

## Inquiry Responses 9-18-13

Inquiry Number	IFB Document Name	Document Section (Name or Number)	Inquiry	Response
1	IFB Main Document	3.11.2	What type of evidence needs to be provided for items meeting listed specifications?	Referring to IFB Section 3.11 Specifications and Substitutions, the documentation should include sufficient data to demonstrate that the item bid meets or exceeds all of the Referenced Specifications listed. Referring to IFB Section 3.13 Format and Content of Bid, Bidders must submit Specification Documents in Magnetic Media and Hardcopy formats.
2	IFB Main Document	3.11.2	What are specifications documents?	Specification documents are documents which describe the physical or functional characteristics of a product or item. The documentation should include sufficient data to demonstrate that the item bid meets or exceeds all of the Referenced Specifications.
3	IFB Main Document	6.14	It's stated that "pricing is firm for the first year of the contract. Thereafter the contractor may annually request updates to the Contract Price List based on pricing and items offered in an updated Published Price List". It then states that "the state reserves the right to reject pricing updates". With that being said, a common theme is manufacturer price increases at the beginning of each year. If we see an extremely large price increase from one of our manufacturers, and provide you with a justification letter stating why may need to raise a contract price, are we still held liable for the original contract price if the state refuses to honor our new proposed price? For example last year some of our top manufacturers raised our prices between 15-25%. If that happens, we will most likely have no choice but to increase prices. Thank you.	Referring to IFB Section 6.14 Contract Price List Updates, pricing is firm for the first year of the contract. Thereafter, the Contractor may annually request updates to the Contract Price List based on pricing and items offered in an updated Published Price List. OGS shall benchmark updated pricing to assess reasonableness of price update requests. Requests are subject to approval by OGS.
4	Appendix A	15	What is the average payment time to contract winner?	OGS does not track average payment time as payment times may vary by individual Authorized User. Referring to IFB, Appendix A, Section 15, LATE PAYMENT, Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

Inquiry Number	IFB Document Name	Document Section (Name or Number)	Inquiry	Response
5	IFB Main Document	6.27	What constitutes a WMBE Enterprise being used?	Referring to IFB Section 6.27, there are no MWBE goals for this IFB. Referring to IFB Section 1.2, OGS encourages Joint Ventures and sub-contracting with New York State Certified Minority and Women-owned Business Enterprises (MWBE) as well as specialized supply companies for particular items within each Sub-Lot. Joint ventures between two (2) or more companies are permitted, however one (1) single company must be designated as the primary Bidder and only one (1) single bid package shall be submitted.
6	IFB Main Document	6.5	Will all orders be shipping to healthcare facilities or some orders will be shipping to patient's private homes?	Referring to IFB Section 6.5 Shipping Charges, All prices as set forth in Attachment 1 – Price Pages, shall include all customs, duties and charges for delivery and be net F.O.B. destination for delivery to any location designated by the Authorized User within New York State, including facilities and private homes.
7	IFB Main Document	6.17	Does this bid qualify for GSA/FSS Pricing as we have multiple items on contract?	Bidders may bid their GSA/FSS Pricing. Referring to IFB Section 6.17 Discounts, If Bidder is bidding their GSA, VA or any other governmental price list discount, Bidder must reduce their Net Price by increasing their discount by the Industrial Funding Fee or Administrative Fee normally included in that offer.
8	IFB Main Document	3.11	Will alternates be accepted as long as they meet specifications or will preference still be given to brand names?	Substitute items will be accepted as long as they meet or exceed all of the Referenced Specifications listed, in the State's determination. There will be no preference given for either brand names or substitute Items.
9	IFB Main Document	General Questions	Are past bids available?	You may request past bid information by filing a Freedom of Information Law or FOIL request. Please refer to <a href="http://www.ogs.ny.gov/About/Freedom.asp">http://www.ogs.ny.gov/About/Freedom.asp</a> .
10	IFB Main Document	3.12	If we currently do not have a published price list as we sell thousands of items, do we need to create one?	Yes. Referring to IFB Section 3.12 Published Price List, and IFB Section 3.13 Format and Content of Bid (item 5), a Published Price List (Microsoft Excel) is required at the time of bid. See also IFB Section 1.8 Definitions, Published Price List.

Inquiry Number	IFB Document Name	Document Section (Name or Number)	Inquiry	Response
11	IFB Main Document	6.12	If we are awarded the contract do we provide you with a price list similar to the published price list but with the pricing agreed to in the contract? Or does list only incorporate the items on the price list provided by you?	Yes, you must provide a price list with contract pricing. Referring to IFB Section 6.12 Contract Price List, upon tentative award, a Bidder must submit a Contract Price list. Discounts in the Contract Price List must be applied to List Prices contained in the Published Price list submitted with the bid and according to the definitions of each Sub-Lot in Section 1.1 Overview and Scope.
12	IFB Main Document		For Brand Name, does this mean you are looking for a discount on products that you can get anywhere such as "Depends" briefs and for Private Label would this be products from a specific manufacturer such as "Medline?"	Referring to IFB Section 1.8 Definitions, "Brand Name" shall refer to a name that serves to identify a manufacturer's product and may be protected by a trade name or trademark. "Private Label" shall refer to a product or range of products offered by a retailer under their own name or under a brand that they own. They compete with Brand Name goods.
13	IFB Main Document	6.13 and 6.2.3	Website Clarifications - what exactly are they looking for on the website?	Referring to IFB Section 6.13 Internet Access to Contract Pricing Information, Access by Authorized Users to Contract pricing information shall be made available and posted on the Contractor's Internet website. Referring to IFB Section 6.2.3 Contractor shall provide a web-based ordering system within thirty (30) days of Contract execution.
14	IFB Main Document	6.27.3	Are there MWBE goals for this contract?	No. Although this Contract does not contain MWBE goals or special considerations for small businesses (IFB §6.27.3 Business Participation Opportunities for MWBEs), this Contract does encourage Joint Ventures and sub-contracting. See IFB §1.2 Joint Ventures.
15	IFB Main Document	6.16.1 Best Pricing Offer	Please delete this section. We request Sections 6.16.1 be deleted and replaced with the statement that pricing may be revised by Vendor once annually, capped at 5%, on aggregate basis.	This Inquiry Document is not the means by which a Bidder may request negotiation of IFB Terms and Conditions. Requests for negotiation of Extraneous Terms may be made by completing and submitting with a Bid, Attachment 2 - General Questions - 6 Extraneous Terms. In accordance with IFB § 3.4 Bid Deviations and Appendix B § 13 Extraneous Terms, material deviations may render a Bid non-responsive and result in rejection of the Bid.

Inquiry Number	IFB Document Name	Document Section (Name or Number)	Inquiry	Response
16	IFB Main Document	6.18 Discounts	Please delete this section.	This Inquiry Document is not the means by which a Bidder may request negotiation of IFB Terms and Conditions. Requests for negotiation of Extraneous Terms may be made by completing and submitting with a Bid, Attachment 2 - General Questions - 6 Extraneous Terms. In accordance with IFB § 3.4 Bid Deviations and Appendix B § 13 Extraneous Terms, material deviations may render a Bid non-responsive and result in rejection of the Bid.
17	IFB Main Document	General Specifications, Appendix "B" Section 45 and (d) Reimbursements of Costs pg 13 – 65(a) and (d)	Please delete 65(a) and 65(b). Because this isn't an exclusive requirements agreement, we cannot agree to pay cover damages. We will use commercially reasonable efforts to fill orders (amending Section 45 of Appendix B).	This Inquiry Document is not the means by which a Bidder may request negotiation of IFB Terms and Conditions. Requests for negotiation of Extraneous Terms may be made by completing and submitting with a Bid, Attachment 2 - General Questions - 6 Extraneous Terms. In accordance with IFB § 3.4 Bid Deviations and Appendix B § 13 Extraneous Terms, material deviations may render a Bid non-responsive and result in rejection of the Bid.
18	IFB Main Document	General Specifications, Appendix B, Section 60	This termination for convenience provision should be reciprocal although our (the vendor's) out or termination can be on 180 days notice.	This Inquiry Document is not the means by which a Bidder may request negotiation of IFB Terms and Conditions. Requests for negotiation of Extraneous Terms may be made by completing and submitting with a Bid, Attachment 2 - General Questions - 6 Extraneous Terms. In accordance with IFB § 3.4 Bid Deviations and Appendix B § 13 Extraneous Terms, material deviations may render a Bid non-responsive and result in rejection of the Bid.
19	IFB Main Document	6.14	We request this section be revised to reflect that pricing may be revised by Vendor once annually, capped at 5%, on aggregate basis.	This Inquiry Document is not the means by which a Bidder may request negotiation of IFB Terms and Conditions. Requests for negotiation of Extraneous Terms may be made by completing and submitting with a Bid, Attachment 2 - General Questions - 6 Extraneous Terms. In accordance with IFB § 3.4 Bid Deviations and Appendix B § 13 Extraneous Terms, material deviations may render a Bid non-responsive and result in rejection of the Bid.
20	IFB Main Document	6.14 and 6.16	If you re-issue a revised solicitation, will you please delete the numbered bullet points which are currently blank under 6.14 and 6.16?	OGS declines this request. IFB Sections 6.14 and 6.16 contain no blanks.

Inquiry Number	IFB Document Name	Document Section (Name or Number)	Inquiry	Response
21	Attachment 1 - Price Pages	Sub-Lot 1, Bid Line Items 33 <b>and</b> 36	Textured vinyl gloves are normally for industrial use. Please delete bid line items 33 and 36 or allow the option of "smooth" in addition to "textured" for both bid line items 33 and 36.	OGS declines this request.
22	Attachment 1 - Price Pages	Sub-Lot 1, Bid Line Items 34 <b>and</b> 35	We do not offer a powdered vinyl glove because of the Food and Drug Administration's (FDA's) Recommended Warning for Surgeon's Gloves and Patient Examination Gloves that Use Powder. The FDA said it is concerned about the potential adverse health effects from powdered medical gloves. The details of the FDA's Recommended Warning and explanation of why they are dangerous, especially in a health care setting, can be found here: <a href="http://www.infectioncontroltoday.com/news/2011/02/fda-issues-warning-about-powdered-gloves.aspx">http://www.infectioncontroltoday.com/news/2011/02/fda-issues-warning-about-powdered-gloves.aspx</a> Please delete line items 34 and 35 from the bid or, at minimum, allow the option of non-powdered gloves.	OGS declines this request.
23	Attachment 1 - Price Pages	Sub-Lot 1, Bid Line Item 37	We offer an anti-shank handle prison toothbrush, but it does not come individually packaged. Please delete the requirement to be individually packaged or, at minimum, allow this exception to the specifications by stating that it is "preferred to be individually packaged" rather than a requirement.	OGS declines this request.
24	Attachment 1 - Price Pages	Sub-Lot 2, Bid Line Item 22	This is a "Clean Room Glove" and is more appropriate for a Laboratory Supplies bid rather than a Medical Supplies bid. Please delete this line item from the bid. If the decision is made not to delete it, would the Ansell ANE365754 be an acceptable alternative? (Spec sheet attached for reference/review.)	OGS declines this request. OGS declines to evaluate proposed substitute items during the question and answer period. Substitute items will be evaluated during the bid evaluation process.
25	Attachment 1 - Price Pages	Sub-Lot 2, Bid Line Item 31	Please specify the color for this Scrub Top. Our item numbers are determined in part by the color and we would be unable to provide an item number if the color is not specified. Ceil blue is likely the most common color purchased, though we can certainly provide a variety of other colors.	Referring to IFB §3.11 Specifications and Substitutions, Substitute items must meet or exceed all of the Reference Specifications listed in Column G of Attachment 1 - Price Pages (Revised 8/13/13). If a color has not been specified in the Reference Specifications, then no particular color is required and it is a Bidder's choice as to what color they wish to bid.

Inquiry Number	IFB Document Name	Document Section (Name or Number)	Inquiry	Response
26	Attachment 1 - Price Pages	Sub-Lot 3, Bid Line Item 9	Please specify if this stool has arms or not.	Referring to IFB §3.11 Specifications and Substitutions, Substitute items must meet or exceed all of the Reference Specifications listed in Column G of Attachment 1 - Price Pages (Revised 8/13/13). If arms have not been specified in the Reference Specifications, then it is a Bidder's choice as to whether they bid an item with arms or not.
27	Attachment 1 - Price Pages	Sub-Lot 3, Bid Line Item 21	Medline's MDS2002LA is being discontinued. Medline's recommended alternate is MDS3002LA. Please revise the specification for line item 21 to MDS3002LA or approve this as an acceptable alternate. (Spec sheet attached for reference/review.)	If a Reference Part Number has been discontinued, then a Bidder should bid a substitute item which meets or exceeds the Reference Specifications. OGS declines to evaluate proposed substitute items during the question and answer period. Substitute items will be evaluated during the bid evaluation process.
28	Attachment 1 - Price Pages	Sub-Lot 3, Bid Line Item 22	Medline's MDS2007 is being discontinued. Medline's recommended alternate is MDS3001. Please revise the specification for line item 22 to MDS3001 or approve this as an acceptable alternate. (Spec sheet attached for reference/review.)	If a Reference Part Number has been discontinued, then a Bidder should bid a substitute item which meets or exceeds the Reference Specifications. OGS declines to evaluate proposed substitute items during the question and answer period. Substitute items will be evaluated during the bid evaluation process.