



| Q# | Document / Section | Vendor Question   | OGS Response   |
|----|--------------------|---|--|
| 1  | General            | How soon can we submit bid documents for this solicitation?   | Paper or electronic bid documents may be submitted in accordance with Bid Solicitation Information memo, Section 11 <i>Bid Submission Information</i> , at any time, beginning immediately and ending on the "Closing date for Contract recruitment" date indicated in Section 3 <i>Key Events/Dates</i> . Documents that have been submitted by Bidders shall be reviewed in accordance with Section 6 <i>Method of Award of Contract</i> .   |
| 2  | General            | Assuming we submit all the required paperwork correctly, what determines who becomes a contractor or who doesn't?   | Award shall be made to all responsive and responsible Bidders who meet the minimum requirements listed in the Bid Solicitation Information memo, Section 10 <i>Requirements for Contract Eligibility</i> .   |
| 3  | General            | What is the anticipated start date of the contracts?  | The "Contract term begin (estimated)" date is November 18, 2018 (See Bid Solicitation Information memo, Section 3 <i>Key Events/Dates</i> . It is unknown when the first Mini-Bids will be posted in the Class 3-8 Vehicle Marketplace.  |
| 4  | General            | How will the end users who are able to purchase through this Mini Bid process be made aware of the different product offerings available to them with this bid process. Whose responsibility is it to market this contract? | <p>The resultant Contracts will be posted on the OGS website and announced to Authorized Users via our Purchaser Notification Service (PNS). The posting will include a "How to Use This Contract" document that explains the Mini-Bid Process, and will also include documents that list the different product offerings. It is the responsibility of the Authorized User to sign up to receive PNS notifications.</p> <p>OGS occasionally conducts Authorized User outreaches to provide information about OGS contracts, but does not conduct any formal "marketing." A Contractor may advertise the Contract in accordance with Contract Template Section II.20 <i>Contract Advertising</i>.</p> |

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| 5  | General            | <p>Can we offer the body of the vehicle as the main product offering versus the chassis? There will be 2 titles on these types of bodies, with the title for the body as the lead product being offered.</p> | <p>A vendor that is a Dealer of either Chassis or Body(ies) may be a Contractor under award 22904. There is no “main” product offering under the Contract.</p> <p>All Vehicles provided by a Contractor must be provided via a Dealer, as that term is defined in the Contract Template. See Contract Template Section II.8 <i>Dealer Certification</i> and Contract Template, Appendix C <i>Class 3-8 Vehicles Contract Documents: Number 5: Vehicle Marketplace Forms</i>, Form B (Class 3-8): <i>Mini-Bid Response</i>, Part B: Vehicle(s) Offered for Mini-Bid. Both of these sections have been revised with the changes set forth in red and underlined below:</p> <p><u>Solicitation Update: Contract Template Section II.8 <i>Dealer Certification</i>:</u><br/> “Contractor and third party businesses used to satisfy Mini-Bid Requests under the Contract shall be a Dealer for the Chassis and Body OEM(s) offered under the Mini-Bids, <del>and be identified as such in Appendix C: Class 3-8 Vehicles Contract Documents: Number 1: Contractor Information</del>, Upon request by OGS or an Authorized User, the Contractor shall provide proof of that status in a format that is acceptable to the entity that made the request. <u>The Chassis and/or Body OEM(s) that the Contractor is a Dealer of shall be identified in Appendix C: Class 3-8 Vehicles Contract Documents: Number 1: Contractor Information.</u>”</p> <p><u>Solicitation Update: Contract Template, Appendix C <i>Class 3-8 Vehicles Contract Documents: Number 5: Vehicle Marketplace Forms</i>, Form B (Class 3-8): <i>Mini-Bid Response</i>, Part B: Vehicle(s) Offered for Mini-Bid:</u><br/> The Contractor and third party business(es) used to satisfy Mini-Bid Requests under the Contract shall be a Dealer for the OEM(s) offered, <del>and be identified as such in Appendix C: Class 3-8 Vehicles Contract Documents: Number 1: Contractor Information</del>. Upon request by OGS or an Authorized User, the Contractor shall provide <del>certification</del> <u>proof</u> of that status in a format that is acceptable to the entity that made the request. <u>The Chassis and/or Body OEM(s) that the Contractor is a Dealer of shall be identified in Appendix C: Class 3-8 Vehicles Contract Documents: Number 1: Contractor Information.</u></p> <p>A Contractor may submit a Mini-Bid response for a Vehicle OEM <del>to be provided by a Dealer</del> that is not set forth in Appendix C: <i>Class 3-8 Vehicles Contract Documents: Number 1: Contractor Information</i>, provided that the Contractor <del>submits a request to add the OEM to the Contract, in the form and format contained in Appendix C: Number 4: Contract Modification Procedure provides proof of Dealer status in a format that is acceptable to the Authorized User to OGS and the Authorized User</del> prior to, or upon, tentative award of the Mini-Bid.</p> <p>Failure to <del>either submit a request to add the OEM to the Contract, or to provide proof of Dealer status if requested by OGS or the Authorized User, such certification</del> shall result in the Mini-Bid response being deemed non-responsive and in the rejection of the Mini-Bid response.”</p> |

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| 6  | General  | If we are listed with OGS on other contracts such as the Light Duty vehicle contract, are we allowed to use the same forms from that contract, i.e. tax forms, EEO-100 form? We understand that the insurance documents will have to be updated because they need to reference this contract number, but other documents are the same. | All requested bid documents for Solicitation 22904 must be completed and submitted as required (see Bid Solicitation Information memo, Section 11 <i>Bid Submission Information</i> ). The forms that were submitted for prior solicitations may not be reused.   |
| 7  | General  | If a vehicle type that we are offering for this Mini Bid proposal is available to purchase on a different NYS OGS contract, i.e. Transit Bus Contract, with a different vendor, what will differentiate that product purchase versus the one that could be offered here.   | Vehicles available in this Contract may also be available from other New York State contracts, and Authorized Users shall be advised to select the most cost effective procurement alternative that meets their program requirements and to maintain a procurement record documenting the basis for this selection (see Contract Template, Section II.21 <i>Overlapping Contract Items</i> ).. The Contract number that the Authorized User includes on their Purchase Order will indicate which contract is being used.<br><br>Please note that pursuant to Section I.1, Scope, of the Contract Template Heavy Construction Equipment, School Buses and Transit Buses, as defined in the Contract Template (see Section I.2 <i>Definitions</i> ), are excluded from the Contract. Leasing is not permitted under this Contract.” |
| 8  | Bid Solicitation Information memo, Section 10 <i>Requirements for Contract Eligibility</i> | Do the dealers we work with (for example, the Body dealers that a Contractor who is a Chassis dealer works with) have to comply with the insurance and other requirements?   | Contractors and Subcontractors are required to provide proof of insurance under the Contract (see Contract Template Section II.9 Insurance Requirements). Third party businesses are not required to provide proof of insurance.  |

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| 9  | Bid Solicitation Information memo, Section 21 <i>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</i> | This section says that there is a total Contract MWBE goal of 5% and that “In accordance with 5 NYCRR § 142.4, Bidders are required to submit a completed Utilization Plan on Form MWBE 100 with their bid or proposal.” Do we need to submit that form? It isn’t listed on the bidder’s checklist. | No, an MWBE 100 form should not be submitted in response to this bid. A Bid Solicitation Update memo, amending Section 21 <i>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</i> , was posted on the OGS website on September 9, 2015. OGS has conducted a comprehensive search and has determined that the Contract does not offer sufficient opportunities to set goals for participation by MWBEs as subcontractors, service providers and suppliers to the awarded Contractors. Contractors are, however, encouraged to make every good faith effort to promote and assist the participation of MWBEs on this Contract for the provision of services and materials. |
| 10 | Bid Solicitation Information memo, Section 11.2 <i>Bid Format and Content</i> , Paragraph A  | Section A 2 requires that an ST-220-TD be submitted directly to the NYS Tax Department. Could we have done this for another contract?   | Yes, the ST-220-TD may have been filed for another solicitation or contract. Form ST-220-CA includes a checkbox to indicate that “The contractor has previously filed Form ST-220-TD with the Tax Department in connection with (insert contract number or description), and, to the best of the contractor’s knowledge, the information provided on that previously filed Form ST-220-TD, is correct and complete as of the current date, and thus the contractor is not required to file a new Form ST-220-TD at this time.<br><br>Pursuant to Bid Solicitation Information memo Section 11.2, Bid Format and Content, Bidder must submit the paper ST-220-CA.  |
| 11 | Bid Solicitation Information memo, Section 11.2 <i>Bid Format and Content</i> , Paragraph A  | We have already submitted an EEO-100 for another bid, do we have to submit this again?  | Yes, form EEO-100 (Equal Employment Opportunity Staffing Plan), must be completed and submitted for this solicitation. This form includes a field to indicate the Solicitation Number that the form has been submitted for (i.e., 22904).   |
| 12 | Attachment 1: <i>Bid Documents (Paper)</i><br><br>General  | Is an administrative person at the company authorized to sign these documents?  | Pursuant to Bid Solicitation Information memo 11.1 IMPORTANT NOTICE TO POTENTIAL BIDDERS, “the bid must be signed by a partner, corporate officer, or other person authorized to commit its firm to all provisions of this solicitation and its bid as submitted.” Who is authorized to sign on behalf of a Bidder is a Bidder’s decision.  |

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| 13 | Attachment 2: <i>Bid Documents (Electronic)</i><br><br>Section C: <i>Vehicles Offered</i> | Can this list be changed after the contracts are established, if there are changes to what we can offer?  | <p>Yes, the “Vehicles Offered” list that is included in the resultant Contracts (see Appendix C: <i>Class 3-8 Vehicles Contract Documents</i>: Number 1: <i>Contractor Information</i>), may be updated at any time by submitting Contract Template Appendix C: Number 4: <i>Contract Modification Procedure</i> in accordance with Contract Template Section II.23 <i>Centralized Contract Modifications</i>.</p> <p>A Contractor may provide Vehicles in response to a Mini-Bid in accordance with Contract Template Section II.11 <i>Procurement Method</i>, Paragraph C <i>Vehicle Marketplace</i>, Subparagraph 10. This section has been revised with the changes set forth in red and underlined below:</p> <p><u>Solicitation Update: Contract Template, Section II.11 <i>Procurement Method</i>, Paragraph C <i>Vehicle Marketplace</i>, Subparagraph 10:</u></p> <p><del>If the tentative awardee has submitted a Mini-Bid response for a Chassis or Body OEM to be provided by a Dealer that is not set forth in Appendix C: <i>Class 3-8 Vehicles Contract Documents</i>: Number 1: <i>Contractor Information</i>, then the Contractor shall provide proof of Dealer status for the provider of the Chassis or Body in a format that is acceptable to the Authorized User, to OGS and the Authorized User prior to, or upon, tentative award of the Mini-Bid. Failure to provide such certification shall result in the Mini-Bid response being deemed non-responsive and in the rejection of the Mini-Bid response.</del></p> <p><u>A Contractor may submit a Mini-Bid response for a Vehicle OEM to be provided by a Dealer that is not set forth in Appendix C: <i>Class 3-8 Vehicles Contract Documents</i>: Number 1: <i>Contractor Information</i>, provided that the Contractor submits a request to add the OEM to the Contract, in the form and format contained in Appendix C: Number 4: <i>Contract Modification Procedure</i> prior to, or upon, tentative award of the Mini-Bid.</u></p> <p><u>Failure to either submit a request to add the OEM to the Contract, or to provide proof of Dealer status if requested by OGS or the Authorized User, shall result in the Mini-Bid response being deemed non-responsive and in the rejection of the Mini-Bid response.</u></p> |
| 14 | Attachment 2: <i>Bid Documents (Electronic)</i><br><br>Section C: <i>Vehicles Offered</i> | This section requests us to list the OEM Product Line(s) that will be offered by third party Dealers under the resultant Contract. That would be a long list, since we’re able to offer bodies from dealers nationwide. Can we list just the body types and chassis that we can get for purchasers? | <p>Attachment 2: <i>Bid Documents (Electronic)</i>, Section C: <i>Vehicles Offered</i>, has been revised to request that the Bidder list only the Chassis and/or Body Product Line(s) that they are a Dealer of.</p> <p><u>Solicitation Update: DELETE Attachment 2: <i>Bid Documents (Electronic)</i>, Section C: <i>Vehicles Offered</i> in its entirety and replace with revised version posted on the OGS website with this memo.</u></p>  |

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| 15 | Attachment 2: <i>Bid Documents (Electronic)</i><br><br>Section C: <i>Vehicles Offered</i> | If we are a Chassis dealer, are we required to show on this list every product line offered by every Body dealer we have a relationship with? Such a list would be excessively long.   | Attachment 2: <i>Bid Documents (Electronic)</i> , Section C: <i>Vehicles Offered</i> , has been revised to request that the Bidder list only the Chassis and/or Body Product Line(s) that they are a Dealer of.<br><br><u>Solicitation Update: DELETE Attachment 2: <i>Bid Documents (Electronic)</i>, Section C: <i>Vehicles Offered</i> in its entirety and replace with revised version posted on the OGS website with this memo.</u>  |
| 16 | Attachment 2: <i>Bid Documents (Electronic)</i><br><br>Section C: <i>Vehicles Offered</i> | If you have pickup truck product line do I have to list the different sizes/chassis?   | Attachment 2: <i>Bid Documents (Electronic)</i> , Section C: <i>Vehicles Offered</i> , has been revised to request that the Bidder list both the Chassis OEM Product Line(s) and the Class(es) that shall be offered under the Contract.<br><br><u>Solicitation Update: DELETE Attachment 2: <i>Bid Documents (Electronic)</i>, Section C: <i>Vehicles Offered</i> in its entirety and replace with revised version posted on the OGS website with this memo.</u>   |
| 17 | Attachment 2: <i>Bid Documents (Electronic)</i><br><br>Section C: <i>Vehicles Offered</i> | If we have multiple types of vehicles that we would like to have listed per each GVWR classification, do we have to submit separate bid sheets for each one? Also, If we have multiple types of vehicles in one classification, i.e. size, do we have to list them separately? | Attachment 2: <i>Bid Documents (Electronic)</i> , Section C: <i>Vehicles Offered</i> , has been revised to request that the Bidder list both the Chassis OEM Product Line(s) and the Class(es) that shall be offered under the Contract. A Bidder that is a Dealer of Bodies is required to list only the Body OEM Product Line(s) and Body Types that shall be offered under the Contract. Different sizes for Bodies should not be listed.<br><br><u>Solicitation Update: DELETE Attachment 2: <i>Bid Documents (Electronic)</i>, Section C: <i>Vehicles Offered</i> in its entirety and replace with revised version posted on the OGS website with this memo.</u> |
| 18 | Attachment 2: <i>Bid Documents (Electronic)</i><br><br>Section C: <i>Vehicles Offered</i> | If we offer snow plows do we have to list all the different brands?  | Snow plows that are not part of the dump Body OEM's Product Line are considered Aftermarket Components and should not be listed in Attachment 2: <i>Bid Documents (Electronic)</i> , Section C: <i>Vehicles Offered</i> . If the snow plows are a part of the dump Body OEM's Product Line, they may be listed as "dump and plows" in the "Body Types Offered" Column, but it is not required.<br><br><u>Solicitation Update: DELETE Attachment 2: <i>Bid Documents (Electronic)</i>, Section C: <i>Vehicles Offered</i> in its entirety and replace with revised version posted on the OGS website with this memo.</u>   |
| 19 | Attachment 2: <i>Bid Documents (Electronic)</i><br><br>Section C: <i>Vehicles Offered</i> | As a chassis OEM/Dealer do I list names of body product lines under "Body OEM Product Line(s) Offered"?  | No, if the Bidder is a Chassis Dealer only then "N/A" should be entered in the "Body OEM Product Line(s) Offered" Column. That Column is to be completed by Dealers who offer Bodies directly.<br><br><u>Solicitation Update: DELETE Attachment 2: <i>Bid Documents (Electronic)</i>, Section C: <i>Vehicles Offered</i> in its entirety and replace with revised version posted on the OGS website with this memo.</u>   |

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| 20 | Attachment 2: <i>Bid Documents (Electronic)</i><br><br>Section D: <i>Chassis Discounts</i>                              | If the vehicle offered is a Complete Vehicle, like a bus or pickup truck, do we have to list a NYS Minimum Chassis Discount?  | <p>A NYS Minimum Chassis Discount must be offered for all Complete Vehicles that are set forth on an OEM Pricelist, which is defined in Contract Template, Section I.2 <i>Definitions</i>, as a “nationally published or internal document(s) issued by the Chassis or Body manufacturer which lists, among other things, an Option Code, description and MSRP for the OEM’s Product Line.” It is understood that an MSRP for a pickup truck can be found on an OEM Pricelist.</p> <p>A NYS Minimum Chassis Discount is not required when the Complete Vehicle MSRP is not set forth on an OEM Pricelist.</p> <p><u>Solicitation Update: Attachment 2: <i>Bid Documents (Electronic)</i>, Section D: <i>NYS Minimum Chassis Discounts</i> has been updated to include the following paragraph:</u><br/> <u>“A NYS Minimum Chassis Discount must be offered for all Complete Vehicles that are set forth on an OEM Pricelist, which is defined in Contract Template, Section I.2 <i>Definitions</i>, as a “nationally published or internal document(s) issued by the Chassis or Body manufacturer which lists, among other things, an Option Code, description and MSRP for the OEM’s Product Line.”</u>”</p> |
| 21 | Contract Template, Section II.11 <i>Procurement Method</i> , Paragraph C <i>Vehicle Marketplace</i> , Subparagraph 1.b. | <p>Please explain the language regarding requests for a Chassis only or a Body only.</p> <p>Also, can the Authorized User purchase a Chassis from one Contractor and a Body from another?</p> | <p>As stated in Contract Template, Section II.11 <i>Procurement Method</i>, Paragraph C <i>Vehicle Marketplace</i>, Subparagraph 1.b., “An Authorized User may request a Chassis only, Body only, or a Complete Vehicle. If the Authorized User shall supply the Chassis or Body to be installed by the Contractor on the Vehicle that has been requested on Form A: (Class 3-8): Mini-Bid Request, then the Authorized User shall be required to provide specifications for that Chassis or Body for the Mini-Bid.”</p> <p>This is intended for instances where an Authorized User needs to either replace the Body on a Chassis they wish to continue using, or replace the Chassis on a Body they wish to continue using.</p> <p>The Contract terms and conditions do not prohibit the Authorized User from purchasing a Chassis from one Contractor and a Body from another to form a Complete Vehicle.</p>   |
| 22 | Contract Template, Appendix C <i>Class 3-8 Vehicles Contract Documents: Number 5: Vehicle Marketplace Forms</i>         | Is there a place on the vehicle request form for the Authorized User to indicate the date by which delivery must be made?   | Yes, Form A (Class 3-8): <i>Mini-Bid Request</i> (see Contract Template, Appendix C <i>Class 3-8 Vehicles Contract Documents: Number 5: Vehicle Marketplace Forms</i> ) includes a question under Part G: <i>Delivery Information</i> which requests that the Authorized User “Enter either the last possible delivery date that the Vehicles will be accepted at the delivery location above, or enter "ASAP" if the delivery date will not be considered in award of the Mini-Bid.”   |



# Bid Solicitation Update 1

## Subject: MWBE Language and Bid Opening Date

DATE: September 9, 2015

IFB/RFP: 22904                      **BID OPENING DATE | TIME:**      October 8, 2015                      | 11:00AM      ET

**GROUP | TITLE:**              40500 | Vehicles, Class 3-8 (Statewide)

### OGS DESIGNATED CONTACTS:

Ronald Brown              | CMS 2    | 518-474-7648 |      SST\_Auto@ogs.ny.gov

Wendy Reitzel              | CMS 3    | 518-473-5280 |      SST\_Auto@ogs.ny.gov

### OGS DESIGNATED CONTACTS (Office of MWBE and Community Relations):

Anuola Surgick              | Minority Bus. Specialist 2              | 518 486 9284 |      Anuola.Surgick@ogs.ny.gov

### TO PROSPECTIVE BIDDERS:

The above referenced IFB has been amended to include the changes outlined below. The amendments are reflected in Attachment 1: *Bid Documents (Paper)*, the Bid Solicitation Information document, and the Contract Template. A revised Attachment 1: *Bid Documents (Paper)* and Contract Template have been posted with this update at <http://www.ogs.ny.gov/purchase/biddocument/22904crbbid.asp>.

### SOLICITATION AMENDMENTS:

#### 1. Attachment 1: *Bid Documents (Paper)*.

Section A: *Cover Sheet and Acknowledgements*, has been updated to reflect the initial bid opening and final bid opening dates on the Cover Sheet.

Please note that this is a continuous recruitment solicitation. The first bids for Contracts received under this solicitation will be reviewed beginning on October 8, 2015. Vendors that miss this initial bid opening date may submit bids at any time prior to May 18, 2018, however, such bids will only be reviewed after bids received on October 8, 2015.

#### 2. Section 21 of the Bid Solicitation Information document has been deleted in its entirety and replaced with the following language:

#### **21. 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**

#### NEW YORK STATE LAW

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 Disparity Study 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 establish 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 labor, services, including legal, financial and other professional services, travel, supplies, equipment, materials, or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting State agency (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 the 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 OGS, 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 (MWBEs)

- A. For purposes of this procurement, OGS has conducted a comprehensive search and has determined that the Contract does not offer sufficient opportunities to set goals for participation by MWBEs as subcontractors, service providers and suppliers to the awarded Contractors. Contractors are,

however, encouraged to make every good faith effort to promote and assist the participation of MWBEs on this Contract for the provision of services and materials. The directory of New York State Certified MWBEs can be viewed at:

<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=2528>. 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.

#### **B. Good Faith Efforts**

Pursuant to 5 NYCRR § 142.8, evidence of good faith efforts shall include, but not be limited to, the following:

- (1) A list of the general circulation, trade and MWBE-oriented publications and dates of publications in which the Contractor solicited the participation of certified MWBEs as subcontractors/suppliers and copies of such solicitations and any responses thereto.
- (2) A list of the certified MWBEs appearing in the Empire State Development MWBE directory that were solicited for this Contract. Provide proof of dates or copies of the solicitations and copies of the responses made by the certified MWBEs. Describe specific reasons that responding certified MWBEs were not selected.
- (3) Descriptions of the Contract documents/plans/specifications made available to certified MWBEs by the Contractor when soliciting their participation and steps taken to structure the scope of work for the purpose of subcontracting with or obtaining supplies from certified MWBEs.
- (4) A description of the negotiations between the Contractor and certified MWBEs for the purposes of complying with the MWBE goals of this Contract.
- (5) Dates of any pre-bid, pre-award or other meetings attended by Contractor, if any, scheduled by OGS with certified MWBEs whom OGS determined were capable of fulfilling the MWBE goals set in the Contract.
- (6) Other information deemed relevant to the request.

**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>

**3. Section II.22 of the Contract Template, 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 in its entirety and replaced.**

The replacement language is set forth in the revised Contract Template posted at <http://www.ogs.ny.gov/purchase/biddocument/22904crbbid.asp>.

#### **BIDDER ACKNOWLEDGEMENT OF SOLICITATION UPDATES:**

All Bidders must acknowledge receipt and agreement to all Solicitation amendments by answering "Yes" to question #17 on Attachment 2: *Bid Documents (Electronic)*, Section A: *Bid Submittal Checklist*.

All other terms and conditions of the Solicitation remain the same.