

Solicitation # 23073 Athletic Equipment- Response to Bidder Questions					
#	Solicitation Document Name	Document Section	Page Number	Comment/Question/Bid Deviation	Response
1	23073 Solicitation Document			If we intend to use a subcontractor for deliveries, do we need to submit anything with this bid regarding the subcontractor?	No, but please note that per the Solicitation, Section 6.3 – Price (Revised 05/01/2017) , “Pricing shall be Net Pricing as specified in Appendix B Pricing and shall include “Set-In-Place installation” as follows: unloading, moving to point of use, uncrating, assembling, adjusting, connecting all services and leaving ready to operate to the full extent of its design capabilities..” If you plan to use a subcontractor, please note Appendix B, Sections 39, Employees, Subcontractors, and Agents, and 41, Subcontractors and Suppliers, specifically address reserved rights of the Commissioner and Authorized User regarding the use of subcontractors.
2	23073 Solicitation Document	1.2 – Scope	6	As part of the last contract bid in 2011 there was a restriction on the number of vendors you could submit as part of your bid. That number was 3. I do not see any mention of this in the current RFP. Can you please elaborate on this topic as it relates to this RFP?	There is no such limitation under this Solicitation. In preparing your bid please be sure to review all Terms and Conditions of this Solicitation (Revised 05/01/2017) .
3	23073 Solicitation Document	1.2 – Scope	6-7	My company is interested in bidding on solicitation 23073 - Group 30204 - Athletic Equipment. I wanted to see if scoreboards would be a product that I could possibly put a bid in for. We are a NY manufacturer, and feel like our company would be able to help price-wise. Can you confirm that scoreboards fall under the scope for this bid?	Scoreboards do not fall within the scope of this Solicitation. Pursuant to Solicitation Section 1.2, Scope, this Solicitation is for the purchase of commercial/institutional grade for “strength training, cardiovascular, and gymnasium and physical education equipment”. Please note that pursuant to Solicitation Section 5.1 – Method Of Award (Revised 05/01/2017) , “New York State reserves the right to exclude from award any Products that do not fall within the scope or are not deemed to be offered at prices advantageous to the State.”
4	23073 Solicitation Document	1.2 – Scope	6-7	Would playground equipment be applicable under any of the categories?	No, playground equipment does not fall under the scope of this Solicitation. Pursuant to Solicitation Section 1.2, Scope, this Solicitation is for the purchase of commercial/institutional

					grade “strength training, cardiovascular, and gymnasium and physical education equipment”.
5	23073 Solicitation Document	6.17 – Americans with Disabilities Act (ADA)	25	Where or how do bidders identify products that can be adapted for use by persons with disabilities?	A column has been added to Attachment 1 – Pricing (Revised 05/01/2017) to identify products that can be adapted for use by persons with disabilities. Please be sure to complete all product and pricing information on Attachment 1 – Pricing (Revised 05/01/2017). Please review the revised instructions on the Instructions tab of Attachment 1 – Pricing (Revised 05/01/2017). Failure to submit the Attachment 1 – Pricing (Revised 05/01/2017) may result in disqualification.
6	23073 Solicitation Document	6.24 – Surplus/Take-Back/Recycling	29	At what point would we be required to state we have a take back program?	If a take back program is available, this information should be provided after award.
7	23073 Solicitation Document	6.3 – Price	19	You mentioned the importance of carrying to 2 decimal places when doing percentages. Are you saying that 20% should be reflected in this manner 20.00%? You did not do this in your example on the webex so just want to clarify.	Yes, on the Product Category Discounts tab on Attachment 1- Pricing (Revised 05/01/2017), a maximum of 2 decimal places should be entered after the decimal point. If no decimal places are entered after the decimal point, default decimal will be .00. Please see revised Section 6.3 (Revised 05/01/2017), and Attachment 1 – Pricing (Revised 05/01/2017). Failure to submit the Attachment 1 – Pricing (Revised 05/01/2017) may result in disqualification.
8	23073 Solicitation Document	6.3.1 – Public Works	19	How would we indicate that a particular item requires installation that would be considered Public Works? (ie. bolting to the floor)	This information should be included in Column C, Item Description, on Attachment 1 – Pricing (Revised 05/01/2017), (e.g. “In addition to set-in-place, public works installation is required for this item”). Failure to submit the Attachment 1 – Pricing (Revised 05/01/2017) may result in disqualification. Pursuant to Solicitation Section 6.3.1 – Public Works, “Authorized Users may purchase Products requiring installation from any resultant Contract. However, any installation shall be procured separately following the Authorized User’s regular procurement procedures and taking into account any Public Works requirements.”
9	23073 Solicitation Document	6.35 – Resellers	33	If we are bidding as an authorized distributor/reseller do we need to provide	No, proof of authorization from the manufacturer is not required to be provided with the bid submission. OGS may, however, request such authorization under OGS’s reserved

				proof of authorization from the manufacturer?	right in Solicitation Section 2– Bidder Qualifications (Revised 05/01/2017), to “request any additional information pertaining to the Bidder's ability, qualifications, financial capacity, financial stability, and procedures used to accomplish all work under the resulting Contract as it deems necessary to ensure safe and satisfactory work”; and Section 4.8 NYS Reserved Rights, New York State reserves the right, in its sole discretion, to: D. “D. Disqualify any Bidder whose conduct and/or Bid fails to conform to the requirements of the Solicitation;”
10	23073 Solicitation Document	6.35 – Resellers	33	How do we delineate our distributor territory from what we will service directly within NY State?	<p>If this is referring to specific restrictions for Resellers/Distributors regarding delivery territories, please include this information on Attachment 9 – Contractor and Reseller Information on the Reseller/Distributor Information table, where it says “Restrictions Applicable to this Reseller (if any). Attach additional sheets if necessary. Please be sure to identify company information on all additional documents submitted.</p> <p>This Solicitation will result in multiple Statewide awards. If you plan to designate delivery territories, note that per the Solicitation, Section 6.3 – Price (Revised 05/01/2017), “Pricing shall be Net Pricing as specified in Appendix B Pricing and shall include “Set-In-Place installation”.</p>
11	23073 Solicitation Document	6.35 – Resellers	33	Can we add a distributor during the contract period?	Yes pursuant to Solicitation Section 6.35 you may add a Reseller/Distributor during the contract period. Be sure to submit Attachment 9- Contractor and Reseller Information to provide all necessary information set forth in the Solicitation document, section 6.35 Resellers.

12	23073 Solicitation Document	6.4 – Price Updates	20	If a new product becomes available mid-year can it be sold using the contract discount rate off MSRP?	Products can be added as specified in Solicitation Section 6.4 – Price Updates (Revised 05/01/2017), which provides as follows: “Commencing with the first anniversary date of the Bid opening, and annually thereafter, the Contractor may update their pricelist to reflect Contractor price changes and the addition/deletion of Products. Requests for price adjustments based on changes to the nationally published price list and addition or deletion of items shall be submitted no less than 30 days prior to the anniversary date of the Bid opening and annually thereafter. Requests from Contractor(s) for price adjustments at any other time will not be granted. Percent discount can never decrease. Contract Price Lists may be modified at other intervals at the request of OGS Procurement Services.”
13	23073 Solicitation Document	Section 2 – Bidder Qualifications	11	We have held a state contract with Pennsylvania for many years however it is not structured to show the NET price per unit but rather a percentage discount per category (ie. Cardio vs. Strength) Would this be considered acceptable and what should be used on Attachment 1 in the columns that say “Comparable Governmental Contract Price”?	No, the Pennsylvania contract would not be acceptable because it does not show the Net Price as required by Solicitation, Section 5.1 – Method of Award (Revised 05/01/2017). “Bidder must provide copies of at least one comparable governmental and/or municipal contract (a web link or an electronic copy, i.e. GSA, WSCA, VA other state or locality, etc. to be indicated on Attachment 1-Pricing (Revised 05/01/2017),) in size and scope in effect within the last two (2) years that lists the Net Price and shows the discount and FOB point so OGS can determine prices being offered to New York State are reasonable. “ Net Price of products offered from a Comparable Governmental Contract Price must be entered on Attachment 1 – Pricing (Revised 05/01/2017). Failure to submit the Attachment 1 – Pricing (Revised 05/01/2017) may result in disqualification.
14	23073 Solicitation Document	Section 2 – Bidder Qualifications	11	We are not able to provide a “web” link to the PA contract that we've held, therefore what should be used on Attachment 1 in the columns that say “Indicate Comparable	If a web link is unavailable, Please refer to Solicitation Section 2- Bidder Qualifications (Revised 05/01/2017), “Bidder must provide copies of at least one comparable governmental and/or municipal contract (a web link or an electronic copy, i.e. GSA, WSCA, VA, other state or locality, etc., to be indicated on Attachment 1-Pricing (Revised 05/01/2017)) in size and scope

				Governmental Contract Entity (include link)”	in effect within the last two (2) years that lists the Net Price and shows the discount and FOB point so OGS can determine pricing being offered to New York State are reasonable. Be sure to indicate in the column “Indicate Comparable Governmental Contract Entity (include link)” on Attachment 1 – Pricing (Revised 05/01/2017), that an electronic copy of a Comparable Governmental and/or municipal Contract is attached. Failure to submit the Attachment 1 – Pricing (Revised 05/01/2017) may result in disqualification.
15	23073 Solicitation Document	Section 2 – Bidder Qualifications	11	You mentioned during the review session last week that “having previously held a contract w/ NYS is acceptable”. We did hold the contract for the same Group 30204 Athletic Equipment for the period ending 2011. Will this be sufficient to satisfy a need for a comparable government contract in size and scope that you would use to establish reasonableness of price?	No, the prior NYS contract does not qualify as a comparable government contract because it expired in 2011, and was not “in effect within the last two (2) years” as required by Section 2 - Bidder Qualifications (Revised 05/01/2017).
16	Attachment 1- Pricing			Does pricing/discount level need to include freight, delivery, and installation costs. Our company's standard procedure is for freight, delivery, and installation to be prepaid and added.	Yes, pursuant to Solicitation Section 6.3-Price (Revised 05/01/2017), “Pricing shall be Net Pricing as specified in Appendix B Pricing”, additionally, Solicitation Document Section 6.3-Price (Revised 05/01/2017) provides that price “shall include “Set-In-Place installation” as follows: unloading, moving to point of use, uncrating, assembling, adjusting, connecting all services and leaving ready to operate to the full extent of its design capabilities. However, anything considered Public Works is excluded.” Moreover, with respect to additional delivery charges, Solicitation Document Section 6.3-Price (Revised 05/01/2017), provides that “If additional delivery charges are required for any reason, Contractor shall provide a detailed written statement of such additional delivery charges to the Authorized User, and Authorized User shall agree to such charges prior to delivery and such costs shall be prepaid by the contractor and added to the invoice.

					<p>NOTE: If it is determined the Contractor is charging excessive amounts for delivery, the State may seek reimbursement for such amounts”.</p> <p>Please review the revisions to Section 6.3, Price (Revised 05/01/2017).</p>
17	Attachment 1- Pricing			Can you provide the password to unprotect sheets?	<p>Passwords are not needed to complete Attachment 1 – Pricing (Revised 05/01/2017). Please let us know if there is a specific issue with a protected document. Attachment 1 - Pricing (Revised 05/01/2017) has been revised. Refer to Bid Solicitation Update #1 for specific revisions.</p>
18	Attachment 1- Pricing			With respect to the price list requirement, is it acceptable to submit the preprinted price list and give the discount on the lead form?	<p>No, preprinted price lists are not acceptable, pursuant to Solicitation, Section 4.3.1 Content (Revised 05/01/2017), two electronic copies of Attachment 1- Pricing (Revised 05/01/2017), in Excel form are required. Also, Section 5.1 – Method of Award (Revised 05/01/2017). Net Price of products offered from a Comparable Governmental Contract Price must be entered on Attachment 1 – Pricing (Revised 05/01/2017). Section 4.3 Format and Content of Bid Submission states that “Any Bid pricing or portions thereof submitted on CD or flash drive that are incomplete or that cannot be opened/accessed may be rejected.”</p>
19	Attachment 5- Bidder Information Questionnaire	Q. 12 & 15		For the "If no" questions on this attachment should we leave blank or put N/A?	These can be left blank.
20	Attachment 5- Bidder Information Questionnaire	Q. 40		Can we attach a separate page if we need to?	Yes, separate pages can be attached if necessary. Please be sure to identify company information on all additional documents submitted.
21	Attachment 9- Contractor and Reseller Information			If we are bidding as an authorized distributor/reseller do we need to submit Attachment 9?	Yes, Attachment 9 – Contractor and Reseller Information is required, along with all other required documents as set forth in Solicitation Document Section 4.3.1 – Content (Revised 05/01/2017).

22	Attachment 9- Contractor and Reseller Information			If we are bidding as an authorized distributor/reseller do we just need to complete the top section of Attachment 9 (Company Information)	All portions of Attachment 9 - Contractor and Reseller Information are required, with the exception of Reseller/Distributor Information if you do not plan to use Reseller/Distributors. Additionally, all other required documents must be submitted as set forth in Solicitation Document Section 4.3.1 – Content (Revised 05/01/2017) .
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