

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

CENTRALIZED CONTRACTS FOR THE ACQUISITION OF LIGHT DUTY VEHICLES

BID SOLICITATION INFORMATION UPDATE #6

PR NUMBER: 22878

DATE: August 13, 2014

GROUP: 40451 – Light Duty Vehicles

PLEASE ADDRESS INQUIRIES TO:

Wendy Reitzel
(518) 473-5280
SST_auto@ogs.ny.gov

Matthew Jones
(518) 474-4163
SST_auto@ogs.ny.gov

BID OPENING: August 19, 2014, 11:00 AM EST

SUBJECT: Mini-Bid #14080008

TO PROSPECTIVE BIDDERS:

The above referenced solicitation has been amended to include the changes outlined below:

All Bidders must acknowledge receipt and agreement to all previous solicitation amendments by answering "Yes" to question #16 on Attachment 2: *Bid Documents (Electronic)*, Section A: *Bid Submittal Checklist*.

All Bidders submitting a bid for Mini-Bid #14080008 must acknowledge receipt and agreement to this solicitation amendment by submitting a paper version of this document, completed and with original ink signature, to OGS in accordance with the instructions listed in Section 12.4 *Bid Delivery*, of the Bid Solicitation Information memo issued July 21, 2014

By signing below you certify your express authority to sign on behalf of yourself, your company, or other entity and full knowledge and acceptance of this solicitation amendment, and that all information provided is complete, true and accurate.

Legal Business Name of Company Bidding:	
D/B/A - Doing Business As (if applicable):	
Bidder's Signature:	Printed or Typed Name:
Title:	Date:

AUTO MARKETPLACE MINI-BID

The Attachment 4: *Mini-Bid Vehicle Requests*, that is currently posted on the OGS website at <http://www.ogs.ny.gov/purchase/biddocument/22878crBid.asp>, includes incorrect specifications for Mini-Bid #14080008: *NYSP Chevrolet Tahoe 4WD PPV*. The correct specifications, which are included on the following pages, are unchanged from the amended version posted on August 1, 2014 (see Bid Solicitation Information update #3 below for the amendments).

[Fleet] 2015 Chevrolet Tahoe (CK15706) 4WD 4dr Commercial (2)



[Fleet] 2015 Chevrolet Tahoe (CK15706) 4WD 4dr Commercial (2) ( Incomplete)

Selected Model and Options

MODEL			
CODE	MODEL	Invoice	MSRP
CK15706	2015 Chevrolet Tahoe 4WD 4dr Commercial	W/A	W/A

COLORS			
CODE	DESCRIPTION	Invoice	MSRP
GBA	Black	\$0.00	\$0.00

[Fleet] 2015 Chevrolet Tahoe (CK15706) 4WD 4dr Commercial (2) ( Incomplete)

ADDITIONAL EQUIPMENT

CODE	DESCRIPTION	FRONT WEIGHT	REAR WEIGHT	Invoice	MSRP
5HP	Key, 6 additional keys	0.00 lbs	0.00 lbs	\$35.20	\$40.00
5T5	Seats, 2nd and 3rd row vinyl with front cloth seats Provides vinyl second and third row seats and cloth front seats (Requires (H0U) Jet black trim)	0.00 lbs	0.00 lbs	\$0.00	\$0.00
6C7	Lighting, red and white front auxiliary dome (Requires (9C1) Police Vehicle or (5W4) Special Service Vehicle)	0.00 lbs	0.00 lbs	\$149.60	\$170.00
6J3	Wiring, grille lamps and siren speakers (Requires (9C1) Police Vehicle or (5W4) Special Service Vehicle)	0.00 lbs	0.00 lbs	\$80.96	\$92.00
6J4	Wiring, horn and siren circuit (Requires (9C1) Police Vehicle or (5W4) Special Service Vehicle)	0.00 lbs	0.00 lbs	\$36.08	\$41.00
6J7	Flasher system, headlamp and taillamp, DRL compatible with control wire (Requires (9C1) Police Vehicle or (5W4) Special Service Vehicle)	0.00 lbs	0.00 lbs	\$435.60	\$495.00
6N5	Switches, rear window inoperative (rear windows can only operate from driver's position) (Requires (9C1) Police Vehicle or (5W4) Special Service Vehicle)	0.00 lbs	0.00 lbs	\$50.16	\$57.00
6N6	Door locks and handles, inside rear doors inoperative (doors can only be opened from outside) (Requires (9C1) Police Vehicle or (5W4) Special Service Vehicle)	0.00 lbs	0.00 lbs	\$51.92	\$59.00
7X7	Spotlamps, left- and right-hand (Requires (9C1) Police Vehicle or (5W4) Special Service Vehicle)	0.00 lbs	0.00 lbs	\$721.60	\$820.00
9C1	Identifier for Police Patrol Vehicle (Must be specified.) *CREDIT TO FOLLOW*	0.00 lbs	0.00 lbs	W/A	W/A
9U3	Seats, driver and passenger front individual seats in cloth trim Power driver and passenger bucket seats in base cloth trim. Derived from RPO (AZ3) 40-20-40 split bench seat with the 20% section removed. Does not include a floor console. All exposed floor area will remain untrimmed. (Requires (AZ3) 40/20/40 split bench seat, trim code (H0U) Jet Black cloth.)	0.00 lbs	0.00 lbs	\$0.00	\$0.00

Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided. Data Version: 630, Data updated Jul 27, 2014 10:11:00 PM PDT

[Fleet] 2015 Chevrolet Tahoe (CK15706) 4WD 4dr Commercial (2) ( Incomplete)

AG1	Seat adjuster, driver 10-way power (Requires (AZ3) 40/20/40 split-bench front seat. Not available with (H2G) Jet Black vinyl seats)	0.00 lbs	0.00 lbs	\$0.00	\$0.00
AG2	Seat adjuster, front passenger 6-way power	0.00 lbs	0.00 lbs	Inc.	Inc.
AKK	Windshield style, acoustic laminated glass (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	0.00 lbs	0.00 lbs	Inc.	Inc.
AKO	Glass, deep-tinted (all windows, except light-tinted glass on windshield and driver- and front passenger-side glass) (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	0.00 lbs	0.00 lbs	Inc.	Inc.
AKX	Windshield, solar absorbing, shaded upper (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	0.00 lbs	0.00 lbs	Inc.	Inc.
ATD	Seat delete, third row passenger (Included with (9C1) Police Vehicle or (5W4) Special Service Vehicle) (Deletes rear storage compartment.) *CREDIT*	0.00 lbs	0.00 lbs	Inc.	Inc.
C5Y	GVWR, 7100 lbs. (3221 kg) (4WD models only. Included and only available with (9C1) Police Vehicle.)	0.00 lbs	0.00 lbs	Inc.	Inc.
JF4	Pedals, power-adjustable for accelerator and brake (Included with (PCW) Driver Alert Package.)	0.00 lbs	0.00 lbs	\$132.00	\$150.00
K4B	Battery, Auxiliary, 730 CCA	0.00 lbs	0.00 lbs	Inc.	Inc.
KW7	Alternator, 170 amps, high output (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	0.00 lbs	0.00 lbs	Inc.	Inc.
NQH	Transfer case, active, 2-speed electronic Autotrac with rotary controls, includes neutral position for dinghy towing (Requires 4WD model. Included with (9C1) Police Vehicle or (5W4) Special Service Vehicle.)	0.00 lbs	0.00 lbs	Inc.	Inc.
NZZ	Front underbody shield (Requires 4WD model. Included with (9C1) Police Vehicle or (5W4) Special Service Vehicle)	0.00 lbs	0.00 lbs	Inc.	Inc.

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[Fleet] 2015 Chevrolet Tahoe (CK15706) 4WD 4dr Commercial (2) ( Incomplete)

R9Y	Fleet Free Maintenance Credit This option code provides a credit in lieu of the free oil changes, tire rotations and inspections (4 maximum), during the first 24 months and 24,000 miles period for this ordered vehicle. The invoice will detail the applicable credit. The customer will be responsible for all oil change, tire rotations and inspections costs for this vehicle. (Requires one of the following Fleet or Government order types: FBC, FBN, FCA, FCN, FLS, FNR, FRC or FGO. Not available with FDR order types.) *CREDIT*	0.00 lbs	0.00 lbs	(\$118.80)	(\$135.00)
RM7	Wheel, 17" x 8" (43.2 cm x 20.3 cm) full-size, steel spare includes P265/60R17 V-rated tire (Included and only available with (9C1) Police Vehicle)	0.00 lbs	0.00 lbs	Inc.	Inc.
UN9	Radio Suppression Package, with ground straps (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle)	0.00 lbs	0.00 lbs	Inc.	Inc.
UT7	Ground Studs, Auxillary, Rear Compartment (Requires (9C1) Police Vehicle or (5W4) Special Service Vehicle)	0.00 lbs	0.00 lbs	\$77.44	\$88.00
UTQ	Theft-deterrent system, content, disable the alarm and horn become non-functional in an attempt of theft to the vehicle	0.00 lbs	0.00 lbs	\$8.80	\$10.00
VK3	License plate front mounting package (Included on orders with ship-to-states that require a front license plate.)	0.00 lbs	0.00 lbs	\$0.00	\$0.00
VPV	Ship Thru, Produced in Arlington Assembly and shipped to Kerr Industries and onto Arlington Assembly	0.00 lbs	0.00 lbs	Inc.	Inc.
WX7	Wiring, auxiliary speaker (Requires (9C1) Police Vehicle or (5W4) Special Service Vehicle)	0.00 lbs	0.00 lbs	\$52.80	\$60.00
—	Door handles, body-color (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	0.00 lbs	0.00 lbs	Inc.	Inc.
—	Instrumentation, analog with certified 140 mph speedometer, odometer with trip odometer, engine hour meter, fuel level, voltmeter, engine temperature, oil pressure and tachometer (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	0.00 lbs	0.00 lbs	Inc.	Inc.

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[Fleet] 2015 Chevrolet Tahoe (CK15706) 4WD 4dr Commercial (2) ( Incomplete)

—	Key, 2-sided (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	0.00 lbs	0.00 lbs	Inc.	Inc.
—	Luggage rack, delete (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	0.00 lbs	0.00 lbs	Inc.	Inc.
—	Exterior ornamentation delete (Included and only available with (5W4) Special Service Vehicle only)	0.00 lbs	0.00 lbs	Inc.	Inc.
—	Power outlets, 4 auxiliary, 12-volt includes 1 on the instrument panel, 1 in armrest, and 2 in the cargo area (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle)	0.00 lbs	0.00 lbs	Inc.	Inc.
—	Power supply, 100-amp, auxiliary battery, rear electrical center (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	0.00 lbs	0.00 lbs	Inc.	Inc.
—	Power supply, 50-amp, power supply, auxiliary battery passenger compartment wiring harness (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	0.00 lbs	0.00 lbs	Inc.	Inc.
—	Power supply, 120-amp, (4) 30-amp circuit, Primary battery relay controlled, passenger compartment harness wiring (Included and only available with (9C1) Police Vehicle only)	0.00 lbs	0.00 lbs	Inc.	Inc.
—	Safety belts, 3-point, driver and front passenger in all seating positions (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	0.00 lbs	0.00 lbs	Inc.	Inc.
—	Theft-deterrent system, vehicle, PASS-Key III (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	0.00 lbs	0.00 lbs	Inc.	Inc.

PREFERRED EQUIPMENT GROUP

CODE	DESCRIPTION	FRONT WEIGHT	REAR WEIGHT	Invoice	MSRP
1FL	Commercial Preferred Equipment Group Includes Standard Equipment *CREDIT*	0.00 lbs	0.00 lbs	(\$1,038.40)	(\$1,180.00)

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[Fleet] 2015 Chevrolet Tahoe (CK15706) 4WD 4dr Commercial (2) ( Incomplete)

SEAT TYPE

CODE	DESCRIPTION	FRONT WEIGHT	REAR WEIGHT	Invoice	MSRP
AZ3	Seating, front 40/20/40 split-bench, 3-passenger includes 6-way power driver and 2-way front passenger seat adjuster, driver and front passenger power lumbar control and power reclining, center fold-down armrest with storage, storage compartments in seat cushion (includes auxiliary power outlet), adjustable outboard head restraints and storage pockets (With vinyl, does not include (AG1) Driver 6-way power seat adjuster or (AG2) Front passenger 6-way power adjuster. With (9C1) Police Vehicle or (5W4) Special Service Vehicle, included with (9U3) SEO, front center seat (20% seat delete.) (STD)	0.00 lbs	0.00 lbs	\$0.00	\$0.00

PAINT

CODE	DESCRIPTION	FRONT WEIGHT	REAR WEIGHT	Invoice	MSRP
GBA	Black	0.00 lbs	0.00 lbs	\$0.00	\$0.00

AXLE

CODE	DESCRIPTION	FRONT WEIGHT	REAR WEIGHT	Invoice	MSRP
GU4	Rear axle, 3.08 ratio (STD) (Not available with (NHT) Max Trailering Package.)	0.00 lbs	0.00 lbs	\$0.00	\$0.00

SEAT TRIM

CODE	DESCRIPTION	FRONT WEIGHT	REAR WEIGHT	Invoice	MSRP
H0U	Jet Black, Cloth seat trim	0.00 lbs	0.00 lbs	\$0.00	\$0.00

RADIO

CODE	DESCRIPTION	FRONT WEIGHT	REAR WEIGHT	Invoice	MSRP
IO3	Audio system, AM/FM stereo with CD player and auxiliary input jack includes 2 USB ports and 1 SD card reader (STD)	0.00 lbs	0.00 lbs	\$0.00	\$0.00

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[Fleet] 2015 Chevrolet Tahoe (CK15706) 4WD 4dr Commercial (2) ( Incomplete)

ENGINE

CODE	DESCRIPTION	FRONT WEIGHT	REAR WEIGHT	Invoice	MSRP
L83	Engine, 5.3L EcoTec3 V8 with Active Fuel Management, Direct Injection and Variable Valve Timing includes aluminum block construction (355 hp [265 kW] @ 5600 rpm, 382 lb-ft of torque [516 N-m] @ 4100 rpm) (STD)	0.00 lbs	0.00 lbs	\$0.00	\$0.00

TRANSMISSION

CODE	DESCRIPTION	FRONT WEIGHT	REAR WEIGHT	Invoice	MSRP
MYC	Transmission, 6-speed automatic, electronically controlled with overdrive and tow/haul mode (STD)	0.00 lbs	0.00 lbs	\$0.00	\$0.00

EMISSIONS

CODE	DESCRIPTION	FRONT WEIGHT	REAR WEIGHT	Invoice	MSRP
NE1	Emissions, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington state requirements	0.00 lbs	0.00 lbs	\$0.00	\$0.00

TIRES

CODE	DESCRIPTION	FRONT WEIGHT	REAR WEIGHT	Invoice	MSRP
QAR	Tires, P265/60R17 all-season, police, V-rated (Included and only available with (9C1) Police Vehicle) *PRICE TO FOLLOW*	0.00 lbs	0.00 lbs	Inc.	Inc.

WHEEL TYPE

CODE	DESCRIPTION	FRONT WEIGHT	REAR WEIGHT	Invoice	MSRP
RAP	Wheels, 17" x 8" (43.2 cm x 20.3 cm) steel, police, Black (Included and only available with (9C1) Police Vehicle) *PRICE TO FOLLOW*	0.00 lbs	0.00 lbs	Inc.	Inc.

Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided. Data Version: 630, Data updated Jul 27, 2014 10:11:00 PM PDT

[Fleet] 2015 Chevrolet Tahoe (CK15706) 4WD 4dr Commercial (2) ( Incomplete)

SUSPENSION PKG

CODE	DESCRIPTION	FRONT WEIGHT	REAR WEIGHT	Invoice	MSRP
Z56	Suspension, heavy-duty, police-rated front, independent torsion bar, and stabilizer bar and rear, multi-link with coil springs (Included and only available with (9C1) Police Vehicle only)	0.00 lbs	0.00 lbs	Inc.	Inc.

SPARE TIRE

CODE	DESCRIPTION	FRONT WEIGHT	REAR WEIGHT	Invoice	MSRP
ZAK	Tire, spare, P265/60R17 all-season, police, V-rated (Included and only available with (9C1) Police Vehicle)	0.00 lbs	0.00 lbs	Inc.	Inc.
Options Total		0.00 lbs	0.00 lbs	W/A	W/A

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PURCHASING MEMORANDUM

CENTRALIZED CONTRACTS FOR THE ACQUISITION OF LIGHT DUTY VEHICLES

BID SOLICITATION INFORMATION UPDATE #5

PR NUMBER: 22878

DATE: August 11, 2014

GROUP: 40451 – Light Duty Vehicles

PLEASE ADDRESS INQUIRIES TO:

Wendy Reitzel
(518) 473-5280
SST_auto@ogs.ny.gov

Matthew Jones
(518) 474-4163
SST_auto@ogs.ny.gov

BID OPENING: August 19, 2014, 11:00 AM EST

SUBJECT: New Bid Opening Date and Solicitation Amendments

TO PROSPECTIVE BIDDERS:

The above referenced solicitation has been amended to include the changes outlined below:

All Bidders must acknowledge receipt and agreement to all previous solicitation amendments by answering "Yes" to question #16 on Attachment 2: *Bid Documents (Electronic)*, Section A: *Bid Submittal Checklist*.

All Bidders must acknowledge receipt and agreement to this solicitation amendment by submitting a paper version of this document, completed and with original ink signature, to OGS in accordance with the instructions listed in Section 12.4 *Bid Delivery*, of the Bid Solicitation Information memo issued July 21, 2014

By signing below you certify your express authority to sign on behalf of yourself, your company, or other entity and full knowledge and acceptance of this solicitation amendment, and that all information provided is complete, true and accurate.

Legal Business Name of Company Bidding:	
D/B/A - Doing Business As (if applicable):	
Bidder's Signature:	Printed or Typed Name:
Title:	Date:

UPDATE TO BID SUBMISSION INFORMATION:

The Bid Opening date for this solicitation has been delayed. The new "Submission of bid and bid opening (for solicitation 22878 backdrop contracts)" and "Bid submission deadline for first Mini-Bids" dates has been changed to **August 19, 2014, 11:00AM EST**. The complete, updated timeline appears in the Key Events/Dates table below.

Bids (for the backdrop contracts and first Mini-Bids) received for the previously announced August 11, 2014 Bid Opening will be held by OGS and opened on August 19, 2014 at 11:00AM EST.

Bidders have the following options with respect to Bids (for the solicitation 22878 backdrop contract and first Mini-Bids) received for the previously announced August 11, 2014 Bid Opening: (1) Have OGS use the submitted Bid; (2) withdraw the submitted Bid (either the solicitation 22878 backdrop contract bid or the Mini-Bid(s)) and submit a new Bid (either the solicitation 22878 backdrop contract bid or the Mini-Bid(s)); or, (3) submit amendments to the submitted Bid (either the solicitation 22878 backdrop contract bid or the Mini-Bid(s)).

If the submitted Bid (either the solicitation 22878 backdrop contract bid or the Mini-Bid(s)) is withdrawn, any new Bid (either the solicitation 22878 backdrop contract bid or the Mini-Bid(s)) must be submitted in accordance with the instructions listed in Section 12.4 *Bid Delivery*, of the Bid Solicitation Information memo issued July 21, 2014. In order to be eligible for the first Mini-Bids all Bids must be received by 11:00 AM on August 19, 2014.

Backdrop contract bid modifications must be submitted in accordance with the instructions listed in Section 12.4 *Bid Delivery*, of the Bid Solicitation Information memo issued July 21, 2014, and be marked "Bid Modification" on the outside of the package. Mini-Bid bid modifications must be submitted in accordance with the instructions listed in the "Auto Marketplace Mini-Bid" section of the Bid Solicitation Information memo issued July 25, 2014, with "Bid Modification" included in the email subject line or file name if submitted on CD. In order to be eligible for the first Mini-Bids all modifications must be received by 11:00 AM on August 19, 2014.

KEY EVENTS/DATES

The complete, updated timeline appears below.

<u>EVENT</u>	<u>DATE</u>	<u>TIME</u>
Solicitation release	July 21, 2014	
OGS posting of first Mini-Bids in the Auto Marketplace	July 25, 2014	
Closing date for vendor inquiries for solicitation 22878 and Mini-Bids	July 29, 2014	5:00 PM
Pre-bid Conference registration due	July 29, 2014	5:00 PM
Discretionary pre-bid conference	July 31, 2014	10:00 AM
Closing date for post pre-bid conference vendor inquiries	August 4, 2014	5:00 PM
OGS response to vendor inquiries for solicitation 22878 and Mini-Bids	August 7, 2014	5:00 PM
Submission of bid and bid opening (for solicitation 22878 backdrop contracts)	August 19, 2014	11:00 AM
Bid submission deadline for first Mini-Bids	August 19, 2014	11:00 AM
Deadline for responsive bid document submission for solicitation 22878 backdrop contracts, to be eligible for award of first Mini-Bid	August 22, 2014	5:00 PM
Contract Award Notification for 22878 backdrop contracts (estimated)	August 26, 2014	
Award of first Mini-Bids (estimated)	August 26, 2014	

RESPONSE TO BIDDER INQUIRIES:

The OGS responses to the following Bidder inquiries, posted August 7, 2014, have been amended. The amended responses below replaces the responses posted on August 7, 2014. All other responses posted on August 7, 2014 remain as posted.

Q#	Document Name	Document Section	Bidder Question	OGS Response
43	Attachment 4: <i>Mini-Bid Vehicle Requests</i>	General	If there are different delivery locations for a specific Model vehicle do we submit a separate Mini Bid for each location?	Form B: <i>Bidder Response</i> , instructs the Bidder to "submit multiple forms for a Mini-Bid Number (e.g. 14080001) if the prices entered are not the same for each Vehicle bid for that Mini-Bid." Therefore, if the different delivery locations result in prices that are not the same for each Vehicle bid for a Mini-Bid, then multiple Form Bs should be submitted in response to that Mini-Bid.
34	Contract Template	Appendix C-5 <i>Auto Marketplace Forms</i> (Form A: <i>Vehicle Request</i>)	When a pilot inspection is requested, the exact specifications of that inspection must be defined	The pilot model that meets the specifications of the Vehicle requested in the Mini-Bid shall be presented for inspection, and will be inspected based upon criteria established by the Authorized User. The criteria of the inspection will not be provided to Bidders, or to the awardee of the Mini-Bid. Specifications for Mini-Bids, including the requirement of a pilot inspection, are the responsibility of the Authorized User. Questions about Mini-Bid specifications should be directed to the Mini-Bid contact person identified on Form A: <i>Vehicle Request</i> . Note: The contact person identified on Form A is the Designated Contact for Procurement Lobbying for the applicable Mini-Bid.

ATTACHMENT 4: MINI-BID VEHICLE REQUESTS:

The revised Attachment 4: *Mini-Bid Vehicle Requests*, posted August 7, 2014, omitted specifications for several Mini-Bids. In addition, OGS has withdrawn Mini-Bid #14080005. The complete, updated document, with all changes made since the July 21, 2014 posting, can be found at on the OGS website at <http://www.ogs.ny.gov/purchase/biddocument/22878crBid.asp>.

SOLICITATION AMENDMENTS:

- Section 22 *Contractor Requirements and Procedures for Equal Employment and Business Participation Opportunities for Minority Group Members and New York State Certified Minority- and Women-Owned Business Enterprises*, has been deleted and replaced with the following:

22. CONTRACTOR REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN

POLICY STATEMENT

The New York State Office of General Services (OGS), as part of its responsibility, recognizes the need to promote the employment of minority group members and women and to ensure that certified minority and women-owned business enterprises have opportunities for maximum feasible participation in the performance of OGS contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were

published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("the Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority and women-owned business enterprises in state procurement contracting versus the number of minority and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that OGS establishes goals for maximum feasible participation of New York State Certified minority and women-owned business enterprises ("MWBE") and the employment of minority groups members and women in the performance of New York State contracts.

EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS

By submission of a bid or proposal in response to this solicitation, the Bidder/Contractor agrees with all of the terms and conditions of Appendix A including Clause 12 - Equal Employment Opportunities for Minorities and Women. The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor, shall undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to this Contract; or (ii) employment outside New York State.

Bidder further agrees to submit with the bid a staffing plan on Form EEO 100 identifying the anticipated work force to be utilized on the Contract and if awarded a contract, will, upon request, submit to the Authorized User, a workforce utilization report on Form EEO 101, identifying the workforce actually utilized on the Contract if known.

Further, pursuant to Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex (including gender expression), national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

BUSINESS PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES (MWBE)

For purposes of this procurement, OGS hereby establishes a goal of 10% for Minority-owned Business Enterprises (MBE) participation and 10% for Women-owned Business Enterprises (WBE) participation (collectively referred to as MWBE) for a total Contract MWBE goal of 20%. The total Contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract. The directory of New York State Certified MWBEs can be viewed at:
<https://ny.newnycontracts.com/frontend/diversityusers.asp>.

Pursuant to 5 NYCRR § 142.8, a Contractor must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of this Contract and ensure that the MWBEs utilized under the Contract perform commercially useful functions. Contractor agrees that OGS may withhold payment pending receipt of the required MWBE documentation.

Pursuant to 5 NYCRR § 140.1(f), a MWBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, a MWBE must, where applicable and in accordance with any State Agency specifications, also be responsible, with respect to materials and supplies used on the contract, for ordering and negotiating price, determining quality and quantity and installing. A MWBE does not perform a commercially useful function if its role adds no substantive value and is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of participation. OGS will assess whether a MWBE is performing a commercially useful function by considering the following:

- (1) the amount of work subcontracted;
- (2) industry practices;
- (3) whether the amount the MWBE is to be paid under the contract is commensurate with the work it is to perform;
- (4) the credit claimed towards MWBE utilization goals for the performance of the work by the MWBE; and
- (5) any other relevant factors.

In accordance with 5 NYCRR §142.13, Bidder/Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and OGS may withhold payment from the Contractor as liquidated damages. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, Bidder/Contractor agrees to submit the following documents and information as evidence of compliance with the foregoing:

A. Bidders are required to submit a Utilization Plan on Form MWBE 100 with their bid or proposal. The Utilization Plan shall list the MWBEs the Contractor intends to use to perform the State Contract, a description of the Commercially Useful Function the Contractor intends the MWBE to perform to meet the goals on the State Contract, the estimated or, if known, actual dollar amounts to be paid to a MWBE and performance dates of each component of a State Contract that the Contractor intends to be performed by a MWBE. By signing the Utilization Plan, the Bidder acknowledges that the utilization of MWBEs that do not perform commercially useful functions may not be counted as meeting the MWBE goals of the Contract; and, that making false representations or including information evidencing a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, termination of a contract for cause, loss of eligibility to submit future bids, and/or withholding of payments. Any modifications or changes to the agreed participation by NYS Certified MWBEs after the Contract Award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to OGS.

B. OGS will review the submitted MWBE Utilization Plan and advise the Bidder of OGS acceptance or issue a notice of deficiency within twenty (20) days of receipt.

C. If a notice of deficiency is issued; Bidder agrees that it shall respond to the notice of deficiency, within seven (7) business days of receipt, by submitting to OGS a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by OGS to be inadequate, OGS shall notify the Bidder and direct the Bidder to submit, within five (5) business days of notification by OGS, a request for a partial or total waiver of MWBE participation goals on Form BDC 333. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

D. OGS may disqualify a Bidder as being non-responsive under the following circumstances:

- a) If a Bidder fails to submit a MWBE Utilization Plan;
- b) If a Bidder fails to submit a written remedy to a notice of deficiency;
- c) If a Bidder fails to submit a request for waiver; or
- d) If OGS determines that the Bidder has failed to document good faith efforts.

A Bidder who documents good faith efforts to meet the goal requirements may submit a request for a partial or total waiver on Form BDC 333, at the same time it submits its MWBE Utilization Plan. If a request for waiver is submitted with the MWBE Utilization Plan and is not accepted by OGS at that time, the provisions of clauses B-D above, will apply.

Contractor shall attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to OGS, but must be made no later than prior to the submission of a request for final payment on the Contract.

E. Monthly MWBE Contractor Compliance Report

Contractors are required to report Monthly MWBE Contractor Compliance to OGS during the term of the Contract for the preceding month's activity, documenting progress made towards achievement of the Contract MWBE goals. OGS requests that all Contractors use the New York State Contract System (NYSCS) to report subcontractor and supplier payments made by Contractor to MWBEs performing commercially useful functions under the Contract. The NYSCS may be accessed at <https://ny.newnycontracts.com/>. This is a New York State-based system that all State agencies and authorities will be implementing to ensure uniform contract compliance reporting throughout New York State. If a Contractor is unable to report MWBE Contractor Compliance via the NYSCS, Contractor must submit a Monthly MWBE Contractor Compliance Report on Form MWBE 102 to OGS. More information about the NYSCS will be provided if Bidder is awarded a Contract.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

ALL FORMS ARE AVAILABLE AT: <http://www.ogs.ny.gov/MWBE/Forms.asp>.

2. The Contract Template will be revised when the final Contract is presented to Bidders for execution, to include the following revised Section II.23 *Participation by Minority and Women with Respect to State Contracts: Requirements and Procedures*.

II.23 PARTICIPATION BY MINORITY GROUP MEMBERS AND WOMEN WITH RESPECT TO STATE CONTRACTS: REQUIREMENTS AND PROCEDURES

II.23.1 GENERAL PROVISIONS

- A. OGS is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 ("MWBE Regulations") for all State contracts as defined therein, with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.
- B. The Contractor agrees, in addition to any other nondiscrimination provision of the Contract and at no additional cost to OGS, to fully comply and cooperate with OGS in the implementation of New York State

Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women (“EEO”) and contracting opportunities for New York State Certified minority and women-owned business enterprises (“MWBEs”). Contractor’s demonstration of “good faith efforts” pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the “Human Rights Law”) or other applicable federal, state or local laws.

- C. The Contractor further agrees to be bound by the provisions of Article 15-A and the MWBE Regulations. If any of these terms or provisions conflict with applicable law or regulations, such laws and regulations shall supersede these requirements.
- D. Failure to comply with all of the requirements herein may result in a finding of non-responsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds or such other actions, liquidated damages pursuant to Section VII of this Appendix or enforcement proceedings as allowed by the Contract.

II.23.2 CONTRACT GOALS

- A. OGS hereby establishes an overall goal of 10% for MWBE participation, 10% for Minority-Owned Business Enterprises (“MBE”) participation and 20% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.
- B. For purposes of providing meaningful participation by MWBEs on the Contract and achieving the Contract Goals established in Section II-A hereof, Contractor should reference the directory of New York State Certified MBWEs found at the following internet address:
<https://ny.newnycontracts.com/frontend/diversityusers.asp>

Additionally, Contractor is encouraged to contact the Division of Minority and Women’s Business Development ((518) 292-5250; (212) 803-2414; or (716) 846-8200) to discuss additional methods of maximizing participation by MWBEs on the Contract.

- C. Pursuant to 5 NYCRR § 142.8, Contractor must document “good faith efforts” to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and ensure that the MWBEs utilized under the Contract perform commercially useful functions. Pursuant to 5 NYCRR § 140.1(f), a MWBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, a MWBE must, where applicable and in accordance with any State Agency specifications, also be responsible, with respect to materials and supplies used on the contract, for ordering and negotiating price, determining quality and quantity and installing. A MWBE does not perform a commercially useful function if its role adds no substantive value and is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of participation. OGS will assess whether a MWBE is performing a commercially useful function by considering the following:
 - (1) the amount of work subcontracted;
 - (2) industry practices;
 - (3) whether the amount the MWBE is to be paid under the contract is commensurate with the work it is to perform;
 - (4) the credit claimed towards MWBE utilization goals for the performance of the work by the MWBE; and
 - (5) any other relevant factors.

- D. In accordance with Executive Law Section 316-a and 5 NYCRR §142.13, the Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such a finding constitutes a breach of contract and the Contractor shall be liable to OGS for liquidated or other appropriate damages, as set forth herein.

II.23.3 Equal Employment Opportunity (EEO)

- A. Contractor shall comply with the following provisions of Article 15-A:

1. Contractor and Subcontractors shall undertake or continue existing EEO programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, EEO shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation.
2. The Contractor certifies by entering into this Contract that the text set forth in clause 12 of Appendix A, attached hereto and made a part hereof is Contractor's equal employment opportunity policy.

- B. Form EEO 100 - Staffing Plan.

To ensure compliance with this Section, the Contractor shall submit a staffing plan to document the composition of the proposed workforce to be utilized in the performance of the Contract by the specified categories listed, including ethnic background, gender, and Federal occupational categories. Contractors shall complete the Staffing plan form and submit it as part of their contract.

- C. Form EEO 102 - Workforce Employment Utilization Report ("Workforce Report")

(Insert one of the following, but not both clauses in the final contract)

EITHER: Contractor agrees it is responsible for updating and providing notice to the OGS of any changes to the previously submitted Staffing Plan. This information is to be submitted on a quarterly basis during the term of the Contract to report the actual workforce utilized in the performance of the Contract by the specified categories listed including ethnic background, gender, and Federal occupational categories. The Workforce Report must be submitted to report this information.

OR: Contractor and OGS agree that Contractor is unable to separate out the workforce utilized in the performance of the Contract from Contractor's and/or subcontractor's total workforce and that the information provided on the previously submitted Staffing Plan is Contractor's total workforce during the subject time frame, not limited to work specifically under the Contract.

- D. Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. Contractor and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

II.23.4 MWBE Utilization Plan

- A. Contractor certifies that it has submitted a MWBE Utilization Plan on Form MWBE 100 to OGS and will follow such Plan for the performance of MWBEs on the Contract pursuant to the prescribed MWBE goals set forth in Section II-A of this Appendix.
- B. Contractor further certifies that the MWBEs included in its Utilization Plan will perform commercially useful functions under the Contract. Contractor understands that making false representations or including information evidencing a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, termination of a contract for cause, loss of eligibility to submit future bids, and/or withholding of payments. Contractor further

understands and agrees that MWBEs that do not perform commercially useful functions may not be counted as meeting the MWBE goals of this Contract.

- C. Contractor further agrees that a failure to submit and/or use such MWBE Utilization Plan shall constitute a material breach of the terms of the Contract. Upon the occurrence of such a material breach, OGS shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsiveness.

II.23.5 Waivers

- A. If the Contractor, after making good faith efforts, is unable to comply with MWBE goals, the Contractor may submit a Request for Waiver form (BDC 333) documenting good faith efforts by the Contractor to meet such goals. If the documentation included with the waiver request is complete, the OGS shall evaluate the request and issue a written notice of acceptance or denial within twenty (20) days of receipt.
- B. If the OGS, upon review of the MWBE Utilization Plan and updated Quarterly Workforce Reports determines that Contractor is failing or refusing to comply with the Contract goals and no waiver has been issued in regards to such non-compliance, the OGS may issue a notice of deficiency to the Contractor. The Contractor must respond to the notice of deficiency within seven (7) business days of receipt. Such response may include a request for partial or total waiver of MWBE Contract Goals.

II.23.5 Monthly MWBE Contractor Compliance Report

- A. Contractor is required to report Monthly MWBE Contractor Compliance to OGS during the term of the Contract for the preceding month's activity, documenting progress made towards achievement of the Contract MWBE goals. OGS requests that all Contractors use the New York State Contract System (NYSCS) to report subcontractor and supplier payments made by Contractor to MWBEs performing commercially useful functions under the Contract. The NYSCS may be accessed at <https://ny.newnycontracts.com/>. This is a New York State-based system that all State agencies and authorities will be implementing to ensure uniform contract compliance reporting throughout New York State.
- B. When a Contractor receives a payment from a State Agency Authorized User following a purchase from an OGS NYSPRO contract, it is the Contractor's responsibility to pay its subcontractors and suppliers in a timely manner. On or after the first day of each month, the Contractor will receive an e-mail or fax notification ("audit notice") indicating that a representative of its company needs to log-in to the NYSCS to report the company's MWBE subcontractor and supplier payments for the preceding month. The Contractor must also report when no payments have been made to a subcontractor or supplier in a particular month with entry of a zero dollar value in the NYSCS. Once subcontractor and supplier payments have been entered into the NYSCS, the subcontractor(s) and supplier(s) will receive an email or fax notification advising them to log into the NYSCS to confirm that they actually received the reported payments from the Contractor. It is the Contractor's responsibility to educate its MWBE subcontractors and suppliers about the NYSCS and the need to confirm payments made to them in the NYSCS.
- C. To assist in the use of the NYSCS, OGS recommends that all Contractors and MWBE subcontractors and suppliers sign up for the following two webinar trainings offered through the NYSCS: "**Introduction to the System for Vendors**" and "**Contract Compliance Reporting - Vendor Training**" to become familiar with the NYSCS. To view the training schedule and to register visit: <https://ny.newnycontracts.com/events.asp>
- D. As soon as possible after the Contract is approved, Contractor should visit <https://ny.newnycontracts.com> and click on "**Account Lookup**" to identify the Contractor's account by company name. Contact information should be reviewed and updated if necessary by choosing "**Change Info.**" It is important that the staff member who is responsible for reporting payment information for the Contractor be listed as a user in the NYSCS. Users who are not already listed may be added through "**Request New User.**" When identifying the person responsible, please add "**- MWBE Contact**" after their last name (i.e John Doe – MWBE Contact) to ensure that the correct person receives audit notices from the NYSCS. NYSCS

Technical Support should be contacted for any technical support questions by clicking on the links for "Contact Us & Support" then "Technical Support" on the NYSCS website.

- E. If Contractor is unable to report MWBE Contractor Compliance via the NYSCS, Contractor must submit a Monthly MWBE Contractor Compliance Report on Form MWBE 102 to OGS, by the 10th day of each month during the term of the Contract, for the preceding month's activity to: OGS MWBE Office, 29th floor Corning Tower, Empire State Plaza, Albany, NY 12242. Phone: 518-486-9284; Fax: 518-486-9285.
- F. It is the Contractor's responsibility to report subcontractor and supplier payments. Failure to respond to payment audits in a timely fashion through the NYSCS, or by paper to OGS, may jeopardize future payments pursuant to the MWBE liquidated damages clause in Section VII below.

II.23.6 Liquidated Damages - MWBE Participation

- A. Where OGS determines that Contractor is not in compliance with the requirements of the Contract and Contractor refuses to comply with such requirements, or if Contractor is found to have willfully and intentionally failed to comply with the MWBE participation goals, Contractor shall be obligated to pay to the OGS liquidated damages.
- B. Such liquidated damages shall be calculated as an amount equaling the difference between:
 - 1. All sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and
 - 2. All sums actually paid to MWBEs for work performed or materials supplied under the Contract.
- C. In the event a determination has been made, after Contractor has been afforded the process that it is due, which requires the payment of liquidated damages and such identified sums have not been withheld by the OGS, Contractor shall pay such liquidated damages to the OGS within sixty (60) days after such determination unless prior to the expiration of such sixtieth day, the Contractor has filed a complaint with the Director of the Division of Minority and Women's Business Development pursuant to Subdivision 8 of Section 313 of the Executive Law in which event the liquidated damages shall be payable if the Director renders a decision in favor of the OGS.

ALL FORMS ARE AVAILABLE AT: <http://www.ogs.ny.gov/MWBE/Forms.asp>

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

CENTRALIZED CONTRACTS FOR THE ACQUISITION OF LIGHT DUTY VEHICLES

BID SOLICITATION INFORMATION UPDATE #4

PR NUMBER: 22878

DATE: August 6, 2014

GROUP: 40451 – Light Duty Vehicles

PLEASE ADDRESS INQUIRIES TO:

Wendy Reitzel
(518) 473-5280
SST_auto@ogs.ny.gov

Matthew Jones
(518) 474-4163
SST_auto@ogs.ny.gov

BID OPENING: August 11, 2014, 11:00 AM EST

SUBJECT: Response to Bidder Inquiries and Solicitation Amendments

TO PROSPECTIVE BIDDERS:

The above referenced solicitation has been amended to include the changes outlined below:

All Bidders must acknowledge receipt and agreement to all solicitation amendments by answering “Yes” to question #16 on Attachment 2: *Bid Documents (Electronic)*, Section A: *Bid Submittal Checklist*.

RESPONSE TO BIDDER INQUIRIES:

OGS has given careful consideration to the inquiries received in regards to solicitation #22878, *Light Duty Vehicles*, during the inquiry period that ended on August 4, 2014 at 5:00 PM ET. Responses to all inquiries can be found on the OGS Website: <http://www.ogs.ny.gov/purchase/biddocument/22878crBid.asp>.

AUTO MARKETPLACE MINI-BID AMENDMENTS:

Attachment 4: *Mini-Bid Vehicle Requests*, has been amended as noted below. All changes are noted in red in the updated document. The complete, updated document can be found at on the OGS website at <http://www.ogs.ny.gov/purchase/biddocument/22878crBid.asp>.

1. **Mini-Bid #14080002:** *DEC Pickup Trucks, Spill Response*, has been amended as follows:
 - a. Row 6.0 L on Form A *Vehicle Request*, has been amended to read as follows: “Aftermarket Components specified to be provided by vendor selected by Contractor.”
 - b. The GVWR listed in the first sentence of the specifications has been changed from “6,099” to “6,900.”
2. **Mini-Bid # 14080003**, changed from Ford Taurus SEL, FWD, P2D to Ford Taurus SE, FWD, P2D

SOLICITATION AMENDMENTS:

The following amendments have been made to the solicitation. The complete, updated documents can be found on the OGS website at <http://www.ogs.ny.gov/purchase/biddocument/22878crBid.asp>.

1. Contract Template. The following sections of the Contract Template have been amended. The complete revised document, with changes highlighted in red, can be found at the following link:
<http://www.ogs.ny.gov/purchase/biddocument/22752Bid.asp>.
 - a) II.12 *Procurement Method*, paragraphs C.2, C.6 and D.16
 - b) II.23 *Participation by Minority Group Members and Women with Respect to State Contracts: Requirements and Procedures*;
 - c) III.1.2 *Standards, Codes, Rules, And Regulations*
 - d) III.3.4 *Shipping Dates and Delivery Time*
 - e) III.4 *Service, Post Delivery Servicing*
 - f) III.3.6 *Liquidated Damages*

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

PURCHASING MEMORANDUM

CENTRALIZED CONTRACTS FOR THE ACQUISITION OF LIGHT DUTY VEHICLES

BID SOLICITATION INFORMATION UPDATE #3

PR NUMBER: 22878

DATE: August 1, 2014

GROUP: 40451 – Light Duty Vehicles

PLEASE ADDRESS INQUIRIES TO:

Wendy Reitzel
(518) 473-5280
SST_auto@ogs.ny.gov

Matthew Jones
(518) 474-4163
SST_auto@ogs.ny.gov

BID OPENING: August 11, 2014, 11:00 AM EST

SUBJECT: Pre-Bid Conference Information, Auto Marketplace Mini-Bid Update and Solicitation Amendments

TO PROSPECTIVE BIDDERS:

The above referenced solicitation has been amended to include the changes outlined below:

All Bidders must acknowledge receipt and agreement to all solicitation amendments by answering “Yes” to question #16 on Attachment 2: *Bid Documents (Electronic)*, Section A: *Bid Submittal Checklist*.

PRE-BID CONFERENCE

The PowerPoint and example documents that were presented to attendees of the pre-bid conference held from 10:00 AM to 12:15 PM at Empire State Plaza, Albany, NY on July 31, 2014 can be found at on the OGS website at <http://www.ogs.ny.gov/purchase/biddocument/22878crBid.asp>.

AUTO MARKETPLACE MINI-BID

Attachment 4: *Mini-Bid Vehicle Requests*, has been amended as follows. The complete, updated document can be found at on the OGS website at <http://www.ogs.ny.gov/purchase/biddocument/22878crBid.asp>.

1. Mini-Bid #14080002: *DEC Pickup Trucks, Spill Response*, has been amended as follows:
 - a. Row 6.0 L on Form A *Vehicle Request*, has been amended to read as follows: “Aftermarket Components specified to be provided by vendor selected by Contractor.”
 - b. The GVWR listed in the first sentence of the specifications has been changed from “6,099” to “6,900.”
2. Mini-Bid #14080008: *NYSP Chevrolet Tahoe 4WD PPV* has been amended to delete Option A95 (Bucket) and add Options AZ3 (40/20/40 Bench) and 9U3 (Delete Floor Console).

SOLICITATION AMENDMENTS:

1. Section 12.2 *Bid Format and Content*, of the Bid Solicitation Information Memo posted July 21, 2014 has been amended to add the following Subparagraph to Paragraph A. Note: A complete bid will include the additional document listed below.

13. Form MWBE 100. A **paper** version of form MWBE100 (MWBE Utilization Plan), completed and with original ink signature (See Section 22 *Contractor Requirements and Procedures for Equal Employment and Business Participation Opportunities for Minority Group Members and New York State Certified Minority- and Women-Owned Business Enterprises*). The form is available for download from the OGS website here: <http://www.ogs.ny.gov/MWBE/Docs/MWBE100.docx>
2. Section 22 *Contractor Requirements and Procedures for Equal Employment and Business Participation Opportunities for Minority Group Members and New York State Certified Minority- and Women-Owned Business Enterprises*, has been deleted and replaced with the following:

22. CONTRACTOR REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN

POLICY STATEMENT

The New York State Office of General Services (OGS), as part of its responsibility, recognizes the need to promote the employment of minority group members and women and to ensure that certified minority and women-owned business enterprises have opportunities for maximum feasible participation in the performance of OGS contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("the Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority and women-owned business enterprises in state procurement contracting versus the number of minority and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that OGS establishes goals for maximum feasible participation of New York State Certified minority and women-owned business enterprises ("MWBE") and the employment of minority groups members and women in the performance of New York State contracts.

EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS

By submission of a bid or proposal in response to this solicitation, the Bidder/Contractor agrees with all of the terms and conditions of Appendix A including Clause 12 - Equal Employment Opportunities for Minorities and Women. The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor, shall undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to this Contract; or (ii) employment outside New York State.

Bidder further agrees to submit with the bid a staffing plan on Form EEO 100 identifying the anticipated work force to be utilized on the Contract and if awarded a contract, will, upon request, submit to the Authorized User, a workforce utilization report on Form EEO 101, identifying the workforce actually utilized on the Contract if known.

Further, pursuant to Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex

(including gender expression), national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

BUSINESS PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES (MWBE)

For purposes of this procurement, OGS hereby establishes a goal of 10% for Minority-owned Business Enterprises (MBE) participation and 10% for Women-owned Business Enterprises (WBE) participation (collectively referred to as MWBE) for a total Contract MWBE goal of 20%. The total Contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract. The directory of New York State Certified MWBEs can be viewed at:

<https://ny.newycontracts.com/frontend/diversityusers.asp>.

Pursuant to 5 NYCRR § 142.8, a Contractor must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of this Contract and ensure that the MWBEs utilized under the Contract perform commercially useful functions. Contractor agrees that OGS may withhold payment pending receipt of the required MWBE documentation.

Pursuant to 5 NYCRR § 140.1(f), a MWBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, a MWBE must, where applicable and in accordance with any State Agency specifications, also be responsible, with respect to materials and supplies used on the contract, for ordering and negotiating price, determining quality and quantity and installing. A MWBE does not perform a commercially useful function if its role adds no substantive value and is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of participation. OGS will assess whether a MWBE is performing a commercially useful function by considering the following:

- (1) the amount of work subcontracted;
- (2) industry practices;
- (3) whether the amount the MWBE is to be paid under the contract is commensurate with the work it is to perform;
- (4) the credit claimed towards MWBE utilization goals for the performance of the work by the MWBE; and
- (5) any other relevant factors.

In accordance with 5 NYCRR §142.13, Bidder/Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and OGS may withhold payment from the Contractor as liquidated damages. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, Bidder/Contractor agrees to submit the following documents and information as evidence of compliance with the foregoing:

- A. Bidders are required to submit a Utilization Plan on Form MWBE 100 with their bid or proposal. The Utilization Plan shall list the MWBEs the Contractor intends to use to perform the State Contract, a description of the Commercially Useful Function the Contractor intends the MWBE to perform to meet the goals on the State Contract, the estimated or, if known, actual dollar amounts to be paid to a MWBE and performance dates of each component of a State Contract that the Contractor intends to be performed by a MWBE. By signing the Utilization Plan, the Bidder acknowledges that the utilization of MWBEs that do not perform commercially useful functions may not be counted as meeting the MWBE goals of the Contract; and, that making false representations or including information evidencing a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to,

termination of a contract for cause, loss of eligibility to submit future bids, and/or withholding of payments. Any modifications or changes to the agreed participation by NYS Certified MWBEs after the Contract Award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to OGS.

B. OGS will review the submitted MWBE Utilization Plan and advise the Bidder of OGS acceptance or issue a notice of deficiency within twenty (20) days of receipt.

C. If a notice of deficiency is issued; Bidder agrees that it shall respond to the notice of deficiency, within seven (7) business days of receipt, by submitting to OGS a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by OGS to be inadequate, OGS shall notify the Bidder and direct the Bidder to submit, within five (5) business days of notification by OGS, a request for a partial or total waiver of MWBE participation goals on Form BDC 333. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

D. OGS may disqualify a Bidder as being non-responsive under the following circumstances:

- a) If a Bidder fails to submit a MWBE Utilization Plan;
- b) If a Bidder fails to submit a written remedy to a notice of deficiency;
- c) If a Bidder fails to submit a request for waiver; or
- d) If OGS determines that the Bidder has failed to document good faith efforts.

A Bidder who documents good faith efforts to meet the goal requirements may submit a request for a partial or total waiver on Form BDC 333, at the same time it submits its MWBE Utilization Plan. If a request for waiver is submitted with the MWBE Utilization Plan and is not accepted by OGS at that time, the provisions of clauses B-D above, will apply.

Contractor shall attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to OGS, but must be made no later than prior to the submission of a request for final payment on the Contract.

E. Monthly MWBE Contractor Compliance Report

Contractors are required to report Monthly MWBE Contractor Compliance to OGS during the term of the Contract for the preceding month's activity, documenting progress made towards achievement of the Contract MWBE goals. OGS requests that all Contractors submit this information to the OGS MWBE office via the Monthly MWBE Contractor Compliance Report on Form MWBE 102. More information about the submittal process will be provided if Bidder is awarded a Contract.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

ALL FORMS ARE AVAILABLE AT: <http://www.ogs.ny.gov/MWBE/Forms.asp>.

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

PURCHASING MEMORANDUM

CENTRALIZED CONTRACTS FOR THE ACQUISITION OF LIGHT DUTY VEHICLES

BID SOLICITATION INFORMATION UPDATE #2

PR NUMBER: 22878

DATE: July 28, 2014

GROUP: 40451 – Light Duty Vehicles

PLEASE ADDRESS INQUIRIES TO:

Wendy Reitzel
(518) 473-5280
SST_auto@ogs.ny.gov

Matthew Jones
(518) 474-4163
SST_auto@ogs.ny.gov

BID OPENING: August 11, 2014, 11:00 AM EST

SUBJECT: Auto Marketplace Mini-Bid Update and Solicitation Amendments

TO PROSPECTIVE BIDDERS:

The above referenced solicitation has been amended to include the changes outlined below:

All Bidders must acknowledge receipt and agreement to all solicitation amendments by answering “Yes” to question #16 on Attachment 2: *Bid Documents (Electronic)*, Section A: *Bid Submittal Checklist*.

AUTO MARKETPLACE MINI-BID

Attachment 4: *Mini-Bid Vehicle Requests*, has been updated to include additional Mini-Bid Request #14080015: *NYSP Chevrolet Tahoe 4WD LT*. The complete, updated document can be found at on the OGS website at <http://www.ogs.ny.gov/purchase/biddocument/22878crBid.asp>.

SOLICITATION AMENDMENTS:

1. Section 16.7 *Solicitation Inquiries / Designated Contacts*, of the Bid Solicitation Information Memo posted July 21, 2014 has been amended to include the following contacts for inquires related specifically to Minority and Women-Owned Business Enterprises (MWBE) provisions of this solicitation:

Primary Contact: Anuola Surgick, MWBE and Community Relations E-mail: Anuola.Surgick@ogs.ny.gov

Secondary Contact: Tryphina Ramsey, MWBE and Community Relations E-mail: Tryphina.Ramsey@ogs.ny.gov

2. Section 22, *Contractor Requirements and Procedures for Business Participation Opportunities for New York State Certified Minority and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women*, of the Bid Solicitation Information Memo posted July 21, 2014 will be amended to establish a goal of 10% for Minority-owned Business Enterprises (MBE) participation and 10% for Women-owned Business Enterprises (WBE) participation (collectively referred to as MWBE) for a total Contract MWBE goal of 20%. Revised solicitation language and required bid submission documents relative to this amendment will be presented in a forthcoming Bid Solicitation Information Update.

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

PURCHASING MEMORANDUM

CENTRALIZED CONTRACTS FOR THE ACQUISITION OF LIGHT DUTY VEHICLES

BID SOLICITATION INFORMATION UPDATE #1

PR NUMBER: 22878

DATE: July 25, 2014

GROUP: 40451 – Light Duty Vehicles

PLEASE ADDRESS INQUIRIES TO:

Wendy Reitzel
(518) 473-5280
SST_auto@ogs.ny.gov

Matthew Jones
(518) 474-4163
SST_auto@ogs.ny.gov

BID OPENING: August 11, 2014, 11:00 AM EST

SUBJECT: Auto Marketplace Mini-Bid Information, Solicitation Timeline Update and Contract Amendments

TO PROSPECTIVE BIDDERS:

The above referenced solicitation has been amended to include the changes outlined below:

All Bidders must acknowledge receipt and agreement to all solicitation amendments by answering “Yes” to question #16 on Attachment 2: *Bid Documents (Electronic)*, Section A: *Bid Submittal Checklist*.

AUTO MARKETPLACE MINI-BID

The first Mini-Bids conducted in the Auto Marketplace have been posted with solicitation 22878 documents here on the OGS website: <http://www.ogs.ny.gov/purchase/biddocument/22878crBid.asp>. See Attachment 4: *Mini-Bid Vehicle Requests*. Bids for the posted Mini-Bids must be submitted by the “Bid submission deadline for first Mini-Bids” date listed below in *Key Events/Dates*. Late bids for the Mini-Bid(s) shall be rejected.

A Bidder bidding on one or more of the Mini-Bids must provide bid responses to the Mini-Bid(s) on Form B: *Bidder Response*, which can be found on Attachment 5: *Mini-Bid Form B*. Submit a completed Form B: *Bidder Response* for each Mini-bid Number the Bidder is bidding on. A bid on Mini-Bid(s) submitted in a format other than Form B *Bidder Response* will be considered unresponsive and shall be rejected.

Form B(s), Bidder Response, should be submitted via email to OGS at SST_auto@ogs.ny.gov, with the Mini-Bid Number and Bidder name referenced in the email subject line (e.g., Mini-Bid #14080001 Smith Company). A separate email should be submitted for each Mini-Bid that the Bidder is bidding on. A bid for a Mini-Bid may also be submitted on CD with the bid documents that are submitted for the backdrop contracts for solicitation 22878. See the Bid Solicitation Information Memo dated July 21, 2014 (below), Section 12.2 *Bid Format and Content*, Paragraph D2, for information regarding submission of CDs.

An award for a Mini-Bid(s) is tentative and conditioned upon Bidder receiving a backdrop contract under solicitation 22878.

All purchases resulting from these Mini-Bids will be in accordance with terms and conditions of the resulting backdrop contract from Solicitation 22878.

KEY EVENTS/DATES

The Key Events/Dates table has been updated to change the “OGS posting of first Mini-Bid in the Auto Marketplace” date to July 24, 2014 and the “Bid submission deadline for first Mini-Bids” to August 11, 2014. The complete, updated timeline appears below.

<u>EVENT</u>	<u>DATE</u>	<u>TIME</u>
Solicitation release	July 21, 2014	
OGS posting of first Mini-Bids in the Auto Marketplace	July 25, 2014	
Closing date for vendor inquiries for solicitation 22878 and Mini-Bids	July 29, 2014	5:00 PM
Pre-bid Conference registration due	July 29, 2014	5:00 PM
Discretionary pre-bid conference	July 31, 2014	10:00 AM
Closing date for post pre-bid conference vendor inquiries	August 4, 2014	5:00 PM
OGS response to vendor inquiries for solicitation 22878 and Mini-Bids (estimated)	August 6, 2014	5:00 PM
Submission of bid and bid opening (for solicitation 22878 backdrop contracts)	August 11, 2014	11:00 AM
Bid submission deadline for first Mini-Bids	August 11, 2014	11:00 AM
Deadline for responsive bid document submission for solicitation 22878 backdrop contracts, to be eligible for award of first Mini-Bid	August 14, 2014	5:00 PM
Contract Award Notification for 22878 backdrop contracts (estimated)	August 18, 2014	
Award of first Mini-Bids (estimated)	August 18, 2014	

ADDITIONAL BID DOCUMENTS

The following additional bid documents related to the first Mini-Bids (see Auto Marketplace Mini-Bid above) have been posted on the OGS website at <http://www.ogs.ny.gov/purchase/biddocument/22878crBid.asp>:

1. Attachment 4: Mini-Bid Vehicle Requests
2. Attachment 5: Mini-Bid Form B

CONTRACT TEMPLATE UPDATES:

OGS anticipates that the following updates will be made to the Contract Template. An updated Contract Template will be posted and released on the “OGS response to vendor inquiries” date with the written answers to all submitted questions.

1. Section II.12 *Procurement Method*, Paragraph C *Auto Marketplace*, Subparagraph 2 will be updated to change the distribution method for bids for “Other Authorized Users” to posted to the Auto Marketplace website and email to all Contractors.
2. Appendix C: *Light Duty Vehicles Documents*: Number 5: *Auto Marketplace Forms*, Form B *Bidder Response*, will be updated to correct a mathematical error. The complete, updated table appears on the following page

Description	Price
Vehicle MSRP (the total MSRP of the Vehicle bid for a Mini-Bid, inclusive of the Base MSRP, Options, and other applicable OEM fees (e.g. destination fees), but excluding Aftermarket Components).	\$21,500.00
NYS Vehicle Discount (the percentage amount by which the Vehicle MSRP is reduced for NYS Contract purchases). Example: 5%	- \$1,075.00
NYS Vehicle Price (the amount charged to the Authorized User for a Vehicle, exclusive of Aftermarket Components).	\$20,425.00
NYS Aftermarket Component Price (the total fee charged to the Authorized User for Aftermarket Components added to a Vehicle, inclusive of installation fees).	\$1,500.00
Delivery Charge (the total fee charged to the Authorized User for shipment of the Vehicle from the Contractor's location to the location designated by the Authorized User on the Purchase Order). See Section III.9 <i>Delivery</i>	\$400.00
Total NYS Contract Price (the NYS Vehicle Price plus the NYS Aftermarket Components Price and Delivery Charge. The Total NYS Contract Price is the fee charged to the Authorized User for a Vehicle.	\$22,325.00
Number of Vehicles bid at the above price	10
Total NYS Contract Price for Vehicle(s) bid	\$223,250.00