with our 2016 catalog information prior to the start of the Term?	Bidder will not be required to provide pricing in Phase 1. Pursuant to Phased Solicitation 22790 (Revised 8-11-15) Sections 2.1 Scope/Excluded Products; 3.4 Responsiveness; and 4.2 Reverse Auction Procedures; at least two (2) weeks prior to the start of the Reverse Auction, Bidders will submit to EASI an Office Supplies Workbook identifying Bidder's current List Prices for the Core and Non-Core Products OGS has identified as available by Bidder in its Prequalified Catalog and Online Marketplace.
18	Phased Solicitation Document	2.4	Regarding the following language: "In addition, Contractor is expected to supplement the Prequalified Catalog with its Online Marketplace offerings for sale of Products to Authorized Users.", please clarify. Are vendors required to offer all products contained within its Online Marketplace AT THE SAME DISCOUNTS for which it is quoting for categories of items contained within prequalified catalogs? In other words, is the State expecting the awarded Contractor to provide the same discount on, say, a binder that is found in its Online Marketplace but is NOT contained within its prequalified catalog as it is to provide for binders (i.e. "office supplies") that IS contained within its preapproved catalog? The State's expectations in this regard are not clearly articulated by Phased Solicitation Document Section 2.4.	Pursuant to Phased Solicitation 22790 (Revised 8-11-15) Section 2.4, Prequalified Catalogs, "Contractor is required to supplement the Prequalified Catalog with its Online Marketplace offerings for sale of Products to Authorized Users."  Yes, Contractor will be required to offer all Products under the Contract, whether found in the Prequalified Catalog or the Online Marketplace, at the discounts bid for all Non-Core List categories.
19	Phased Solicitation Document	2.5	Is the 2.5%/max \$42,500 charge to EASI per year or max per contract?	The total Transaction Fee paid to EASI shall not exceed \$42,500.00 for the life of the Contract.
20	Phased Solicitation Document	2.5	Is there any charge/rebate due to OGS at any time for this contract ?	No.

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21	Phased Solicitation Document	3.4	List prices are updated by manufacturers on a quarterly basis. In the event that placeholder bids are submitted by bidders prior to October 1 and the live auction is subsequently held sometime on or after October 1 and some manufacturers make changes to list prices effective on 10/1/15 that render the published list price in either our hardbound catalog or any Office Supplies workbook submitted prior to October 1 as part of this solicitation process obsolete, can the Office Supplies Workbook be updated accordingly?	OGS does not anticipate that the Reverse Auction will take place prior to October 1, 2015.  Pursuant to Phased Solicitation 22790 (Revised 8-11-15) Sections 2.1 Scope/Excluded Products; 3.4 Responsiveness; and 4.2 Reverse Auction Procedures; at least two (2) weeks prior to the start of the Reverse Auction, Bidders will submit to EASI an Office Supplies Workbook identifying Bidder's current List Prices for the Core and Non-Core Products OGS has identified as available by Bidder in its Prequalified Catalog and Online Marketplace.
22	Phased Solicitation Document	4.2	What will the minimum bid decrement be? If Procurement Services has not yet decided on the decrement, when will it provide that information?	For the Core List Products, EASI will have minimum bid decrements for each Contract Product Line Item. These decrements are based on a percentage of the expected cost of each particular Product itself and will be discussed during Reverse Auction training. For the Non-Core List Subcategories percent discount, EASI will have a minimum percentage Bidders must lower their Bid by each time for it to be accepted.
23	Phased Solicitation Document	4.2	Will individual line item 'ties' for bid prices be allowed?	Yes.
24	Phased Solicitation Document	4.2	During the reverse auction, will there be a minimal incremental value that will extend the bid? What will that be?	Yes. For the Core List Products, EASI will have minimum bid decrements for each Contract Product Line Item. These decrements are based on a percentage of the expected cost of each particular Product itself and will be discussed during Reverse Auction training. For the Non-Core List Subcategories percent discount, EASI will have a minimum percentage Bidders must lower their Bid by each time for it to be accepted.
25	Phased Solicitation Document	5.1	Will there be a record of prices for all non-core items in catalogs or just the 900 non-core SKUs which will be used for "evaluative purposes"? How does Procurement Services plan to assess "current list prices" across Bidders on the non-core items beyond the 900 non-core items being evaluated?	Yes. All prequalified Bidders will submit List Pricing for all Products available through their Prequalified Catalogs and Online Marketplace (except Products excluded herein) that Bidders are required to offer under a resultant Contract.

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26	Phased Solicitation Document	5.1	What is OGS using for price analysis to determin unrealistically low pricing?	<p>Pursuant to Phased Solicitation 22790 (Revised 8-11-15) Section 4.5.16, New York State Procurement Rights, OGS reserves the right to “Reject any Reverse Auction Bid containing proposed prices that are unrealistically low as determined by PS.”</p> <p>Bidders’ proposed Bid pricing will be reviewed against the historical Net Pricing paid by OGS for Core and Non-Core List Products. OGS will also review the variance between Bidders’ prices and the variance between a Bidder’s placeholder and Reverse Auction Bid price.</p>
27	Phased Solicitation Document	5.1	We belive if bid is awarded to a few office supply dealers there will be more value to the agencis utlizing the ogs office supply contract since a local dealer will always go the extra mile in suppling the item needed on time, will help in finding any item the customer is looking for and be open for better negotions for better then contract pricing and be ready to help the end user if any emergency supplies are needed and on top of that it supports local NYS Businesses.	The Contract will be awarded to one Bidder.
28	Phased Solicitation Document	5.1	By now the state had office supply contracts with multiple vendors by region and with 1 vendor for the entire state, and with the issues the state had with the previous 1 vendor bid what was the fact that made the state decide to continue solicitate a bid which will be awarded to only 1 vendor	This was a policy decision by OGS.

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29	Phased Solicitation Document	6.1 and 6.18	Would Procurement Services agree to change the delivery requirement from "72 hours" to "Three Business Days" and change the notification requirement from "48 hours" to "Two Business Days" to avoid any issues with weekends and holidays?	Section 6.18, Delivery, has been revised as follows: "Delivery must be completed within 72 hours (excluding Saturday, Sunday and NYS legal holidays) after receipt of order. If the Contractor (and any approved Resellers) determines the order cannot be fully delivered in compliance with this section within 72 hours, the Contractor (and any approved Resellers) shall contact the ordering Authorized User within 48 hours (excluding Saturday, Sunday and NYS legal holidays) after receipt of the order and advise when the order will be fully delivered."
30	Phased Solicitation Document	6.4	Would a determination of 'poor performance' by OGS within the first 18 months of the contract, resulting in termination of the contract, constitute a termination for breach of contract? What are the standards for 'poor performance'?	Yes, a determination of poor performance constitutes a termination for breach of contract.
31	Phased Solicitation Document	6.5	The non-core discounts are based on the discounts from List of the 14 subcategories for non-excluded products contained within the five prequalified catalogs. Section 6.5 states that the Contractor may supplement the Products offered in its Prequalified Catalog with Products offered through its Online Marketplace during their normal course of business. Can the State please clarify that this allows Contractors to offer non-core, non-catalog products that are not excluded from the contract?	Yes. With the exception of the list of excluded Products identified in Section 2.1, it is required that the Contractor offer all Products in its Prequalified Catalog that are within scope and supplement the Prequalified Catalog with its Online Marketplace offerings for sale of Products to Authorized Users.
32	Phased Solicitation Document	6.5	Are "Margin Floors" which are minimum profit margin levels that some vendors use regardless of the discount from list a vendor provided allowed in this bid for either core and non core catalog pricing?	No.

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33	Phased Solicitation Document	6.5	In order to provide the best upfront pricing to the State, would the State consider requiring the awarded vendor to a one year or less price hold. The amounts of toners, ink and paper on this core have a greater price volatility than most of the office products. Asking vendor to hold prices for three years will require all vendors to hedge their upfront pricing base on what might happen to prices over the course of three years. This will add upfront cost to the State that may not reflect actual price increase in the future.	OGS declines to make the requested change.
34	Phased Solicitation Document	6.7	At any time manufacturers and wholesalers may change item pricing dramatically and will not lock any pricing to any dealer/bidder, can you change that clause to allow quarterly or annual price changes on the core list since this is approximately 75% of overall spend?	OGS declines to make the requested change.
35	Phased Solicitation Document	6.11	Can Procurement Services provide some detail on how it will help the Contractor enforce the \$50 minimum order threshold?	The awarded Contractor shall be under no obligation to honor minimum orders less than \$50.00 or any lower amount offered as a minimum order. The Contractor will be responsible for enforcement.
36	Phased Solicitation Document	6.17	Can the state provide any statistics as to what percentage, in terms of percentage of total orders placed, percentage of total state spend under the Contract, or both, of orders are paid for via P-Card?	OGS does not have this data.
37	Phased Solicitation Document	6.18	In regards to "inside storeroom delivery" and "inside desk delivery" can UPS be used to make such deliveries as long as the label clearly indicates the inside contact and room location?	Deliveries shall be made in accordance with Phased Solicitation 22790 (Revised 8-11-15) Section 6.18, Product Delivery.

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38	Phased Solicitation Document	6.29	<p>Does OGS anticipate advising bidders of items that are to be blocked as essentially the same products as those Preferred Source Core List Products so designated as "exclusive", or is that a process that will be undertaken only after contract award and with the awarded contractor?</p> <p>ALSO, can the State reconsider its three year price hold on Preferred Core List Products? The state's requirement that that the Preferred Source will not charge the Contractor more for the Preferred Source Core and Supplemental Products than the price identified for that Product within the Office Supplies Workbook, while well intended and appreciated, doesn't really give the Contractor much protection in the arrangement, and the requirement that the contractor purchase those items only from these sources and subsequently stock those items means that, even by selling the items at its purchase cost, that it would be functioning at an operating loss if its purchase price and selling price are equal.</p>	<p>In the Preferred Source Core List tab of Attachment 1 – Office Supplies Workbook (Revised 8-11-15), the Product descriptions provided in Columns D through I under the Preferred Source Core List Products heading are essentially the same Products, and must be blocked for sale by the Contractor. There may be additional essentially the same Products that will be identified during the term of the Contract.</p> <p>The Product descriptions provided in Columns D through I under the Preferred Source Supplemental Products heading are for informational purposes. OGS declines to reconsider its three year price hold on Preferred Source Core List Products.</p>
39	Phased Solicitation Document	6.29	<p>The Solicitation reads "<i>Prior to the commencement of the Reverse Auction, Bidders will be advised of the price of each Preferred Source Core and Supplemental Product (including shipping charges) which will be charged by the Preferred Source organization to the winning Contractor during the first three years of the Contract.</i>"</p> <p>How many days in advance of the Reverse Auction will Bidders receive this list? Will it be different than the prices provided in the 22790 bid attachment?</p>	<p>Pricing for Preferred Source Core List Products and Preferred Source Supplemental Products are listed in Attachment 1 - Office Supplies Workbook (Revised 8-11-15). In the event that there are any changes to this pricing, such changes will be provided at least three weeks in advance of the Reverse Auction.</p>

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40	Phased Solicitation Document	6.29	<p>The Contractor will be required to block a specific list of products that compete with Preferred Source Core List Products. Will the Contractor also be required to block other products that are similar to the Preferred Source Products, such as different colors of the Preferred Source product?</p> <p>Example: Preferred SKU line item #259: Retractable Gel Pen -- We have 87 products in that category with different packaging, different colors, different point sizes, etc.</p>	<p>In the Preferred Source Core List tab of Attachment 1 – Office Supplies Workbook (Revised 8-11-15), the Product descriptions provided in Columns D through I under the Preferred Source Core List Products heading are essentially the same Products, and must be blocked for sale by the Contractor. There may be additional essentially the same Products that will be identified during the course of the Contract.</p> <p>Prior to the execution of the Contract and during the term of the Contract, OGS will identify to the Contractor the essentially the same Products contained within the Contractor’s Contract Pricelist and Online Marketplace.</p> <p>See revised Section 6.29.</p>
41	Phased Solicitation Document	6.29	<p>Two of the Core Items have Preferred Source alternatives. How will Procurement Services address this overlap?</p> <p>Example: SKU 558253 is Core Line Item 212 and also listed in Preferred Source List as Line Item 270</p>	<p>OGS has removed Contract Product Line Item 212 from the Core List. OGS has determined that there are no other Preferred Source Core List Products that overlap with Core List Products.</p>
42	Phased Solicitation Document	6.29	<p>The Solicitation says that "<i>In addition, Contractor will be precluded from selling essentially the same Products of a different manufacturer/brand from the Preferred Source Core List Products. OGS will identify to the Contractor the essentially the same Products contained within the Contractor’s web-based ordering system and require the Contractor to identify the Products as blocked from sale under this Contract and refer the user to the replacement Product that will be shipped.</i>"</p> <p>When can the Bidders expect to see the listing of products deemed 'essentially the same', and how and when will this listing be updated?</p>	<p>Prior to the execution of the Contract and during the term of the Contract, OGS will identify to the Contractor the essentially the same Products contained within the Contractor’s Contract Pricelist and Online Marketplace.</p>

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43	Phased Solicitation Document	6.29	How will Procurement Services ensure that the Preferred Source products are indeed from NYSPSP and NYSID and are not direct from the manufacturer? Will the NYSPSP and NYSID products be clearly labeled as such at the unit level , break pack level, and bulk pack level?	Contractor shall purchase Preferred Source Products directly from NYSPSP and NYSID.
44	Phased Solicitation Document	6.29	Do the requirements of the Preferred Sourcing Program apply to only State Agencies, or to all Authorized Users?	The requirements of the Preferred Source Program under State Finance Law apply to Authorized Users, including, but not limited to, State Agencies, political subdivisions and public benefit corporations (including most public authorities). However, for purposes of the resultant Contract the Preferred Source requirements apply to all Authorized Users.
45	Phased Solicitation Document	6.29	What is the percentage of the overall purchases made up from the Preferred Source products that need to be stocked from the bidder?	The successful Contractor will be required to stock and supply a sufficient amount of the Preferred Source Core List Products and Preferred Source Supplemental Products to meet Authorized User demand.  Historical Annual Purchases of Preferred Source Products can be found in Column K of Attachment 1 - Office Supplies Workbook (Revised 8-11-15). See Section 2.2, Historical Annual Purchases.
46	Phased Solicitation Document	6.29	What if the Preferred Sources vendor cannot meet the operational functions to work with a vendor to meet the terms and conditions of the State contract, can an alternate methods of procurement be negotiated?	There is insufficient data to respond to this hypothetical question. Any operational difficulties that arise may be discussed with the Contract Administrator.
47	Phased Solicitation Document	6.29	Will the Preferred Source products pricing be adjusted base on the Preferred Source price updates?	See Section 6.7, Price Adjustments for Core List Products.
48	Phased Solicitation Document	6.29	Will the Preferred Source Vendors be responsible to gain that approval from the State prior to price updates to the awarded vendor?	See Section 6.7, Price Adjustments for Core List Products.

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49	Phased Solicitation Document	6.29	Will the Preferred Sources agree to buy back any products inventoried for the State but not purchased by the end of the agreement?	Pursuant to Phased Solicitation 22790 (Revised 8-11-15) Section 6.29, Preferred Source Products, "It is anticipated that the Contractor and Preferred Sources will execute their own separate agreement governing the provision of Preferred Source Core and Supplemental Products to the Contractor, with the requirement that the Preferred Source will not charge the Contractor more for the Preferred Source Core and Supplemental Products than the price identified for that Product within the Office Supplies Workbook."
50	Phased Solicitation Document	6.37, Extension of Use	If the contract is extended to any additional States or governmental jurisdictions - will the mandatory inclusion and requirements of Preferred Source Core (stock & ship) and Non Core items still apply to the vendor for those contracts?	Ys.
51	Phased Solicitation Document	6.42	Product returns due to authorized user error should also be within 10 business days.	OGS declines to make the requested change.
52	Phased Solicitation Document	8.1.3.A	Is Tier II (i.e.- indirect contract participation by M/WBEs in ways such as sale of products manufactured by such enterprises) an acceptable manner in which the goals can be realized?	Yes, NYS Certified MWBEs may be used as subcontractors or suppliers under this Contract if the MWBE is certified to perform the particular work. All MWBEs to be used to fulfill MWBE participation goals shall be identified in a Utilization Plan (MWBE 100) and approved by OGS.
53	Phased Solicitation Document	N/A	Can language be added to encourage bidders that they will be scored on many criteria including the willingness to add products from the preferred sources beyond the identified core/non-core items	OGS declines to make the requested change.
54	Phased Solicitation Document	N/A	Will the state require each vendor to submit pricing on a minimum number of items per approved catalog? For instance, if a vendor submits a catalog with 5,000 items and another vendors submits a catalog with 20,000 items will the state give more consideration in the evaluation process for the higher number of items? This is particularly important when evaluating the Non-Core List subcategories.	<p>No, there is no minimum count of Products that must be offered in the Prequalified Catalog. However, with the exception of the list of excluded Products identified in Section 2.1, it is required that the Contractor offer all Products in its Prequalified Catalog that are within scope and supplement the Prequalified Catalog with its Online Marketplace offerings for sale of Products to Authorized Users.</p> <p>No preference is given to a Bidder for the size of the Prequalified Catalog they are bidding.</p>

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55	Phased Solicitation Document	N/A	Will the state require each vendor to submit a net price file of all items they are making available to state end users?	Yes, an all-inclusive Contract pricelist will need to be developed by the winning Bidder pursuant to the requirements set forth in Phased Solicitation 22790 (Revised 8-11-15) Section 6.5, Contract Pricelist.
56	Phased Solicitation Document	N/A	Is the state going to instruct vendors to utilize a specific guideline on Manufacturer List Pricing? The reason for this question is that Manufacturer List Pricing can vary per vendor. For instance a vendor may offer a deeper discount from list price that will appear to be the most responsive, however their Manufacture List Pricing could be much higher than the other vendors. It is common for the State to utilize the wholesale catalogs “United Stationers & SP Richards” as the guideline for Manufacture List Pricing which will allow for a level playing field during the evaluation process.	See revised definition for List Price in Phased Solicitation 22790 (Revised 8-11-15) Section 1.8, Definitions.
57	Phased Solicitation Document	N/A	Can you clarify the Core Addition List relative to PS as it was our understanding that these items would not be mandated purchases but could be procured by the purchasing directly from NYSID? If that is the case there would not be a 10% reduction to the current approved prices for those items. The 10% reduction in price was offered under the premise of product being shipped in bulk quantities to one location designated by the contract awardee. Once again, please clarify the intent of the Core Addition List? Will NYSID be shipping core addition items in bulk to the contract awardee or shipping directly to purchasing agencies? If we are shipping directly to purchasing agencies then the 10% reduction in price is not applicable.	The Preferred Sources will be providing all Preferred Source items in bulk to the Contractor and will not be shipping to individual agencies.

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58	Phased Solicitation Document	N/A	Our interpretation of the phases of this Solicitation is that any vendor who advances from Phase One to the Live Auction pricing phase will be the winner of the solicitation if it has the lowest price at the conclusion of that live auction, meaning that all bidders participating in that live auction will be on a level playing field and that lowest bid price will be the sole determinant in award, exclusive of all other factors (such as performance under current and/or previous contracts, etc.). Please confirm that our interpretation is correct.	Yes, that is correct. However, as stated in Phased Solicitation 22790 (Revised 8-11-15) Section 4.5.16, New York State Procurement Rights, OGS reserves the right to “Reject any Reverse Auction Bid containing proposed prices that are unrealistically low as determined by PS.”  Bidders’ proposed Bid pricing will be reviewed against the historical Net Pricing paid by OGS for Core and Non-Core List Products. OGS will also review the variance between Bidders’ prices and the variance between a Bidder’s placeholder and Reverse Auction Bid price.
59	Appendix A (Standard Clauses for New York State Contracts January 2014)	Appendix A	Our company's standard is Mutual termination for Convenience. Will this be acceptable to the State? This helps reduce the risks to a vendor and therefore allows us to be more aggressive in our price offering.	No, OGS will not entertain any exceptions to Appendix A.
60	Appendix B - General Specifications (May 2015)	14	<i>This Section states that ‘Bids offering Products that are manufactured or produced in public institutions will be rejected.’ Will Procurement Services please clarify this clause? It appears to contradict the requirement to purchase from, and offer for sale, products made by Preferred Source suppliers.</i>	NYSPSP and NYSID members are not considered public institutions.
61	Appendix B - General Specifications (May 2015)	15(g)(ii)	The solicitation reads: <i>“Where net pricing under the Contract is based on a discount from Contractor's list prices, price decreases shall take effect automatically during the contract term.”</i> Is “Contractor's list prices” the same as “List Prices” and/or “MSRP”, as defined in the Solicitation?	Yes. See revised definition for List Price in Phased Solicitation 22790 (Revised 8-11-15) Section 1.8, Definitions.

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Inquiry #	Bid Document	Section Number	Inquiry	Answer
62	Appendix B General Specifications (May 2015)	35	<p><i>TITLE AND RISK OF LOSS</i>  <i>Notwithstanding the form of shipment, title or other property interest, risk of loss shall not pass from the Contractor to the Authorized User until the Products have been received, inspected and accepted by the receiving entity. Acceptance shall occur within a reasonable time or in accordance with such other defined acceptance period as may be specified in the Contract or Purchase Order. Mere acknowledgment by Authorized User personnel of the delivery or receipt of goods (e.g., signed bill of lading) shall not be deemed or construed as acceptance of the Products received. Will Procurement Services please clarify this clause? If Risk of Loss doesn't pass to the Authorized User when it signs for the delivery, what constitutes a 'reasonable time' for total acceptance of the delivery? Does Procurement Services intend to clarify this in Contract? Our concern is that the Contractor will still hold title and risk of loss even though the product has passed into the Authorized User's custody.</i></p>	<p>OGS has revised this clause as follows:  <i>TITLE AND RISK OF LOSS Notwithstanding the form of shipment, title or other property interest, risk of loss shall not pass from the Contractor to the Authorized User until the Products have been received by the Authorize User.</i></p>
63	Attachment 1 - Office Supplies Workbook	Preferred Source Core List	<p>In June, NYSID was contacted to remove the chiseled staples from the core block and ship list because our packaging configuration varied from the industry standard unit of measure. We were asked to concur to that decision to which we agreed. However, I still see the chiseled staples on the Core Block and Ship list. Please clarify why this item remains on the Core Block and Ship List?</p>	<p>Contract Product Line Item 277 has been removed from the Preferred Source Core List Products.</p>
64	Attachment 1 - Office Supplies Workbook	Ink & Toner	<p>Does the State of New York have any programs of deviated pricing in place with Lexmark and/or Xerox? If so, please provide written consent authorizing bidders to gain access to specifics of any such program(s) from relevant manufacturers.</p>	<p>No.</p>

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65	Attachment 1 - Office Supplies Workbook	JanSan	Does the State of New York have any programs of deviated pricing in place with vendors such as Kimberly Clark, Geogia Pacific, Rubbermaid Commercial, or any other manufacturer of janitorial products? If so, please provide written consent authorizing bidders to gain access to specifics of any such program(s) from relevant manufacturers.	No.
66	Attachment 1 - Office Supplies Workbook	Breakroom	Does the State of New York have any programs of deviated pricing in place with vendors such as Dixie, Dart, or any other manufacturer of breakroom products? If so, please provide written consent authorizing bidders to gain access to specifics of any such program(s) from relevant manufacturers.	No.
67	Attachment 1 - Office Supplies Workbook	N/A	The use of the manufacturers on this RFP are the current vendors primary strategic Brand vendors and not ours. This will be a big advantage for the current vendor not to allow other major branded with the similar items of the same or better quality to be subbed. Will the State accept alternative Major branded products with the same quality, especially copy paper?	OGS declines to make changes to the Core List Products. Alternative major branded Products may be offered under the Contract based upon the Non-Core List category discounts.

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68	Attachment 1 - Office Supplies Workbook	N/A	<p>Please see the attached excel file. It contains all the items that are not listed with the correct manufacturer unit of measure and or the pack quantity in which they are sold. There are two tabs, one with the core line items numbers and products and the second tab with NonCore line item numbers and products. We included the UOM and Pack quantities that they are packed in by the Manufacturer and sold in.</p> <p>Other concern is that in some cases, such as on the core line items 270 , the state pack is 12 and yet 3M pack for that item is 5 pads. This could be due to the item being references is actually a private label item. Or core line item 277; Those Fellows corrugated boxes are packed in 12 for that number not 25.</p> <p>Could the State please adjust the pack quantities to reflect the actual unit of measures and pack quantities? Could the State please clarify if the usage is based on the correct pack quantity. It makes a great deal of difference in the value of the contract and usage.</p>	<p>Item 270 is a Preferred Source Core List Product. Under the Preferred Source Core List tab of Attachment 1 – Office Supplies Workbook (Revised 8-11-15), the Preferred Source Products are divided into two parts: Preferred Source Core List Products and Preferred Source Supplemental Products. The Product Manufacturer and Prequalified Catalog SKU information listed in Columns D to I is the actual product manufacturer and SKUs information from the Solicitation’s Prequalified Catalogs and are intended to be a point of reference for analyzing against the Preferred Source Core List Products and Preferred Source Supplemental Products. Therefore, there may be variations in pack sizes.</p> <p>The Package Size and Unit of Measure (UOM) information in Attachment 1 - Office Supplies Workbook (Revised 8-11-15) is consistent with how the Products are supplied from the original product manufacturer. And the historical annual purchases listed in Attachment 1 are commensurate with purchases of Products in the applicable Package Size and UOM as supplied by the original product manufacturer. Accordingly, the State will not be making any adjustments to the Package Size and UOM.</p>

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69	Attachment 1 - Office Supplies Workbook	N/A	<p>For additional clarification surrounding our questions regarding UOM discrepancies, we have attached a file containing the differences. Our biggest concerns are where the State has identified a UOM as "Each" where the manufacturer is packaging it differently. We have no issue converting our price to an "Each" quantity as long as it is acceptable to the State.</p> <p>Ex: Line #18 - AVE5160 State UOM = EA Manufacturer UOM = BX EA vs BX = 1 vs 3000</p> <p>Please confirm that we should be converting to the State's UOM in all cases.</p>	There is no need to convert any UOMs. Please see Question 68.
70	Attachment 5 - Insurance Requirements	General Conditions - A. 3.	Insurance Carriers no longer provide 30 day notice. Would Procurement Services be willing to revise this language to reflect current industry practices?	See revised requirements in Attachment 5 – Insurance Requirements (Revised 8-11-15).
71	Attachment 5 - Insurance Requirements	General Conditions - A. 3. and 5.	Our insurance coverage will not necessarily be renewed in time to provide a renewal Certificate of Insurance 30 days prior to expiration. Would Procurement Services be willing to revise this language so it is in line with current industry renewal practices?	See revised requirements in Attachment 5 – Insurance Requirements (Revised 8-11-15).
72	Attachment 5 - Insurance Requirements	General Conditions - A. 6.	Given the size and complexity of our Global Insurance Program, we carry very large deductibles. We are unable to change these on a case by case basis. Would Procurement Services be willing to accept large deductible programs?	The amount of the deductible will have to be provided to OGS for review.

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Inquiry #	Bid Document	Section Number	Inquiry	Answer
73	Attachment 5 - Insurance Requirements	General Conditions - A. 7.	If a sub-contractor were to be used, the contractual relationship is between Contractor and the sub-contractor; therefore we are unable to agree to sub-contractors fulfilling certain requirements i.e. Additional Insured, Waiver of Subrogation, etc. We can agree that they will carry sufficient insurance for the exposure their services entail. Please note that Additional insured status under our policy covers loss or damage as a result of work performed by or in our behalf. So if the sub-contractor's policy does not cover a loss for some reason, our policy would. Would Procurement Services be willing to revise this section accordingly?	OGS declines to make the requested change. Please see Section A.7 of Attachment 5 – Insurance Requirements.
74	Attachment 5 - Insurance Requirements	General Conditions - A. 7.	Since ISO forms are updated periodically, and we cannot control the policy forms utilized by insurance carriers, we are unable to agree to specific forms. Would Procurement Services agree to revise this language to reflect current insurance industry practices?	OGS declines to make the requested change. Attachment 5 – Insurance Requirements allows for the submission of equivalent forms.
75	Attachment 5 - Insurance Requirements	General Conditions - B. 1. c.	Would Procurement Services agree to modify the Waiver of Subrogation language to exclude loss or damage caused solely by NYS, its officers, agents, employees, etc.?	OGS declines to make the requested change.
76	Attachment 7 - Distributor's Certificate	N/A	Is a completed Distributor's Certificate required for each MWBE that a bidder partners with as part of the Phase One response, in addition to its own Distributor's Certificate?	No, pursuant to Phased Solicitation 22790 (Revised 8-11-15) Section 2.3, Qualification of Bidder, only Authorized Dealers intending to participate in this Phased Solicitation must submit a completed Distributor's Certificate, as set forth as Attachment 7 - Distributor's Certificate, for the Prequalified Catalog it is basing its Bid on to establish its authority to sell from such catalog.
77	Attachment 8 - Encouraging Use of NYS Businesses	N/A	Please provide the State's definition of a New York State business or, alternately, information as to where that definition may be accessed by bidders.	A business whose principal place of business is located within the State of New York.

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Inquiry #	Bid Document	Section Number	Inquiry	Answer
78	Attachment 8 - Encouraging Use of NYS Businesses	N/a	We request consideration for the inclusion of this clause to the winner bidder to - If the winning bidder intends to use sub-contracted call center services to fulfill the customer service aspect of this contract, as the Preferred Source approved provider of call center services, NYSPSP will provide these services if able to meet fair market pricing (as determined by OGS) and the minimum requirements of the sub-contract agreement. If NYSPSP can't provide a service that meets the form, function or utility of the scope than the winner vendor must than look to a sub contractor witin New York State, before utilizing and out-of-state call center.	OGS declines to make the requested change.
79	Attachment 8 - Encouraging Use of NYS Businesses		We request consideration for the inclusion of this clause to the winner bidder to - If the winning bidder intends to use sub-contracted warehousing/distribution services to fulfill this contract, as the Preferred Source approved provider of warehousing/distribution services, NYSPSP will provide these services if able to meet fair market pricing (as determined by OGS) and the minimum requirements of the sub-contract agreement. If NYSPSP can't provide a service that meets the form, function or utility of the scope than the winner vendor must than look to a sub contractor witin New York State, before utilizing and out-of-state service.	OGS declines to make the requested change.

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<b>Inquiry #</b>	<b>Bid Document</b>	<b>Section Number</b>	<b>Inquiry</b>	<b>Answer</b>
80	Attachment 9 - Reseller Template	N/A	Does the partnering with an MWBE or MWBEs as may be noted on a submitted MWBE 100 form require that those MWBE(s) then be listed as resellers on Phased Solicitation 22790 Attachment 9, or is that dependent on the type of work performed by MWBE(s) with whom the bidder partners?	<p>No, not necessarily. Bidder need only list those Resellers (including MWBE Resellers) that the winning Bidder plans to utilize for the direct fulfillment of orders placed by Authorized Users under a resultant Contract.</p> <p>Phased Solicitation 22790 (Revised 8-11-15) Section 1.8, Definitions, states that Resellers “shall refer to any model for distribution of Contractor’s Product other than direct from the Contractor. Resellers include but are not limited to approved value added resellers (VARs), dealers, sales agents, and alternate channel partners.</p> <p>Also, see Phased Solicitation 22790 (Revised 8-11-15) Section 6.24 Use of Resellers, for more information regarding Reseller participation.</p>
81	General	N/A	Will Procurement Services be identifying which bidder is asking which question?	No, OGS will not be identifying which Bidder submitted each question.