



NEW YORK STATE OFFICE OF GENERAL SERVICES
NEW YORK STATE STRATEGIC SOURCING
Invitation for Bid 22727 Basic Laboratory Supplies and Equipment (Statewide)
Pre-Bid Conference – August 1, 2013

Frequently Asked Questions

The purpose of this document is to provide readers with anticipated Questions and Answers related to IFB 22727. If a Question and Answer does not fully address your Inquiry, please list your questions about the Basic Laboratory Supplies and Equipment (Statewide) IFB using Inquiry Template available at:

http://www.ogs.ny.gov/purchase/biddocument/22727i_Attachment06.xlsx.

All questions must be submitted to SST_MedLabSupplies@ogs.ny.gov by **August 9, 2013 at 11:00 AM ET.**

1. **Question**

If a Bidder is unable to bid on all Sub-Lots, then the Bidder cannot bid at all?

Answer

Yes. A Bidder is required to bid on all Sub-Lots. Failure to bid on the minimum number of items required for any Sub-Lot shall result in disqualification. See §3.9 Minimum Number of Bid Items for Details.

2. **Question**

How will the discounts bid on Attachment 1 – Price Pages, Sub-Lot 1 Standardized Items be used with the Contract resulting from this IFB?

Answer

The Attachment 1 – Price Pages, Sub-Lot 1 Standardized Item Discounts will be used to calculate a net price for each standardized list item. The net price calculated for each item shall be the price at which the item is offered to NYS Authorized Users during the Contract resulting from this IFB.

3. **Question**

If an item has been discontinued by the manufacturer, should bidders bid a substitute based on specifications or will OGS replace the reference part number?

Answer

In the event that an item in the Market Basket is no longer available, a Bidder may bid a substitute for that item provided that the substitute item meets all of the Reference Specifications.

4. **Question**

What if a Bidder does not see any of their items equipment listed despite having a NYS contract?

Answer

IFB §1.1.2 Market Basket Items and §3.8.2 Market Baskets describe the selection of items included in the IFB Price Pages. Market baskets have been created through random sampling of 40 items from NYS historical data and are used to collect pricing for evaluation purposes.

5. **Question**

Does this IFB facilitate the opportunity to bid large floor model instruments and systems such as Ultracentrifuges, High Speed Centrifuges, Automated liquid handling Systems, Particle Characterization and Flow Cytometers?

Answer

Yes. IFB 22563 is for Basic Laboratory and Medical Supplies and Equipment. IFB §1.3, Detailed Scope, describes the scope of products solicited under each Sub Lot for this IFB. These descriptions are not all encompassing, but rather examples. IFB §3.8 Pricing Information also states, Bidders are required to bid on all Sub-Lots. IFB §3.9 Minimum Number of Bid Items also states a Bidder is required to bid on the minimum number of items in a Sub-Lot.

6. **Question**

What are the payment terms?

Answer

Payment Terms are addressed in Appendix A, §15 and Appendix B §64. 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.



NEW YORK STATE OFFICE OF GENERAL SERVICES
NEW YORK STATE STRATEGIC SOURCING
Invitation for Bid 22727 Basic Laboratory Supplies and Equipment (Statewide)
Pre-Bid Conference – August 1, 2013

Frequently Asked Questions

7. **Question**

Can a Bidder include late payment fees in a bid?

Answer

No. 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. See Appendix A §15 and Appendix B §64.

8. **Question**

Why does a Bidder need to include a percent discount?

Answer

A Percent Discount is required because the State is not collecting net pricing for every item in a Bidder's entire catalog offering. The Percent Discount will be used upon Contract award to determine Net Pricing for the Bidders' entire catalog offering within the scope of this IFB.

9. **Question**

When is the expiration of this award?

Answer

Referring to §6.37 Contract Term and Renewals, "The Contract(s) resulting from this IFB shall commence after all necessary approvals and shall become effective upon mailing of the final Contract Award Notice by OGS (see Appendix B, §38 Contract Creation/Execution). The Contract(s) shall be in effect for three (3) years. If mutually agreed between OGS and the Contractor, the Contract may be extended under the same terms and conditions for two (2) additional periods of up to one (1) year.

10. **Question**

What if there is a drastic price increase during the award period?

Answer

Pricing submitted with a bid shall be the pricing awarded as part of a Contract. See §6.14 Contract Price List Updates for information on price increases during the Contract term.

11. **Question**

Will a Bidder have a chance to update the bid if the Bidder finds a typo?

Answer

OGS reserves the right to seek clarifications and revisions. If an error is discovered by the Bidder, they may alert OGS to its nature, but OGS is not obligated to consider revisions.

12. **Question**

Will the State allow a 'below cost' clause in the Contract resulting from this IFB to protect suppliers in the event that the selling price to an Authorized User falls below our current product cost?

Answer

No. A "below cost" clause will not be accepted. Bidders must honor all prices and Discounts bid.

13. **Question**

What is the State's intent for all items not included in the Price Pages?

Answer

Upon Contract award, all items offered by a Contractor in its entire catalog offering within the scope of this IFB will be categorized by the Contractor by Sub Lot according to IFB §1.3, Detailed Scope Sub-Lot. The Discounts bid for each Sub-Lot will be applied to all Contract items within the scope of the applicable Sub-Lot.



NEW YORK STATE OFFICE OF GENERAL SERVICES
NEW YORK STATE STRATEGIC SOURCING
Invitation for Bid 22727 Basic Laboratory Supplies and Equipment (Statewide)
Pre-Bid Conference – August 1, 2013

Frequently Asked Questions

14. Question

Will any type of criteria be used to judge the Bidder's capability (i.e. Delivery time, electronic ordering capability, electronic billing capability, local sales force, local warehousing)?

Answer

IFB §4.2 Method of Award states this bid will be made based on Lowest Price. IFB §2 Bidder Requirements, OGS may require documentation from a Bidder demonstrating, Qualification, References, Financial Stability and Verifiable Sales.

15. Question

Are there any set asides or considerations for this bid based on Small Business, Minority or Women owned business or Hub business?

Answer

This Contract does not contain MWBE goals or special considerations for small businesses. See IFB §6.27.3 Business Participation Opportunities for MWBEs.

16. Question

Is there a requirement to reply with no bid? If so, what are the instructions?

Answer

No. There is no requirement to reply with a No-Bid; however, it is requested that a No-Bid response is submitted. To do so, Bidders would complete page 1 of the IFB, and indicate "We are Unable to Bid at this Time Because" and explain why. The No Bid Form would be returned to OGS per IFB §3.14 Bid Delivery.

17. Question

Can a joint venture or Sub-Contractor be established at a later date?

Answer

Any changes to an established Contract must be submitted to the OGS Contract Administrator and approved by OGS.

18. Question

Are sub-contractors required to submit financials?

Answer

No. Subcontractors are not required to submit financials. However, the Primary or Secondary Contractor is solely responsible for its actions and those of its agents, employees, resellers, Subcontractors or assigns. In accordance with Appendix B §57, OGS reserves the right to reject any proposed Subcontractor for bona fide business reasons.

19. Question

How was the Estimated Spend established?

Answer

Estimated spend is a compilation of data collected from NYS Top Spend Suppliers, Executive Agencies and SUNY for the period of 11/1/10 to 10/31/12. It does not include Local Governments, Educational Institutions or Municipalities.

20. Question

Are Bidders required to have an existing distributor or representational agreement with the manufacturer of each item that is bid?

Answer

In accordance with IFB §2.1, Bids will be accepted only from established manufacturers or their authorized dealers.



NEW YORK STATE OFFICE OF GENERAL SERVICES
NEW YORK STATE STRATEGIC SOURCING
Invitation for Bid 22727 Basic Laboratory Supplies and Equipment (Statewide)
Pre-Bid Conference – August 1, 2013

Frequently Asked Questions

21. Question

How would the Contract resulting from this IFB affect current business with similar items already being purchased?

Answer

This IFB will result in a centralized Contract. In accordance with State Finance Law, centralized Contracts shall be accorded second priority, behind only Preferred Sources, for products that meet an Authorized User's Form, Function and Utility. Therefore, the centralized Contracts resulting from this IFB will take priority over any State agency-specific Contracts.

22. Question

Does a Preferred Source take precedence over the Primary/Secondary Contractor listing?

Answer

Yes, if the product meets the Authorized User's Form, Function and Utility. §162 of the State Finance Law requires that agencies afford first priority to the products/services of Preferred Source suppliers such as Correctional Industries (Corcraft), Industries for the Blind of NYS, and NYS Industries for the Disabled, when such products/services meet the Form, Function, and Utility of the agency.

23. Question

Are Bidders required to maintain Sub-Lot 1 Standardized List item net pricing for the term of the Contract resulting from this IFB?

Answer

Yes. The term of this Contract is three (3) years with two (2) optional one (1) year renewals. In accordance with §6.15.1, Standardized List pricing cannot be increased except in the instance of Contract renewal.

24. Question

What is the State's responsibility in providing prompt reviews and fair approvals of price updates during the term of the Contract?

Answer

It is the goal of OGS to review all Contract price updates in a prompt manner.

25. Question

Can a Bidder change the minimum order of \$100 to a different amount?

Answer

No. The minimum order can be no more than \$100. However, a Contractor may lower or waive the minimum order. Extraneous terms may be submitted using Attachment 2 - General Questions.

26. Question

Is a Published Price List the same as a Contract Price List?

Answer

No. Each term is separately defined in §1.8 Definitions and are not the same. A "Published Price List" is comprehensive, published, regularly maintained, contains non-Discounted and non-NYS specific prices. A "Contract Price List" is a list of items available on Contract, created and maintained by the Contractor and approved by OGS that contains Net Prices for Authorized Users."

27. Question

Can a Bidder include Procurement Card fees?

Answer

No. Procurement Card fees are not permitted.