

Policy of Good Standing:
To Maintain Back-Drop Contracts for IT Services
(Updated - 10/23/06)

There have been increasing occurrences of Contracted firms not satisfying their Contract responsibilities as set forth in RFP#S960275-E.1 under which firms are awarded back-drop contract for IT Services. Common infractions to name few have included:

- E-mails returned as "undelivered" because the "name is not recognized"
- Telephone numbers "disconnected"
- Letters returned because "address unknown"
- Date and time-sensitive documentation not being returned without repeated reminders by this office.

Therefore, the NYS Office of General Services (OGS) Procurement Services Group (PSG) is implementing the following policy to which all Contractors will be required to adhere in order to maintain their contracts in *good standing*.

Back-Drop Contract Related Infractions: When date and/or time sensitive feedback is required from Contractors such as but not limited to Signature/Notary Pages for sign-offs, Annual Re-filings, Semi-Annual Reporting, etc., OGS PSG will proceed as follows:

Step 1: E-mail the original announcement.

Step 2: Keep a record of those e-mails that were returned as "undelivered". **Otherwise, the assumption is that the Contractor has received, opened, and read the e-mail.**

- Follow-up all returned as "undelivered" by telephoning and/or faxing the firm to verify the accuracy of the e-mail address. If accurate e-mail information is not provided within the timeframe stipulated by the OGS PSG contact, the record will be made *inactive* and will be unavailable on the web site.

Step 3: Follow-up e-mail to those who have not responded by the due date. There may be follow-up telephone calls, faxes, letters, or a combination of these aforementioned means of communication.

Step 4: Any that have read the e-mails (see Step 1 and Step 2) and have not submitted required responses by due date may be cancelled "for cause" as per RFP#S960275-E.1, III.13 (see underlined phrase below). A final e-mail will be sent with a **14 day notification of pending contract cancellation.**

III.13 Cancellation/Suspension of Back-Drop Contract

a. **For Cause:** The Contract may be cancelled by the Commissioner or Authorized User at the Contractor's expense where Contractor becomes unable or incapable of performing the work, or meeting any requirements or qualifications set forth in the Contract, or for non-performance, or upon a determination that Contractor is non-responsible. In such event, the Commissioner or Authorized User may complete the work in any manner as it may deem advisable and pursue available legal or equitable remedies for breach.

Step 5: Those e-mails that failed (and/or other the means of communications referenced in Step 3) **fourteen (14) day period** referenced above will result in those contracts being cancelled.

Step 6: Any firm whose contract is cancelled will be responsible to bring to a successful completion any work that is in progress under the "canceled" contract. Firms whose contracts will be canceled will be mailed letters to that effect.

Step 7: Any firm whose contract is canceled "for cause" will have to wait **six (6) months** from the date of cancellation before they can re-apply for an OGS PSG back-drop contract for IT Services.

Project-Bid Related Infractions: More and more authorized users are opting to procure their IT Services from the OGS PSG back-drop contracts. They prepare specifications, solicit bids, evaluate bids and select their awardee(s). The underlying assumption is that the Contractors are truthful and accurate in the information they provide in their proposals. Unfortunately, there has been evidence of certain improprieties, such as but not limited to:

- Resumes that are "embellished" to include expertise or skills that the candidate does not have or exaggerate the years of experience to satisfy the specifications requirements but are falsely represented.
- Rates being bid that exceed the Contract Rates.
- Candidates that are submitted and when selected, these candidates are not available and a replacement candidate is submitted (typically referred to as "bait and switch".)

Step 1: Authorized users are aware that such infractions are to be reported to OGS PSG. OGS PSG will keep track of these reported infractions.

Step 2: A Contractor who has **five (5)** such reported infractions will be made inactive for 6 months. This will translate into missed bid opportunities.

Step 3: After **six (6)** months, Contractor will be reactivated.

Step 4: If Contractor demonstrates continued improprieties and OGS PSG learns of **three (3) new or repeated infractions**, Contractor will have its contract canceled and will not be able to **re-apply for six (6) months** from the date of the canceled contract... Any firm whose contract is canceled will be responsible to bring to a successful completion any work that is in progress under the "canceled" contract.

Note: OGS reserves the right to modify this policy in whole or in part at any time or to meet individual, exigent or special circumstances that in the sole discretion of OGS require a waiver in the best interests of the State or an authorized user. OGS decisions will be final on this point.

PLEASE ACT RESPONSIBLY!!

- ✓ As the contact person for this back-drop contract for IT Services, if you leave the firm, it is your responsibility to transition the contract to your replacement or, at a minimum, to make your firm's senior management aware of the contract and the responsibilities you were assigned.
- ✓ If you will not have access to your e-mail account for more than a couple of days, it is your responsibility to provide adequate coverage during your absence.