



Corrections and Community Supervision

BADGES

INVITATION FOR BIDS (IFB) # 2015-07

Issue Date: August 18, 2015
Bid Due Date & Time: September 16, 2015 @ 2:00pm
Contract Period: December 1, 2015 – November 30, 2018

Designated Contact

Name: David Gambacorta
Phone: (518) 436-7886 ext. 3030
Email: David.Gambacorta@doccs.ny.gov

Alternate Designated Contact

Name: Michele Phalen
Phone: (518) 436-7886 ext. 3065

BID SIGNATURE PAGE

The bid must be fully and properly executed by an authorized person. By signing you certify your express authority to sign on behalf of yourself, your company, or other entity and full knowledge and acceptance of this INVITATION FOR BIDS, Appendix A (Standard Clauses For New York State Contracts), Appendix B (General Specifications), and State Finance Law §139-j and §139-k (Procurement Lobbying), and that all information provided is complete, true and accurate. By signing, bidder affirms that it understands and agrees to comply with DOCCS procedures relative to permissible contacts as required by State Finance Law §139-j(3) and §139-j(6)(b). Bidders are requested to retain Appendix A and Appendix B for future reference.

Procurement Lobbying information may be accessed at:
<http://www.oqs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.html>

Legal Business Name of Company Bidding:		NYS Vendor Identification Number: (see NYS vendor file registration clause)	
D/B/A – Doing Business As (if applicable):		Federal Tax Identification Number: (do not use Social Security Number)	
Street	City	State	Zip
County			
If applicable, place an "x" next to each that apply: <input type="checkbox"/> New York State Small Business <input type="checkbox"/> New York State Certified Minority-owned Business Enterprise (MBE) <input type="checkbox"/> New York State Certified Woman-owned Business Enterprise (WBE)			
Vendor Responsibility Questionnaire Filed Online: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Do you understand and is your firm capable of meeting the insurance requirements to enter into a contract with New York State? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Does your bid proposal meet all the requirements of this solicitation? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If you are not bidding, place an "x" in the box and return this page only. <input type="checkbox"/> WE ARE UNABLE TO BID AT THIS TIME BECAUSE _____ _____ _____			
Phone: Fax:		Toll Free Phone:	
E-mail Address:		Company Web Site:	
Bidder's Signature:		Printed or Typed Name:	
Date:		Title:	

GENERAL INFORMATION

IMPORTANT NOTICE TO POTENTIAL BIDDERS: Receipt of these bid documents does not indicate that the NYS Department of Corrections and Community Supervision (DOCCS) – Support Operations has pre-determined your company's qualifications to receive a contract award. Such determination will be made after the bid opening and will be based on our evaluation of your bid submission compared to the specific requirements and qualifications contained in these bid documents.

NOTICE TO BIDDERS:

NYS DOCCS – Support Operations Contract Procurement Unit will receive bids pursuant to the provisions of Article XI of the State Finance Law or the provisions of the State Printing and Public Documents Law. The following procedures shall be used for bid submittals:

1. **BID PREPARATION**

Prepare your bid on this form using indelible ink. Print the name of your company on each page of the bid in the block provided. One copy of the bid is required, unless otherwise specified herein.

2. **BID SUBMISSION**

When submitting your bid, please submit complete original bid package, including all bidder questions and required certifications. You are not required to return Appendix A and Appendix B to this office. You may keep all those pages for your own reference.

3. **BID DELIVERY**

- **Bidders assume all risks for timely, properly submitted deliveries.** Bidders are strongly encouraged to arrange for delivery of bids to NYS DOCCS – Support Operations **prior to** the date of the bid opening.
- **LATE BIDS may be rejected.**
- **E-mail and Fax bid submissions are not acceptable and will not be considered.**
- **Bid envelopes**
The envelope containing a bid should be marked "**BID ENCLOSED**" and state the **Bid Number, Bid Opening Date, and Time** on the envelope containing the sealed bid. Failure to complete all information on the bid envelope may necessitate the premature opening of the bid and may compromise confidentiality. See "Bid Submission" in Appendix B, General Specifications. Bids shall be delivered to:

**Attn: David Gambacorta
State of New York
Department of Corrections and Community Supervision
Division of Support Operations
550 Broadway
Albany, NY 12204**

• **Hand deliveries**

Bidders must allow extra time to comply with the security procedures which may be in effect when hand delivering bids or using deliveries by independent courier services. **Bidders assume all risks for timely, properly submitted deliveries.**

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NON-COLLUSIVE BIDDING CERTIFICATION:

(Reference: State Finance Law Section 139-d and Appendix A, Clause 7)

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not submit a bid for the purpose of restricting competition.

In the event that the bidder is unable to certify as stated above, the bidder shall provide a signed statement which sets forth in detail the reasons why the bidder is unable to furnish the certificate as required in accordance with State Finance law Section 139-d(1)(b).

PROCUREMENT LOBBYING ACT:

SUMMARY OF POLICY AND PROHIBITIONS ON PROCUREMENT LOBBYING

Pursuant to State Finance Law §§139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between NYSDOCCS – Support Operations and an Offerer/bidder during the procurement process. An Offerer/bidder is restricted from making contacts from the earliest notice of intent to solicit offers/bids through final award and approval of the Procurement Contract by NYSDOCCS – Support Operations, and if applicable, the Office of General Services, and/or the Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j (3) (a). Designated staff, as of the date hereof, is identified on the first page of this solicitation. NYSDOCCS – Support Operations employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Offerer/bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the Offerer/bidder is debarred from obtaining governmental Procurement Contracts. Further information about these requirements can be found on the website:

<http://ogs.ny.gov/Aboutogs/regulations/defaultAdvisoryCouncil.html>.

PROCUREMENT LOBBYING TERMINATION:

NYSDOCCS – Support Operations reserves the right to terminate this contract in the event it is found that the certification filed by the Offerer/bidder in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, NYSDOCCS – Support Operations may exercise its termination right by providing written notification to the Offerer/bidder in accordance with the written notification terms of this contract.

PROCUREMENT LOBBYING CERTIFICATION

By signing, the offerer/bidder affirms that it understands and agrees to comply with the NYS Office of General Services (OGS) procedures relative to permissible contacts, as required by State Finance Law §139-j and §139-k.

Procurement Lobbying information can be accessed at:

<http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/sfl139-j.htm> and <http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/sfl139-k.htm>

Offerer affirms that it understands and agrees to comply with the procedures of the Government Entity relative to permissible Contacts as required by State Finance Law §139-j (3) and §139-j (6) (b).

By: _____ Date: _____

Name: _____ Title: _____

Contractor Name: _____

Contractor Address: _____

Prior Non-Responsibility Determinations – State Finance Law §139-k

- 1. Has any Government Entity made a finding of non-responsibility against this organization/company? **No** **Yes**
- 2. If yes, was the basis for the finding of non-responsibility due to a violation of SFL§139-j or due to the intentional provision of false or incomplete information to a Government Entity? **No** **Yes**
- 3. Has any Government Entity terminated or withheld a procurement contract with this organization/company due to the intentional provision of false or incomplete information? **No** **Yes**

If yes to any of the above questions, provide complete details on a separate page and attach.

Offerer Certification:

I certify that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By: _____ Date: _____

Name: _____ Title: _____

Procurement Lobbying Termination

DOCCS reserves the right to terminate this contract in the event it is found that the certification filed by the Offeror/bidder in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, DOCCS may exercise its termination right by providing written notice to the Offeror/bidder in accordance with the written notification terms of the contract.

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TAX LAW § 5-A:

TAX LAW § 5-A (Amended April 26, 2006):

Tax Law § 5-a, as amended on April 26, 2006, requires certain contractors who are awarded state contracts for commodities and/or services valued at more than \$100,000 (over the full term of the contract, excluding renewals) to certify to the Department of Taxation and Finance (DTF) they are registered to collect New York State (NYS) and local sales and compensating use taxes. The law applies to contracts where the total amount of the contractor's sales delivered into NYS exceed \$300,000 for the four quarterly periods immediately preceding the quarterly period when the certification is made; and with respect to any affiliates and subcontractors whose sales delivered into NYS also exceed \$300,000 in the same manner as noted above for the contractor.

This law imposes upon certain contractors the obligation to certify whether or not the contractor, its affiliates, and its subcontractors are required to register to collect state sales and compensating use tax. The contractors must certify to DTF that each affiliate and subcontractor exceeding the sales threshold is registered with DTF to collect such State and local sales and compensating use taxes. The law prohibits the Comptroller, or other approving agency, from approving a contract to a vendor who is not registered in accordance with the law.

There are two (2) Contractor certification forms, with instructions, attached to this bid. **Form ST-220-TD is to be removed from this bid and submitted directly to DTF. Submission to DTF is a one-time occurrence. If you have already submitted this form to DTF for other bidding opportunities, you do not need to submit the form attached to this bid. If, however, any certification information changes, a new ST-220-TD must be filed with DTF. Form ST-220-CA must be completed and submitted with this bid. This form certifies to the procuring agency that the contractor has filed ST-220-TD with DTF in compliance with the law.**

Bidders should complete and submit the certification forms within two business days of request (if the forms are not submitted to DTF and/or and returned with bid). Bidders shall take the necessary steps to provide properly certified forms within a timely manner to ensure compliance with the law, as failure to do so may render a bidder non-responsive and non-responsible.

Vendors may call DTF at 1-800-698-2909 for any and all questions relating to Tax Law § 5-a and relating to a company's registration status with DTF. For additional information and frequently asked questions, please refer to the DTF web site: <http://www.tax.ny.gov>.

TERMINATION FOR VIOLATION OF Revised Tax Law 5a:

NYS DOCCS reserves the right to terminate this contract in the event it is found that the certification filed by the Contractor in accordance with § 5-a of the Tax Law is not timely filed during the term of the contract or the certification furnished was intentionally false or intentionally incomplete. Upon such finding, (facility name) may exercise its termination right by providing written notification to the Contractor.

MERCURY-ADDED CONSUMER PRODUCTS:

Offerers are advised that effective January 1, 2005, Article 27, Title 21 of the Environmental Conservation Law bans the sale or distribution free of charge of fever thermometers containing mercury except by prescription written by a physician and bans the sale or distribution free of charge of elemental mercury other than for medical pre-encapsulated dental amalgam, research, or manufacturing purposes due to the hazardous waste concerns of mercury. The law further states that effective July 12, 2005, manufacturers are required to label mercury-added consumer products that are sold or offered for sale in New York State by a distributor or retailer. The label is intended to inform consumers of the presence of mercury in such products and of the proper disposal or recycling of mercury-added consumer products. Offerers are encouraged to contact the Department of Environmental Conservation, Bureau of Solid Waste, Reduction & Recycling at (518) 402-8705 or the Bureau of Hazardous Waste Regulation at 1-800-462-6553 for questions relating to the law. Offerers may also visit the Department's web site for additional information: <http://www.dec.ny.gov/chemical/8512.html>

DISPUTE RESOLUTION POLICY:

It is the policy of the NYSDOCCS – Support Operations and the Office of the State Comptroller to provide vendors with an opportunity to administratively resolve disputes, complaints or inquiries related to NYS bid solicitations or contract awards. NYSDOCCS – Support Operations and the Office of the State Comptroller encourages vendors to seek resolution of disputes through consultation with NYSDOCCS – Support Operations staff. All such matters will be accorded impartial and timely consideration. Interested parties may also file formal written disputes.

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DEBRIEFING:

Bidders will be accorded fair and equal treatment with respect to their opportunity for debriefing. Disclosure of the content of competing bids other than statistical tabulations of bids received in response to an IFB, is prohibited prior to contract award. Prior to contract award, DOCCS shall, upon request, provide a debriefing which would be limited to review of that bidder's proposal or bid. After contract award, DOCCS shall, upon request, provide a debriefing to any bidder that responded to the IFB, 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 within thirty days of contract award.

APPENDIX A:

Appendix A, Standard Clauses For New York State Contracts, dated January 2014, attached hereto, is hereby expressly made a part of this Bid Document as fully as if set forth at length herein. **Please retain this document for future reference.**

APPENDIX B:

Appendix B, General Specifications (Commodities and Non-Technology Services), dated August 2012, attached hereto, is hereby expressly made a part of this Bid Document as fully as if set forth at length herein and shall govern any situations not covered by this Bid Document or Appendix A. **Please retain this document for future reference.**

APPENDIX C:

Appendix C, Contractors Requirements and Procedures for Equal Employment and Participation Opportunities for Minority Group Members and New York State Certified MWBE, attached hereto expressly made a part of this Bid Document as fully as if set forth at length herein and shall govern any situations not covered by this Bid Document or Appendix A. **Please retain this document for future reference.**

CONFLICT OF TERMS AND CONDITIONS:

Conflicts between documents shall be resolved in the following order of precedence:

1. Appendix A
2. This Invitation For Bids
3. Appendix B
4. Appendix C
5. Bidder's Bid

CONTRACTOR REQUIREMENTS AND PROCEDURES FOR BUSINESS PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN:

Pursuant to New York State Executive Law Article 15-A and 5 NYCRR 140-145 Department of Corrections and Community Supervision (hereinafter referred to as "DOCCS") recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of DOCCS contracts.

A. Business Participation Opportunities for MWBEs

For purposes of this solicitation, DOCCS hereby establishes an overall goal of 30% for MWBE participation, 15% for New York State certified minority-owned business enterprises ("MBE") participation and 15% for New York State certified women-owned business enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). A contractor ("Contractor") on the subject contract ("Contract") must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and the Contractor agrees that DOCCS may withhold payment pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how DOCCS will determine a Contractor's "good faith efforts," refer to 5 NYCRR §142.8.

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In accordance with 5 NYCRR §142.13, the Contractor acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding constitutes a breach of Contract and DOCCS may withhold payment from the Contractor as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, a bidder on the Contract ("Bidder") agrees to demonstrate its good faith efforts to achieve its goals for the utilization of MWBEs by submitting evidence thereof through the New York State Contract System ("NYSCS"), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a Bidder may arrange to provide such evidence via a non-electronic method by contacting the designated contact for this procurement. Please note that the NYSCS is a one stop solution for all of your MWBE and Article 15-A contract requirements. For additional information on the use of the NYSCS to meet Bidder's MWBE requirements please see the attached MWBE guidance, "Your MWBE Utilization and Reporting Responsibilities Under Article 15-A."

Additionally, a Bidder will be required to submit the following documents and information as evidence of compliance with the foregoing:

1. An MWBE Utilization Plan with their bid or proposal. Any modifications or changes to the MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to DOCCS.

DOCCS will review the submitted MWBE Utilization Plan and advise the Bidder of DOCCS acceptance or issue a notice of deficiency within 30 days of receipt.

2. If a notice of deficiency is issued, the Bidder will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the DOCCS, [address phone and fax information], a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by DOCCS to be inadequate, DOCCS shall notify the Bidder and direct the Bidder to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

DOCCS may disqualify a Bidder as being non-responsive under the following circumstances:

- a) If a Bidder fails to submit a MWBE Utilization Plan;
- b) If a Bidder fails to submit a written remedy to a notice of deficiency;
- c) If a Bidder fails to submit a request for waiver; or
- d) If DOCCS determines that the Bidder has failed to document good faith efforts.

The Contractor will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to DOCCS, but must be made no later than prior to the submission of a request for final payment on the Contract.

The Contractor will be required to submit a Contractor's Quarterly M/WBE Contractor Compliance & Payment Report to the DOCCS, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

B. Equal Employment Opportunity Requirements

By submission of a bid or proposal in response to this solicitation, the Bidder/Contractor agrees with all of the terms and conditions of Appendix A – Standard Clauses for All New York State Contracts including Clause 12 - Equal Employment Opportunities for Minorities and Women. The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition,

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replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the Contractor, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The Bidder will be required to submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement to DOCCS with their bid or proposal.

To ensure compliance with this Section, the Bidder will be required to submit with the bid or proposal an Equal Employment Opportunity Staffing Plan (Form # EEO 100) identifying the anticipated work force to be utilized on the Contract and if awarded a Contract, will, upon request, submit an Equal Employment Opportunity Workforce Employment Utilization Compliance Report identifying the workforce actually utilized on the Contract, if known, through the New York State Contract System; provided, however, that a Bidder may arrange to provide such report via a non-electronic method by contacting the designated contact for this procurement.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

FREEDOM OF INFORMATION LAW / TRADE SECRETS

During the evaluation process, the content of each bid will be held in confidence and details of any bid will not be revealed (except as may be required under the Freedom of Information Law or other State law). The Freedom of Information Law provides for an exemption from disclosure for trade secrets or information the disclosure of which would cause injury to the competitive position of commercial enterprises. This exemption would be effective both during and after the evaluation process.

Should you feel your firm's bid contains any such trade secrets or other confidential or proprietary information, you must submit a request to exempt such information from disclosure. Such request must be in writing, must state the reasons why the information should be exempt from disclosure and must be provided at the time of submission of the subject information.

Requests for exemption of the entire contents of a bid from disclosure have generally not been found to be meritorious and are discouraged. Kindly limit any requests for exemption of information from disclosure to bona fide trade secrets or specific information, the disclosure of which would cause a substantial injury to the competitive position of your firm.

NEW YORK STATE VENDOR FILE REGISTRATION

Prior to being awarded a contract pursuant to this Solicitation, the Bidder(s) and any designated authorized resellers who accept payment directly from the State, must be registered in the New York State Vendor File (Vendor File) administered by the Office of the State Comptroller (OSC). This is a central registry for all vendors who do business with New York State Agencies and the registration must be initiated by a State Agency. Following the initial registration, unique New York State ten-digit vendor identification numbers will be assigned to your company and to each of your authorized resellers (if any) for usage on all future transactions with New York State. Additionally, the Vendor File enables vendors to use the Vendor Self-Service application to manage all vendor information in one central location for all transactions related to the State of New York. If Bidder is already registered in the New York State Vendor File, list the ten-digit

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vendor ID number on the Bid Proposal Form. Authorized resellers already registered should list the ten-digit vendor ID number along with the authorized reseller information.

If the Bidder is not currently registered in the Vendor File and is recommended for award, DOCCS shall request completion of OSC Substitute W-9 Form. A fillable form with instructions can be found at the link below. In addition, if authorized resellers are to be used, an OSC Substitute W-9 form should be completed by each of the designated authorized resellers and submitted to the Office of General Services Business Services Center. The Office of General Services Business Services Center will initiate the vendor registration process for all Bidders recommended for Contract Award and their authorized resellers. Once the process is initiated, registrants will receive an email from OSC that includes the unique ten-digit vendor identification number assigned to the company and instructions on how to enroll in the online Vendor Self-Service application. For more information on the vendor file please visit the following website:

http://www.osc.state.ny.us/vendor_management

Form to be completed: https://www.osc.state.ny.us/vendors/forms/ac3237s_fe.pdf

NYS VENDOR RESPONSIBILITY QUESTIONNAIRE

DOCCS conducts a review of prospective contractors ("Bidders") to provide reasonable assurances that the Bidder is responsive and responsible. A Questionnaire is used for non-construction contracts and is designed to provide information to assess a Bidder's responsibility to conduct business in New York based upon financial and organizational capacity, legal authority, business integrity, and past performance history. By submitting a bid, Bidder agrees to fully and accurately complete the "Questionnaire." The Bidder acknowledges that the State's execution of the Contract will be contingent upon the State's determination that the Bidder is responsible, and that the State will be relying upon the Bidder's responses to the Questionnaire when making its responsibility determination.

DOCCS recommends each Bidder file the required Questionnaire online via the New York State VendRep System. To enroll in and use the VendRep System, please refer to the VendRep System Instructions and User Support for Vendors available at the Office of the State Comptroller's (OSC) website, http://www.osc.state.ny.us/vendrep/vendor_index.htm or to enroll, go directly to the VendRep System online at <https://portal.osc.state.ny.us>

OSC provides direct support for the VendRep System through user assistance, documents, online help, and a help desk. The OSC Help Desk contact information is located at <http://www.osc.state.ny.us/portal/contactbuss.htm>. Bidders opting to complete the paper questionnaire can access this form and associated definitions via the OSC website at: http://www.osc.state.ny.us/vendrep/forms_vendor.htm

The Contractor must remain a responsible vendor throughout the duration of the contract and, if at any time the Contractor is found to be not responsible or there is a question as to the vendor's responsibility, any activities pursuant to the contract may be suspended. Finally, the contract may be terminated following a finding of non-responsibility.

To assist the State in determining the responsibility of the Bidder, the Bidder should complete and certify (or recertify) the Questionnaire no more than six (6) months prior to the bid due date.

A Bidder's Questionnaire cannot be viewed by DOCCS until the Bidder has certified the Questionnaire. It is recommended that all Bidders become familiar with all of the requirements of the Questionnaire in advance of the bid opening to provide sufficient time to complete the Questionnaire.

The Bidder agrees that if it is found by the State that the Bidder's responses to the Questionnaire were intentionally false or intentionally incomplete, on such finding, DOCCS may terminate the Contract. In no case shall such termination of the Contract by the State be deemed a breach thereof, nor shall the State be liable for any damages for lost profits or otherwise, which may be sustained by the Contractor as a result of such termination.

The CONTRACTOR shall at all times during the Contract term remain responsible. The CONTRACTOR agrees, if requested by the Commissioner of DOCCS or his designee, to present evidence of its continuing

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legal authority to do business in New York State, integrity, experience, ability, prior performance, and organizational and financial capacity.

The DOCCS Commissioner or his designee, in his or her sole discretion, reserves the right to suspend any or all activities under this Contract, at any time, when he or she discovers information that calls into question the responsibility of the Contractor. In the event of such suspension, the Contractor will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the Contractor must comply with the terms of the suspension order. Contract activity may resume at such time as the DOCCS Commissioner or his designee issues a written notice authorizing a resumption of performance under the Contract.

PRICE:

Price shall include all customs duties and charges and be net, F.O.B. destination to the NYS Department of Corrections and Community Supervision, Attn: Quartermaster, 550 Broadway, Menands, NY 12204. **Note: Prices must be rounded to the nearest cent.**

MINIMUM ORDER:

Minimum order shall be no minimum.

METHOD OF AWARD:

Award shall be made by **GRAND TOTAL** to the lowest responsive and responsible bidder.

INQUIRIES / ISSUING OFFICE:

All inquiries concerning this specification will be addressed to the **Designated Contacts listed on the cover page of this IFB. Contacting someone else may result in rejection of bid – see “Procurement Lobbying Act”.**

All questions should be submitted in writing, citing the particular bid sections and paragraph number. Bidders are cautioned to read this document thoroughly to become familiar with all aspects of the bid. Prospective Bidders should note that all clarifications and exceptions including those relating to the terms and conditions of the contract are to be resolved prior to the submission of a bid. Answers to all questions of a substantive nature will be given to all Prospective Bidders in the form of a formal addendum which will become part of the ensuing contract. Bidders entering into a contract with the State are expected to comply with all the terms and conditions contained herein.

PRODUCT OFFERINGS MADE BY BIDDER (Alternate Bids):

Bidder shall make no more than one offering (i.e., a single stock number) per item per bid. Bids which have more than one product offering per item may not be considered.

If a bidder wants to make more than one product offering, such offering(s) are to be made on separate sheets and are to be listed as "alternate" bids. "Alternate" bids are to show complete information (pricing, brand, model, stock number, etc.), and will be evaluated as separate bids.

MINOR DEVIATIONS (s)/MINOR TECHNICALITY:

DOCCS reserves the right to have the flexibility to consider bids with minor deviations or technicalities and to waive minor deviations or technicalities that may be consistent with the intent and scope of the solicitation. The flexibility may permit a reasonable outcome in cases where the results of a fair, competitive process are clear but the award of a contract is threatened due to a minor technicality or a minor deviation.

“OR EQUAL”:

The State reserves the right to determine if a product/service is ‘equal’ to bid specifications. Bids with minor deviations or technicalities may be waived if consistent with the intent and scope of the solicitation. The flexibility may permit a reasonable outcome in cases where the results of a fair, competitive process are clear but the award of a contract is threatened due to a minor technicality or a minor deviation.

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DELIVERY:

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

Product is required as soon as possible and guaranteed delivery may be considered in making award. Delivery shall be made in accordance with instructions on the Purchase Order. 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.

PURCHASE ORDERS:

All orders will be placed via purchase order by Support Operations. Purchase orders are effective and binding upon the CONTRACTOR when placed in the mail and addressed to the CONTRACTOR at the address shown herein. Product is required as soon as possible and guaranteed delivery may be considered in making award. Delivery shall be made in accordance with instructions on the Purchase Order. 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.

CONTRACT PAYMENTS:

Contractor shall provide complete and accurate billing invoices to the Agency in order to receive payment. Billing invoices submitted to the Agency must contain all information and supporting documentation required by the Contract, the Agency and the State Comptroller. Payment for invoices submitted by the Contractor shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The Contractor shall comply with the State Comptroller's procedures to authorize electric payments. Authorization forms are available at the State Comptroller's website as www.osc.state.ny.us/epay/index.htm, by email at epunit@osc.state.ny.us, or by telephone at (518) 474-4032. Contractor acknowledges that it will not receive payment on any invoices submitted under this Contract if it does not comply with the State Comptroller's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

BILLING:

Invoices should be sent to the Office of General Services Business Services Center (BSC), P.O. Box 2117, Albany, NY 12220-0117. Payment will be based on an invoice used in the supplier's normal course of business. Invoices must contain the Contract Number, description of materials, quantity, unit and price per unit as well as Federal Identification Number and NYS Vendor ID.

Accounts Payable information is available at <https://bsc.ogs.ny.gov/content/accounts-payable>

INTEREST:

Interest on late payment is governed by State Finance Law, Section 179-M.

ESTIMATED/SPECIFIC QUANTITIES:

The quantities or dollar values listed are estimated only. See "Estimated/Specific Quantity Contracts" in Appendix B, General Specifications.

CONTRACT PERIOD AND RENEWALS:

It is the intention of the State to enter into a contract for a period of three (3) years as stated on the Invitation for Bids except that the commencement and termination dates appearing on the Invitation for Bids may be adjusted forward unilaterally by the State for any resulting contract for up to two calendar months, by indicating such change on the Contract Award Notification.

The contract dates may be adjusted forward beyond two months only with the approval of the successful bidder. If, however, the bidder is not willing to accept an adjustment of the contract dates beyond the two month period, the State reserves the right to proceed with an award to another bidder.

Prices or discounts quoted are to be firm for the entire period of the contract. Price escalation or discount reduction will not be allowed and is specifically excluded from the terms and conditions of the Invitation for Bid, its specifications, and subsequent contract award. Price decreases or discount increases are permitted at any time.

GENERAL INFORMATION

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 by the State for an additional period of up to three months, with the concurrence of the contractor and approval by the NYS Office of the State Comptroller, 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. However, this extension terminates should the replacement contract be issued in the interim and the contract period shall not exceed a total contract term of five (5) years as stated in the contract period and renewals clause.

REJECTION:

The State reserves the right to reject an obviously unbalanced bid or to make "NO AWARD" on individual listings or sub-items if individual bid prices are deemed to be unbalanced or excessive or if an error in the solicitation becomes evident. In such case, ranking and evaluation of bids may be made on remaining items. Award would be made on the remaining items. The determination of an unbalanced bid shall be at the sole discretion of the State. Options contained in this paragraph shall also be at the State's sole discretion.

CANCELLATION FOR CAUSE AND CONVENIENCE:

This agreement may be terminated by mutual agreement upon thirty (30) days written notice. Also, NYS DOCCS – Support Operations may terminate the agreement immediately for cause, upon written notice, if the contractor fails to comply with the terms and conditions of this agreement and/or with any laws, rules, regulations, policies or procedures of the State of New York affecting this agreement.

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 thirty (30) 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 30 day discretionary cancellation or cancellation for cause by the respective user Agencies.

WARRANTIES:

See "Warranties" in Appendix B, Specifications.

At time of bid opening, product offered must meet all requirements of this solicitation including full commercial/retail availability. Product literature and specification must also be available.

QUALIFICATION OF BIDDER:

Bidder must maintain a business establishment with adequate inventory of the product offered, and must be capable of processing and shipping order.

DOCCS may require a certificate from the bidder showing the number of years the bidder has been active in selling the product offered and the size and location of the inventory regularly maintained.

Bids will be accepted only from established manufacturers or their authorized dealers. Any dealer submitting a bid hereby guarantees that it is an authorized dealer of the manufacturer, that the manufacturer has agreed to supply the dealer with product required by the dealer in fulfillment of its obligation under resultant contract with the State, and that it will provide a certificate from the manufacturer acknowledging this level of support, if requested.

DOCCS reserves the right to investigate or make any inquiry into the capabilities of any bidder to properly perform under any resultant contract. See "Performance Qualifications," "Disqualification for Past Performance" and "Employees/Subcontractors/Agents" in Appendix B, Specifications.

CERTIFICATE OF INSURANCE:

Bidders must have the necessary insurance to comply with New York State requirements. **A copy of that insurance certificate shall be submitted from the successful bidder.**

Prior to providing any service to the State of New York, the bidder must provide another copy of the insurance certificate naming the State of New York and New York State Department of Corrections and Community Supervision as "additional named insured" its liability policy.

GENERAL INFORMATION

WORKERS' COMPENSATION AND DISABILITY:

A policy covering the obligations of the successful bidder in accordance with the provisions of Chapter 41, Laws of 1914, as amended, known as the Workers' Compensation Law, and the contract, shall be void, and of no effect unless the successful bidder procures such policy, and maintains it through the end of the contract term. **A copy of the certificates must be submitted from the successful bidder.** The name and FEIN of the contracting entity must be identical to the name and FEIN identified on the proof of coverage or exemption.

In the instance of exemption, please be advised that the WCB does not verify Attestations for Exemption. It is incumbent on the state contracting entity to verify the validity of the entity's reason for exemption; please verify and provide a copy of the signed and dated exemption certificate.

An ACORD form is not an acceptable proof of workers' compensation coverage and/or disability benefits insurance. To assist you in resolving this matter, the following links to information regarding acceptable proofs of coverage are provided.

Workers' Compensation - <http://www.wcb.ny.gov/content/onlineforms/obtainC105.jsp>

Disability Benefits - <http://www.wcb.ny.gov/content/onlineforms/obtainDB120-1.jsp>

Exemption - http://www.wcb.ny.gov/content/ebiz/wc_db_exemptions/requestExemptionOverview.jsp

REFERENCES:

As per the "Vendor Responsibility Disclosure" clause, bidders may be required to provide references of the bidder's largest customers. References shall be commercial or governmental accounts, and should demonstrate the ability of the vendor to perform jobs similar in scope to the size, nature and complexity of the outlined bid. The references shall include the:

- Name, address, contact person, telephone number, fax number, and number of years bidder has serviced the referenced account;
- Volume of business performed within the past three years for each referenced account.

FINANCIAL STABILITY:

As per the "Vendor Responsibility Disclosure" clause, bidder may be required to document its ability to service a contract with dollar sales volume similar to scope of this bid through submission of financial statements documenting past sales history. The bidder must be financially stable and able to substantiate the financial statements of its company. In addition to sales history, current financial statements may be requested and must be provided within five business days. The state reserves the right to request additional documentation from the bidder and to request reports on financial stability from independent financial rating services. The state reserves the right to reject any bidder who does not demonstrate financial stability sufficient for the scope of this bid.

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 "Recycled or Recovered Materials" in Appendix B, General Specifications.

GENERAL INFORMATION

INFORMATION TO BE FURNISHED WITH BID:

The bidder shall submit with its bid detailed specifications, circulars and all necessary data on the product to be furnished. If the product offered differs from the provisions listed, such differences must be explained in detail. Failure to submit any of the above data may result in rejection of the bid. The State, however, reserves the right to request any additional information deemed necessary for the proper evaluation of bids.

EPA ENERGY STAR PROGRAM:

The Federal EPA, in cooperation with manufacturers, continues a program to foster the manufacture of energy efficient equipment. New York State fully supports this effort and requires all products offered to comply with EPA Energy Star guidelines for energy efficiency. The State may discontinue use of and/or delete from contract selected products as mandated by any NYS energy legislation that is enacted during the term of this contract. The contractor shall have no recourse with the State for such discontinuance/deletion.

DETAILED SPECIFICATIONS

Item #1 – Starburst Badge

SCOPE:

The purpose of this specification is to describe badges to be furnished to New York State Department of Corrections and Community Supervision.

These “Detailed Specifications” establish the criteria necessary to produce equivalent badges now in use by the Department of Corrections and Community Supervision, in style, size, quality and design.

DIE(S) AND TOOLS:

The Die(s) and/or Tools necessary to produce the badges called for shall be designed and supplied by **the contractor** for his or her use; and ownership of any Die(s) and/or Tools that may be utilized shall remain with the contractor. Please ensure that this is calculated in your pricing, as DOCCS will not pay any additional fees.

SIZES AND DESIGN:

Badge shall be designed as per illustration on page 18. Diameter shall be 2 ¼” at its widest point.

CONSTRUCTION:

Badge shall be manufactured from 14 gauge gilding metal, hot nickel-plated. Finished material shall be 24K gold plated.

The gold plate content of the badge, excluding the clasp, shall be a minimum of .008 grams.

Center of badge (state seal and ‘State of New York’) shall have a diameter of 15/16” and background shall be filled in with jeweler’s hard fired enamel, royal blue in color.

Lettering, numbers and titles shall be 1/8” high and filled in with flush type enamel, royal blue in color.

A wallet clip ¼” wide, length appropriate to badge, shall be affixed to the back of the badge if requested.

TITLES:

Badges shall be produced with the titles as indicated. Approximately 20 Titles are associated with this style.

NUMBERING:

Numbered badges shall have on the bottom an area for numerals to five digits. The intent of the agency is to order the badges in a consecutive number sequence. However, the agency reserves the right to order badges in random numbered order. Numbers shall be a minimum of .14” high.

LETTERING:

The lettering for “CORRECTIONS AND COMMUNITY SUPERVISION” shall be a minimum of .125” high. The title shall be a minimum of .14” high.

WORKMANSHIP:

All badges shall be accurately made. All edges shall be free from die and cutter marks, and all surfaces free from nicks, pits, and scratches or any defects noticeable to the normal eye.

DETAILED SPECIFICATIONS (continued)

ITEM 1: Starburst Badge

BADGE TO READ: CORRECTIONS AND COMMUNITY SUPERVISION



DETAILED SPECIFICATIONS (continued)

Item #2 – Starburst Badge with Drop Down Number

SCOPE:

The purpose of this specification is to describe badges to be furnished to New York State Department of Corrections and Community Supervision.

These “Detailed Specifications” establish the criteria necessary to produce equivalent badges now in use by the Department of Corrections and Community Supervision, in style, size, quality and design.

DIE(S) AND TOOLS:

The Die(s) and/or Tools necessary to produce the badges called for shall be designed and supplied by **the contractor** for his or her use; and ownership of any Die(s) and/or Tools that may be utilized shall remain with the contractor. Please ensure that this is calculated in your pricing, as DOCCS will not pay any additional fees.

SIZES AND DESIGN:

Badge shall be designed as per illustration on page 20. Diameter shall be 2 ¼” at its widest point.

CONSTRUCTION:

Badge shall be manufactured from 14 gauge gilding metal, hot nickel-plated. Finished material shall be 24K gold plated.

The gold plate content of the badge, excluding the clasp, shall be a minimum of .008 grams.

Center of badge (state seal and ‘State of New York’) shall have a diameter of 15/16” and background shall be filled in with jeweler’s hard fired enamel, royal blue in color.

Lettering and titles shall be 1/8” high and filled in with flush type enamel, royal blue in color.

Drop Down numbers shall be approximately 7/16” high.

A wallet clip ¼” wide, length appropriate to badge, shall be affixed to the back of the badge if requested.

TITLES:

Badges shall be produced with the titles as indicated. Approximately 10 Titles are associated with this style.

NUMBERING:

Badges shall have Drop Down Numbers on the bottom area as shown and have capacity for **up to four (4) numbers**. The intent of the agency is to order the badges in a consecutive number sequence. However, the agency reserves the right to order badges in random numbered order. Numbers shall be a minimum of 7/16” high.

LETTERING:

The lettering for “CORRECTIONS AND COMMUNITY SUPERVISION” shall be a minimum of .125” high. The title shall be a minimum of .14” high.

WORKMANSHIP:

All badges shall be accurately made. All edges shall be free from die and cutter marks, and all surfaces free from nicks, pits, and scratches or any defects noticeable to the normal eye.

DETAILED SPECIFICATIONS (continued)

ITEM 2: Starburst Badge with Drop Down Number

BADGE TO READ: CORRECTIONS AND COMMUNITY SUPERVISION



DETAILED SPECIFICATIONS (continued)**Item #3 – Eagle Style Badge with Stars (0-4 Stars as indicated)**

SCOPE:

The purpose of this specification is to describe badges to be furnished to New York State Department of Corrections and Community Supervision.

These "Detailed Specifications" establish the criteria necessary to produce equivalent badges now in use by the Department of Corrections and Community Supervision, in style, size, quality and design.

DIE(S) AND TOOLS:

The Die(s) and/or Tools necessary to produce the badges called for shall be designed and supplied by **the contractor** for his or her use; and ownership of any Die(s) and/or Tools that may be utilized shall remain with the contractor. Please ensure that this is calculated in your pricing, as DOCCS will not pay any additional fees.

SIZES AND DESIGN:

Badge shall be designed as per attached illustration on page 22. Diameter shall be 2 ¼" at its widest point.

CONSTRUCTION:

Badge shall be manufactured from 14 gauge gilding metal, hot nickel-plated. Finished material shall be 24K gold plated.

The gold plate content of the badge, excluding the clasp, shall be a minimum of .008 grams.

NOTE: yellow and white metals as shown in illustration.

Center of badge (state seal and 'State of New York') shall have a diameter of 15/16" and shall be filled in with jeweler's hard fired enamel, various colors as shown in illustration.

Lettering, numbers and titles shall be 1/8" high and filled in with flush type enamel, royal blue in color. A wallet clip ¼" wide, length appropriate to badge, shall be affixed to the back of the badge if requested.

TITLES:

Badges shall be produced with the titles as indicated. Approximately 9 Titles are associated with this style.

NUMBERING:

Numbered badges shall have on the bottom an area for stamping numerals to three digits. The intent of the agency is to order the badges in a consecutive number sequence. However, the agency reserves the right to order badges in random numbered order. Numbers shall be a minimum of .14" high.

LETTERING:

The lettering for "CORRECTIONS AND COMMUNITY SUPERVISION" shall be a minimum of .125" high. The title shall be a minimum of .14" high.

WORKMANSHIP:

All badges shall be accurately made. All edges shall be free from die and cutter marks, and all surfaces free from nicks, pits, and scratches or any defects noticeable to the normal eye.

DETAILED SPECIFICATIONS (continued)

ITEM 3: Eagle Style Badge with Stars (0-4 Stars as indicated)

BADGE TO READ: CORRECTIONS AND COMMUNITY SUPERVISION



DETAILED SPECIFICATIONS (continued)**ALL BADGES**

PACKAGING: Badges shall be inserted into a snug fitting transparent polyethylene bag properly sealed.

QUALITY & WORKMANSHIP: shall be first class. Items shall be neatly struck, crisp, uniform and all lettering shall be clear. All edges shall be free from die and cutter marks and all surfaces shall be free from nicks, pits and scratches or any defect noticeable to the naked eye.

PLATING PREPARATION: the brass gilding metal shall receive a flash coat of nickel in preparation for the application of the gold as called for.

SAMPLES: The bidder shall submit sample of type of badge(s) bid prior to opening of bids. The sample(s) shall be of the same material, quality, style, construction, workmanship, and finish as offered on the bid. The sample shall be supplied at the bidder's expense. The successful bidder's sample shall be retained until the expiration of the contract or at the discretion of the State. The sample(s) shall be labeled on the exterior of the package with the Invitation for Bid Number, Bid Opening date and the Item No.

A DETAILED DESCRIPTION OF THE BIDDER'S MANUFACTURING METHOD SHALL BE SUBMITTED WITH SAMPLE(S).

Badges currently in use by DOCCS are available for inspection during normal business hours (9:00am – 3:00pm) at: NYS Department of Corrections and Community Supervision, Division of Support Operations, 550 Broadway, Menands, New York 12204. (518-436-7886 x3030)

Preproduction graphics and samples shall be submitted as instructed by the ordered agency. Production shall not begin until ordering agency has approved preproduction sample.

PLEASE USE BLACK INK OR TYPEWRITER WHEN PREPARING YOUR BID. BE SURE YOU HAVE INSERTED YOUR COMPANY'S NAME IN THE BOX

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Bidder

PLEASE MAKE SURE YOUR PRICES REFLECT ANY AND ALL MARKET FLUCTUATIONS THROUGHOUT THE ENTIRE CONTRACT PERIOD.

Item 1.

Starburst - Badges, as described in detailed specification. Price includes delivery, samples, set-up, tooling, dies, etc.

Item 1a. Badge, numbered with clip, various titles

Item 1b. Badge, retired with clip, various titles

Item 1c. Badge, blank without clip, various titles

<u>Estimated Annual Qty.</u>	<u>Price Each</u>	<u>Total Price</u>	<u>Stock No.</u>
1200	\$ _____	\$ _____	_____
500	\$ _____	\$ _____	_____
100	\$ _____	\$ _____	_____

ITEM 1 - TOTAL \$ _____

Item 2.

Starburst w/Drop Down Number - Badges, as described in detailed specification. Price includes delivery, samples, set-up, tooling, dies, etc

Item 2a. Badge, numbered with clip, various titles

<u>Estimated Annual Qty.</u>	<u>Price Each</u>	<u>Total Price</u>	<u>Stock No.</u>
1200	\$ _____	\$ _____	_____

ITEM 2 - TOTAL \$ _____

Item 3.

Eagle Style w/Stars - Badges, as described in detailed specification. Price includes delivery, samples, set-up, tooling, dies, etc

Item 3a. Badge, numbered with clip, various titles

Item 3b. Badge, retired with clip, various titles

Item 3c. Badge, blank without clip, various titles

<u>Estimated Annual Qty.</u>	<u>Price Each</u>	<u>Total Price</u>	<u>Stock No.</u>
30	\$ _____	\$ _____	_____
20	\$ _____	\$ _____	_____
20	\$ _____	\$ _____	_____

ITEM 3 - TOTAL \$ _____

GRAND TOTAL (ITEMS 1, 2, and 3)

GRAND TOTAL \$ _____

Guaranteed delivery: _____ days a/r/o

Manufacturer: _____

Plant Location: _____

PLEASE USE BLACK INK OR TYPEWRITER WHEN PREPARING YOUR BID. BE SURE YOU HAVE INSERTED YOUR COMPANY'S NAME IN THE BOX

Bidder

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NOTES TO BIDDERS: FAILURE TO ANSWER THE QUESTIONS WILL DELAY THE EVALUATION OF YOUR BID AND MAY RESULT IN REJECTION OF YOUR BID.

- Are prices quoted the same as or lower than those quoted other corporations, institutions and government agencies (including GSA/VA contracts) on similar products, quantities, terms and conditions? See "Best Pricing Offer" in Appendix B, General Specifications.
If "NO", please explain on a separate sheet.

___ YES ___ NO

- Do you have a contract with the General Services Administration (GSA) or Veterans Affairs (VA) for products offered? (Check all that apply.)

___ GSA ___ VA ___ NO

If yes, will you offer New York State pricing equal to or better than your GSA or VA pricing?

___ GSA ___ VA ___ NO

If yes, a copy of the GSA or VA schedule is required. Have you included a copy?

___ GSA ___ VA ___ NO

- Is this product available only on a "direct from the manufacturer basis" or can pricing be obtained from dealers or distributors? Check one:

___ Manufacturer ___ Other

If you are a manufacturer and have checked "Other", please attach listing of authorized dealers and distributors.

___ YES ___ NO

- Do you have your catalog available on the Internet?

___ YES ___ NO

If yes, do you have the ability to make NYS pricing available along with your catalog on line?

___ YES ___ NO

- Does bidder offer Electronic Access Ordering (EDI)?

___ YES ___ NO

- Are any products offered manufactured from recycled materials?

___ YES ___ NO

- If awarded a contract, will bidder accept the New York State Procurement Card for orders not to exceed \$10,000

___ YES ___ NO

- If bidder limits the maximum acceptable card amount to less than \$10,000, please indicate the maximum amount:

___ YES ___ NO

- Additional discount for purchases made with the NYS Procurement Card:

___ %

PLEASE USE BLACK INK OR TYPEWRITER WHEN PREPARING YOUR BID. BE SURE YOU HAVE INSERTED YOUR COMPANY'S NAME IN THE BOX

Bidder

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NOTES TO BIDDERS: (Cont'd)

- Person or persons to contact for expediting New York State contract orders:

Name: _____

Title: _____

Telephone Number: _____

Toll Free Telephone Number: _____

Fax Number: _____

Toll Free Fax Number: _____

E-Mail Address: _____

() _____

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() _____

() _____

- Person or persons to contact in the event of an emergency occurring after business hours or on weekend/holidays:

State Normal Business Hours (Specify M-F, Sat, Sun): _____

Name: _____

Title: _____

Telephone Number: _____

Fax Number: _____

Pager Number: _____

Cellular Telephone Number: _____

E-Mail Address: _____

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RETURN THIS PAGE AS PART OF THE BID

PLEASE USE BLACK INK OR TYPEWRITER WHEN PREPARING YOUR BID. BE SURE YOU HAVE INSERTED YOUR COMPANY'S NAME IN THE BOX

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Bidder

BIDDERS PLEASE ANSWER THE FOLLOWING QUESTIONS:

1. Are you a New York State resident business?

_____ YES _____ NO

2. Total number of people employed by your business:

3. Total number of people employed by your business in New York State:

4. Is your business independently owned and operated?

_____ YES _____ NO

5. **PLACE OF MANUFACTURE OF PRODUCT(S) BID:**
(Indicate Yes or No for either A, B or C)

A. All NYS Manufacture

_____ YES _____ NO

B. All Manufactured outside NYS

_____ YES _____ NO

C. Manufactured In NYS and Outside NYS

_____ YES _____ NO

If yes to C above, Location (State) where more than half the value is added to the product(s) bid:

State of _____

6. **BIDDER'S PRINCIPAL PLACE OF BUSINESS*:**

State of _____

*"Principal Place of Business" is the location of the primary control, direction and management of the enterprise.

PLEASE USE BLACK INK OR TYPEWRITER WHEN PREPARING YOUR BID. BE SURE YOU HAVE INSERTED YOUR COMPANY'S NAME IN THE BOX

Bidder

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7. ENCOURAGING USE OF NEW YORK STATE BUSINESSES IN CONTRACT PERFORMANCE

New York State businesses have a substantial presence in State Contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, Bidders/Proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the Contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.

Bidders/Proposers need to be aware that all authorized users of this Contract will be strongly encouraged, to the maximum extent practical and consistent with legal requirements, to use responsible and responsive New York State businesses in purchasing commodities that are of equal quality and functionality and in utilizing services and technology. Furthermore, Bidders/Proposers are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

Utilizing New York State businesses in State Contracts will help create more private sector jobs, rebuild New York's infrastructure, and maximize economic activity to the mutual benefit of the Contractor and its New York State business partners. New York State businesses will promote the Contractor's optimal performance under the Contract, thereby fully benefiting the public sector programs that are supported by associated procurements.

Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its Contractors. The State therefore expects Bidders/Proposers to provide maximum assistance to New York businesses in their use of the Contract. The potential participation by all kinds of New York businesses will deliver great value to the State and its taxpayers.

Bidders/Proposers can demonstrate their commitment to the use of New York State businesses by responding to the question below:

Will New York State Businesses be used in the performance of this Contract?

_____ YES _____ NO

If yes, identify New York State Business(es) that will be used: (Attach identifying information)

***CONTRACTOR CERTIFICATION FORMS
(Pursuant to Section 5-A of the Tax Law)***

Form ST-220-TD (4 pages)

If filing with the Department of Taxation & Finance for the first time, or previously submitted information needs to be updated, these 4 pages must be removed from this bid, completed, signed and submitted directly to the Department of Taxation and Finance.

Form available at:

http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf

Form ST-220-CA (2 pages)

Regardless of whether ST-220-TD is being filed/updated for this bid or not, these 2 pages must be completed, signed and returned with this bid.

Form available at:

http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf