

Miscellaneous Office Supplies

Group 23000 – Award 22438

HOW TO USE THE CONTRACT

PROCUREMENT INSTRUCTIONS

The Authorized User should be familiar with and follow the terms and conditions governing its use which appear in the contract document. Listed below are separate guidance for “Executive Agencies” and “Non-Executive Agencies.”

PURCHASING INSTRUCTIONS

FOR EXECUTIVE AGENCIES (includes the State University of New York)

Executive Agencies must first purchase all office supplies from the appropriate Preferred Sources as required by State Finance Law §162. If the Preferred Sources do not provide a product that meets the form, function and utility of the Executive Agency Authorized User, the Executive Agency is strongly encouraged to purchase Core List products from the Contractor as these products should have the lowest prices in the market. If the Core List products do not meet the Executive Agency’s form, function and utility, the Executive Agency may then purchase Contractor’s products on the “Non-Core Discount Off of List”.

FOR NON-EXECUTIVE AGENCIES

New York State political subdivisions and others authorized by New York State law may participate in contracts. These include, but are not limited to local governments, public authorities, public school and fire districts, public and nonprofit libraries, and certain other nonpublic/nonprofit organizations. See "Participation in Centralized Contracts" in Appendix B, OGS General Specifications. For purchase orders issued by the Port Authority of New York and New Jersey (or any other authorized entity that may have delivery locations adjacent to New York State), the terms of the "Price" clause shall be modified to include delivery to locations adjacent to New York State.

Upon request, all eligible non-State agencies must furnish the Contractor with the proper tax exemption certificates and documentation certifying eligibility to use State contracts. A list of categories of eligible entities is available on the OGS web site (<http://ogs.ny.gov/purchase/snt/othersuse.asp>).

A Non-Executive Agency Authorized User that is subject to the requirements of State Finance Law §162 (4) shall first purchase all office supplies from the appropriate Preferred Sources as required by State Finance Law §162. If Preferred Source products do not meet the entity’s form, function and utility (as required by State Finance Law §162) then it may purchase products from the “Core List” and the “Non-Core Discount Off of List” offerings. The greatest cost savings may be achieved by purchasing from the Core List.

A non-Executive Agency Authorized User that is not subject to the requirements of State Finance Law §162 (4) is encouraged to purchase from the Core List of products as these should provide the biggest savings.

CORE LIST

OGS has obtained the lowest prices/greatest savings for Authorized Users for Products on the Core List. Executive Agencies are strongly encouraged to purchase all office supplies from the Core List after first considering the Preferred Source Offerings. Non-Executive Agency Authorized Users purchasing office supplies through this Contract are also encouraged to purchase items on the Core List.

NON-CORE DISCOUNT OFF LIST

For instances where an Executive Agency has determined the Core List products do not meet their form, function or utility, or when non-Executive Agencies elect to purchase office supplies not found on the Core List, the Non-Core Discount off of List tab will be used to determine the percent discount(s) to be applied to the purchase.

PREFERRED SOURCE PRODUCTS

Section 162 of the State Finance Law requires that agencies, including Executive Agencies, afford first priority to the products/services of preferred source suppliers such as Corcraft (the marketplace name for the NYS Department of

Corrections and Community Supervision, Division of Industries), National Industries for the Blind, and NYS Industries for the Disabled, and others determined by law, when such products/services meet the form, function and utility of the agency. Some products/services in the resultant contract(s) may be available from one or more preferred sources. On the Core List and Non-Core Discount off of List documents, the Contractor has designated the **Products that are the same as or are similar to products available from the Preferred Sources by the following letter codes:**

- **'B' represents products available from NYS Preferred Source Program for People who are Blind;**
- **'C' represents products available from Corcraft, the marketplace name for the NYS Department of Corrections and Community Supervision, Division of Industries;**
- **'D' represents products available from New York State Industries for the Disabled**

EXCLUSIONS

The following are Office Supply Products excluded from the scope of this Contract as these items are either available on other OGS Centralized Contracts or on the open market:

1. All Services (except delivery);
2. Furniture such as desks, workstations, chairs, tables, chair carts, book cases, commercial shelving, file cabinets, lockers and privacy screens;
3. Hand and platform trucks;
4. Storage cabinets;
5. Computers, peripherals and supplies (not including toner);
6. Printers, copiers, facsimile machines;
7. Software requiring a licensing agreement;
8. Promotional products; and
9. Global Positioning Systems.
- 10.

You may contact the OGS NYSPRO Customer Service Department at customer.services@ogs.ny.gov or Telephone: 518-474-6717; Fax: 518-474-2437 for assistance in locating the appropriate NYSPRO contract for purchasing of the excluded items.

NEW ACCOUNTS

Contractor may ask State agencies and other Authorized Users to provide information, such as documentation of eligibility to use New York State contracts, agency code, name, address and contact person in order to facilitate the opening of a customer account. An Authorized User shall not be required to provide credit references.

OVERLAPPING CONTRACT PRODUCTS

Products available in this Contract may also be available from other New York State Contracts. Authorized Users will select the most cost effective procurement alternative that meets their program requirements.

ACCESS TO WEB BASED ORDERING SYSTEM

Each participating agency/facility/political subdivision, etc., will be responsible for obtaining the appropriate communication software, phone or cable lines, and/or modems necessary to access the web based ordering system. The web based ordering system is located at: www.staplesadvantage.com/nys

ORDERS

Orders will be accepted by the Contractor between the hours of 8:00 a.m. through 5:00 p.m. ET, Monday through Friday, except NYS Holidays verbally via toll-free number 877-482-8026, ext. 142; via facsimile 877-482-8027; and electronically via the web-based ordering system www.staplesadvantage.com/nys. When placing all orders, the Authorized User must reference contract number PC66026, requisition and/or purchase order number as required. Orders not filled and partials shall be indicated on the packing list. The Contractor shall inform an Authorized User of the availability date of non-filled and partial orders within 36 hours after receipt of order.

COST & DELIVERY

All prices listed on the Contractor's website, Core List and Non-Core Discount off of List, include all customs, duties and charges and are net, F.O.B. destination any point in New York State as designated by the Authorized User. Each delivery shall be delivered to either an inside storeroom, inside desk or a single dock based upon the needs of the Authorized User.

If an Authorized User requires an inside delivery (storeroom or desk), it will identify on the purchase order the specific location where inside delivery is required to be made. (Authorized Users should use terminology such as "INSIDE DELIVERY TO ROOM [number] LOCATED ON [number] FLOOR," etc., when inside delivery is required

If Authorized User has specific security rules which must be followed for delivery, such rules must be communicated to Contractor during the purchase ordering process.

Contractor offers next day delivery if ordered by 5:00pm ET, Monday through Friday except NYS Holidays. However, delivery must be completed within 24 to 48 hours (excluding Saturday, Sunday and NYS legal holidays) after receipt of order, with the exception of custom and large volume orders. If the Contractor deems the order to be a custom or large order that cannot be filled within 24 to 48 hours, the Contractor shall contact the ordering entity within 24 hours of receipt of order. Contractor shall deliver custom and large orders within 10 to 20 business days.

MINIMUM ORDER

The Contractor has agreed to accept orders of any amount, with no minimum.

METHOD OF PAYMENT/BILLING

Contractor accepts the New York State Procurement Card for orders not to exceed \$15,000.00. Contractor agrees to send a receipt to the Authorized Users for all orders placed using the Procurement Card.

Upon Authorized User acceptance of products itemized on the purchase order, Contractor will invoice Authorized User for any portion of products accepted, and accordingly, Authorized User will arrange for payment. Cost centers or branch offices within an Authorized User may require separate invoicing as specified by each agency. Contractor shall provide complete and accurate billing invoices to each Authorized User in order to receive payment. Billing invoices submitted to an Authorized User must contain all information required by the Contract and the State Comptroller or other appropriate fiscal officer.

When payment of contract purchases are processed by the New York State Comptroller, the Authorized User and Contractor agree that payments for invoices submitted by the Contractor shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payments shall be made in accordance with ordinary State procedures and practices.

When payment of contract purchases are not processed by the New York State Comptroller, the Authorized User and Contractor agree that payments for such Contract purchases shall be billed directly by Contractor on invoices/vouchers, together with complete and accurate supporting documentation as required by the Authorized User. Such payments shall be as mandated by the appropriate governing law from the receipt of a proper invoice. Such Authorized User and Contractor are strongly encouraged to establish electronic payments.

DISCREPANCIES

The Contractor shall resolve all order and invoice discrepancies (e.g., shortages, incorrect item received, etc.) within five business days from notification.

PRODUCT RETURNS BECAUSE OF QUALITY PROBLEMS

Upon written notification by the Authorized User to the Contractor within 30 days of delivery, products determined to have quality problems, outdated product, damage, etc., shall be picked up by the Contractor within ten business days after notification with no restocking charge. The Authorized User shall elect whether to receive a replacement product or a credit/refund for the full purchase price. The Authorized User must conduct its inspection, and notify the Contractor within 30 calendar days of delivery. If a defect is not identified within 30 calendar days after delivery, the Authorized

User may be required to contact the manufacturer directly. Contractor shall provide an Authorized User with the manufacturer's contact number.

PRODUCT RETURNS DUE TO AUTHORIZED USER ERROR

Products ordered in error (other than custom orders) by an Authorized User shall be returned by Authorized User at its expense for credit within fifteen business days of delivery. Standard stock products must be in resalable condition (original container, unused). The Contractor agrees it shall not charge a restocking fee for product returns due to Authorized User error.

"OGS OR LESS" GUIDELINES APPLY TO THIS CONTRACT

Purchases of the products included in the Contract are subject to the "OGS or Less" provisions of 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.).

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. State agencies should refer to Procurement Council Guidelines for additional information.

POOR PERFORMANCE

Authorized Users should notify NYS Procurement's 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	Tel: 518-474-6717
NYS Procurement (NYSPRO)	Fax: 518-474-2437
Customer Services Coordination	E-mail: customer.services@ogs.ny.gov

NOTICES

All notices, demands, designations, certificates, requests, offers, consents, approvals and other instruments given pursuant to this Contract shall be in writing and shall be effective when mailed by registered or certified mail, or hand delivered, (i) if to the State, addressed to the State at its address set forth below, and (ii) if to Contractor, addressed to Contract Administrator at the address set forth in Appendix D-Contractor's Information sheet. Written notice of any alleged breach by one party to the other shall provide specific facts, circumstances and grounds upon which the breach is being declared.

TO STATE: Terry Deere-Riley
 Contract Management Specialist I
 New York State Procurement (NYSPRO)
 38th Floor, Corning Tower, Empire State Plaza
 Albany, NY 12242
 Telephone: 518-474-2717
 E-mail: terry.deere@ogs.ny.gov

ENTIRE AGREEMENT

Authorized Users have no authority to modify the terms of the Contract, except to obtain better terms and pricing for a particular procurement than those set forth in the Contract. No preprinted terms or conditions on a Purchase Order issued by an Authorized User, which seek to vary the terms of this Contract or impose new duties or obligations on the Contractor, shall have any force or effect.

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