





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

## PURCHASING MEMORANDUM

### CONTRACT AWARD NOTIFICATION UPDATE

**AWARD NUMBER:** [21819](#)

**DATE:** January 9, 2015

**GROUP:** 35000 – GARAGE EQUIPMENT AND  
VEHICLE LIFTS (Statewide)

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

Michael Riley  
Contract Management Specialist  
**Phone:** (518) 474-6716  
**Email:** [michael.riley@ogs.ny.gov](mailto:michael.riley@ogs.ny.gov)

**CONTRACT PERIOD:** December 16, 2009 to  
September 30, 2015

**OTHER AUTHORIZED USERS**

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

**CONTRACTOR/  
CONTRACT NO.:** Mohawk Resources, LTD, PC64743

**SUBJECT: UPDATE TO CONTRACTOR INFORMATION / NEW WEBSITE / NEW PRICE LIST**

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

Mohawk Resources has a new website. Please see below for details.

<b><u>CONTRACT #</u></b>	<b><u>CONTRACTOR &amp; ADDRESS</u></b>	<b><u>TELEPHONE #</u></b>	<b><u>FED.IDENT./VIN</u></b>
PC64743 SB	MOHAWK RESOURCES LTD. 65 Vrooman Avenue Amsterdam, NY 12010	800/833-2006 ext. 24 518/842-1431 ext. 24 Mr. Steven Perlstein Fax: 518/842-1289 Email: <a href="mailto:sperlstein@mohawklifts.com">sperlstein@mohawklifts.com</a> <b>Website:</b> <a href="http://www.govlifts.com/NY">http://www.govlifts.com/NY</a>	300131596 1000009067

Catalog available on the Internet.  
Contractor will accept the NYS Procurement Card

In addition, contract users may now purchase products from the newly approved Mohawk Resources Retail Price Sheet effective December 15, 2014.

Authorized users should reference the current copy of the Contract Award, which lists a revised issue date of **January 9, 2015** before purchasing from the Contract. The current Contract Award may be accessed at the following URL address: <http://www.ogs.ny.gov/purchase/spg/awards/3500021819CAN.HTM>

All other terms and conditions remain the same.

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## PURCHASING MEMORANDUM

### CONTRACT AWARD NOTIFICATION UPDATE

**AWARD NUMBER:** [21819](#)

**DATE:** December 19, 2014

**GROUP:** 35000 – GARAGE EQUIPMENT AND  
VEHICLE LIFTS (Statewide)

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

Michael Riley  
Contract Management Specialist  
**Phone:** (518) 474-6716  
**Email:** [michael.riley@ogs.ny.gov](mailto:michael.riley@ogs.ny.gov)

**CONTRACT PERIOD:** December 16, 2009 to  
September 30, 2015

**OTHER AUTHORIZED USERS**

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

**CONTRACTORS/**

**CONTRACT NOS.:** Automotive Resources, Inc., D/B/A ARI-Hetra, PC64761  
Vehicle Service Group, LLC D/B/A Rotary Lift, PC66378  
Mohawk Resources, LTD, PC64743  
Sefac, Inc., PC64745  
Steril-Koni USA, Inc. PC64746

**SUBJECT: ONE YEAR CONTRACT EXTENSION AND LOT 1 DISCOUNT**

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

Please be advised that the above-referenced contracts have been extended through September 30, 2015 or until new contracts are awarded; whichever comes first. Contract PC64744, Patriot Lifts and Equipment Inc., will not be extended.

In addition to their normal discount structure under Lot 1, Automotive Resources, Inc. D/B/A ARI-Hetra is now offering an increase in their additional discounts. The revised discounts are listed below.

**LOT NO. 1 - ARI**

Additional discount for 2 Systems is 3% discount.  
Additional discount for 3 or More Systems is 6% discount.

All other terms and conditions remain the same.

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## PURCHASING MEMORANDUM

### CONTRACT AWARD NOTIFICATION UPDATE

**AWARD NUMBER:** [21819](#)

**DATE:** September 5, 2014

**GROUP:** 35000 – GARAGE EQUIPMENT AND  
VEHICLE LIFTS (Statewide)

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

Michael Riley  
Contract Management Specialist  
**Phone:** (518) 474-6716  
**Email:** [michael.riley@ogs.ny.gov](mailto:michael.riley@ogs.ny.gov)

**CONTRACT PERIOD:** December 16, 2009 to  
September 30, 2014

**OTHER AUTHORIZED USERS**

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

**CONTRACTORS/  
CONTRACT NOS.:** ALL CONTRACTORS

**SUBJECT: CONTRACT LAPSE**

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

Please be advised that this Contract Award is scheduled to expire on September 30, 2014. NYSPRO is currently processing a one (1) year extension of contracts through September 30, 2015 or until new contracts are awarded, whichever occurs first; however, necessary approvals are still pending. OGS anticipates that there will be a lapse in contract coverage.

In the event there is a lapse in coverage, all purchases should be made in accordance with applicable statutory requirements and purchasing guidelines.

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## PURCHASING MEMORANDUM

### CONTRACT AWARD NOTIFICATION UPDATE

**AWARD NUMBER:** [21819](#)

**DATE:** July 28, 2014

**GROUP:** 35000 – GARAGE EQUIPMENT AND  
VEHICLE LIFTS (Statewide)

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

Michael Riley  
Contract Management Specialist  
**Phone:** (518) 474-6716  
**Email:** [michael.riley@ogs.ny.gov](mailto:michael.riley@ogs.ny.gov)

**CONTRACT PERIOD:** December 16, 2009 to  
September 30, 2014

**OTHER AUTHORIZED USERS**

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

**CONTRACTOR/  
CONTRACT NO.:** Patriot Lifts & Equipment, Inc. PC64744

**SUBJECT: NEW AUTHORIZED DEALER**

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

Effective immediately, PJ Industrial Supply Lifts and Equipment, Inc. is the new authorized dealer for Patriot Lifts and Equipment, Inc. All purchase orders and payments must be sent to this authorized dealer.

<b><u>CONTRACT #</u></b>	<b><u>CONTRACTOR &amp; ADDRESS</u></b>	<b><u>TELEPHONE #</u></b>	<b><u>FED.IDENT./VIN</u></b>
PC64744 SB	PATRIOT LIFTS & EQUIPMENT, INC. 640 N. Winton Rd. Rochester, NY 14609	585/654-6773 Mr. Philip J. Welch Fax: 585/654-5339 Email: <a href="mailto:welchff@yahoo.com">welchff@yahoo.com</a> Website: <a href="http://www.patriotliftsusa.com">www.patriotliftsusa.com</a>	201781595 1000044289

Catalog available on the Internet.  
Contractor will accept the NYS Procurement Card.

**AUTHORIZED DEALER:**

PJ Industrial Supply, Inc.  
640 N. Winton Rd.  
Rochester, NY 14609  
Mr. Eric Welch  
Phone: 800/836-0465  
Fax: 585/654-5339  
Email: [pjindustrialsupply@gmail.com](mailto:pjindustrialsupply@gmail.com)  
Federal Identification No.: 412078785  
Vendor Identification No.: 1000049962

All other terms and conditions of this Contract Award remain the same.

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## PURCHASING MEMORANDUM

### CONTRACT AWARD NOTIFICATION UPDATE

**AWARD NUMBER:** [21819](#)

**DATE:** May 16, 2014

**GROUP:** 35000 – GARAGE EQUIPMENT AND  
VEHICLE LIFTS (Statewide)

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

Michael Riley  
Contract Management Specialist  
(518) 474-6716  
[michael.riley@ogs.ny.gov](mailto:michael.riley@ogs.ny.gov)

**CONTRACT PERIOD:** December 16, 2009 to  
September 30, 2014

**OTHER AUTHORIZED USERS**

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

**CONTRACTOR/  
CONTRACT NO.:** Steril-Koni USA, Inc. PC64746

**SUBJECT: NEW PRICE LIST**

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

Steril-Koni USA, Inc. has submitted and we have approved their new price list which is entitled Steril Koni April 1, 2014, Edition 2.

Authorized users should reference the current copy of the Contract Award, which lists a revised issue date of May 16, 2014 before purchasing from the Contract. The current Contract Award may be accessed at the following URL address: <http://www.ogs.ny.gov/purchase/spg/awards/3500021819CAN.HTM>

Copies of this price list are available directly from the contractor.

All other terms and conditions of this Contract Award remain the same.

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## PURCHASING MEMORANDUM

### CONTRACT AWARD NOTIFICATION UPDATE

**AWARD NUMBER:** [21819](#)

**DATE:** February 28, 2014

**GROUP:** 35000 – GARAGE EQUIPMENT AND  
VEHICLE LIFTS (Statewide)

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

Michael Riley  
Contract Management Specialist  
(518) 474-6716  
[michael.riley@ogs.ny.gov](mailto:michael.riley@ogs.ny.gov)

**CONTRACT PERIOD:** December 16, 2009 to  
September 30, 2014

**OTHER AUTHORIZED USERS**

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

**CONTRACTOR/**

**CONTRACT NO.:** Dover Industrial Products Rotary Lift Division PC64742

**SUBJECT: CONTRACT ASSIGNMENT**

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

Dover Industrial Products, Rotary Lift Division with a contract number of PC64742 has been assigned to Vehicle Service Group, LLC/Rotary Lift with a new contract number of PC66378.

All other terms and conditions of this Contract Award remain the same.

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.state.ny.us>

## CONTRACT AWARD NOTIFICATION

<b>Title</b>	<b>:</b>	<b>Group 35000 – GARAGE EQUIPMENT AND VEHICLE LIFTS (Statewide)</b>
		<b>Classification Code(s): 25</b>
<b>Award Number</b>	<b>:</b>	<b><u>21819 - PF</u></b> (Replaces Award PGB 21284)
<b>Contract Period</b>	<b>:</b>	<b>December 16, 2009 through September 30, 2014</b>
<b>Bid Opening Date</b>	<b>:</b>	<b>June 4, 2009</b>
<b>Date of Issue</b>	<b>:</b>	<b>December 15, 2009</b>
<b>Specification Reference</b>	<b>:</b>	<b>As Incorporated In The Invitation for Bids &amp; Purchasing Memorandum dated 5/22/09 and 6/1/09.</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 : Christopher M. Martinez Title : Purchasing Officer I Phone : 518-474-3856 Fax : 518-474-8676 E-mail : christopher.martinez@ogs.state.ny.us	Customer Services Phone : 518-474-6717 Fax : 518-474-2437 E-mail : customer.services@ogs.state.ny.us

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

### Description

This contract will cover the purchase of various new vehicle lifts (including two-post, four post, mobile column and parallelogram lifts) and related garage equipment for automobiles, light to heavy duty trucks and transit vehicles. All items and components normally furnished as required for the intended applications shall be provided.

PR # 21819-T

(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>
PC64746	STERTIL-KONI USA, INC. 200 Log Canoe Circle Stevensville, MD 21666	800/336-6637 410/643-9001 x13 Mr. Jean DellAmore Fax: 410/643-8901 Email: jdellamore@stertil-koni.com Website: www.stertil-koni.com	522010741

Catalog available on the Internet.

Contractor offers Electronic Access Ordering (EDI) and will accept the NYS Procurement Card.

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:**

**Discount:**

Price is expressed as a single percent discount from the manufacturer's nationally published price list.

Percent discount reduction will not be allowed and is specifically excluded from the terms and conditions of the contract award. Price decreases or percent discount increases are permitted at any time.

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 dock delivery.

**PRICE CHANGES:**

**Price List Changes** - Price lists submitted with bid must remain in effect through January 2010.

Thereafter, new price lists will be considered when nationally published by the manufacturer in its normal manner. The contractor may request a price list revision by submitting three copies of each price list (TWO paper copies and ONE electronic copy of the submitted nationally published price list on CD, if available) to the Office of General Services at no charge. Price lists will be reviewed for reasonableness and if compliant, OGS will approve and issue a Purchasing Memorandum notifying contract users of update.

Prior to approval from OGS, updates (additions and deletions) to a contractor's price list may not be made. All additions included in the price list will use either the contractor's original discount or a higher discount, if offered. This office must be notified, as stated above, to process the approval and make proper notification so orders and payments will not be delayed. Contractors are urged to allow at least 30 days for price list approvals.

Contractors shall provide using agencies with current approved catalogs/price lists or appropriate portions thereof upon request at no charge. Any items/products/categories in the price list not awarded by OGS must be removed, blacked out, etc. before being supplied to contract user.

**PRICE SHEETS AND CATALOGS:**

Contractor shall be required to furnish, without charge, catalog and nationally published price list identical to those accepted with their bid, including any changes (additions, deletions, etc.) pursuant to the contract, to authorized users who request them.

Catalogs and nationally published price lists may be furnished to users in either hard-copy or electronic format. If available in both formats, they shall be furnished in the format preferred by the requesting authorized user. Upon request the contractor shall assist authorized users in the use of catalogs and nationally published price lists.

(continued)

**LOT NO. 1 - ARI**

Title of the price list for ARI in Lot No. 1: ARI Dealer Price List

Price list effective date: June 30, 2008

Discount (Applies to all items on price list): **18.21115%**

Guaranteed Delivery: 45 Calendar Days A/R/O for Lifting Systems  
90 Calendar Days A/R/O for Exhaust Systems

Additional Discounts: - 2 Systems – additional 2% discount  
- 3 or More Systems – additional 5% discount

CONTRACTOR, LOT 1: **AUTOMOTIVE RESOURCES, INC.**

**LOT NO. 2- MOHAWK LIFTS**

Title of the price list for Mohawk Lifts in Lot No. 2: Mohawk Resources Retail Price Sheet

Price list effective date: February 23, 2009

Discount (Applies to all items on price list): **16.42%**

Guaranteed Delivery: 3 – 120 Calendar Days A/R/O

Additional Discounts: - 6 or more units (Model A-7, System I, LMF-12, TP-16), one shipment, one location – additional 5% discount  
- 3 TP-16 units, one purchase order, one destination, one shipment – TP-16 units will be sold at the LMF-12 contract price  
- A-7, System I, LMF-12, TP-16 purchased in quantities of 12, one destination, one shipment – additional 10% discount

CONTRACTOR, LOT 2: **MOHAWK RESOURCES LTD.**

**LOT NO. 3- STERTIL-KONI**

Title of the price list for Stertil-Koni in Lot No. 3: Vehicle Lift Price List

Price list effective date: May 18, 2009

Discount (Applies to all items on price list): **29%**

Guaranteed Delivery: 15 Calendar Days A/R/O

CONTRACTOR, LOT 3: **STERTIL-KONI USA, INC.**

(continued)

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**LOT NO. 4- ALTERNATE OFFERS**

**Manufacturer: HUNTER ENGINEERING CO.**

Title of the price list for Hunter Engineering Co. in Lot No. 4: Hunter Dealer Group Prices for  
Systems Products

Price list effective date: January 1, 2009

Discount (Applies to all items on price list): **19.5%**

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Title of the price list for Hunter Engineering Co. in Lot No. 4: Hunter Dealer Group Prices for  
Balancers, Lathes, & Tire Changers

Price list effective date: January 1, 2009

Discount (Applies to all items on price list): **NO AWARD**

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Title of the price list for Hunter Engineering Co. in Lot No. 4: Hunter Dealer Group Prices for  
Heavy Duty Products

Price list effective date: January 1, 2009

Discount (Applies to all items on price list): **8 %**

Guaranteed Delivery: 3 – 120 Calendar Days A/R/O

**CONTRACTOR: MOHAWK RESOURCES LTD.**

**Manufacturer: PKS EQUIPMENT AND ENGINEERING INC.**

Title of the price list for PKS Equipment and Engineering Inc. in Lot No. 4: Patriot Lifts and  
Equipment, Inc. Electric /  
Hydraulic Vehicle Lifts

Price list effective date: January 2009

Discount (Applies to all items on price list): **22%**

Guaranteed Delivery: 42 Calendar Days A/R/O

**CONTRACTOR: PATRIOT LIFTS AND EQUIPMENT, INC.**

(continued)

**Manufacturer: ROTARY LIFT**

Title of the price list for Rotary Lift in Lot No. 4: Rotary 2009 US Heavy Duty Product Price List

Price list effective date: March 2009

Discount (Applies to all items on price list): **37.7%**

Guaranteed Delivery: 45 Calendar Days A/R/O

Title of the price list for Rotary Lift in Lot No. 4: 2008 US Professional Automotive Service Price List

Price list effective date: April 2008

Discount (Applies to all items on price list): **37.7%**

Guaranteed Delivery: 30 Calendar Days A/R/O

**CONTRACTOR: DOVER INDUSTRIAL PRODUCTS / ROTARY LIFT DIVISION**

**Manufacturer: SEFAC, INC.**

Title of the price list for SEFAC Inc. in Lot No. 4: SEFAC MSRP 2009

Price list effective date: January 1, 2009

Discount (Applies to all items on price list): **30%**

Guaranteed Delivery: 30 Calendar Days A/R/O

Additional Discounts: Orders exceeding \$90,000 – additional 3% discount

**CONTRACTOR: SEFAC, INC.**

**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.

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**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.

**NOTE TO CONTRACTOR:**

This Contract Award Notification is not an order. Do not take any action under this contract except on the basis of purchase order(s) from the agency or agencies.

All vehicle lifts offered by the contractor must be certified in accordance with the requirements of the ALI/ETL Certification Program and be listed in the ALI (Automotive Lift Institute) Directory of Certified Lifts. The Directory Lifts may be viewed at the following website:

<http://207.140.180.11/ali/ali2.nsf/frmHome?OpenForm>

Under no circumstances may "demos" or "used" equipment be sold under contract.

**CENTRALIZED PROCUREMENT CONTRACT FEE (CPCF):**

Amendments to State Finance Law §163-c imposed a centralized procurement contract fee (procurement fee) to be paid by contractors awarded OGS centralized contracts for the purchase of commodities, services or technology. The pricing offered by contractors for the commodity, service or technology is considered by the Office of General Services (OGS) to be inclusive of the fee. The procurement fee is one half of one percent (.005) of total sales made by Authorized Users of centralized contracts.

The fee, covering the applicable preceding calendar quarter, as well as an accompanying return, must be made by the contractor to the New York State Department of Taxation and Finance ("DTF") no later than forty-five (45) days after the close of each calendar quarter. Payment of the procurement fee, as well as filing of the accompanying return, must be made electronically to DTF. Prior to electronically filing the initial return and electronically paying the initial procurement fee, contractors must register on DTF's Online Tax Center:

<http://www.tax.state.ny.us/nyshome/online.htm>

Quarterly returns must be filed with DTF even if no sales were made under the centralized contract during the preceding calendar quarter. Simultaneously, the contractor must provide its sales report for such preceding calendar quarter to OGS in the format and with details set forth in this solicitation (even if no sales occurred). Contractors must fully cooperate with DTF and OGS relative to such payments and filings. Penalties for failure to comply with the filing and payment requirements are provided for by Article 27 of the Tax Law.

In addition to the penalties prescribed by Article 27 of the Tax Law, failure by a contractor to timely and accurately remit the procurement fee, provide the sales report and file the return for each calendar quarter shall constitute a breach of contract, and the Commissioner of General Services may exercise discretion to terminate such centralized contract on written notice to the contractor.

Additional information including FAQs is available at:

<http://www.ogs.state.ny.us/purchase/ProcurementContractFee.asp>

**DEBRIEFING:**

Contractors and bidders are accorded fair and equal treatment with respect to the opportunity for debriefing. OGS shall, upon request, provide a debriefing to any bidder or awarded contractor that responded to the IFB or RFP regarding the reason that the proposal or bid submitted by the unsuccessful bidder was not selected for a contract award. The post award debriefing should be requested by the bidder or awarded contractor within thirty days of posting of the contract award on the OGS website.

**NOTE TO AGENCY:**

The resultant award will not cover removal of old equipment, floor repairs, or installation of new equipment. Purchasers have the option to work with the lift manufacturer regarding removal and/or installation; however, it will be at their own discretion.

(continued)

**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.state.ny.us](http://www.ogs.state.ny.us)).

**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.state.ny.us/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.

**DELIVERY:**

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

Product is required as soon as possible.

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.

**Expansion of Delivery Points** - Upon mutual agreement, delivery locations may be expanded per the "Non-State Agencies Participation in Centralized Contract" and "Extension of Use" clause incorporated herein.

**ESTIMATED QUANTITIES:**

Our office estimates contract sales will total approximately \$1,500,000 annually. However, each contract shall be for the quantities or dollar values actually ordered during the contract period. The individual value of each contract is indeterminate and will depend upon the number of contracts issued and the competitiveness of the pricing offered. Agencies will be encouraged to purchase from contractors who offer the supplies, services, and pricing that best meet their needs in the most practical and economical manner. See "Estimated/Specific Quantity Contracts" and "Participation in Centralized Contracts" in Appendix B, OGS General Specifications.

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**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.

**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.

**CONTRACT MIGRATION:**

State Agencies or any other authorized user holding individual contracts with contractors under this centralized contract shall be able to migrate to this contract award with the same contractor, effective on the contract begin date (retroactively, if applicable). Migration by an agency or any other authorized user to the centralized contract shall not operate to diminish, alter or extinguish any right that the agency or other authorized user otherwise had under the terms and conditions of their original contract.

**WARRANTIES:**

See "Warranties" in Appendix B, OGS General Specifications.

Normal wear and tear items shall be warranted in accordance with manufacturer's standard warranty.

Where accessories are to be supplied, they must be compatible with the rest of the product.

Warranty shall be honored by all authorized manufacturer's dealers in New York State.

The Warranty period for all coverage begins on the date equipment is accepted.

All the costs associated with services for warranted items will be borne by the contractor.

All costs not covered by warranty will be borne by the procuring entity.

**RECALLS:**

The contractor must immediately notify the Office of General Services, Procurement Services Group of any recalls pertaining to Vehicle Lifts and Related Garage Equipment.

**INSTRUCTION OF PERSONNEL:**

Within five business days of delivery of product, the contractor shall provide instruction by qualified personnel sufficient to ensure that the product is operated and operator maintained so as to perform the full extent of its design capabilities. Agency shall designate personnel which are to receive instruction.

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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 electronically in Microsoft Excel 2003 or lower format 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.

**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.

**USE OF RECYCLED OR REMANUFACTURED MATERIALS:**

New York State, as a member of the Council of Great Lakes Governors, supports and encourages vendors to use recycled, remanufactured or recovered materials in the manufacture of products and packaging to the maximum extent practicable without jeopardizing the performance or intended end use of the product or packaging unless such use is precluded due to health or safety requirements or product specifications contained herein. Refurbished or remanufactured components or products are required to be restored to original performance and regulatory standards and functions and are required to meet all other requirements of this bid solicitation. Warranties on refurbished or remanufactured components or products must be identical to the manufacturer's new equipment warranty or industry's normal warranty when remanufacturer does not offer new equipment. See "Remanufactured, Recycled, Recyclable or Recovered Materials" in Appendix B, OGS General Specifications.

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**PURCHASE ORDERS AND INVOICING:**

**Orders Involving Price Lists** - Purchase orders are to include the following information when product is purchased from a price list:

- The name number and date of the price list.
- Product description.
- Product code/manufacturer number.
- Discount or price factor as applicable.
- Calculation of net, contract price.
- Specific designation of special price which may be better than the application of the discount.

**Invoices** - Contract users are instructed not to process invoices without needed information. Invoices must be detailed and include **all** of the following:

- Contract Number
- Purchase Order Number
- Item Number
- Line item breakdown of all charges:
  - If options are purchased, they must be listed separately, line by line on the same invoice as the vehicle.
  - Delivery charges will **NOT** be permitted.

Failure to comply may result in lengthy payment delays.

**SAFETY DEVICES:**

All equipment shall be equipped with required safety devices for protecting the operator and others from injury. Equipment shall comply with all applicable codes, laws and regulations of the State of New York and of local authorities having jurisdiction in effect at the time of delivery.

**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 Bulletin "OGS or Less Purchases" for complete procedural and reporting requirements.

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**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.

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**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, 37th Floor  
 Corning 2<sup>nd</sup> Tower - Empire State Plaza  
 Albany, New York 12242  
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