

State of New York Executive Department
Office Of General Services
Procurement Services Group
Corning Tower Building - 38th Floor
Empire State Plaza
Albany, New York 12242
<http://www.ogs.state.ny.us>

CONTRACT AWARD NOTIFICATION

Title	:	Group 40504-MACK TRUCK REPLACEMENT PARTS (DOT) Classification Code(s): 25
Award Number	:	<u>21701 - RM</u> (Replaces Award 21500)
Contract Period	:	March 25, 2009 to February 29, 2012
Bid Opening Date	:	November 25, 2008
Date of Issue	:	March 26, 2009
Specification Reference	:	As Incorporated In The Invitation for Bids
Contractor Information	:	Appears on Page 2 of this Award

Address Inquiries To:

State Agencies & Vendors	
Name	: Dawn Curley
Title	: Purchasing Officer 1
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**The Procurement Services Group values your input.
Complete and return "Contract Performance Report" at end of document.**

Description

This award provides the Department of Transportation with a contract for Mack truck replacement parts.

PR # 21701

(continued)

NOTE: See individual contract items to determine actual awardees.

<u>CONTRACT #</u>	<u>CONTRACTOR & ADDRESS</u>	<u>TELEPHONE #</u>	<u>FED.IDENT.#</u>
PC64346	BEAM MACK SALES & SERVICE, INC. 6260 East Molloy Road E. Syracuse, NY 13057	877/696-6225 315/437-2574 Mr. Jerry Nicholas Fax: 315/437-3794 E mail: jerryn@beammack.com Web: www.beammacktrucks.com	16-0742432
PC64347	BEAM MACK SALES & SERVICE, INC. 3050 Lake Road Horseheads, NY 14845	877/650-8789 607/733-4606 Mr. William Fairchild, Jr. Fax: 607/398-7224 E mail: jr@beammack.com Web: www.beammacktrucks.com	16-0742432
PC64348	BEAM MACK SALES & SERVICE, INC. 2674 W. Henrietta Road Rochester, NY 14623	877/232-6094 585/424-4860 Mr. Mike Bucci Fax: 585/272-8851 E mail: mikeb@beammack.com Web: www.beammacktrucks.com	16-0742432
PC64349	BEAM MACK SALES & SERVICE, INC. 22048 Salmon Run Rd. Watertown, NY 13601	877/788-2180 315/788-2180 Ms. Mindy Morse Fax: 315/785-9462 E mail: mindy@beammack.com Web: www.beammacktrucks.com	16-0742432
PC64350 SB	BUFFALO TRUCK CENTER INC. 271 Dingens Street Buffalo, NY 14206	800/933-9462 716/821-9911 Ext 106 Mr. Jim Smigielski Fax: 716/825-2753 E mail: jims@buffalotruckcenter.com Web: www.buffalotruckcenter.com	16-1364864
PC64351	GABRIELLI TRUCK SALES LTD. 153-20 South Conduit Ave. Jamaica, NY 11434	888/887-8557 EXT 1075 718/276-4232 Mr. Phillip Perrell Fax: 718/977-9080 E mail: pperrell@gabriellitruck.com Web: www.gabriellitruck.com	11-3082303
PC64352 SB	MID HUDSON MACK INC. 135 Neelytown Road Montgomery, NY 12549	800/721-6225 845/457-7030 Ms. Sandra Garcia Fax: 845/457-7043 Web: www.albanytrucksales.com	14-1591790

PC64353 SB	SBD HOLDING CO, LLC. d/b/a Albany Truck Sales 90 Harts Lane Albany, NY 12204	800/287-4768 518/434-2177 Mr. Thomas Marquit Fax: 518/426-4309 E mail: tmarquit@albanytrucksales.com Web: www.uticamacktrucks.com	06-1446892
PC64354	TRIPLE CITIES ACQUISITION, LLC. d/b/a Cook Brothers Truck Parts 76 Frederick Street Binghamton, NY 13901	800/836-2665 607/723-7481 Mr. Tom Samson Fax: 607/723-3258 E mail: tsamson@cookcompanies.net	16-1611669
PC64355 SB	UTICA MACK, INC. 9426 River Road Marcy, NY 13403	800/925-6225 EXT 237 315/797-1730 EXT 237 Mr. Mark Lane Fax: 315/797-1736 E mail: mlane@uticamacktrucks.com	15-0576128

Cash Discount, If Shown, Should be Given Special Attention.
INVOICES MUST BE SENT DIRECTLY TO THE ORDERING AGENCY FOR PAYMENT.
 (See "Contract Payments" and "Electronic Payments" in this document.)

AGENCIES SHOULD NOTIFY THE PROCUREMENT SERVICES GROUP PROMPTLY IF THE CONTRACTOR FAILS TO MEET DELIVERY OR OTHER TERMS OF THIS CONTRACT. PRODUCTS OR SERVICES WHICH DO NOT COMPLY WITH THE SPECIFICATIONS OR ARE OTHERWISE UNSATISFACTORY TO THE AGENCY SHOULD ALSO BE REPORTED TO THE PROCUREMENT SERVICES GROUP.

SMALL, MINORITY AND WOMEN-OWNED BUSINESSES:

The letters SB listed under the Contract Number indicate the contractor is a NYS small business. Additionally, the letters MBE and WBE indicate the contractor is a Minority-owned Business Enterprise and/or Woman-owned Business Enterprise.

RECYCLED, REMANUFACTURED AND ENERGY EFFICIENT PRODUCTS:

The Procurement Services Group supports and encourages the purchase of recycled, remanufactured, energy efficient and "energy star" products. If one of the following codes appears as a suffix in the Award Number or is noted under the individual Contract Number(s) in this Contract Award Notification, please look at the individual awarded items for more information on products meeting the suffix description.

RS,RP,RA	Recycled
RM	Remanufactured
SW	Solid Waste Impact
EE	Energy Efficient
E*	EPA Energy Star
ES	Environmentally Sensitive

NOTE TO AUTHORIZED USERS:

When placing purchase orders under the contract(s), the authorized user should be familiar with and follow the terms and conditions governing its use which usually appears at the end of this document. The authorized user is accountable and responsible for compliance with the requirements of public procurement processes. The authorized user must periodically sample the results of its procurements to determine its compliance. In sampling its procurements, an authorized user should test for reasonableness of results to ensure that such results can withstand public scrutiny.

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, particularly when using OGS multiple award contracts for the same or similar product(s)/service(s), which should include:

- a statement of need and associated requirements,
- a summary of the contract alternatives considered for the purchase,
- the reason(s) supporting the resulting purchase (e.g., show the basis for the selection among multiple contracts at the time of purchase was the most practical and economical alternative and was in the best interests of the State).

PRICE:

Price is the Awarded discounted price set forth in the National Fleet price column in the Mack Truck National Fleet price book/disk and includes all customs duties and charges and is net, F.O.B. destination any point in New York State as designated by the ordering agency including tailgate delivery. (Please refer to "REGIONS" clause.)

For emergency orders, agency may request shipment by other than normal method. The difference in transportation charges will be borne by the ordering agency. Such charges should be shown separately, on the voucher.

Additionally, it is understood and agreed that the agency may also purchase replacement parts that are equal in form, function and utility to those re-packaged or re-labeled for sale by Mack trucks, providing those equitable parts are available under terms which are more economically favorable to the state agency (e.g., delivery terms, warranty terms, etc.).

PRICE LIST REVISION:

The manufacturer's price book/disc National Fleet price column may only be revised by the manufacturer.

Upon receipt of a revised price book/disc, Contractor shall notify the Office of General Services in writing of the revision and provide three copies of the manufacturer's revised price book/disk to OGS at least two weeks prior to the time Contractor seeks to charge revised prices to DOT. Contractor must await approval from OGS before implementing price changes. Contractor must supply copies of the revised price book/disk as set forth in paragraph "PRICE DISKS/BOOKS AND SERVICE" below.

ACCEPTANCE OF NEW YORK STATE PURCHASING CARD FOR ORDERS UP TO \$15,000:

The following contractors have indicated that they will accept the New York State Purchasing Card for orders up to \$15,000:

Contractor

SBD Holding Co., LLC d/b/a Albany Mack Sales

Buffalo Truck Center Inc.

Gabrielli Truck Sales Ltd.

Mid Hudson Mack Inc.

Triple Cities Acquisition, LLC d/b/a Cook Brothers Truck Parts

Utica Mack Inc.

DEPARTMENT OF TRANSPORTATION MACK TRUCK REPLACEMENT PARTS:

Mack truck replacement parts, as listed in the Mack National Fleet price list dated **July 2008** or latest revision thereof, and at the price level and discount listed below:

Region	Contractor	Discount/Price Level	Over the Counter Service Available
1	SBD Holding d/b/a Albany Mack	National Fleet minus 7.0%	Y
2	Utica Mack Inc.	National Fleet minus 7.0%	Y
3	Beam Mack – E. Syracuse	National Fleet minus 6.50%	Y
4	Beam Mack – Rochester	National Fleet minus 6.50%	Y
5	Buffalo Truck Center	National Fleet minus 3.0%	Y
6	Beam Mack - Horseheads	National Fleet minus 6.50%	Y
7	Beam Mack – Watertown	National Fleet minus 6.50%	Y
8	Mid Hudson Mack Inc.	National Fleet minus 8.0%	Y
9	Triple Cities Acquisition, LLC d/b/a Cook Brothers Truck Parts	National Fleet minus 6.25%	Y
10	Gabrielli Truck Sales Ltd.	National Fleet minus 0.00%	Y

REQUEST FOR CHANGE:

Any request by the agency or contractor regarding changes in any part of the contract must be made in writing to the Office of General Services, Procurement Services Group, prior to effectuation.

CONTRACT PAYMENTS:

Payments cannot be processed by State facilities until the contract products have been delivered in satisfactory condition or services have been satisfactorily performed. Payment will be based on any invoice used in the supplier's normal course of business. However, such invoice must contain sufficient data including but not limited to contract number, description of product or service, quantity, unit and price per unit as well as federal identification number.

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

If the contract terms indicate political subdivisions and others authorized by law are allowed to participate, those entities 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.

See "Contract Billings" in Appendix B, OGS General Specifications.

ELECTRONIC PAYMENTS:

The Office of the State Comptroller (OSC) offers an "electronic payment" option in lieu of issuing checks. To obtain an electronic payment authorization form visit the OSC website at www.osc.state.ny.us or contact them by e-mail at epunit@osc.state.ny.us or by phone at 518-474-4032.

NOTE TO CONTRACTOR:

This Contract Award Notification is not an order. Do not take any action under this contract except on the basis of purchase order(s) from the agency or agencies.

PSG's DISPUTE RESOLUTION POLICY:

It is the policy of the Office of General Services' Procurement Services Group (PSG) to provide vendors with an opportunity to administratively resolve disputes, complaints or inquiries related to PSG bid solicitations or contract awards. PSG encourages vendors to seek resolution of disputes through consultation with PSG staff. All such matters will be accorded impartial and timely consideration. Interested parties may also file formal written disputes. A copy of PSG's Dispute Resolution Procedures for Vendors may be obtained by contacting the person shown on the front of this document or through the OGS website (www.ogs.state.ny.us).

CANCELLATION FOR CONVENIENCE

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 sixty (60) 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 60 day discretionary cancellation or cancellation for cause by the respective user Agencies.

DELIVERY:

For all items which are normally stocked by the contractor, shipment shall be made within two (2) days of receipt of order.

If non-stock items are ordered, the contractor shall immediately so advise the agency and shall make shipment within fifteen (15) days. If shipment cannot be made within the allotted time, purchase may be made in the open market without penalty to the contractor.

Shipment of emergency items shall be made immediately.

Agency shall also be accorded "over-the-counter" service, if available.

CONTRACT PERIOD AND RENEWALS:

It is the intention of the State to enter into a contract for the term as stated herein except that the commencement and termination dates appearing herein 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.

Discounts quoted are firm for the entire period of the contract. Discount reduction will not be allowed. Discount increases are permitted at any time.

If mutually agreed between the Procurement Services Group and the contractor, the contract may be renewed under the same terms and conditions for additional period(s) not to exceed a total contract term of five (5) years.

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 unilaterally by the State for an additional period of up to one month upon notice to the contractor 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. With the concurrence of the contractor, the extension may be for a period of up to three months in lieu of one month. However, this extension terminates should the replacement contract be issued in the interim.

GUARANTEE:

The contractor guarantees that the replacement parts offered are genuine standard new stock product specifically designed and manufactured for use with original equipment listed in the Invitation for Bids; also that no part shall be substituted contrary to the manufacturer's recommendation. Every replacement part delivered shall be guaranteed against faulty material and workmanship in accordance with the manufacturer's standard guaranty. Any faulty part shall be immediately replaced by the contractor without any cost to the State.

PRICE DISKS/BOOKS AND SERVICE:

Upon award, contractors in Regions 2-10 shall furnish two (2) current price book/disks to delivery point in their region, at no charge. Contractor in Region 1 shall furnish two (2) current price book/disks to delivery point indicated, and one (1) price disk to Frank Bonesteel, Department of Transportation, 50 Wolf Road – POD 5-2, Albany, NY, 12232.

Contractors must also provide price book/disks as stated above when book/disks are revised by the Manufacturer.

Upon request, contractor shall assist the using agency in the use of the price book/disks.

REPORT OF CONTRACT PURCHASES:

Contractor shall furnish quarterly reports containing total sales for DOT contract purchases no later than forty-five (45) days after the close of each calendar quarter.

In addition to contractor direct sales, contractor shall submit sales information for all resellers, dealers, distributors or other authorized distribution channels, where such contract sales are provided by other than the contractor. Contractors shall verify if each alternate vendor is a NYS Certified Minority (MBE) or Women (WBE) Owned Businesses. Contractors shall verify such status through the Empire State Development Minority and Women Owned Businesses Database web site at: <http://www.nylovesmwbe.ny.gov/cf/search.cfm>.

A separate report shall be provided in the following format for each authorized distribution channel. The sales report form is forwarded to each contractor at time of award for completion in accordance with the contract terms and conditions:

<u>Item/ SubItem Number</u>	<u>Product or Catalog Number</u>	<u>Product/ Service Description</u>	<u>Total Quantity Shipped to State Agencies</u>	<u>Total Sales \$ State Agencies</u>
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Grand Total Sales State
Agencies

The report is to be submitted electronically in Microsoft Excel 2003 or lower format to the Office of General Services, Procurement Services Group, Tower Bldg., Empire State Plaza, Albany, NY 12242, to the attention of the individual shown on the front page of the Contract Award Notification and shall reference the Group Number, the Award Number, Contract Number, sales period, and contractor's (or other authorized agent) name. This form may also be faxed to 518-474-8676.

The outlined sales report is the minimum information required. Additional related sales information, such as monthly reports, and/or detailed user purchases may be required and must be supplied upon request.

DIESEL EMISSION REDUCTION ACT OF 2006 (NEW REQUIREMENT OF LAW):

On February 12, 2007 the Diesel Emissions Reduction Act took effect as law (the “Law”). Pursuant to new §19-0323 of the N.Y. Environmental Conservation Law (“NYECL”) it is now a requirement that heavy duty diesel vehicles in excess of 8,500 pounds use the best available retrofit technology (“BART”) and ultra low sulfur diesel fuel (“ULSD”). The requirement of the Law applies to all vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities. They need to be operated exclusively on ULSD by February 12, 2007. It also requires that such vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities with more than half of its governing body appointed by the Governor utilize BART.

As a contract vendor the Law may be applicable to vehicles used by contract vendors “on behalf of” State agencies and public authorities. Thirty-three percent (33%) of affected vehicles must have BART by December 31, 2008, sixty-six percent (66%) by December 31, 2009 and one-hundred percent (100%) by December 31, 2010. The Law provides a list of exempted vehicles. Regulations currently being drafted will provide further guidance as to the effects of the Law on contract vendors using heavy duty diesel vehicles on behalf of the State. The Law also permits waivers of ULSD and BART under limited circumstances at the discretion of the Commissioner of Environmental Conservation. The Law will also require reporting from State agencies and from contract vendors in affected contracts.

Therefore, the bidder hereby certifies and warrants that all heavy duty vehicles, as defined in NYECL §19-0323, to be used under this contract, will comply with the specifications and provisions of NYECL §19-0323, and any regulations promulgated pursuant thereto, which requires the use of BART and ULSD, unless specifically waived by NYSDEC. Qualification and application for a waiver under this Law will be the responsibility of the bidder.

REGIONS:

The Department of Transportation Regions and delivery points are as follows: New York State Department of Transportation Equipment Management Shops.

<u>REGIONS</u>	<u>DELIVERY POINTS</u>
1	21 Ninth St., Waterford, NY 12188
2	Harbor Lock Rd., Utica, NY 13503
3	5450 So. Bay Rd., No. Syracuse, NY 13212
4	2797 Clover St., Pittsford, NY 14534
5	4717 So. Western Blvd., Hamburg, NY 14075
6	7000 County Rt. 70A, Hornell, NY 14843
7	Box 22422, Route 342, Watertown, NY 13601
8	272-278 Violet Ave., Poughkeepsie, NY 12601
9	241 Colesville Rd., Binghamton, NY 13904
10	375 N. Carlton Ave., Central Islip, NY 11722

The above Regions consist of the following counties:

REGION 1

Albany
Essex
Greene
Rensselaer
Saratoga
Schenectady
Warren
Washington

REGION 2

Fulton
Hamilton
Herkimer
Madison
Montgomery
Oneida

REGION 3

Cayuga
Cortland
Onondaga
Oswego
Seneca
Tompkins

REGION 4

Genesee
Livingston
Monroe
Ontario
Orleans
Wyoming
Wayne

REGION 5

Cattaraugus
Chautauqua
Erie
Niagara

REGION 6

Alleghany
Chemung
Schuyler
Steuben
Yates

REGION 7

Clinton
Franklin
Jefferson
Lewis
St. Lawrence

REGION 8

Columbia
Dutchess
Orange
Putnam
Rockland
Ulster
Westchester

REGION 9

Broome
Chenango
Delaware
Otsego
Schoharie
Sullivan
Tioga

REGION 10

Nassau
Suffolk

PACKAGING:

All items furnished must be new and in the manufacturer's individual original, standard package, clearly marked as to part number and contents. Items which are repackaged and/or relabeled for sale by Mack trucks, which are not manufactured exclusively for sale by Mack, may be purchased by DOT from other sources of supply (see "PRICE" clause herein).

MINIMUM ORDER:

No minimum order requirement is included in this Invitation for Bids. DOT will order on an "as-needed" basis. Bidders should consider this when offering discounts.

**State of New York
Office of General Services
PROCUREMENT SERVICES GROUP
Contract Performance Report**

Please take a moment to let us know how this contract award has measured up to your expectations. If reporting on more than one contractor or product, please make copies as needed. This office will use the information to improve our contract award, where appropriate. **Comments should include those of the product's end user.**

Contract No.: _____ **Contractor:** _____

Describe Product* Provided (Include Item No., if available): _____

***Note:** "Product" is defined as a deliverable under any Bid or Contract, which may include commodities (including printing), services and/or technology. The term "Product" includes Licensed Software.

	Excellent	Good	Acceptable	Unacceptable
• Product meets your needs				
• Product meets contract specifications				
• Pricing				

CONTRACTOR

	Excellent	Good	Acceptable	Unacceptable
• Timeliness of delivery				
• Completeness of order (fill rate)				
• Responsiveness to inquiries				
• Employee courtesy				
• Problem resolution				

Comments: _____

 _____ (over)

Agency: _____ Prepared by: _____
 Address: _____ Title: _____
 _____ Date: _____
 _____ Phone: _____
 _____ E-mail: _____

Please detach or photocopy this form & return by FAX to 518/474-2437 or mail to:

OGS PROCUREMENT SERVICES GROUP
 Customer Services, 37th Floor
 Corning 2nd Tower - Empire State Plaza
 Albany, New York 12242
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