

**SCIENTIFIC EQUIPMENT AND RELATED ACCESSORIES  
IN-BREATH ALCOHOL TESTING (Statewide)  
Group 38708 – Award 22699**

**FREQUENTLY ASKED QUESTIONS**

Authorized Users of these contracts are strongly encouraged to read the contract terms and conditions in its entirety to gain an understanding of requirements for both the Contractors and Users. Below is a brief listing of Questions & Answers (Q&A's) to facilitate the use of the Scientific Equipment and Related Accessories In-Breath Alcohol Testing contracts.

Question: Who is the OGS contact for this contract award?

Answer: Vivian Basile, Contract Management Specialist  
NYS Procurement (NYSPRO), 38<sup>th</sup> Floor - Corning Tower, Empire State Plaza, Albany, NY 12242  
Phone: 518-474-0912  
Fax: 518-474-1160  
E-mail: [vivian.basile@ogs.ny.gov](mailto:vivian.basile@ogs.ny.gov)

Question: How do I know what products the contractors' offer?

Answer: Refer to the Price Guide document (Appendix C).

Question: What is the term of these contracts?

Answer: August 23, 2013 through July 31, 2018.

Question: What are the terms of the pricing?

Answer: Prices are firm for the first year of the contract from the issue date of the award. Every year thereafter, prices may be adjusted upward or downward pending a written request by the awarded contractor OR by the State. No price increases shall be implemented by a contractor prior to written confirmation by the Office of General Services, NYSPRO.

Prices include all customs duties and shipping charges and are net, F.O.B. destination any point in New York State as designated by the ordering agency including tailgate delivery

Question: How often is the Net Price List updated and how is the update processed?

Answer: Pricing will be firm for the first year of the contract from the approval of each contract. Every subsequent year thereafter a price adjustment will be allowed based on the Consumer Price Index (CPI-U) for all Urban Consumers, Not Seasonally Adjusted, U.S. City Average, All Items (Series ID: CUUR0000SAO) as published by the US Department of Labor, Bureau of Labor Statistics, Washington D. C. 20212. When approved by OGS the latest OGS Net Price List information will then be published to OGS website.

Question: How are orders accepted by the Contractors?

Answer: All Authorized Users shall issue purchase order(s) directly to the Contractors listed within Appendix D by mail or fax.

Question: What are the delivery Terms?

Answer: Delivery is expressed in number of calendar days required to make delivery after receipt of a purchase order (refer to "Contract Specifics" for each Contractor in Appendix D. Products in Lot III shall be packaged and transported so as to arrive within two (2) business days of shipment. 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, NYSPRO

Question: Is there a minimum?

Answer: Minimum order shall be:

- Lot I – Instrumentation, One (1) Unit
- Lot II – Mouthpieces, (refer to "Contract Specifics" for each Contractor in Appendix D)
- Lot III – 1 Case (16 bottles)
- Lot IV – 1 Cylinder

Question: What information MUST be included on the Contractor's Invoice in order for payment to be made through the new Statewide Financial System (SFS)?

Answer: So that payments can be made in a timely manner by either the Business Service Center (BSC) or by agencies directly, invoices must include either the Purchase Order or Contract Number, whichever is applicable and the SFS Vendor ID Number. The invoice must also include an invoice number and clearly identify the agency receiving the goods or services. In addition, the following fields should also be included to assist agencies in reconciling their purchases: Order Date, SKU Number and/or Description, and NYS Net List Price separated by order date.

Question: What if a product has a Quality Problem?

Answer: Upon written notification by the Authorized User to the Contractor, products determined to have quality problems, outdated product, damage, etc., shall be picked up by the Contractor within ten business days after notification. The Authorized User shall elect whether to receive a replacement product or a credit/refund for the full purchase price. The Authorized User must conduct its inspection, and notify the Contractor within 30 calendar days of delivery. If a defect is not identified within 30 calendar days after delivery, the Authorized User may be required to contact the manufacturer directly. Contractor shall provide an Authorized User with the manufacturer's contact number.

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Question: Is there a way to report problems to the Office of General Services with the service being provided by a Contractor?

Answer: Yes, you may contact the Contract Manager listed herein or you may click on the **Customer Service** link on the Contract Summary Page of this award on the OGS Website and complete a Contract Performance Report.

Question: Does the "OGS or Less" guidelines apply to this contract

Answer: Purchases of the products included in these Contracts are subject to the "OGS or Less" provisions of 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:

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 for additional information.

Question: Are there Instruction Manuals included?

Answer: Simultaneous with delivery, the contractor(s) shall furnish to the authorized user a complete instruction manual for the product and for each component supplied. The manual shall include complete instructions for unpacking, inspecting, installing, adjusting, aligning, and operating the product, together with layout and interconnection diagrams, schematic and wiring diagrams, preventive and corrective maintenance procedures, and complete parts lists, manufacturer's catalog numbers, and ordering information, if applicable.

Question: Is their instrument instructions available?

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