





# Contract Award Notification Update

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**Subject:** Hydraulic Oil, High Detergent, Returnable Drums  
Contract Extension until July 31, 2016

**DATE:** July 14, 2015 **AWARD #:** [22260-RA-SW](#) **GROUP #:** 05701

**AWARD DESCRIPTION:** Hydraulic Oil, High Detergent, Returnable Drums

**CONTRACT PERIOD:** October 1, 2011 – thru July 31, 2016

**CONTACT:** Christen Hall | 518-486-1900 | [christen.hall@ogs.ny.gov](mailto:christen.hall@ogs.ny.gov)

**CONTRACT NO.:**

**CONTRACTOR:**

PC65450

Circle Lubricants Inc.

Please be advised that **Circle Lubricants Inc.** has entered into a one-year extension agreement until **July 31, 2016** on the **Hydraulic Oil, High Detergent** contract, and has offered a price reduction of \$0.23 per gallon for all awarded items. Please note that this price reduction has been incorporated into the Contract Award Notification, which contains the current contract pricing.

Please refer to the latest Contract Award Notification (CAN) at:  
<http://www.ogs.ny.gov/purchase/spg/awards/0570122260CAN.HTM>

If you have any questions regarding this contract, please do not hesitate to contact this office.

State of New York Executive Department  
Office of General Services  
New York State Procurement  
Corning Tower Building - 38th Floor  
Empire State Plaza  
Albany, New York 12242  
<http://nyspro.ogs.ny.gov>

## PURCHASING MEMORANDUM

### CONTRACT AWARD NOTIFICATION UPDATE

**AWARD NUMBER:** [22260-RA SW](#)

**DATE:** August 1, 2014

**GROUP: 05701 HYDRAULIC OIL,  
HIGH DETERGENT,  
RETURNABLE DRUMS  
(Statewide)**

**PLEASE ADDRESS INQUIRIES TO:  
STATE AGENCIES & CONTRACTORS**

Christen Hall  
Contract Management Specialist Trainee  
(518) 486-1900  
E-mail: [christen.hall@ogs.ny.gov](mailto:christen.hall@ogs.ny.gov)

**CONTRACT PERIOD:** August 1, 2011 thru  
July 31, 2015

**OTHER AUTHORIZED USERS**

**CONTRACTOR(S):** Circle Lubricants, Inc.  
**CONTRACT NO(S):** PC65450

Customer Services  
(518) 474-6717  
[customer.services@ogs.state.ny.us](mailto:customer.services@ogs.state.ny.us)

**SUBJECT: CONTRACT RENEWALS**

#### **ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS**

Effective August 1, 2014, Circle Lubricants has offered, and we have accepted, a renewal of contract PC65450 for an additional one (1) year period through July 31, 2015. Please note that Circle Lubricants has offered a price reduction of \$0.30 per gallon and this reduction has been incorporated into the price listed in the Contract Award Notification document.

Also, please note that Superior Lubricants Inc. (PC 65451) has **not agreed** to extend their contract, and their contract will expire on July 31, 2014.

All other pricing, terms and conditions of the above contract award remain unchanged.

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

## PURCHASING MEMORANDUM

### CONTRACT AWARD NOTIFICATION UPDATE

**AWARD NUMBER:** [22260-RA SW](#)

**DATE:** July 16, 2014

**GROUP:** 05701 – HYDRAULIC OIL,  
HIGH DETERGENT,  
RETURNABLE DRUMS  
(Statewide)

**PLEASE ADDRESS INQUIRIES TO:**

**STATE AGENCIES & CONTRACTORS**

Michael Bridgeford.  
Contract Management Specialist I  
(518) 474-0315  
[michael.bridgeford@ogs.ny.gov](mailto:michael.bridgeford@ogs.ny.gov)

**CONTRACT PERIOD:** August 1, 2011 thru  
July 31, 2015

**OTHER AUTHORIZED USERS**

Customer Services  
(518) 474-6717  
[customer.services@ogs.ny.gov](mailto:customer.services@ogs.ny.gov)

**CONTRACTOR/  
CONTRACT NO.:** Circle Lubricants (PC65450)

**SUBJECT:** CONTRACT EXTENSION THROUGH JULY 31, 2015

**ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS**

This memo is notification to all contractors and authorized users that the contract under Group #05701, Award #22260 RA-SW for High Detergent Hydraulic Oil and Returnable Drums has been extended through July 31, 2015.

Should you have any questions concerning this purchasing memorandum, please call this office at 518-474-0315.

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

## PURCHASING MEMORANDUM

### CONTRACT AWARD NOTIFICATION UPDATE

**AWARD NUMBER:** [22260-RA SW](#)

**DATE:** February 12, 2013

**GROUP:** 05701 – HYDRAULIC OIL,  
HIGH DETERGENT,  
RETURNABLE DRUMS  
(Statewide)

**PLEASE ADDRESS INQUIRIES TO:**  
**STATE AGENCIES & CONTRACTORS**

Russell B. Patton, Jr.  
Purchasing Officer I  
(518) 474-9621  
[russell.patton@ogs.ny.gov](mailto:russell.patton@ogs.ny.gov)

**CONTRACT PERIOD:** August 1, 2011 thru  
July 31, 2014

**OTHER AUTHORIZED USERS**

Customer Services  
(518) 474-6717  
[customer.services@ogs.ny.gov](mailto:customer.services@ogs.ny.gov)

**CONTRACTOR(S)/  
CONTRACT NO(S):** Circle Lubricants (PC65450)  
Superior Lubricants (PC65451)

**SUBJECT: CONTRACT RENEWALS**

**ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS**

We refer to Group 05701, Contract Award No. 22260-RA SW, our contract award for Hydraulic Oil, High Detergent, Returnable Drums (Statewide).

Circle Lubricants and Superior Lubricants have offered, and we have accepted, a renewal of contracts PC65450 and PC65451 scheduled to expire on July 31, 2013, for an additional one (1) year period (through July 31, 2014).

All pricing, terms and conditions of the above contract award remain unchanged. Please audit all purchase orders and invoices accordingly. We suggest you attach this memorandum to the front of your contract award.

Should you have any questions concerning this Purchasing Memorandum, please call this office at 518-474-9621.

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

## PURCHASING MEMORANDUM

### CONTRACT AWARD NOTIFICATION UPDATE

**AWARD NUMBER:** [22260-RA, SW](#)

**DATE:** March 2, 2012

**GROUP:** 05701 – HYDRAULIC OIL,  
HIGH DETERGENT,  
RETURNABLE DRUMS  
(Statewide)

**PLEASE ADDRESS INQUIRIES TO:**  
**STATE AGENCIES & CONTRACTORS**

Russell B. Patton, Jr.  
Purchasing Officer I  
(518) 474-9621  
[russell.patton@ogs.ny.gov](mailto:russell.patton@ogs.ny.gov)

**CONTRACT PERIOD:** August 1, 2011 thru  
July 31, 2013

**OTHER AUTHORIZED USERS**

Customer Services  
(518) 474-6717  
[customer.services@ogs.ny.gov](mailto:customer.services@ogs.ny.gov)

**CONTRACTOR(S)/  
CONTRACT NO(S):** Circle Lubricants (PC65450)  
Superior Lubricants (PC65451)

**SUBJECT: CONTRACT RENEWALS**

**ALL STATE AGENCIES AND OTHERS AUTHORIZED TO USE STATE CONTRACTS**

We refer to Group 05701, Contract Award No. 22260-RA SW, our contract award for Hydraulic Oil, High Detergent, Returnable Drums (Statewide).

Circle Lubricants and Superior Lubricants have offered, and we have accepted, a renewal of contracts PC65450 and PC65451 scheduled to expire on July 31, 2012, for an additional one (1) year period (through July 31, 2013).

All pricing, terms and conditions of the above contract award remain unchanged. Please audit all purchase orders and invoices accordingly. We suggest you attach this memorandum to the front of your contract award.

Should you have any questions concerning this Purchasing Memorandum, please call this office at 518-474-9621.

State of New York Executive Department  
Office Of General Services  
Procurement Services Group  
Corning Tower Building - 38th Floor  
Empire State Plaza  
Albany, New York 12242  
<http://www.ogs.ny.gov>

## CONTRACT AWARD NOTIFICATION

<b>Title</b>	<b>:</b>	<b>Group 05701 – HYDRAULIC OIL, HIGH DETERGENT, RETURNABLE DRUMS (Statewide)</b>	
		<b>Classification Code: 15</b>	
<b>Award Number</b>	<b>:</b>	<b><u>22260-RA-SW</u></b>	<b>(Replaces Award 21304 )</b>
<b>Contract Period</b>	<b>:</b>	<b>August 1, 2011 – July 31, 2012</b>	
<b>Bid Opening Date</b>	<b>:</b>	<b>March 16, 2011</b>	
<b>Date of Issue</b>	<b>:</b>	<b>June 20, 2011</b>	
<b>Specification Reference</b>	<b>:</b>	<b>As Incorporated In The Invitation for Bids</b>	
<b>Contractor Information</b>	<b>:</b>	<b>Appears on Page 2 of this Award</b>	

### Address Inquiries To:

State Agencies & Vendors	Political Subdivisions & Others
Name : Russell B. Patton, Jr. Title : Purchasing Officer I Phone : 518-474-9621 Fax : 518-474-1160 E-mail : <a href="mailto:Russell.patton@ogs.ny.gov">Russell.patton@ogs.ny.gov</a>	Procurement Services Group Customer Services Phone : 518-474-6717 Fax : 518-474-2437 E-mail : <a href="mailto:customer.services@ogs.ny.gov">customer.services@ogs.ny.gov</a>

**The Procurement Services Group values your input.  
Complete and return "Contract Performance Report" at end of document.**

### Description

Hydraulic Oil is a high-performance all-temperature oil used in hydraulic systems and highway maintenance equipment. All products are derived from re-refined stock and contain 90% recycled content.

PR # 22260

(continued)

**NOTE: See individual contract items to determine actual awardees.**

<b><u>CONTRACT #</u></b>	<b><u>CONTRACTOR &amp; ADDRESS</u></b>	<b><u>TELEPHONE #</u></b>	<b><u>FED.IDENT.#</u></b>	<b><u>VENDOR ID#</u></b>
PC65450 SB	CIRCLE LUBRICANTS, INC. 35 Drexel Dr. Bayshore, NY 11706	631-234-8900 Robert Rich Fax No.: 631-234-8902 E-mail: r.rich@circlelubricants.com Web Site: www.circlelubricants.com	113417157	1000024831
PC65451	SUPERIOR LUBRICANTS CO., INC. 32 Ward Road North Tonawanda, NY 14120	800-638-1887 Ext. 321 716-693-8412 Ext. 321 Joseph C. Dunworth Fax No.: 716-695-9087 E-mail: jcdunworth@superiorlubricants.com Web Site: www.superiorlubricants.com	161446244	1000008206

Superior will accept the NYS Procurement Card for orders not to exceed \$15,000.00.  
Superior lubricants offer electronic access ordering.

Cash Discount, If Shown, Should be Given Special Attention.

**INVOICES MUST BE SENT DIRECTLY TO THE ORDERING AGENCY FOR PAYMENT.**  
**(See "Contract Payments" and "Electronic Payments" in this document.)**

AGENCIES SHOULD NOTIFY THE PROCUREMENT SERVICES GROUP PROMPTLY IF THE CONTRACTOR FAILS TO MEET DELIVERY OR OTHER TERMS OF THIS CONTRACT. PRODUCTS OR SERVICES WHICH DO NOT COMPLY WITH THE SPECIFICATIONS OR ARE OTHERWISE UNSATISFACTORY TO THE AGENCY SHOULD ALSO BE REPORTED TO THE PROCUREMENT SERVICES GROUP.

**SMALL, MINORITY AND WOMEN-OWNED BUSINESSES:**

The letters SB listed under the Contract Number indicate the contractor is a NYS small business. Additionally, the letters MBE and WBE indicate the contractor is a Minority-owned Business Enterprise and/or Woman-owned Business Enterprise.

**RECYCLED, REMANUFACTURED AND ENERGY EFFICIENT PRODUCTS:**

The Procurement Services Group supports and encourages the purchase of recycled, remanufactured, energy efficient and "energy star" products. If one of the following codes appears as a suffix in the Award Number or is noted under the individual Contract Number(s) in this Contract Award Notification, please look at the individual awarded items for more information on products meeting the suffix description.

RS,RP,RA	Recycled
RM	Remanufactured
SW	Solid Waste Impact
EE	Energy Efficient
E*	EPA Energy Star
ES	Environmentally Sensitive

(continued)

**NOTE TO AUTHORIZED USERS:**

When placing purchase orders under the contract(s), the authorized user should be familiar with and follow the terms and conditions governing its use which usually appears at the end of this document. The authorized user is accountable and responsible for compliance with the requirements of public procurement processes. The authorized user must periodically sample the results of its procurements to determine its compliance. In sampling its procurements, an authorized user should test for reasonableness of results to ensure that such results can withstand public scrutiny.

The authorized user, when purchasing from OGS contracts, should hold the contractor accountable for contract compliance and meeting the contract terms, conditions, specifications, and other requirements. Also, in recognition of market fluctuations over time, authorized users are encouraged to seek improved pricing whenever possible.

Authorized users have the responsibility to document purchases, particularly when using OGS multiple award contracts for the same or similar product(s)/service(s), which should include:

- a statement of need and associated requirements,
- a summary of the contract alternatives considered for the purchase,
- the reason(s) supporting the resulting purchase (e.g., show the basis for the selection among multiple contracts at the time of purchase was the most practical and economical alternative and was in the best interests of the State).

**PRICE:**

Price includes all customs duties and charges and is net, F.O.B. destination any point in New York State as designated by the ordering agency including tailgate delivery.

In addition, upon mutual agreement, delivery locations may be expanded per the "Extension of Use" clause.

Should the contractor offer any decrease in price to the trade in general during the life of the contract, the State shall have the benefit of such decrease and shall be so notified immediately and in writing.

**CHARGES FOR RETURNABLE DRUMS:**

**THE PRICE INCLUDES ANY CHARGES FOR RETURNABLE DRUMS. ALL DRUMS ARE THE RESPONSIBILITY OF THE CONTRACTOR AND MUST BE PICKED UP FROM AGENCIES WITHIN SIXTY (60) DAYS OF EXPIRATION OF ANY CONTRACT. CONTRACTORS FAILING TO MAKE TIMELY DRUM PICKUPS MAY BE EXCLUDED FROM FUTURE CONTRACTS DUE TO NON-PERFORMANCE. DISPOSAL COSTS FOR DRUMS, WHICH ARE NOT PICKED UP BY CONTRACTORS AS REQUIRED, WILL BE DEDUCTED FROM ANY OUTSTANDING INVOICES.**

(continued)

**HYDRAULIC OIL, HIGH PERFORMANCE  
RETURNABLE DRUMS**

<u>Region</u>	<u>Contractor</u>	<u>Item 1 Price per Gallon in 55 Gallon Returnable Drums</u>	<u>Quantity Per Region Shown in GALLONS</u>	<u>Delivery A/R/O</u>
1	Superior Lubricants	\$7.75	6,755	30 Days
2	Superior Lubricants	\$7.75	3,685	30 Days
3	Superior Lubricants	\$7.55	3,685	30 Days
4	Superior Lubricants	\$7.50	3,245	30 Days
5	Superior Lubricants	\$7.50	8,916	30 Days
6	Superior Lubricants	\$7.50	1,980	30 Days
7	Superior Lubricants	\$7.75	15,180	30 Days
8	Circle Lubricants	\$7.84	8,855	30 Days
9	Superior Lubricants	\$7.75	8,470	30 Days
10	Circle Lubricants	\$7.84	7,865	30 Days

Brand (Regions 1 – 10): America’s Choice/Safety Kleen/AW32LT

Manufacturer (Regions 1 – 10): Safety Kleen

Recycled Content:

PC65450– Circle Lubricants: 90%

PC65451 – Superior Lubricants: 90%

**REQUEST FOR CHANGE:**

Any request by the agency or contractor regarding changes in any part of the contract must be made in writing to the Office of General Services, Procurement Services Group, prior to effectuation.

**CONTRACT PAYMENTS:**

Payments cannot be processed by State facilities until the contract products have been delivered in satisfactory condition or services have been satisfactorily performed. Payment will be based on any invoice used in the supplier's normal course of business. However, such invoice must contain sufficient data including but not limited to contract number, description of product or service, quantity, unit and price per unit as well as federal identification number.

State facilities are required to forward properly completed vouchers to the Office of the State Comptroller for audit and payment. All facilities are urged to process every completed voucher expeditiously giving particular attention to those involving cash discounts for prompt payment.

If the contract terms indicate political subdivisions and others authorized by law are allowed to participate, those entities are required to make payments directly to the contractor. Prior to processing such payment, the contractor may be required to complete the ordering non-State agency's own voucher form.

See "Contract Billings" in Appendix B, OGS General Specifications.

**ELECTRONIC PAYMENTS:**

The Office of the State Comptroller (OSC) offers an "electronic payment" option in lieu of issuing checks. To obtain an electronic payment authorization form visit the OSC website at [www.osc.state.ny.us](http://www.osc.state.ny.us) or contact them by e-mail at [epunit@osc.state.ny.us](mailto:epunit@osc.state.ny.us) or by phone at 518-474-4032.

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**NON-STATE AGENCIES PARTICIPATION IN CENTRALIZED CONTRACTS:**

New York State political subdivisions and others authorized by New York State law may participate in contracts. These include, but are not limited to local governments, public authorities, public school and fire districts, public and nonprofit libraries, and certain other nonpublic/nonprofit organizations. See "Participation in Centralized Contracts" in Appendix B, OGS General Specifications. For purchase orders issued by the Port Authority of New York and New Jersey (or any other authorized entity that may have delivery locations adjacent to New York State), the terms of the "Price" clause shall be modified to include delivery to locations adjacent to New York State.

Upon request, all eligible non-State agencies must furnish contractors with the proper tax exemption certificates and documentation certifying eligibility to use State contracts. A list of categories of eligible entities is available on the OGS web site (<http://www.ogs.ny.gov/purchase/snt/othersuse.asp>). Questions regarding an organization's eligibility to purchase from New York State Contracts may also be directed to OGS Procurement Services Group's Customer Services at 518-474-6717.

**EXTENSION OF USE:**

Any contract resulting from the bid solicitation may be extended to additional States or governmental jurisdictions upon mutual written agreement between New York State (the lead contracting State) and the contractor. Political subdivisions and other authorized entities within each participating State or governmental jurisdiction may also participate in any resultant contract if such State normally allows participation by such entities. New York State reserves the right to negotiate additional discounts based on any increased volume generated by such extensions.

**MINIMUM ORDER:**

Minimum order shall be one (1) drum.

**DELIVERY:**

Delivery is expressed in number of calendar days required to make delivery after receipt of a purchase order.

Delivery shall be made in accordance with instructions on Purchase Order from each agency. If there is a discrepancy between the purchase order and what is listed on the contract, it is the contractor's obligation to seek clarification from the ordering agency and, if applicable, from the Office of General Services, Procurement Services Group.

Contractor must be prepared at all times to make prompt delivery, as ordered, and shall have a region wide distribution of the products offered. Prompt delivery is understood to mean not more than thirty (30) days after receipt of order.

See list of NYS DOT Regional Equipment Management Shops included herein for delivery locations and contracts for the agency.

**CANCELLATION FOR CONVENIENCE**

The State of New York retains the right to cancel this contract, in whole or in part without reason provided that the Contractor is given at least sixty (60) days notice of its intent to cancel. This provision should not be understood as waiving the State's right to terminate the contract for cause or stop work immediately for unsatisfactory work, but is supplementary to that provision. Any such cancellation shall have no effect on existing Agency agreements, which are subject to the same 60 day discretionary cancellation or cancellation for cause by the respective user Agencies.

**SERVICE:**

Contractor must be prepared at all times to finish engineering service, when so requested, and to investigate, and report on any complaint that might arise in connection with the use of Contractor's oils in State equipment.

**TESTING:**

Any product contracted for, as a result of this solicitation, may be subsequently re-tested, at some random time during the life of the contract, and must prove at that time to equal or exceed the original test results.

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**ESTIMATED QUANTITIES:**

The quantities or dollar values listed are estimated only. See "Estimated/Specific Quantity Contracts" and "Participation in Centralized Contracts" in Appendix B, OGS General Specifications.

**CONTRACT PERIOD AND RENEWALS:**

It is the intention of the State to enter into a contract for the term as stated on the Invitation for Bids except that the commencement and termination dates appearing on the Invitation for Bids may be adjusted forward unilaterally by the State for any resulting contract for up to two calendar months, by indicating such change on the Contract Award Notification.

The contract dates may be adjusted forward beyond two months only with the approval of the successful bidder. If, however, the bidder is not willing to accept an adjustment of the contract dates beyond the two month period, the State reserves the right to proceed with an award to another bidder.

Prices or discounts quoted are to be firm for the entire period of the contract. Price escalation or discount reduction will not be allowed and is specifically excluded from the terms and conditions of the Invitation for Bid, its specifications and subsequent contract award. Price decreases or discount increases are permitted at any time.

If mutually agreed between the Procurement Services Group and the contractor, the contract may be renewed under the same terms and conditions for additional period(s) not to exceed a total contract term of five (5) years.

**SHORT TERM EXTENSION:**

In the event the replacement contract has not been issued, any contract let and awarded hereunder by the State, may be extended unilaterally by the State for an additional period of up to one month upon notice to the contractor with the same terms and conditions as the original contract including, but not limited to, quantities (prorated for such one month extension), prices, and delivery requirements. With the concurrence of the contractor, the extension may be for a period of up to three months in lieu of one month. However, this extension terminates should the replacement contract be issued in the interim.

**RESERVATION:**

The State reserves the right to negotiate lower pricing, or to advertise for bids, any unanticipated excessive purchase. An "unanticipated excessive purchase" is defined as an unexpected order for a contract product(s) totaling more than \$50,000.00.

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**REPORT OF CONTRACT PURCHASES:**

Contractor shall furnish quarterly reports containing total sales for both state agency and authorized non-state agency contract purchases no later than forty-five (45) days after the close of each calendar quarter. The Grand Total Sales Reports for State and Non-State Agencies are due at the same time the procurement fee is payable to the Department of Taxation and Finance, where applicable.

In addition to contractor direct sales, contractor shall submit sales information for all resellers, dealers, distributors or other authorized distribution channels, where such contract sales are provided by other than the contractor. Contractors shall verify if each alternate vendor is a NYS Certified Minority (MBE) or Women (WBE) Owned Businesses. Contractors shall verify such status through the Empire State Development Minority and Women Owned Businesses Database web site at: <http://www.nylovesmwbe.ny.gov/cf/search.cfm>.

A separate report shall be provided in the following format for each authorized distribution channel. The sales report form is forwarded to each contractor at time of award for completion in accordance with the contract terms and conditions:

<u>Item/ SubItem Number</u>	<u>Product or Catalog Number</u>	<u>Product/ Service Description</u>	<u>Total Quantity Shipped to State Agencies</u>	<u>Total Quantity Shipped to Authorized Non-State Agencies</u>	<u>Total Sales \$ State Agencies</u>	<u>Total Sales \$ Authorized Non-State Agencies</u>
						\$
				Grand Total Sales State and Non-State Agencies		\$

The report is to be submitted to the Office of General Services, Procurement Services Group, Tower Bldg., Empire State Plaza, Albany, NY 12242, to the attention of the individual shown on the front page of the Contract Award Notification and shall reference the Group Number, the Award Number, Contract Number, sales period, and contractor's (or other authorized agent) name.

The outlined sales report is the minimum information required. Additional related sales information, such as monthly reports, and/or detailed user purchases may be required and must be supplied upon request.

**CONTRACTOR REQUIREMENTS AND PROCEDURES FOR EQUAL EMPLOYMENT AND BUSINESS PARTICIPATION OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND NEW YORK STATE CERTIFIED MINORITY/WOMEN-OWNED BUSINESSES**

In accordance with Article 15-A of the New York State Executive Law (Participation by Minority Group Members and Women with Respect to State Contracts) and in conformance with the Regulations promulgated by the Minority and Women's Business Development Division of the New York State Department of Economic Development set forth at 5 NYCRR Parts 140-144, the Offerer/Contractor agrees to be bound by the following to promote equality of economic opportunities for minority group members and women, and the facilitation of minority and women-owned business enterprise participation on all covered OGS contracts.

- a. **Equal Employment Opportunity Requirements**  
By submission of a bid or proposal in response to this solicitation, the Offerer 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 the provisions of Appendix A clause 12 – Equal Employment Opportunities for minorities and women, are included in every subcontract in such a manner that the requirements of these provisions will be binding upon each subcontractor as to work in connection with the State contract.
- b. **Participation Opportunities for New York State Certified Minorities and Women-Owned Businesses**  
Authorized Users are encouraged to make every good faith effort to promote and assist the participation of New York State Certified Minority and Women-owned Business Enterprises (M/WBE) as subcontractors and suppliers on this contract for the provision of services and materials. To locate New York State Certified M/WBEs, the directory of Certified Businesses can be viewed at: [http://www.empire.state.ny.us/Small\\_and\\_Growing\\_Businesses/mwbe.asp](http://www.empire.state.ny.us/Small_and_Growing_Businesses/mwbe.asp)

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**SAMPLES TO BE SUBMITTED BY BIDDER/CONTRACTOR:**

The bidder/contractor may be required to submit samples. See "Samples" in Appendix B, OGS General Specifications.

**EMERGENCY PURCHASING:**

In the event that a disaster emergency is declared by Executive Order under Section 28 of Article 2-B of the Executive Law, or that the Commissioner determines pursuant to his/her authority under Section 163(10)(b) of the State Finance Law that an emergency exists requiring the prompt and immediate delivery of products or services, the Commissioner reserves the right to obtain such products or services from any source, including but not limited to this contract, as the Commissioner in his/her sole discretion determines will meet the needs of such emergency. Contractor shall not be entitled to any claim or lost profits for products or services procured from other sources pursuant to this paragraph.

**RECYCLED CONTENT:**

In order for proposed material to qualify for recycled product consideration, the minimum percentage by weight of post consumer material content is 50 percent.

**NEW YORK STATE PROCUREMENT CARD:**

See "Procurement Card" in Appendix B, OGS General Specifications. All bidders shall indicate if they will accept the NYS Purchasing Card for orders not to exceed \$15,000 (see Questions at end of bid document).

**"OGS OR LESS" GUIDELINES APPLY TO THIS CONTRACT:**

Purchases of the products included in the Invitation For Bids and related Contract Award Notification are subject to the "OGS or Less" provisions of Section 163.3.a.v., Article XI, of the New York State Finance Law. This means that State agencies can purchase products from sources other than the contractor provided that such products are substantially similar in form, function or utility to the products herein and are:

1. lower in price  
-and/or-
2. available under terms which are more economically efficient to the State agency (e.g. delivery terms, warranty terms, etc.).

Agencies are reminded that they must provide the State contractor an opportunity to match the non-contract savings at least two business days prior to purchase. In addition, purchases made under "OGS or Less" flexibility must meet all requirements of law including, but not limited to, advertising in the New York State Contract Reporter, prior approval of the Comptroller's Office and competitive bidding of requirements exceeding the discretionary bid limit. State agencies should refer to Procurement Council Guidelines section "OGS or Less Purchases" for complete procedural and reporting requirements.

<http://www.ogs.ny.gov/procurecounc/pdfdoc/guidelines.pdf>

(continued)

**DIESEL EMISSION REDUCTION ACT OF 2006 (NEW REQUIREMENT OF LAW):**

On February 12, 2007 the Diesel Emissions Reduction Act took effect as law (the “Law”). Pursuant to new §19-0323 of the N.Y. Environmental Conservation Law (“NYECL”) it is now a requirement that heavy duty diesel vehicles in excess of 8,500 pounds use the best available retrofit technology (“BART”) and ultra low sulfur diesel fuel (“ULSD”). The requirement of the Law applies to all vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities. They need to be operated exclusively on ULSD by February 12, 2007. It also requires that such vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities with more than half of its governing body appointed by the Governor utilize BART.

As a contract vendor the Law may be applicable to vehicles used by contract vendors “on behalf of” State agencies and public authorities. Thirty-three percent (33%) of affected vehicles must have BART by December 31, 2008, sixty-six percent (66%) by December 31, 2009 and one-hundred percent (100%) by December 31, 2010. The Law provides a list of exempted vehicles. Regulations currently being drafted will provide further guidance as to the effects of the Law on contract vendors using heavy duty diesel vehicles on behalf of the State. The Law also permits waivers of ULSD and BART under limited circumstances at the discretion of the Commissioner of Environmental Conservation. The Law will also require reporting from State agencies and from contract vendors in affected contracts.

Therefore, the bidder hereby certifies and warrants that all heavy duty vehicles, as defined in NYECL §19-0323, to be used under this contract, will comply with the specifications and provisions of NYECL §19-0323, and any regulations promulgated pursuant thereto, which requires the use of BART and ULSD, unless specifically waived by NYSDEC. Qualification and application for a waiver under this Law will be the responsibility of the bidder.

**PSG's DISPUTE RESOLUTION POLICY:**

It is the policy of the Office of General Services' Procurement Services Group (PSG) to provide vendors with an opportunity to administratively resolve disputes, complaints or inquiries related to PSG bid solicitations or contract awards. PSG encourages vendors to seek resolution of disputes through consultation with PSG staff. All such matters will be accorded impartial and timely consideration. Interested parties may also file formal written disputes. A copy of PSG's Dispute Resolution Procedures for Vendors may be obtained by contacting the person shown on the front of this document or through the OGS website ([www.ogs.ny.gov](http://www.ogs.ny.gov)).

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**DOT REGIONAL SHOP ADDRESSES, PHONE NUMBERS, NAMES OF MANAGERS & SHOP SUPERVISORS:**

**Region 1:**

21 Ninth Street  
Waterford, NY 12188  
518-237-5887  
Fax 237-6918  
Bob Hulchanski  
Tom Spadaro

**Region 2:**

Harbor Lock Road  
Utica, NY 13502  
315-733-2715  
Fax 724-2131  
Glen Greenwood  
D. Zotta, RMEM

**Region 3:**

5450 South Bay Road  
N. Syracuse, NY 13212  
315-458-7000  
Fax 458-1192  
J. Elhage, RMEM  
John Ames, MEMS III

**Region 4:**

2797 Clover Street  
Pittsford, NY 14534  
585-586-1252  
Fax 586-5236  
Ann Scott  
Eric Van Ooyen, RMEM

**Region 5:**

4717 S. Western Blvd.  
Hamburg, NY 14075  
716-649-5568  
Fax 648-2184  
Jeff Kral, RMEM  
Bob Hall, MEMS III

**Abbreviations**

RMEM - Regional Motor Equipment Manager  
MEMS III - Motor Equipment Maintenance Supervisor

**Region 6:**

Mailing - 7000 Co. Rt. 70A  
Shipping - Rt. 36 & Co. Rt. 70A  
Hornell, NY 14843  
607-324-4230  
Fax 324-5928  
Andy Clinton  
Gary Rice, RMEM

**Region 7:**

Box 22422 Rte. 342  
Watertown, NY 13601  
315-785-2358  
Fax 782-8754  
Bernard Sullivan  
Gary Hall

**Region 8:**

272-278 Violet Ave.  
Poughkeepsie, NY 12601  
845-471-5488  
Fax 454-7351  
M. Forget, RMEM  
Kevin Chapman

**Region 9:**

44 Hawley St.  
Binghamton, NY 13901  
607-721-8140  
Fax 607-722-7204  
Andy Stiles, RMEM  
Don Pencek, MEMS III

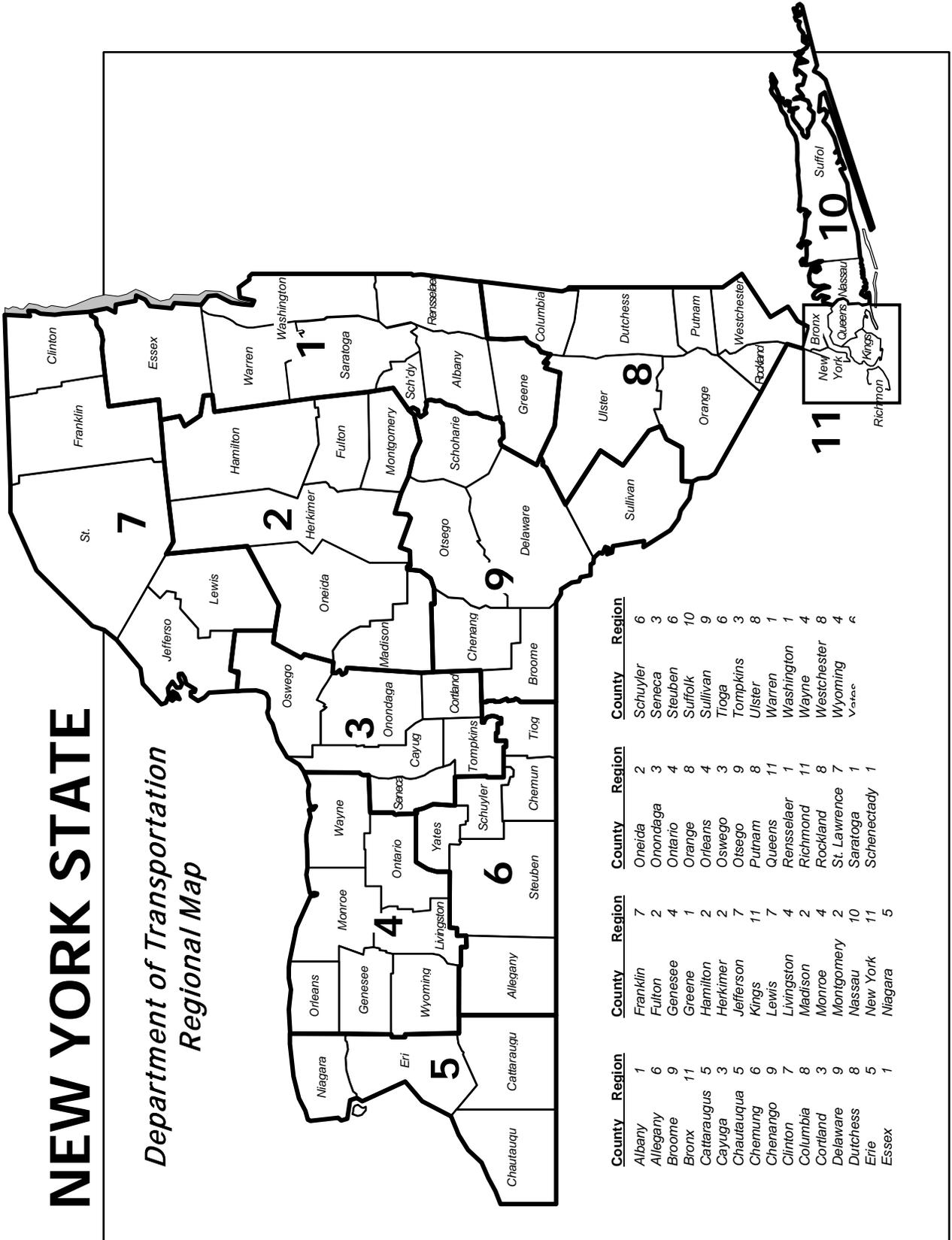
**Region 10:**

375 Carleton Avenue  
Central Islip, NY 11722  
631-231-6161  
Fax 231-3142  
G. Knopp, RMEM

(continued)

<u>LIST OF COUNTIES IN EACH REGION</u>		<u>COUNTIES - REGION NO.</u>	
<u>REGION 1</u>	<u>REGION 2</u>		
Albany	Fulton	Albany	1
Essex	Hamilton	Allegany	6
Greene	Herkimer	Broome	9
Rensselaer	Madison	Cattaraugus	5
Saratoga	Montgomery	Chautauqua	5
Schenectady	Oneida	Chemung	6
Warren		Chenango	9
Washington		Clinton	7
		Columbia	8
		Cortland	3
		Delaware	9
		Dutchess	8
		Erie	5
		Essex	1
		Franklin	7
		Fulton	2
		Genesee	4
		Greene	1
		Hamilton	2
		Herkimer	2
		Jefferson	7
		Lewis	7
		Livingston	4
		Madison	2
		Monroe	4
		Montgomery	2
		Nassau	10
		Niagara	5
		Oneida	2
		Onondaga	3
		Ontario	4
		Orange	8
		Orleans	4
		Oswego	3
		Otsego	9
		Putnam	8
		Rensselaer	1
		Rockland	8
		Saratoga	1
		Schenectady	1
		Schoharie	9
		Schuyler	6
		Seneca	3
		Steuben	6
		St. Lawrence	7
		Suffolk	10
		Sullivan	9
		Tioga	6
		Tompkins	3
		Ulster	8
		Warren	1
		Washington	1
		Wayne	4
		Westchester	8
		Wyoming	4
		Yates	6
<u>REGION 3</u>	<u>REGION 4</u>		
Cayuga	Genesee		
Cortland	Livingston		
Onondaga	Monroe		
Oswego	Ontario		
Seneca	Orleans		
Tompkins	Wayne		
	Wyoming		
<u>REGION 5</u>	<u>REGION 6</u>		
Cattaraugus	Allegany		
Chautauqua	Chemung		
Erie	Schuyler		
Niagara	Steuben		
	Tioga		
	Yates		
<u>REGION 7</u>	<u>REGION 8</u>		
Clinton	Columbia		
Franklin	Dutchess		
Jefferson	Orange		
Lewis	Putnam		
St. Lawrence	Rockland		
	Ulster		
	Westchester		
<u>REGION 9</u>	<u>REGION 10</u>		
Broome	Nassau		
Chenango	Suffolk		
Delaware			
Otsego			
Schoharie			
Sullivan			

(continued)



# NEW YORK STATE

## Department of Transportation Regional Map

County	Region	County	Region	County	Region	County	Region	County	Region
Albany	1	Franklin	7	Onesida	2	Schuyler	6	Schenectady	1
Alligany	6	Fulton	2	Onondaga	3	Seneca	3	Schoharie	2
Broome	9	Greene	4	Ontario	4	Steuben	6	Saratoga	4
Bronx	11	Hamilton	2	Orange	8	Suffolk	10	Schoharie	2
Cattaraugus	5	HerKimer	2	Orleans	4	Sullivan	9	Schoharie	2
Cattarauga	3	Jefferson	7	Oswego	3	Tioga	6	Schoharie	2
Chemung	6	Kings	11	Putnam	8	Tompkins	3	Schoharie	2
Chenango	9	Lewis	7	Queens	11	Ulster	8	Schoharie	2
Clinton	7	Livingston	4	Rensselaer	1	Washington	1	Schoharie	2
Columbia	8	Madison	2	Richmond	11	Wayne	4	Schoharie	2
Cortland	3	Monroe	4	Rockland	8	Westchester	8	Schoharie	2
Delaware	9	Montgomery	2	St. Lawrence	7	Wyoming	4	Schoharie	2
Dutchess	8	Nassau	10	Saratoga	1	Vermont	4	Schoharie	2
Erie	5	New York	11	Schenectady	1			Schoharie	2
Essex	1	Niagara	5					Schoharie	2

(continued)

**RETURNABLE DRUMS:**

All 55 gallon drums shall remain the property of the contractor. The user shall not retain any empty drums under any circumstance or condition. All drums, including their respective caps, plugs, or bungs shall be returned to the contractor at the contractor’s expense, as soon as possible, via most reasonable transport method.

**OIL (HYDRAULIC), HIGH-PERFORMANCE ALL-TEMPERATURE, GRADE 32:**

The unit shall be a high-performance all-temperature hydraulic oil for use primarily in DOT highway maintenance equipment. This equipment shall include but not be limited to snow plowing & material spreader systems, hoisting systems, front-end loaders, aerial devices, excavators, and various other construction devices. The equipment using the oil shall be operable during all weather conditions/extremes. The oil shall have superior anti-wear, anti-foam, thermo stability, and water/hydrolytic stability characteristics.

The hydraulic oil shall meet the following requirements: (ASTM references shall read as “or latest revision thereof”)

<u>PERFORMANCE PROPERTIES</u>	<u>PRIMARY TEST METHOD/S</u>	<u>REQUIREMENT</u>
ISO GRADE (VISCOSITY):	ASTM D2422-97 (2007) (ISO 3448:1992)	32
GRAVITY, API:	ASTM D287-92 (2006)	29.0 (minimum) 37.0 (maximum)
VISCOSITY INDEX:	ASTM D2270-10 (ISO 2909:2002)	150 (minimum)
FLASH POINT, COC, °C (°F):	ASTM D92-05A (2010) (IP 36)	190°C (374°F), minimum
FIRE POINT, COC, °C (°F):	ASTM D92-05A (2010) (IP 36)	205°C (400°F), minimum
POUR POINT, °C (°F):	ASTM D97-08 (IP 15)	-37°C (-35°F), maximum
OXIDATION, 2000 Hrs. Min.:	ASTM D943-04a (2010) e1	Pass
RUST PREVENTORS:	ASTM D665-06 (IP 135)	Pass
HYDROLYTIC STABILITY:	ASTM D2619-09, then (DENISON HF-0) Pass run on tested fluid from D-2619	
ZINC (% by wgt.):	X-ray or other suitable method	0.04 (approx.) or none for silver compatible oils.
ANTI-FOAM:	ASTM D892-06 e1 (IP 146)	Pass - 0 end
ANTI-WEAR:	Denison HF-0/Vickers M-2950-S	Pass
PUMP TEST (HYDRAULIC):	Denison/Vickers	Pass - 25mg. combined
THERMO STABILITY:	Cincinnati-Machine	Pass - P68

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**COLOR:**

The oil provided for this item shall be colored blue using an oil soluble dyestuff which is completely miscible. The dyestuff shall be added at the factory or distributor/contractor level and shall be reasonably consistent in shade throughout the product. The degree of this blue shading shall readily distinguish this hydraulic oil from other oils present in the event of (a) leak/s.

The State reserves the right to consider other testing methods which are considered comparable to a desired performance property required elsewhere herein. The State's decision on same shall be final relative to this solicitation.

**NOTE:**

**Hydraulic oil provided shall contain no particles larger than that which will pass through a 10 micron filter.**

(continued)

**State of New York  
Office of General Services  
PROCUREMENT SERVICES GROUP  
Contract Performance Report**

Please take a moment to let us know how this contract award has measured up to your expectations. If reporting on more than one contractor or product, please make copies as needed. This office will use the information to improve our contract award, where appropriate. **Comments should include those of the product’s end user.**

**Contract No.:** \_\_\_\_\_ **Contractor:** \_\_\_\_\_

**Describe Product\* Provided (Include Item No., if available):** \_\_\_\_\_

**\*Note:** “**Product**” is defined as a deliverable under any Bid or Contract, which may include commodities (including printing), services and/or technology. The term “Product” includes Licensed Software.

	Excellent	Good	Acceptable	Unacceptable
• Product meets your needs				
• Product meets contract specifications				
• Pricing				

**CONTRACTOR**

	Excellent	Good	Acceptable	Unacceptable
• Timeliness of delivery				
• Completeness of order (fill rate)				
• Responsiveness to inquiries				
• Employee courtesy				
• Problem resolution				

Comments: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_ (over)

Agency: \_\_\_\_\_ Prepared by: \_\_\_\_\_

Address: \_\_\_\_\_ Title: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_ E-mail: \_\_\_\_\_

**Please detach or photocopy this form & return by FAX to 518/474-2437 or mail to:**

OGS PROCUREMENT SERVICES GROUP  
 Customer Services, 38th Floor  
 Corning 2<sup>nd</sup> Tower - Empire State Plaza  
 Albany, New York 12242  
 \* \* \* \* \*

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