

New York State Office of General Services  
New York State Procurement  
Corning Tower Building  
Empire State Plaza  
Albany, New York 12242  
<http://nyspro.ogs.ny.gov>

## PURCHASING MEMORANDUM

### BID SOLICITATION UPDATE #5

**IFB NUMBER:** 22868

**DATE:** December 16, 2014

**GROUP:** 20060 - Books & Non-Print Library  
Materials & Related Ancillary Services

**PLEASE ADDRESS INQUIRIES TO  
DESIGNATED CONTACTS:**

Theresa Kuo  
Contract Management Specialist 1  
(518) 474-0259  
[ningbin.kuo@ogs.ny.gov](mailto:ningbin.kuo@ogs.ny.gov)

Ruth K. Quezada  
Contract Management Specialist 2  
(518) 473-2801  
[ruth.quezada@ogs.ny.gov](mailto:ruth.quezada@ogs.ny.gov)

Jamie Nusbaum  
Team Leader  
(518) 474-5340  
[edward.nusbaum@ogs.ny.gov](mailto:edward.nusbaum@ogs.ny.gov)

**BID OPENING:** **Tuesday, December 23, 2014, 11:00 AM ET**

**SUBJECT:** REVISION OF SCOPE OF THE IFB

**TO PROSPECTIVE BIDDERS:**

This update is being issued to revise the scope of Invitation for Bids (IFB) 22868 in order to provide additional clarity regarding publications that may receive supplemental material or updates subsequent to the original release of the publication. The Office of General Services (OGS), New York Procurement (NYSPro) has revised IFB 22868 (Revised December 12, 2014), Section 2.1, Scope, below, by adding additional clarifying language to Paragraph 4, which is bolded to emphasize the change. There are no other changes to IFB Section 2.1 and no Bid Document revisions will be issued as a result of this change.

#### **2.1 Scope**

The purpose of this IFB is to establish a five (5) -year statewide term Contract. The resultant Contracts are to provide State Agencies, and Non-State agencies including political subdivisions and others authorized by law (Authorized Users) with a means of acquiring Books and Non-Print Library Materials and Related Ancillary Services. **This IFB contains a total of two (2) Lots: 1) Printed Publications; and 2) Non-Print and Other. Bidders may bid on one or both Lots. Ancillary Services which are described in further detail in Section 1.8, Definitions and Attachment 1 – Price Pages (Revised December 12, 2014), may also be offered if Bidder bids on Lot 1 and/or Lot 2.**

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The State of New York proposes to make multiple awards based on the terms and conditions stated herein for Books and Non-Print Library Materials and Related Ancillary Services specified. The resultant awards shall include, but not be limited to the following: domestic and foreign publications, textbooks, books in print, books out-of-print, pre-bound books, Braille books, Large print books, rare books, legal books and materials, business/economics/finance books, social science/humanities, medical books, academic books, encyclopedias, continuations, blanket orders, ephemeral publications, pamphlets (bound and unbound), government documents, musical scores, and sheet music.

Non-Print items within scope include: abridged and unabridged audio books on tape, CD/DVD and MP3/MP4 format; non-subscription based eBooks; microfilm; microfiche; microcards; microprint; filmstrips; slides; DVD and Blu-ray ( i.e. motion pictures, videos); audio cassettes; compact discs; laser discs; CD-ROM's (no online services); microcomputer software (educational); maps/globes/atlasses/charts; video games; sheet music/scores; and audio visual materials.

The Contract is primarily for off the shelf, non-subscription based Products. Electronic databases and subscription based items, such as serials, periodicals, and subscription based eBooks are not within the scope of the Contract. Video players and tablets are also excluded from the scope of the contract. **However, publications that require a standing order for supplemental material or updates to the publication that may be issued subsequent to the original release of the publication, such as law books, for example, are within the scope of the Contract. (Emphasis Added)**

Bidders should monitor The New York State Contract Reporter for any future solicitation updates:  
<https://www.nyscr.ny.gov/>

If submitting a bid, this memorandum must be signed, attached to, and made a part of your bid.

BID OF (COMPANY): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

SIGNATURE OF BIDDER: \_\_\_\_\_

PRINTED COPY OF SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

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## PURCHASING MEMORANDUM

### BID SOLICITATION UPDATE #4

**IFB NUMBER:** 22868

**DATE:** December 12, 2014

**GROUP:** 20060 - Books & Non-Print Library  
Materials & Related Ancillary Services

**PLEASE ADDRESS INQUIRIES TO  
DESIGNATED CONTACTS:**

Theresa Kuo  
Contract Management Specialist 1  
(518) 474-0259  
[ningbin.kuo@ogs.ny.gov](mailto:ningbin.kuo@ogs.ny.gov)

Ruth K. Quezada  
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(518) 473-2801  
[ruth.quezada@ogs.ny.gov](mailto:ruth.quezada@ogs.ny.gov)

Jamie Nusbaum  
Team Leader  
(518) 474-5340  
[edward.nusbaum@ogs.ny.gov](mailto:edward.nusbaum@ogs.ny.gov)

**BID OPENING:** **Tuesday, December 23, 2014, 11:00 AM ET**

**SUBJECT: RESPONSES TO BIDDER INQUIRIES AND BID DOCUMENT REVISIONS**

**TO PROSPECTIVE BIDDERS:**

The Office of General Services (OGS), New York Procurement (NYSPRO) has given careful consideration to the inquiries received in regards to Invitation for Bids (IFB) 22868 for Books & Non-Print Library Materials & Related Ancillary Services during the inquiry period that ended close of business, November 5, 2014.

Answers to all inquiries can be obtained by visiting the NYSPRO Bid Calendar:

<http://www.ogs.ny.gov/purchase/biddocument/22868BID.ASP>

All inquiries are verbatim as received by OGS.

In addition to publishing responses to the inquiries, OGS has made some revisions to the Bid Documents, which are being released simultaneously with the responses to the inquiries. A summary of the revisions is set forth below. The summary of revisions is provided as a convenience. Bids submitted will be evaluated based on the revised Bid Documents. Failure to submit the applicable revised Bid documents may result in the bid being found non-responsive and may result in disqualification of Bid.

If submitting a bid, this memorandum must be signed, attached to, and made a part of your bid. **BID OPENING DATE: Tuesday, December 23, 2014, 11:00 AM ET**

**REVISIONS TO INVITATION FOR BIDS (IFB)**

NYSPro is issuing a revised Invitation for Bids (IFB), IFB 22868 (Revised December 12, 2014), which will supersede the IFB that was released on October 20, 2014. A summary of the changes are as follows:

1. Cover page

- The Bid Opening Date has been revised to reflect the new bid opening date and time.
- A new Designated Contact has been added as follows:

<b>DESIGNATED CONTACTS FOR IFB INQUIRIES:</b>		
<b>PRIMARY CONTACT</b>	<b>SECONDARY CONTACT</b>	<b>TERTIARY CONTACT</b>
Theresa Kuo Contract Management Specialist 1 Telephone: (518) 474-0259 E-mail: <a href="mailto:ningbin.kuo@ogs.ny.gov">ningbin.kuo@ogs.ny.gov</a>	Ruth Quezada Contract Management Specialist 2 Telephone: (518) 473-2801 E-mail: <a href="mailto:ruth.quezada@ogs.ny.gov">ruth.quezada@ogs.ny.gov</a>	Jamie Nusbaum Team Leader Telephone: (518) 474-2387 E-mail: <a href="mailto:edward.nusbaum@ogs.ny.gov">edward.nusbaum@ogs.ny.gov</a>

- The Vendor Information table on Page 1 has been revised as follows:
  - Added language: " *Minority Owned Business*" changed to " *NYS Certified Minority Owned Business*"
  - Added language: " *Women Owned Business*" changed to " *NYS Certified Women Owned Business*"

2. Section 1.2 IFB Documents

- Revised to reflect the revised versions of Attachment 1 – *Price Pages (Revised December 12, 2014)* and Attachment 4 - *Bid Submittal Checklist (Revised December 12, 2014)*.

3. Section 1.3 Key Events/Dates

- The table of Key Events and Dates has been changed. Please see the following updated table with the amended schedule:

• EVENT	DATE	TIME
IFB Release	October 27, 2014	N/A
Closing Date for Inquiries	November 05, 2014	5:00 PM ET
OGS NYSPro's Responses to Inquiries	December 12, 2014	N/A
Submission of Bid and Bid Opening	December 23, 2014	11:00 AM ET
Contract Term Begin (estimated)	January 1, 2015	N/A
EVENT	DATE	TIME

4. Section 1.5 Issuing Agency

- An extra "period" has been removed from the last sentence.

5. Section 1.7 Inquires

- A new Designated Contact has been added to the NYSPro designated contacts as follows:

<b>PRIMARY CONTACT</b>	<b>SECONDARY CONTACT</b>	<b>TERTIARY CONTACT</b>
Theresa Kuo Contract Management Specialist 1 E-mail: <a href="mailto:ningbin.kuo@ogs.ny.gov">ningbin.kuo@ogs.ny.gov</a>	Ruth Quezada Contract Management Specialist 2 E-mail: <a href="mailto:ruth.quezada@ogs.ny.gov">ruth.quezada@ogs.ny.gov</a>	Jamie Nusbaum Team Leader E-mail: <a href="mailto:edward.nusbaum@ogs.ny.gov">edward.nusbaum@ogs.ny.gov</a>

- The spelling of fax has been corrected from "Fascimile" to "Facsimile" in the table of the contact information for inquiries related specifically to Minority Women-Owned Business Enterprises (MWBE) provisions of this procurement solicitation, including Appendix C.

6. Section 1.8 Definitions

- Item 7 – Definition revised to reflect revised Attachment 1- Price Pages (Revised December 12, 2014):
  - 7. "Lot" shall refer to a grouping of Items as set forth in Attachment 1 – *Price Pages (Revised December 12, 2014)*.

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7. Section 2.1 Scope
    - Paragraph 1 – revised to reflect revised Attachment 1- *Price Pages (Revised December 12, 2014)*.
    - Paragraph 3 – revised to clarify that non-subscription based eBooks are within scope for Non-Print items.
    - Paragraph 4 – revised to provide additional clarifying language advising that the Contract is primarily for off the shelf, non-subscription based Products; and that subscription based eBooks, video players, and tablets are not within the scope of the Contract.
  8. Section 2.4 Other Qualifications
    - Item 5 – Revised to reflect the revised version of Attachment 4 – *Bid Submittal Checklist and General Questions (Revised December 12, 2014)*.
  9. Section 3.7 Bid Submittal Instructions
    - Revised to reflect the revised versions of Attachment 1 – *Price Pages (Revised December 12, 2014)* and Attachment 4 - *Bid Submittal Checklist (Revised December 12, 2014)*.
    - Clarifying language added to 1.a and 2.a regarding original signature and notarization requirements for Pages 1 and 2 of the IFB.
    - Two additional items have been added to the 3.7.1, Portable electronic media containing:
      - i. Completed, signed and notarized paper copy of Vendor Responsibility Questionnaire For-Profit Business Entity if online Questionnaire has not been completed (PDF); and
      - j. Summary of sales demonstrating a minimum sales volume of \$1,000,000.00 annually in product meeting the scope of the contract, offered to national public entities in the 36 month period preceding the bid opening (Microsoft Excel).
    - One additional item has been added to 3.7.2, Bound, original hard copy versions of each of the following:
      - g. Completed, signed and notarized paper copy of Vendor Responsibility Questionnaire For-Profit Business Entity if online Questionnaire has not been completed.
  10. Section 3.8 Delivery
    - Item 4 - Revised to reflect new Bid Opening Date and Time (December 23, 2014 at 11:00 AM).
  11. Section 4.1 Method of Award
    - Paragraph 1, 1<sup>st</sup> sentence - Revised to reflect revised Attachment 1- *Price Pages (Revised December 12, 2014)*.
  12. Section 5.10 New York State Procurement Card
    - Paragraph 1 – Revised to reflect revised Attachment 4 – *Bid Submittal Checklist and General Questions (Revised December 12, 2014)*.
  13. Section 5.11 Orders
    - Paragraph 1 – 1<sup>st</sup> sentence has been revised to read:

Contractor shall be capable of accepting orders manually, via facsimile, and, electronically via email. As an option, Contractor may also accept orders electronically via the Internet through a web-based ordering system.
  14. Section 5.13 Purchase Orders and Invoicing
    - “Vouchers” has been removed from the first sentence and has been revised to read:

All Purchase Orders and invoices shall include the Contract number and a line by line listing of separate charges.
  15. Section 5.24 Contract Administrator
    - Attachment 4 – *Bid Submittal Checklist & General Questions* has been revised to Attachment 4 - *Bid Submittal Checklist & General Questions (Revised December 12, 2014)*.
  16. Section 5.26 Insurance Requirements
    - Revised to reflect revised Attachment 4 – *Bid Submittal Checklist and General Questions (Revised December 12, 2014)*.

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17. Section 5.27 Report of Contract Usage
    - Microsoft Excel 2010 has been revised to Microsoft Excel 2013.
  18. Section 5.52 Contract Modification Procedure
    - Paragraph 1 – a new sentence has been added as follows:  
Contractor requested Updates must be submitted no later than thirty (30) calendar days prior to the annual anniversary date of the Contract.
  19. Section 5.57 Additional License Agreements
    - New section added:  
OGS will NOT review or approve “click through”, “shrink wrap” or other pass-through terms and conditions. An Authorized User looking to acquire products under these Contracts must review the contractual terms and conditions. The Authorized User must ask if “click through”, “shrink wrap” or other pass-through terms and conditions are present, and if so, the Authorized User is responsible for having its counsel review and approve such terms and conditions prior to ordering the product. If the terms and conditions are not acceptable to the Authorized User’s counsel, it is the responsibility of such Authorized User’s counsel to negotiate any needed amendments. Any additional license agreement terms and conditions offered by the Contractor or otherwise amended by agreement between the Contractor and Authorized User shall not conflict with the terms and conditions of the Contract.

**REVISIONS TO ATTACHMENT 1 – PRICE PAGES (REVISED DECEMBER 12, 2014)**

1. “Additional Information” field has been added to all Pricing tabs where additional supplemental information regarding Product and service offerings may be provided.
2. Lot 2–IN-PRINT PUBLICATIONS Price Page
  - Category “Books on Tape/CD Abridged” has been revised to “Audio Books Abridged – Tape/CD/DVDMP/MP4 Format”
  - Category “Books on Tape CD/Unabridged” has been revised to “ Audio Books Unabridged – Tape/CD/DVD/MP3/MP4 Format”
  - Category “eBook” has been revised to “eBooks (non-subscription based)
  - Category “Encyclopedias” has been revised to “Encyclopedias (Digital Versions)

**REVISIONS TO ATTACHMENT 4 – BID SUBMITTAL CHECKLIST & GENERAL QUESTIONS (REVISED DECEMBER 12, 2014)**

1. All questions from Question 19 on have been renumbered and references to any Attachment 4 - *Bid Submittal Checklist and General Questions (Revised December 12, 2014)* inquiries in ‘IFB 22868 Inquiry Responses’ are reflective and consistent with the renumbering.
2. Question 7, revised to reflect revised Attachment 1- *Price Pages (Revised December 12, 2014)*.
3. Question 9, revised to reflect Attachment 4- Attachment 4 - *Bid Submittal Checklist and General Questions (Revised December 12, 2014)*.
4. Question 10a, “to previous question” has been inserted after “Yes”.
5. Question 18 has been removed, Question 19 moved up to Question 18. Appendix D has been corrected to Appendix C- Equal Employment Opportunity Staffing Plan (Form EEO 100); all questions following renumbered.
6. Question 20a, “to previous question” has been inserted after “Yes”.
7. Question 20b, “to previous question” has been inserted after “Yes”.
8. Question 29a, “If Yes to previous question” has been inserted at beginning of question.
9. Question 29b, “to previous question” has been inserted after “Yes”.
10. Question 38, reference to “supplier’s” replaced with “Bidder’s”.
11. Question 39, revised to reflect revised Attachment 1- *Price Pages (Revised December 12, 2014)* and to advise that failure to submit this most recent version may result in rejection of the bid.
12. Questions at the end regarding company contact information under a resultant Contract have been consolidated.

**It is the Bidder’s responsibility to submit the most recent versions of all Bid Documents. Failure to submit IFB 22868 (Revised December 12, 2014), Attachment 1 - *Price Pages (Revised December 12, 2014)*, or Attachment 4 - *Bid Submittal Checklist & General Question (Revised December 12, 2014)* may result in the bid being found non-responsive and result in disqualification.**

Bidders should monitor The New York State Contract Reporter for any future solicitation updates:

<https://www.nyscr.ny.gov/>

If submitting a bid, this memorandum must be signed, attached to, and made a part of your bid.

BID OF (COMPANY): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

SIGNATURE OF BIDDER: \_\_\_\_\_

PRINTED COPY OF SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

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## PURCHASING MEMORANDUM

### BID SOLICITATION UPDATE #3

**IFB NUMBER:** 22868

**DATE:** December 05, 2014

**GROUP:** 20060 - Books and Non-Print Library  
Materials and Related Ancillary Services

**PLEASE ADDRESS INQUIRIES TO  
DESIGNATED CONTACTS:**

Ruth K. Quezada  
Contract Management Specialist 2  
(518) 473-2801  
[ruth.quezada@ogs.ny.gov](mailto:ruth.quezada@ogs.ny.gov)

**BID OPENING:** December 10, 2014

Jamie Nusbaum  
Team Leader  
(518) 474-5340  
[edward.nusbaum@ogs.ny.gov](mailto:edward.nusbaum@ogs.ny.gov)

**SUBJECT: UPDATE ON BIDDER INQUIRIES AND SECOND POSTPONEMENT OF BID  
OPENING DATE**

**TO PROSPECTIVE BIDDERS:**

The Office of General Services (OGS) New York Procurement (NYSPRO) continues to give consideration to the inquiries received in regards to Invitation for Bids (IFB) 22868 for Books and Non-Print Library Materials and Related Ancillary Services during the inquiry period that ended close of business, November 05, 2014 and expects to release responses to the inquiries in the near future. In addition, the bid opening date has been postponed a second time to allow sufficient time for Bidders to consider the responses to the inquiries. **The new bid opening date is December 23, 2014, 11:00 AM ET.**

In addition to publishing responses to the inquiries, OGS is also making revisions to some of the Bid Documents which will be released simultaneously with the responses to the inquiries. Therefore, prospective Bidders are advised not to submit bids until receipt of the responses to the inquiries and revised Bid Documents. Bids submitted will be evaluated based on the revised Bid Documents.

Bidders should monitor The New York State Contract Reporter for any future solicitation updates:  
<https://www.nyscr.ny.gov/>

If submitting a bid, this memorandum must be signed, attached to, and made a part of your bid.

BID OF (COMPANY): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

SIGNATURE OF BIDDER: \_\_\_\_\_

PRINTED COPY OF SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

New York State Office of General Services  
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Corning Tower Building  
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Albany, New York 12242  
<http://nyspro.ogs.ny.gov>

## PURCHASING MEMORANDUM

### BID SOLICITATION UPDATE #2

**IFB NUMBER:** 22868

**DATE:** November 12, 2014

**GROUP:** 20060 - Books and Non-Print Library  
Materials and Related Ancillary Services

**PLEASE ADDRESS INQUIRIES TO  
DESIGNATED CONTACTS:**

Ruth K. Quezada  
Contract Management Specialist 2  
(518) 473-2801  
[ruth.quezada@ogs.ny.gov](mailto:ruth.quezada@ogs.ny.gov)

**BID OPENING:** November 20, 2014

Jamie Nusbaum  
Team Leader  
(518) 474-5340  
[edward.nusbaum@ogs.ny.gov](mailto:edward.nusbaum@ogs.ny.gov)

**SUBJECT:** UPDATE ON BIDDER INQUIRIES AND POSTPONEMENT OF BID OPENING DATE

**TO PROSPECTIVE BIDDERS:**

The Office of General Services (OGS) is giving careful consideration to the inquiries received in regards to Bid No. 22868 for Books and Non-Print Library Materials and Related Ancillary Services during the inquiry period that ended close of business, November 05, 2014. OGS expects to release responses to the inquiries in the near future.

In addition to the publishing responses to the inquiries, OGS is considering possible revisions to some of the Bid Documents. Therefore, prospective Bidders are advised not to submit bids until receipt of the responses to the inquiries and any revised Bid Documents that may be issued. The Bid Opening Date has been postponed accordingly to allow sufficient time for Bidders to consider the responses to the inquiries and any revised Bid Documents that may be necessary. The new Bid Opening Date is **December 10, 2014, 11:00 AM ET.**

If submitting a bid, this memorandum must be signed, attached to, and made a part of your bid.

BID OF (COMPANY): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

SIGNATURE OF BIDDER: \_\_\_\_\_

PRINTED COPY OF SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

New York State Office Of General Services  
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Corning Tower Building  
Empire State Plaza  
Albany, New York 12242  
<http://nyspro.ogs.ny.gov>

## PURCHASING MEMORANDUM

### BID SOLICITATION UPDATE #1

**IFB NUMBER:** 22868

**DATE:** October 30, 2014

**GROUP:** 20060 - Books and Non-Print Library  
Materials and Related Ancillary Services

**PLEASE ADDRESS INQUIRIES TO  
DESIGNATED CONTACTS:**

Ruth K. Quezada  
Contract Management Specialist 2  
(518) 473-2801  
[ruth.quezada@ogs.ny.gov](mailto:ruth.quezada@ogs.ny.gov)

**BID OPENING:** November 20, 2014

Jamie Nusbaum  
Team Leader  
(518) 474-5340  
[edward.nusbaum@ogs.ny.gov](mailto:edward.nusbaum@ogs.ny.gov)

**SUBJECT:** REVISED ATTACHMENT 2 – INQUIRES TEMPLATE AND EXTENDED CLOSING DATE FOR INQUIRIES

**TO PROSPECTIVE BIDDERS:**

The above referenced attachment has been modified to reduce the file size in order to facilitate email transmission.

Bidders are hereby advised to submit the revised version of Attachment 2 titled “Attachment 2- Inquires Template (Revised October 30, 2014)”; however, in the event that Bidders have already submitted their inquiries there is no need to submit the revised version of Attachment 2.

We are extending the Closing Date for Inquiries to November 05, 2014, 5:00 PM ET. All other deadlines remain the same.

Attachment 2 - Inquires Template (Revised October 30, 2014) can be accessed at this link:

<http://www.ogs.ny.gov/purchase/biddocument/22868Bid.asp>

If submitting a bid, this memorandum must be signed, attached to, and made a part of your bid.

BID OF (COMPANY): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

SIGNATURE OF BIDDER: \_\_\_\_\_

PRINTED COPY OF SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_