

Inquiry	Bid Document	Section Number	Inquiry	Answer
1	Solicitation	1.3 Key Events/Dates	Would it be possible to extend the deadline of when the questions are due?	OGS declines this request. Bidders may contact the Designated Contacts with questions at any time, however.
2	Solicitation	1.4 Inquiries	Which document should be used for the inquiries submission?	Attachment 5 – Inquiries Template should be used for inquiries.
3	Solicitation	1.7 Definitions	The solicitation notes that the vendor must propose content that they own or are authorized to resell. How will the state handle proposed systems that, in addition to storing proprietary courses, also stores open educational resources that are free to be used and adapted under the Creative Commons?	Bidder must provide evidence of a current Creative Commons License for open educational resources that it is offering. In addition, as stated in Section 2.1, Resellers responding to have a direct contract must submit a signed letter from each Content producer/developer confirming that the respondent is authorized to resell their Content and that the producer/developer guarantees to support the respondent in meeting all Content-related obligations within this contract. Lastly, as stated in Section 5.1: If Products and services are not available through one of the types of nationally published pricelists referenced, the Products or services may <u>not</u> be offered under the Contract.
4	Solicitation	2.2 Mandatory Requirements	[Vendor] would like to participate in Solicitation #22883 Group 73016 E-Learning/Distance Learning Training Services (Statewide); however, due to Mandatory Requirements Highlighted in Section 2.2 we would be unable to participate or offer a response as we do not have NYS Accreditation with the NYS Board of Regents. [Vendor] has worked in the past with many State agencies and political subdivisions on a variety of programs contained within this solicitation in a range of modalities. A portion of this success was driven by our affiliation and Certificate Programs offered and accredited with The George Washington University.	Accreditation with the NYS Board of Regents and/or with an accrediting organization approved by the NYS Board of Regents for firms located outside NYS applies only to those bidders who wish to offer college/university degree-granting credit course Content. OGS will not waive this requirement.

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			Is there any chance for an open discussion about this requirement? In some cases, the professional certifications we offer through George Washington could potentially be an added value solution versus the more traditional offerings. Perhaps this flexibility would be desirable?	
5	Solicitation	2.2 Mandatory Requirements	The following bullet is confusing. Would it be possible to clarify this point? > Provide customized training packages of existing Content, as requested by Authorized Users. This does not include customized/modified Course Content.	Consulting and custom/modified Course Content development is not covered under this Solicitation unless it is to make minor modifications done free of charge. An example would be adding the Authorized User's contact information at the beginning or ending of a training. The vendor may also offer customized training packages of existing course content that meet the Authorized User's needs, but cannot create customized content. An example would be allowing an Authorized User to combine several existing classes into one training package.
6	Solicitation	2.2 Mandatory Requirements / 3.1 Scope	I wanted to reach out to you to inquire whether Adult English Language Learning software programs (Adult ESL or ABE programs) would be eligible for award. I'm contacting you on behalf of [Vendor], we are a for-profit provider of English language programs, serving adult non-native English speakers—both via self-study software and live group (or private) lessons—and concentrating on both English and ABE-related skills. Our programs support “self-sufficiency” and job readiness for adults, and our content covers both life skills and industry-specific topics as well.	Please refer to Section 2.2 Mandatory Requirements and 3.1 Scope to determine if your company's programs qualify.

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7	Solicitation	3.1 Scope	On page 14, the RFP says that integration with the SLMS or other LMS systems is desirable. If there are costs incurred to integrate the system proposed with a district's LMS, will this contract be applicable to those custom integration costs?	As stated in Section 6.5, Price: Price shall also include any integration with LMS software.
8	Solicitation	6.8 Volume Discounts	Which document should be used to provide the volume discounts submission?	The volume discounts should be included in Attachment 9 – General Questions, line item #37.
9	Solicitation	6.39 New York State Tax Law Section 5-a	Per requirement for contractors to submit insurance form ST-220-CA to OGS: This requires an answer that contractor has either submitted ST -22--TD form to NYS Tax Department or has one on file. But the NYS Tax Department does not accept forms until contractors have contracts. Further, NYS Tax told this contractor that even if they did have one on file, they would have to submit again for new contract. Please advise on what to do here.	Vendors may submit an ST-220-TD to the New York State Department of Taxation and Finance prior to contract award and enter a contract description in the appropriate box and then submit the ST-220-CA to OGS. If the vendor has previously filed an ST-220-TD for a different contract and the information provided is correct and complete, the vendor may select this option when submitting the ST-220-CA. Questions regarding how to fill out the ST-220-TD or ST-220-CA should be directed to the NYS Department of Taxation and Finance.
10	Solicitation	6.48.3 Centralized Contract Modifications	Is the State amenable to allowing the Authorized Users to customize with vendor specific terms and conditions with prior written approval by the OGS?	Yes, in accordance with Section 6.48, the Contractor may propose modifications to the terms and conditions for OGS consideration.
11	Solicitation	6.48.3 Centralized Contract Modifications	Does the State intend to hold negotiations after award of the project to the winning bidder?	No, unless such negotiations are in the best interests of the State pursuant to Sections 4.13 or 6.48.
12	Solicitation	General Question	Will the State consider compensating Vendor for any unrecoverable costs incurred by delay of the program due to acts or omissions of the State?	OGS declines this request.

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13	Appendix B- General Specifications (May 2015)	15.f Best Pricing Offer	Will the State consider eliminating this requirement?	OGS declines this request.
14	Appendix B- General Specifications (May 2015) and Solicitation	46.b Termination, and 6.2 Cancellation for Convenience	Will the State consider equitable adjustment of pricing in the event of a termination in part by the State?	OGS declines this request.
15	Appendix B- General Specifications (May 2015) and Solicitation	46.b Termination, and 6.2 Cancellation for Convenience	Will the State agree to compensate Vendor for any unamortized costs and reasonable wind-down costs in the event of a termination for convenience?	OGS declines this request.
16	Appendix B - General Specifications (May 2015)	60. Indemnification (as amended by Solicitation 1.9)	Will the State consider limiting vendor liability to damages directly resulting from vendor's own negligent acts or omissions?	OGS declines this request.
17	Appendix B - General Specifications (May 2015)	62. Limitation Of Liability	Will the State consider capping Vendor liability to an amount equal to the total amount that the customer has paid the Vendor in the 12 months prior to the relevant incident?	OGS declines this request.
18	Appendix B- General Specifications (May 2015)	65. Product Acceptance	Is the State amenable for further discussion and refinement of the acceptance protocols post-award?	OGS declines this request.
19	Appendix B- General Specifications (May 2015)	67. Ownership/Title To Project Deliverables	Will the State please confirm that for this project the scope of work is for the provision of services, not the provision of software?	The Scope of this Solicitation includes e-Learning products which includes software licenses to the e-Learning product and LMS software integration as necessary. Software is not included in the scope of the Solicitation.
20	Appendix B- General Specifications (May 2015)	67.b.i.2 Ownership/Title To Project Deliverables, and 64. Software License Grant	Will the State please confirm that all intellectual property developed prior to or independently of this project shall continue to be owned by vendor or any relevant third parties?	Yes, all intellectual property developed prior to or independently of this contract shall continue to be owned by vendor and/or relevant third parties.

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21	Appendix B- General Specifications (May 2015)	67.b.i.2 Ownership/Title To Project Deliverables	Will the State agree that any licenses granted under a given project will end upon expiration or termination of the contract?	Section 3.1 states: Upon termination of the Contract, all rights and obligations set forth herein shall survive in accordance with their terms as to procurements made or individual licenses granted to Authorized Users prior to such termination.
22	Attachment 1 - Pricelist	General	If the vendor is proposing an eLearning system that has new courses added on an ongoing basis, will this contract apply to additional courses that are not listed in the Pricelist, but are added thereafter to the system that is proposed?	Products and services may be added or deleted in accordance with Section 6.10 of the Solicitation.
23	Attachment 1 - Pricelist	General	Can the vendor propose bundles of courses that will incur a discounted rate for a client district? Where should this information be submitted in the pricelist?	Yes, Bidder shall state the license discount offered in Attachment 1, Pricelist at the transactional level using the thresholds listed in Section 6.7 of the Solicitation. Bidder may also offer volume discounts on Attachment 9 – General Questions, line item #37.
24	Attachment 4 – Insurance Requirements	General Question	Is the state amenable to discussing the particular wording of the insurance provisions?	OGS declines this request.
25	Attachment 9 – General Questions	40	Cannot read the entire question in body of cell.	The question is “If awarded a contract, will Bidder accept the New York State Purchasing Card for orders not to exceed \$50,000.00?” Please select “Yes” or “No”.
26	Attachment 9 – General Questions	42	Cannot read the entire question in body of cell.	The question is still not legible, the question is “Additional discount for purchases made with the NYS Purchasing Card (%):” Please enter the discount if any.