

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

Title	:	Group 40504 – MACK TRUCK REPLACEMENT PARTS (DOT)
		Classification Code(s): 25
Award Number	:	20167
Contract Period	:	January 1, 2006 to December 31, 2007
Bid Opening Date	:	October 20, 2005
Date of Issue	:	January 25, 2006
Specification Reference	:	As Incorporated In The Invitation for Bids
Contractor Information	:	Appears on Page 2 of this Award

Address Inquiries To:

State Agencies & Vendors	Political Subdivisions & Others
Name : Patricia Weidman Title : Purchasing Officer Phone : 518-402-5552 Fax : 518-474-8676 E-mail : pat.weidman@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 award provides the Department of Transportation only with a contract for Mack Truck Replacement parts.

PR # 20167

(continued)

NOTE: See individual contract items to determine actual awardees.

<u>CONTRACT #</u>	<u>CONTRACTOR & ADDRESS</u>	<u>TELEPHONE #</u>	<u>FED.IDENT.#</u>
PC62220	BEAM MACK SALES & SERVICE, INC. 3050 Lake Road Elmira NY 14903	877/650-8789 607/733-4606 Mr. Jeff Locey Fax: 607/733-4824 E mail: jlocey3050@yahoo.com web: www.beammacktrucks.com	16-0742432
PC62221	BEAM MACK SALES & SERVICE, INC. 6260 East Molloy Road E Syracuse, NY 13057	877/696-6225 315/437-1421 Mr. Jerry Nicholas Fax: 315/431-4938 E mail: jerryn546@yahoo.com web: www.beammacktrucks.com	16-0742432
PC62222	BEAM MACK SALES & SERVICE, INC. 2674 W. Henrietta Road Rochester, NY 14623	877/232-6094 585/424-4860 Mr. Tim Zornow Fax: 585/272-9445 E mail: timz@beammack.com web: www.beammacktrucks.com	16-0742432
PC62223 SB	BUFFALO TRUCK CENTER 271 Dingens Street Buffalo, NY 14206	800/933-9462 716/821-9911 x106 Mr. James Smigielski Fax: 716/825-2753 E mail: jims@buffalotruckcenter.com web: www.buffalotruckcenter.com	16-1364864
PC62224	GABRIELLI TRUCK SALES LTD. 153-20 South Conduit Avenue Jamaica, NY 11434	888/887-8557 X 1075 718/276-4232 Mr. Philip Perrell Fax: 718/977-9080 E mail: pperrell@gabriellitruck.com Web: www.gabriellitruck.com	11-3082303
PC62225 SB	SBD HOLDING CO LLC d/b/a Albany Mack Sales 90 Harts Lane Albany, NY 12204	800/287-4768 518/449-7171 Mr. Mike McDowell Fax: 518/449-2961 E mail: mmcdowell@albanytrucksales.com Web: www.albanytrucksales.com	06-1446892

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.

(continued)

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

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 are net, F.O.B. destination to delivery points listed herein, including tailgate delivery.

Price is determined by applying the contractor’s stated discount to the manufacturer’s referenced price list in effect at time of placing order.

CONTRACTOR SHALL NOTIFY THE OFFICE OF GENERAL SERVICES IN WRITING A MINIMUM OF TWO WEEKS PRIOR TO REVISION OF PRICE LIST AND SHALL SUBMIT TWO COPIES OF REVISED PRICES.

The State is exempt from Federal Excise Taxes.

For emergency orders, agency may request shipment by other than normal method. The difference in transportation charges will be borne by the ordering agency. Such charges should be shown separately, on the voucher. It is understood and agreed that the Department of Transportation may, if it so desires, purchase its requirement of Mack truck replacement parts from other sources of supply, providing its requirements do not total more than \$1,000.00 net, within a 30-day period.

(continued)

PRICE (Cont'd):

Additionally, it is understood and agreed that the Department of Transportation may also purchase replacement parts that are equal in form, function and utility to those re-packaged or re-labeled for sale by Mack trucks, providing those equitable parts are available under terms which are more economically efficient to the state agency (e.g., delivery terms, warranty terms, etc.)

ACCEPTANCE OF NEW YORK STATE PURCHASING CARD FOR ORDERS UP TO \$10,000:

The following contractors have indicated that they will accept the New York State Purchasing Card for orders up to \$10,000:

<u>Contractor</u>	<u>Additional Discount</u>
Gabrielli Truck Sales, Ltd.	0%
SBD Holding Co., LLC d/b/a Albany Mack Sales	0%

DEPARTMENT OF TRANSPORTATION MACK TRUCK REPLACEMENT PARTS:

Mack truck replacement parts, as listed in the Mack price list dated August 2005 or latest revision thereof, and at the price level and discount listed below:

Region	Contractor	Discount/Price Level	Stock Item	Non-Stock Item	Emergency Item Shipped
1, 2	SBD Holding d/b/a Albany Mack	Level 3, Fleet Pricing minus 4%	2 days	15 days	2 days
3	Beam Mack - Syracuse	Level 1, Customer minus 26%	2 days	7 days	1 day
4	Beam Mack – Rochester	Level 1, Customer minus 26%	2 days	7 days	1 day
5	Buffalo Truck Center	Level 1, Customer minus 25%	1 day	3 days	1 day
6	Beam Mack - Elmira	Level 1, Customer minus 26%	2 days	7 days	1 day
7, 8, 9	SBD Holding d/b/a Albany Mack	Level 3, Fleet Pricing minus 4%	2 days	15 days	2 days
10	Gabrielli Truck Sales	Level 1, Customer minus 25%	2 days	14 days	2 days

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 or contact them by e-mail at 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.

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). Click on "For Government - Contracts and Purchasing," then "Seller Information," then "Dispute Resolution Procedures for Vendors."

PRICE LIST REVISION:

The manufacturer's published price list shall be subject to revision in accordance with changes which may be made by the manufacturer.

Each revision shall be submitted to this office at no charge as required in the "PRICE" clause.

DELIVERY:

For all items which are normally stocked by the contractor, shipment shall be made within two (2) days of receipt of order.

If non-stock items are ordered, the contractor shall immediately so advise the agency and shall make shipment within fifteen (15) days. If shipment cannot be made within the allotted time, purchase may be made in the open market without penalty to the contractor and without regard to \$1,000.00 limitation specified previously under "Price".

Shipment of emergency items shall be made immediately.

Agency shall also be accorded "over-the-counter" service, if available.

CONTRACT PERIOD AND RENEWALS:

Discounts quoted are to be firm for the entire period of the contract. Discount reduction will not be allowed and is specifically excluded from the terms and conditions of this contract award. 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.

GUARANTEE:

The contractor guarantees that the replacement parts offered are genuine standard new stock product specifically designed and manufactured for use with original equipment; also that no part shall be substituted contrary to the manufacturer's recommendation. Every replacement part delivered shall be guaranteed against faulty material and workmanship in accordance with the manufacturer's standard guaranty. Any faulty part shall be immediately replaced by the contractor without any cost to the State.

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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.

PRICE SHEETS AND SERVICE:

Contractors in Regions 2-10 shall furnish two (2) complete sets of current price sheets to delivery point in their region, at no charge. Contractor in Region 1 shall furnish two (2) complete sets of current price sheets to delivery point indicated, one (1) complete set to Frank Bonesteel, Department of Transportation, 50 Wolf Road – POD 5-2, Albany, NY, 12232 and two (2) complete sets to Office of General Services, Procurement Services Group, 38th floor, Corning Tower Bldg., Empire State Plaza, Albany, NY 12242, at no charge.

In lieu of this, manufacturer may mail the required number of price sheets directly to delivery points listed below, as well as above addresses. If no award is made in Region 1, the manufacturer shall mail the required number of price sheets directly to the above addresses at no charge.

Upon request, contractor shall assist the using agency in the use of the price sheets.

REPORT OF CONTRACT PURCHASES:

Contractor shall furnish report of purchases made from contract the fifteenth of the month following the end of each six month period. The reports shall be in the following format:

<u>Item/ SubItem Number</u>	<u>Product or Catalog Number</u>	<u>Product/ Service Description</u>	<u>Total Quantity Shipped</u>	<u>Total \$ Value</u>
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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 Invitation for Bids Number, Contract Number, sales period, and contractor's name.

Additional related sales information, such as monthly reports, and/or detailed user purchases may be required and must be supplied upon request.

Failure to submit the required report may be cause for disqualification of contractor for future contracts.

REGIONS:

The Department of Transportation Regions and delivery points are as follows: New York State Department of Transportation Equipment Management Shops.

<u>REGIONS</u>	<u>DELIVERY POINTS</u>
1	21 Ninth St., Waterford, NY 12188
2	Harbor Lock Rd., Utica, NY 13503
3	5450 So. Bay Rd., No. Syracuse, NY 13212
4	2797 Clover St., Pittsford, NY 14534
5	4717 So. Western Blvd., Hamburg, NY 14075
6	7000 County Rt. 70A, Hornell, NY 14843
7	Box 22422, Route 342, Watertown, NY 13601
8	272-278 Violet Ave., Poughkeepsie, NY 12601
9	241 Colesville Rd., Binghamton, NY 13904
10	375 N. Carlton Ave., Central Islip, NY 11722

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REGIONS (Cont'd):

The above Regions consist of the following counties:

<p><u>REGION 1</u> Albany Essex Greene Rensselaer Saratoga Schenectady Warren Washington</p>	<p><u>REGION 2</u> Fulton Hamilton Herkimer Madison Montgomery Oneida</p>	<p><u>REGION 3</u> Cayuga Cortland Onondaga Oswego Seneca Tompkins</p>	<p><u>REGION 4</u> Genesee Livingston Monroe Ontario Orleans Wyoming Wayne</p>
<p><u>REGION 5</u> Cattaraugus Chautauqua Erie Niagara</p>	<p><u>REGION 6</u> Alleghany Chemung Schuyler Steuben Yates</p>	<p><u>REGION 7</u> Clinton Franklin Jefferson Lewis St. Lawrence</p>	<p><u>REGION 8</u> Columbia Dutchess Orange Putnam Rockland Ulster Westchester</p>
<p><u>REGION 9</u> Broome Chenango Delaware Otsego Schoharie Sullivan Tioga</p>	<p><u>REGION 10</u> Nassau Suffolk</p>		

PACKAGING:

All items furnished must be new and in the manufacturer's individual original, standard package, clearly marked as to part number and contents. Items which are repackaged and/or relabeled for sale by Mack trucks, which are not manufactured exclusively for sale by Mack, may be purchased by DOT from other sources of supply (see "Price" clause herein).

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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, Room 3711
 Corning 2nd Tower - Empire State Plaza
 Albany, New York 12242
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