

GROUP 40580-22746 – TRUCKS, MEDIUM DUTY (Class 5, 6, & 7 Chassis Cab Type with Various Bodies)

HOW TO USE THE CONTRACTS

PROCUREMENT INSTRUCTIONS

Authorized Users should follow the following procurement instructions when purchasing Product from the Contract(s).

- A. 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 appear in the contract document. The authorized user is accountable and responsible for compliance with the requirements of public procurement processes. 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 which should include:
 1. a statement of need and associated requirements,
 2. obtaining all necessary prior approvals,
 3. a summary of the contract alternatives considered for the purchase,
 4. the reason(s) supporting the resulting purchase (e.g., show that 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).
- B. The resultant Contracts for Lot IV *Dump, Stake, and Service/Utility Truck Bodies*, are tiered. Executive Agencies are required to purchase from the Primary Truck Body Contractor, unless written justification for purchasing from the Secondary Truck Body Contractor is approved by the Department of Budget, OGS or other control agency. Authorized Users, other than Executive Agencies, are encouraged to purchase from the Primary Truck Body Contractor. Awarded Contractors' Product offerings, Contract and pricing information will be posted to the OGS website.
- C. Authorized Users will issue Purchase Order(s), as described below, directly to the Contractor(s), specifying the Product required and shipping/delivery requirements.
- D. Before proceeding with their purchase, Authorized Users should arrange a pre-production meeting with the Chassis Cab and Truck Body Contractors in order to ensure complete and accurate understanding of the Upfitted Truck specifications, and delivery requirements, that are required by the Authorized User.
- E. Upon Authorized User acceptance of Product itemized on the Purchase Order, Contractor(s) will invoice Authorized User for any portion of Product, and accordingly, Authorized User will arrange for payment.

Note: Contractor must disclose any forms, or other order information, that Contractor will attach to orders or require completion of when Authorized User makes a purchase. Documents which contain additional terms and conditions must receive pre-approval by OGS for use under the Contract. Additional terms and conditions that were not pre-approved by OGS are void. Additional terms and conditions which conflict with the Contract shall be removed at the discretion of the State.

PRODUCT PRICE

Pricing and discounts for Contract Base Items, Core Options, and Additional Options and Aftermarket Components (AOAC) are posted at the OGS website for Award 22746. Pricelists can be accessed from the

Award summary page, <http://www.ogs.ny.gov/purchase/spg/awards/4058022746CAN.HTM>, by following the “Contractor Info” link, and clicking on the applicable pricelist link under “Contract Specifics.”

The Base Item pricelists include a NYS Net Contract Price for the Item awarded. The actual Item awarded may exceed the minimum specifications listed in the Base Item Configuration. The Authorized User may elect to add additional Options, delete Options, or substitute a Base Item feature that is an Option with another Option. See Contract Section III.6 *Options*. NYS Net Contract Prices and discounts for Options are listed on the "Core Options" worksheet(s) for each Contractor.

Equipment/features that are included in the Core Options lists shall be offered at the NYS Net Contract Price listed on the Contract Pricelist, when applied to the Base Items.

Equipment/features that are not included in the Core Options list may be offered at the Additional Options and Aftermarket Components Percent (AOAC) Discount. The AOAC Discount shall be applied to the MSRP, or Contractor List Price, if applicable, to yield a NYS Net Contract Price for the Option or Aftermarket Component.

DELIVERY PRICE

Contractors will be required to deliver Chassis Cab and Upfitted Trucks anywhere within New York State boundaries, as designated by the Authorized User on the Purchase Order. Pursuant to Appendix B, §35, *Shipping/Receipt of Product*, freight terms are F.O.B. Destination. The cost of delivery shall be calculated either on a per mileage basis, or in accordance with the Delivery Allowance Schedule (DAS) below, whichever is less. A Contractor shall list a Delivery Cost per Mile charge on the Contract Pricelist.

- A. **Per Mileage Calculation.** If mileage is calculated on a per mileage basis, the mileage used for calculation shall be the actual mileage that the Chassis Cab or Upfitted Truck incurred as a result of the delivery, and/or the actual mileage that the Contractor incurred on a vehicle used for the delivery to the Truck Body Contractor or Authorized User. Mileage travelled by the OEM when delivering Product to the Contractor’s place of business or the Contractor’s authorized dealer location that is nearest to the delivery location, (e.g., when a Cab Chassis is drop-shipped to the Contractor), shall not be included in the calculation. If a Contractor’s place of business is not located within the State of New York, then mileage shall be calculated from the point of entry into New York State.
- B. **Delivery Allowance Schedule (DAS).** The following Delivery Allowance Schedule (DAS) indicates the maximum dollar amount that will be paid for delivery from the Contractor’s place of business or the Contractor’s authorized dealer location that is nearest to the delivery location. The DAS will be used as follows:

If the Contractor’s place of business is in Albany County (Region 3), and the delivery location is in Westchester County (Region 5), the delivery charge will be \$275. This charge should be added to the invoice. Each Contractor will only be concerned with their particular region (i.e., if the Contractor’s place of business is in Region 1, the only row that will be utilized is the first one). If a Contractor’s place of business is not located within the State of New York, then the Region utilized shall be the Region that is closest in distance to the Contractor’s place of business.

Each February 1st, beginning with February 2015, the DAS chart shall be updated in accordance with changes in the CPI (Series Id: CUUR0100SA0, CUUS0100SA0; Not Seasonally Adjusted; Area: Northeast urban; Item: All items) by comparing the value for December of the year involved to the value for December 2013. For example, if the value for December 2014 is 220.4 and the value for December 2013 was 206.2, the DAS would increase by 6.89% (e.g., $220.4/206.2 = 1.0688965 = 6.89\%$ rounded increase), effective February 1, 2015. The values in chart shall be rounded to the nearest five (5) dollar amount (e.g., \$161 would be rounded to \$160, and \$166 would be rounded to \$165).

DELIVERY ALLOWANCE SCHEDULE (DAS):

		Delivery to Region					
LOCATION OF VENDOR	Region	1	2	3	4	5	6
	1	\$190	\$275	\$460	\$525	\$625	\$815
	2	\$275	\$190	\$275	\$275	\$350	\$625
	3	\$460	\$275	\$190	\$275	\$275	\$625
	4	\$530	\$275	\$275	\$190	\$530	\$795
	5	\$625	\$350	\$275	\$525	\$190	\$315
	6	\$815	\$625	\$625	\$795	\$315	\$190

DELIVERY REGIONS:

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

“OGS OR LESS” GUIDELINES APPLY

Purchases of the products included in this Contract are subject to the "OGS or Less" provisions of New York State Finance Law § 163(3)(a)(v). 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:

- i. lower in price; and/or
- ii. available under terms which are more economically efficient to the Authorized Users (e.g. delivery terms, warranty terms, etc.).

State agencies are reminded that they must provide the 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, as applicable. State agencies should refer to the “OGS or Less” section of the New York State Procurement Guidelines for complete procedural and reporting requirements:
<http://www.ogs.state.ny.us/procurecounc/pdfdoc/guidelines.pdf>.

PURCHASE ORDERS AND INVOICING

All Purchase Orders and invoices/vouchers shall include the Contract number and a line by line listing of separate charges. Order confirmation shall mean that the Contractor has received the purchase order, has reviewed it for compatibility with the Item currently on Contract, has resolved any non-compatibility problems with the Authorized User, and has entered the order with the manufacturer and that the manufacturer has accepted the order and assigned an order number and anticipated build and delivery dates.

PURCHASE ORDERS

Purchase orders are to include the following information:

- A. Contract number;
- B. Contractor name;
- C. The OEM Pricelist name and effective date, if applicable;
- D. Product description;
- E. Product code/manufacturer number;
- F. MSRP for each Product/Option/Aftermarket Component;
- G. Base Item, and AOAC Percent Discount(s) from MSRP, as applicable;
- H. Liquidated damages, if any;
- I. Calculation of NYS Net Contract Price; and
- J. Specific designation of special price(s) which may be better than the NYS Net Contract Price.

INVOICES

Authorized Users are instructed not to process invoices that do not include the required information set forth below. Invoices must be detailed and include in the body of the invoice or an attachment to the invoice **all** of the following items. Failure to comply may result in lengthy payment delays. Invoices shall include, at a minimum, the following information:

- A. Contract number;
- B. NYS Vendor ID;
- C. Purchase Order number;
- D. Contract Item Lot number and description;
- E. Line item breakdown of all charges;
- F. Breakdown of liquidated damages (see 3.5.9 *Liquidated Damages*);
- G. If Options or Aftermarket Components are purchased, they must be listed separately, line by line on the same invoice as the Chassis Cab or Truck Body and include the NYS Net Contract Price.
- H. Line item breakdown of any Option deletion; and
- I. NYS Net Contract Price.

It is strongly advised that all contract users FOLLOW-UP WITH THE CONTRACTOR after submitting their purchase order, whether it was submitted by mail, electronically or by fax. This is to insure that the contractor received and placed your order.

Upon receipt of your completed vehicle and processing payment, be sure to audit your invoice to ensure that correctly discounted option pricing was used. If itemized pricing is not included in your invoice, please contact the Procurement Services Contact Person listed on summary page of this Award. The Authorized User is accountable and responsible for compliance with the requirements of public procurement processes.

State agencies must forward a copy of each vehicle purchase order to NYS Department of Transportation to facilitate the issuance of an OGS-Issued State identification number. Each vehicle on the Purchase Order must also identify if the agency is obtaining state or street plates. Purchase Orders can be e-mailed to ken.hunter@dot.ny.gov, (518) 457-2875.

MSRP VERIFICATION

An Authorized User may verify MSRP information, especially for Options and Aftermarket Components. The Contractor shall, upon request by the Authorized User, provide a copy of the most recently published OEM Pricelist. See also Contract Section 3.1.6 *Contract Pricelist* and 3.1.7 *Aftermarket Components Pricelists*.

PRE-PRODUCTION MEETING

Contractors shall be required to consult with the Authorized User upon receipt of a Purchase Order in order to ensure complete and accurate understanding of the Upfitted Truck specifications, and delivery requirements, required by the Authorized User. The Chassis Cab and Truck Body Contractors shall coordinate and attend a pre-production meeting, if required by the Authorized User, at a location convenient to the Authorized User, to provide all necessary information prior to building any Item, or scheduling production. Only after the pre-production meeting, if required by Authorized User, and subsequent approval from the Authorized User, shall the Contractor begin the production.

PILOT MODEL INSPECTION

Prior to completion of all Chassis Cab and Upfitted Trucks ordered, a complete pilot model inspection of one or more Chassis Cab or Upfitted Trucks shall be provided by the Contractor if requested by the Authorized User. This inspection shall take place inside a building and on a dry Chassis Cab or Upfitted Truck at the OEM's facility or Contractor's place of business, as agreed to by the Authorized User.

CONTRACT PAYMENTS

Payments cannot be processed by Authorized Users until the Chassis Cab or Upfitted Truck has been delivered and accepted in accordance with Contract Section 3.5 *Delivery*. Payment will be based on any invoice used in the Contractor's normal course of business. However, such invoice must contain all requirements listed above in Purchase Orders and Invoicing.

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

Political subdivisions and others authorized by law that participate 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.

OVERLAPPING CONTRACT ITEMS

Products/services available under this Contract may also be available from other New York State contracts. Authorized Users will be advised to select the most cost effective procurement alternative that meets their program requirements and to maintain a procurement record documenting the basis for this selection.

NON-STATE AGENCIES PARTICIPATION IN CENTRALIZED CONTRACTS

New York State political subdivisions and others authorized by New York State law may participate in Centralized 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 Appendix B, §27 *Participation in Centralized Contracts*. 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 Contractor with the proper tax exemption certificates and documentation certifying eligibility to use State contracts. Questions regarding an organization's eligibility to purchase from New York State Contracts may also be directed to OGS Procurement Services' Customer Services at 518-474-6717.

POOR PERFORMANCE

Authorized Users should notify Procurement Services Customer Services promptly if the Contractor fails to meet the requirements of this Contract. Performance which does not comply with requirements or is otherwise unsatisfactory to the Authorized User should also be reported to Customer Services:

Office of General Services	Tel: 518-474-6717
Procurement Services	Fax: 518-474-2437
Customer Services Coordination	E-mail: customer.services@ogs.ny.gov
38th Floor Corning Tower	
Empire State Plaza	
Albany, NY 12242	

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