# GROUP 77200 Solicitation 23141 - Public Safety Communications Equipment and Services (Two-Way Radios and Satellite Phones)

## Supplemental
## OGS Responses to Bidder Questions
## Questions 1-15 can be found on the OGS bid page for this Solicitation

| Question # | Document | Section | Inquiry | OGS Response (Final) |
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| 16 | Main Solicitation | Section 1.2 – *Participation* | Upon reviewing the Bid Solicitation 23141 Responses to Bidders Questions, I am still uncertain about the participation definition.<br><br>Specifically, can our company bid Lot 2 as an authorized Distributor or Dealer, providing equipment and services, as well as being listed as a Subcontractor for the Manufacturer, providing services and installation?<br><br>**Example:** our company is an Authorized Dealer and Service Provider for a manufacturer. Can the manufacturer list our company as a subcontractor under their bid, and can our company list the manufacturer's products under our company's bid, providing products and services? | No, pursuant to the Main Solicitation, Section 1.2 *Participation:*<br><br>"Contractors awarded a Contract as a result of this Solicitation may not be Resellers or Subcontractors on any other Contract awarded as a result of this Solicitation." |
| 17 | Main Solicitation | Section 1.2 – *Participation* | I am still unclear about the purchase order process and how it relates to the Manufacturer and/or Subcontractor.<br><br>**Example:** If the purchase order is made out to the manufacturer and our company is subcontracted the work, the manufacturer is the one selling the products and services, not our company. If our company listed the manufacturer on the contract and our company received the Manufacturer's Guarantee, the purchase order is made out to our company directly for the products and services.<br><br>The definition of subcontractor (Appendix B) is not clearly defined as to not being a | A Subcontractor is not a Contractor (i.e. Contract holder) for any Contract resulting from Solicitation 23141.<br><br>Pursuant to the Main Solicitation, Section 6.10 *Utilization of Subcontractors,* the following applies to Contractors that enter into Authorized User Agreements (i.e. Purchase Orders) that include the use of Subcontractors:<br>"Prior to the execution/entering into any Authorized User Agreement which includes the use of Subcontractors, Contractor must provide Authorized Users with a copy of the quote from the Subcontractor to the Contractor for the Subcontractor's portion of the work for this Authorized User Agreement. **Subcontractors shall not execute or enter into any Authorized User Agreement.**" |

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| 17 (continued) | | | contract holder, relating to purchase order creation.<br><br>This appears to be a gray area and I am in need of clarification. | For additional information on Contractor responsibility regarding Subcontractors, see Main Solicitation, Section 6.10 *Utilization of Subcontractors* and 6.11 *Contractor Responsibility Regarding Subcontractors.* |
| 18 | Attachment 4 – Insurance Requirements | Attachment 4 – Insurance Requirements | For the Insurance Requirements it mandates "not less than 2,000,000 each occurrence for Business Automotive Liability Insurance." Our company does not own or operate any company vehicles. Does this requirement still pertain to us? | If a Contractor does not own, lease, or hire any vehicles to fulfill the Contract, the Contractor does not need to obtain Business Automobile Liability Insurance, but must attest to this in writing using an Auto Attestation form.<br><br>Auto Attestation forms are provided by OGS and will be available after Bid submittal.<br><br>Please see Attachment 4, Section B, Item 2 for additional information on this requirement. |
| 19 | Main Solicitation | Section 2.2.4 – *Proof of Past Sales* | The proof of past sales sections requires at least $600,000 in prior sales over a three year period to Government agencies and/or authorized users.<br><br>A. I am assuming this is limited to employees with the state of New York?<br>B. Our company does not have $600,000 in sales within the state of New York for Government Agencies. Can you please explain more on what "authorized users" would entail? | A. No, New York State employees are not within the definition of Authorized User.<br><br>B. Per the Main Solicitation, Section 1.1.4.1(C) *Proof of Past Sales:*<br><br>"For the purpose of proving past sales, Bidder status as either a Prime Contractor, Distributor, Dealer, Reseller, or Subcontractor may be used to demonstrate proof of past sales, provided that Bidder can demonstrate *direct sales* to **Government Entities** (including NYS OGS) and/or **Authorized Users** were made during the three years (entire time period, not annually) immediately preceding the Bid opening date for each Lot bid."<br><br>Attachment 12, *Glossary of Terms,* defines Government Entity as "A federal, state, local entity, or tribal government located in the United States." (e.g. State of New York, State of California, General Services Administration (GSA), Veteran's Administration (VA), etc.)<br><br>Appendix B, Section 2 *Definitions,* defines Authorized Users as "shall have the meaning set forth in State Finance Law Section 163(1)(k) and includes, but is not limited to, New York State |

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| 19 (continued) | | | | Agencies, political subdivisions, local governments, public authorities, public school and fire districts, public and nonprofit libraries, and certain other nonpublic/nonprofit organizations."<br><br>Sales to individuals such as employees of the State of New York, or third parties such as private companies purchasing on behalf of a Government Entity or Authorized User, will not be considered for proof of past sales. |
| 20 | Main Solicitation | Section 1.10 – *NYS Vendor Registration* | Do Bidders need to register with the New York State Vendor File prior to submitting their Bid, or can they wait until after they have received an Award? | No, pursuant to Main Solicitation, Section 1.10 *NYS Vendor File Registration,* "bidders are not required to register prior to submitting a bid, but they, and their resellers, must be registered prior to award."<br><br>For complete instructions, see Main Solicitation, Section *1.10 NYS Vendor File Registration.* |
| 21 | Solicitation Updates | Solicitation Updates | Will OGS be issuing an Addenda acknowledgement form/template, or does the bidder need to submit its own document? From past bid experience, an Addenda sheet is typically provided. | Each Solicitation Update (Addendum) includes an addendum acknowledgment.<br><br>All Solicitation Updates must be signed and returned with the Bidder's Bid. See Main Solicitation, Section 4.2 *Content of Bid Submission (Administrative Requirements).* |
| 22 | Attachment 1 – *NYS Pricing* (revised) | Attachment 1 – *NYS Pricing* (revised) | The revised attachments won't allow me to copy/paste or save information. | To copy/paste or save information to the Excel files the 'Edit' feature must be enabled. To enable the 'Edit' feature, you must first **save** the attachment(s) to your own computer before opening them. |
| 23 | Main Solicitation | Section 4.5 – *Bid Delivery* | Can bidders submit via FedEx or must it be done by commercial carrier/in person? As a out of state Bidder, FedEx or UPS delivery is the most practical for our company. | Bidders may submit their Bids to OGS using the delivery method they feel is most appropriate. See Main Solicitation, Section 4.5 *Bid Delivery.* |
| 24 | Main Solicitation | Section 4.6 – *Important Building Access Procedures* | If FedEx delivery is allowed, how does OGS Procurement Services FedEx deliveries for bids? It is not possible to pre-register 24 hours in advance using this method of delivery. It also states that the receptionist will register the visitor at that time, but delays may occur. Please clarify. | As noted in the Main Solicitation, Section 4.6 *Important Building Access Procedures,* all visitors must be registered and Bidder should contact the Procurement Services receptionist at (518) 474-6262 at least 24 hours prior to the visit.<br><br>All visitors to the Corning Tower (including delivery service personnel) must present ID and follow the instructions for building access. Bidders do not need |

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| | | | | to pre-register national delivery service personnel such as FedEx, UPS and USPS.<br><br>Bidders are strongly encouraged to arrange for delivery of Bids to OGS prior to the date of the Bid opening to ensure that any delays that may occur, don't impact timely delivery of Bids. The complete Bid package must be received by OGS Procurement Services by the date and time of the Bid opening. The time of Bid receipt is determined by OGS according to the clock at the Procurement Services reception desk. Bidder assumes all risks for timely, properly submitted deliveries. |
| 25 | Main Solicitation | Section 1.2 – *Participation* | Can Prime Contractors use Dealers that are not located in NY (i.e. out of state Dealers) to provide installation and maintenance services? | There are no Dealers under this Contract; however, Contractors can use Resellers that are not located in NYS.<br><br>Bidders must submit Attachment 9 – *List of Maintenance Facilities*, listing the name and location of the Reseller and its maintenance facility. Maintenance Facilities do not have to be located within a Region bid, but they must be capable of meeting all the specified response times listed in Main Solicitation Section 8.3 *Chart 3: Remedial Maintenance Descriptions and Requirements* for the Region bid.<br><br>Pursuant to Main Solicitation Section 3.3 *Pricing Structure*, "All Service rates must include travel time and costs associated with accessing the site of the Equipment to be serviced. Travel costs are limited to NYS rates approved by the NYS Office of the State Comptroller (OSC)." |
| 26 | Attachment 7 – *Proof of Past Sales Revenue (revised)* | Attachment 7 – *Proof of Past Sales Revenue (revised)* | For Lot 2, can the proof of past sales revenue for both Prime Contractor and Dealer be listed in the same table in the Summary-Radios tab? | Yes, Bidders may list proof of past sales revenue from any combination of acceptable statuses as cited in Solicitation, Section 2.2.4.1(C) *Proof of Past Sales Provisions.*<br><br>Pursuant to Main Solicitation, Section 2.2.4.1(C) *Proof of Past Sales Provisions,* "For the purpose of proving past sales, **Bidder status as either a Prime Contractor, Distributor, Dealer, Reseller, or Subcontractor may be used to demonstrate proof of past sales**, provided that Bidder can |

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| | | | | demonstrate direct sales to Government Entities (including NYS OGS) and/or Authorized Users were made during the three years (entire time period, not annually) immediately preceding the Bid opening date for each Lot bid."<br><br>All proof of past sales must be listed in Attachment 7 – *Proof of Past Sales.* |
| 27 | General Question | General Question | Can Bidders include radio marketing brochures with their submission? | Yes, however, these materials will not be considered in the evaluation of the Bidder's Bid. Pursuant to the Main Solicitation, Section 1.9 *Bid Deviations,* "Extraneous terms submitted on standard, pre-printed forms (including but not limited to: product literature, order forms, license agreements, contracts or other documents) that are attached or referenced with submissions shall not be considered part of the Bid or resulting Contract, but shall be deemed included for informational or promotional purposes only." |
| 28 | Attachment 1 – *NYS Pricing* | Attachment 1 – *NYS Pricing* | How do I add additional rows to my Pricing spreadsheet? | Bidders cannot add additional rows. If Bidders require additional space to list their Products, they may duplicate the appropriate Pricing spreadsheet (i.e. "Lot 1 OR Lot 2 Product Pricing" or "Lot 3 Product Pricing") as many times as necessary to list all their Products. |
| 29 | MWBE & SDVOB Interest in Partnering with Bidders List | MWBE & SDVOB Interest in Partnering with Bidders List | I looked at the MWBE & SDVOB Interest in Partnering with Bidders List that OGS issued for this Solicitation, but it is a very short list. Where can I find additional MWBEs and SDVOBs to partner with for this bid? | Bidders who are interested in finding additional opportunities for partnering with NYS certified MWBEs and SDVOBs for Solicitation 23141 should utilize the following directories:<br><br>NYS MWBE Directory at: https://ny.newnycontracts.com/<br><br>and the<br><br>Directory of New York State Certified Service-Disabled Veteran-Owned Businesses at: https://online.ogs.ny.gov/sdvob/search. |
| **End of Questions** | | | | |