

Group 40451– Award 22898 Light Duty Vehicles

HOW TO USE THE CONTRACTS

PROCUREMENT METHOD

The following procurement instructions shall apply to the Contracts under Award 22898. Authorized User purchases under this Award shall be made through a competitive Mini-Bid conducted via the Vehicle Marketplace, facilitated by OGS, as described in further detail below. The Vehicle Marketplace is located on the OGS website at the link below. To request a vehicle, click on “Authorized Buyers,” and download Form A: *Vehicle Request*. If you need assistance with the Vehicle Marketplace, contact the Vehicle Marketplace Team at NYSPro.VehicleMarketPlace@ogs.ny.gov.

Vehicle Marketplace: <http://vehicles.nyspro.ogs.ny.gov>

- A. When utilizing the Contracts, the Authorized User should be familiar with and follow the terms and conditions governing its use. The Authorized User is accountable and responsible for compliance with the requirements of public procurement processes. The Authorized User, when purchasing from OGS contracts, should hold the Contractor accountable for Contract compliance and meeting the Contract terms, conditions, specifications, and other requirements. Also, in recognition of market fluctuations over time, Authorized Users are encouraged to seek improved pricing whenever possible. Authorized Users have the responsibility to document purchases which should include:
- A statement of need and associated requirements;
 - Obtaining all necessary prior approvals;
 - A summary of the Contract alternatives considered for the purchase, if any; and
 - The reason(s) supporting the resulting purchase.
- B. An Authorized User will review the Contracts and associated NYS Vehicle Discounts on the OGS website under Contract Award 22898. Click on “Contractor Information” on the Award summary page located at <http://www.ogs.ny.gov/purchase/spg/awards/4045122898CAN.HTM>, and then “Contractor and Pricing Information” or “Terms & Conditions” for the applicable Contractor.
- C. Vehicle Marketplace:
Authorized User purchases under this Contract shall be made through a competitive Mini-Bid conducted via the Vehicle Marketplace, facilitated by OGS, as described below. The Contractor shall only provide a Vehicle under this Contract when it has been awarded under the Mini-Bid process. A Mini-Bid awarded by an Authorized User to a Contractor may not be utilized by another Authorized User for procurement of a Vehicle.
1. When a need is identified, an Authorized User is required to obtain all internal/control agency approvals necessary prior to initiating a Mini-Bid through the Vehicle Marketplace. Upon internal/control agency approvals, the Authorized User will complete Form A: *Mini-Bid Request*, and submit the completed Form A: *Mini-Bid Request* to OGS for processing to NYSPro.VehicleMarketPlace@ogs.ny.gov. Form A: *Mini-Bid Request* will identify such things as the number of Vehicles needed, a description of the Vehicles, including specifications, (e.g., required features, deletion of any standard equipment, addition of Options or Aftermarket components, and interior/exterior colors), Aftermarket Component Provider, delivery requirements and locations, and any additional required terms for the Mini-Bid. See, also Contract section III.1 *Vehicle Requirements* for minimum Vehicle requirements.
 2. Upon completion of OGS review of the Form A: *Mini-Bid Request*, OGS will assign a Mini-Bid Number to the request. OGS will provide notification to the Contractors of the Mini-Bid in the following manner:
 - a. Vehicle Marketplace posting. A Mini-Bid shall be posted to the Vehicle Marketplace website (<http://vehicles.nyspro.ogs.ny.gov/>) within one (1) to three (3) business days of approval of Form A: *Mini-*

Bid Request, as determined by whether or not the Authorized User has designated the request as “expedited.”

- b. Email distribution. An email notification of the Vehicle Marketplace posting shall be distributed to all Contractors under Award 22898 within one (1) hour of the posting.
 - c. OGS Reservation of Rights. OGS reserves the right to aggregate the volume of Authorized User requests for Vehicles by combining requests under one Mini-Bid Number.
3. From the date of OGS posting of Form A: *Mini-Bid Request*, Contractors shall have a minimum of three (3) to five (5) business days to submit bid responses. NYSPRO reserves the right to set bid submittal deadlines that are longer than three (3) to five (5) business days. The bid submittal deadline for each Mini-Bid shall be posted on the Vehicle Marketplace website. OGS shall remove the Mini-Bid posting from the Vehicle Marketplace website at the close of business on the bid submittal deadline date.

A Contractor must provide bid responses at the Vehicle Marketplace website on Form B: *Mini-Bid Response*. A Contractor submitting a bid for a Mini-Bid must save the blank Excel *Mini-Bid Response Price Worksheet* provided at the Vehicle Marketplace website to its computer, enter the required Contractor, Vehicle and pricing information, and then email the completed worksheet to the Vehicle Marketplace Team to NYSPRO.VehicleMarketPlace@ogs.ny.gov.

4. Timeframe for offers in Mini-Bids.
- a. Vehicle(s) Built to Specifications. The timeframe for offers shall be as specified in Appendix B, §25, Timeframe for Offers.
 - b. Pre-Existing Inventory Vehicles. The timeframe during which offers shall remain firm and cannot be withdrawn shall be ten (10) calendar days from the date of the Mini-Bid's bid opening, or such other period of time as specified in the Mini-Bid. The ten (10) calendar day period commences on the calendar day immediately following the date of the Mini-Bid's bid opening. In order for a bid to be responsive to a Mini-Bid involving Pre-Existing Inventory Vehicles Contractor is required to retain the Pre-Existing Inventory Vehicles for the ten (10) calendar day period, or such other period of time as set forth in the Mini-Bid, bids are required to remain firm and cannot be withdrawn. Contractor's failure to retain the Pre-Existing Inventory Vehicles for such period of time shall render Contractor's bid non-responsive and the bid shall be disqualified.
5. OGS shall send all bids received in response to a Mini-Bid via email to the Authorized User contact designated on Form A: *Mini-Bid Request* by the close of business on the first business day following the bid submittal deadline date. The Authorized User shall be responsible for evaluation and award of the Mini-Bid. Authorized Users are instructed to notify the Contractors of award or non-award within five (5) business days of receipt of bids from OGS. Example letters are provided at the Vehicle Marketplace.
6. The Authorized User shall evaluate all bids received in response to the Mini-Bid. The Contractor shall, upon request of the Authorized User, submit a Dealer Invoice and OEM specifications to the Authorized User prior to award of the Mini-Bid. Award shall be made by the Authorized User to a responsive bidder based on the requirements specified by the Authorized User on Form A: *Mini-Bid Request*. The Authorized User must note justification of method of award on Form C: *Mini-Bid Report of Use*. If at least three (3) bids are not submitted, the Authorized User must justify the reasonableness of award on Form C: *Mini-Bid Report of Use*.
7. Upon award, the Authorized User shall issue notification of award or non-award to all Bidders. Upon notification of award for Vehicle(s) Built to Specifications, a Mini-Bid awardee shall provide the Authorized User with either the Final Order Date for the Vehicle(s), or notification that the date is "TBD," (if the date has not yet been set by the OEM).
8. Upon award of the Mini-Bid, the Authorized User shall issue a Purchase Order to the Contractor following the Authorized User's standard procedures (see Section Contract II.13.1 *Purchase Orders*). In addition, the Authorized User must provide Form A: *Mini-Bid Request*, Form B: *Mini-Bid Response* and Form C: *Mini-Bid*

Report of Use, with any supporting documentation to NYSPPro.VehicleMarketPlace@ogs.ny.gov, and ensure that a copy of the documents is also maintained for audit purposes following the Authorized User's standard procedures.

D. Authorized User Procurement Rights.

Authorized Users hereby reserves the right in a Mini-Bid to:

1. Reject any or all bids received in response to the solicitation;
2. Withdraw the solicitation at any time, at the Agency's sole discretion;
3. Make an award under the solicitation in whole or in part;
4. Disqualify any Bidder whose conduct and/or proposal fails to conform to the requirements of the solicitation;
5. Seek clarifications and revisions of bids;
6. Prior to the bid opening, amend the solicitation specifications to correct errors or oversights, or to supply additional information, as it becomes available;
7. Prior to the bid opening, direct Bidders to submit solicitation modifications addressing subsequent solicitation amendments;
8. Change any of the schedule dates with notification through the Vehicle Marketplace;
9. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective Bidders;
10. Waive any requirements that are not material;
11. Utilize any and all ideas submitted in the bids received;
12. Adopt all or any part of a Bidder's bid in selecting the optimum configuration.
13. Negotiate with the Bidder responding to the solicitation within the solicitation requirements to serve the best interests of the State. This includes requesting clarifications of any or all Bidders' bids;
14. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Bidder's bid and/or to determine a Bidder's compliance with the requirements of the solicitation;
15. Select and award the Mini-Bid to other than the selected Bidder in the event of unsuccessful negotiations or, optionally, in other specified circumstances as detailed in the solicitation requirements;
16. Use bid information obtained through site visits, management interviews, and the state's investigation of a Bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the Bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the solicitation.

PURCHASE ORDERS AND INVOICING

All Purchase Orders and invoices/vouchers shall include the following information. All matters pertaining to registration and licensing of a Vehicle are the responsibility of the ordering Authorized User.

A. PURCHASE ORDERS

Authorized User Purchase Orders are to include the following information:

1. Contract Number;
2. Vehicle Marketplace Mini-Bid Number;
3. Make, Model and Model Code of the Vehicle(s);
4. Option code(s) and descriptions, if applicable;
5. Aftermarket Components part numbers and descriptions, if applicable;
6. NYS Contract Price for the Vehicle;

7. Number of Vehicles;
8. Total NYS Contract Price (number of Vehicles x NYS Contract Price for the Vehicle(s)); and
9. Liquidated damages, if any.

B. INVOICES

Authorized Users are instructed not to process invoices that do not include the required information set forth below. Invoices must be detailed and include in the body of the invoice or an attachment to the invoice **all** of the following items. Failure to comply may result in lengthy payment delays.

Invoices shall include, at a minimum, the following information:

1. Contract Number;
2. Vehicle Marketplace Mini-Bid Number;
3. Make, Model and Model Code of the Vehicle(s);
4. Option code(s) and descriptions, if applicable;
5. Aftermarket Components part numbers and descriptions, if applicable;
6. Calculation of the total NYS Contract Price, including:
 - a) Base Vehicle MSRP;
 - b) NYS Vehicle Discount;
 - c) Base NYS Vehicle Price;
 - d) NYS Aftermarket Components Price;
 - e) Delivery Charge;
 - f) NYS Contract Price for the Vehicle;
 - g) Number of Vehicles; and
 - h) Total NYS Contract Price (Number of Vehicles x NYS Contract Price for the Vehicle)
7. Breakdown of Liquidated damages, if any (see Contract Section III.3.6 *Liquidated Damages*).

It is strongly advised that all contract users FOLLOW-UP WITH THE CONTRACTOR after submitting their purchase order, whether it was submitted by mail, electronically or by fax. This is to insure that the contractor received and placed your order.

Upon receipt of your vehicle and processing payment, be sure to audit your invoice to ensure that the correct NYS Discount, and other pricing submitted with the Mini-Bid response, was used. If itemized pricing is not included in your invoice, please contact the NYSPRO Contact Person listed on summary page of this Award. The Authorized User is accountable and responsible for compliance with the requirements of public procurement processes.

State agencies must forward a copy of each vehicle purchase order to NYS OGS Risk, Insurance and Fleet Management in order to facilitate the issuance of an OGS-Issued State identification number. Each vehicle on the Purchase Order must also identify if the agency is obtaining state or street plates. Purchase Orders can be faxed, e-mailed, or mailed to:

NYS Office of General Services
Risk, Insurance and Fleet Management
Bldg. #18, State Campus
Albany, NY 12226
Fax: 518-457-7263 - E-mail: fleet.admin@ogs.ny.gov

CONTRACT PAYMENTS

Payments cannot be processed by Authorized Users until the Vehicles have been delivered and accepted in accordance with Contract Section III.3 *Delivery*. Payment will be based on any invoice used in the Contractor's normal course of business. However, such invoice must contain all requirements listed above in *Purchase Orders and Invoicing*. See also Appendix B §49 *Contract Invoicing*.

Authorized Users that are State Agencies are required to forward properly completed vouchers to the Office of the State Comptroller for audit and payment. All Authorized Users are urged to process every completed voucher expeditiously giving particular attention to those involving cash discounts for prompt payment.

Political subdivisions and others authorized by law to participate in OGS contracts are required to make payments directly to the Contractor. Prior to processing such payment, the Contractor may be required to complete the ordering non-State agency's own voucher form.

"OGS OR LESS" GUIDELINES APPLY TO THIS CONTRACT

Purchases of the products included in this Contract are subject to the "OGS or Less" provisions of New York State Finance Law § 163(3)(a)(v). This means that State agencies can purchase products from sources other than the Contractor provided that such products are substantially similar in form, function or utility to the products herein and are:

1. Lower in price
-And/Or-
2. Available under terms which are more economically efficient to the State agency (e.g. delivery terms, warranty terms, etc.).

State agencies are reminded that they must provide the Contractor an opportunity to match the non-contract savings at least two business days prior to purchase. In addition, purchases made under "OGS or Less" flexibility must meet all requirements of law including, but not limited to, advertising in the New York State Contract Reporter, prior approval of the Comptroller's Office and competitive bidding of requirements exceeding the discretionary bid limit.

NON-STATE AGENCIES PARTICIPATION

Upon request, all eligible non-State agencies must furnish Contractor with the proper tax exemption certificates and documentation certifying eligibility to use the Contract. Questions regarding an organization's eligibility to purchase from New York State Contracts may also be directed to OGS NYSPRO Customer Services at 518-474-6717.

POOR PERFORMANCE

Authorized Users should notify NYSPRO Customer Services promptly if the Contractor fails to meet the requirements of this contract. Performance which does not comply with requirements or is otherwise unsatisfactory to the Authorized User should also be reported to Customer Services:

Office of General Services
New York State Procurement
Customer Services Coordination
38th Floor Corning Tower
Empire State Plaza
Albany, NY 12242

Tel: 518-474-6717
Fax: 518-474-2437
E-mail: customer.services@ogs.ny.gov

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