

Appendix C
CONTRACT MODIFICATION REQUEST FORM AND PROCEDURES

The following guidelines are subject to change at the discretion of Procurement Services at any time. A Contract Amendment requires a formally executed document by mutual agreement of the Parties, to be provided by Procurement Services Contract Administrator, after submission and approval of the Contract Modification Form.

- (1) **TYPES OF CONTRACT MODIFICATIONS:** In order to expedite processing of a contract modification, where proposed changes involve more than one category below, each change should be submitted to OGS as a separate request.
 - a) **UPDATES:** “Updates” are changes that do not require a change to the established Centralized Contract terms and conditions. For a list of Updates, please see Section III.1 of this document.
 - b) **AMENDMENTS INVOLVING PERIODIC RECRUITMENT (“Amendment”):** “Amendments are for 1) a Change in Lots Awarded, 2) a Change in the Regions Awarded, 3) an agreement by an existing Contractor to new terms and conditions either issued **as part of a Periodic Recruitment** or by Procurement Services in accordance with §6.8 *Contract Update Procedures*. The change in Lots or Regions **can only occur at the time of Periodic Recruitment**. The process for submitting and processing Amendments Involving Periodic Recruitment will be included in the Periodic Recruitment version of Solicitation 23150. Procurement Services will work directly with the Contractor to obtain the required documentation for each requested amendment and notify Contractor in writing if approved.

- (2) **CONTRACTOR’S SUBMISSION OF CONTRACT MODIFICATIONS:** In connection with any Contract modification, Procurement Services reserves the right to:
 - request additional information
 - reject Contract modifications
 - remove Equipment from Contract modification requests
 - request additional discounts for new or existing Equipment

- (3) **PRICE LEVEL JUSTIFICATION – FORMAT:** Contractor is required to submit the Equipment and price level information for the update in an Excel spreadsheet format electronically via e-mail (and in hard copy if requested by Procurement Services) to the Procurement Services Contract Administrator. The list must be dated. The Product and price level information should include and identify (e.g., by use of separate worksheets or by using italics, bold and/or color fonts):
 - Price level increases
 - Price level decreases
 - Equipment being added

- (4) **SUPPORTING DOCUMENTATION:** Each modification request must include the current contract pricing discount relevant to the Products included in the update.

- (5) **SUBMITTAL OF MODIFICATION REQUESTS:** A Contract modification request must be accompanied by a completed Contract Modification Form. Contractor should briefly describe the nature and purpose of the update (e.g., update requested in order to reflect a recently approved GSA schedule, to restructure the price level to its customers generally, and/or for new Products which fall into a new group or category that did not exist at the time of approval of the Contract by OGS). The Contract Modification Form must contain original signatures by an individual authorized to sign on behalf of Contractor and must be notarized.

- (6) **POSTING OF APPROVED PRICING**
All Approved updated Pricing will be published on the OGS Website and may be reviewed by Procurement Services at any time.

CONTRACT MODIFICATION REQUEST FORM

The Contract modification request must be accompanied by the relevant current contract pricing discount information.

CONTRACT MODIFICATION FORM	
OGS CONTRACT NO.: _____	DATE OF SUBMISSION: _____
CONTRACT DESCRIPTION: Intelligent Facility and Security Systems and Solutions	
Contractor Name: _____	
CONTRACT PERIOD: From: _____	CONTRACTOR CONTACT: NAME: _____
To: _____	PHONE NO: _____
	E-MAIL: _____
NOTE: Submission of this FORM does not constitute acceptance by the State of New York until approved by the appropriate New York State representative(s).	

COMPLETE STATEMENTS 1 THROUGH 5 BELOW:

COMPLETE STATEMENTS 1 THROUGH 6 BELOW:

1. This request is an: 1a. <input type="checkbox"/> Update 1b. <input type="checkbox"/> Amendment See contract for an explanation of these terms.	2. The intent of this submittal is to: <input type="checkbox"/> Add new Equipment <input type="checkbox"/> Delete Equipment <input type="checkbox"/> Adding new Product Line(s) <input type="checkbox"/> Deleting Existing Product Line(s) <input type="checkbox"/> Increase/Reduce Pricing <input type="checkbox"/> Add/delete Job Titles & Labor Rates <input type="checkbox"/> Update Dealer List
3. In the event of a Periodic Recruitment, a Contractor may propose the following: <input type="checkbox"/> Change Lots <input type="checkbox"/> Add Regions <input type="checkbox"/> Update Terms	
4. All terms and conditions of the Contract Must apply to this request. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree	5. All discounts (and where applicable markups) as agreed to in the Contract Must apply. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree
6. All Percent (%) Discounts and (where applicable Percent (%) Markups or other Not-To-Exceed Pricing) are: <input type="checkbox"/> GSA <input type="checkbox"/> Most Favored Nation* <input type="checkbox"/> Other (Provide Explanation) *Prices offered are the lowest offered to any similarly situated entity.	7. Attached documentation includes: <input type="checkbox"/> Current approved GSA (labeled "For information only") <input type="checkbox"/> Manufacturer's/Distributor's Published Pricing List with List Price/MSRP (" List Price/MSRP File ") (labeled "For information only") <input type="checkbox"/> Revised NYS Net Pricing Pages

The following ACKNOWLEDGEMENT statement must be signed by an individual authorized to sign on behalf of Contractor for the modification being requested in this Contract Modification document. The authorized vendor representative’s signature must be notarized.

Signature of Authorized Vendor Representative:

<p>CORPORATE ACKNOWLEDGMENT</p> <p>STATE OF }: _____</p> <p style="text-align: center;">ss.:</p> <p>COUNTY OF }: _____</p> <p>On the ____ day of _____ in the year 20__, before me personally came: _____, to me known, who, being by me duly sworn, did depose and say that he/she/they reside(s) in _____; that he/she/they is (are) _____ (the President, Authorized Vendor Representative, or other officer or director or attorney in fact duly appointed) of _____, the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by authority of the board of directors of said corporation.</p> <p>_____</p> <p>Notary Public</p>
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FOR STATE USE ONLY		
OGS APPROVAL:		
Approved _____	Approved as amended* _____	Disapproved* _____
*OGS Amendment/Comments: _____		
Name: _____		
Title: _____		
Date _____		

INTELLIGENT FACILITY & SECURITY SYSTEMS AND SOLUTIONS

CONTRACT UPDATE PROCEDURES

Group: 77201

Award: 23150

**NYS Office of General Services
Procurement Services**

Contact:

Michael DeCicco
518-474-3562
Email: Michael.Decicco@ogs.ny.gov

Joseph Better
518-474-7101
Email: Joseph.better@ogs.ny.gov

I. OVERVIEW:

1. This Attachment is Supplemental to, but does not supplant, Section 6.8 of Solicitation 23150 which forms the basis of This Award.
2. All Contract updates Shall be processed in accordance with these procedures.
3. Any Product Lines, Job Titles, etc. added to the Contract after award Shall be subject to the provisions of Appendix B, *Pricing*, §3.11.1 Reasonableness of Price, and §6 *Terms and Conditions*.
4. Procurement Services reserves the right to revise this document at any time.

II. DEFINITIONS:

As used in this document, the following terms mean the following:

1. **Day** for purposes of this Attachment, means a Business Day as defined in Attachment 15 - *Glossary of Terms*.
2. **Description of Duties** – See Attachment 1 – *NYS Net Pricing Pages*.
3. **Distributor’s Certificate (Dist. Cert.)** means Attachment 12 - *Lot 1 Distributor’s Certificate*.
4. **Distributor’s Guarantee (Dist. Guar.)** means Attachment 14 - *Lot 2 Distributor’s Guarantee*.
5. **Existing Distributor** means a Distributor which has previously executed a Distributor’s Guarantee or Distributor’s Certificate for a centralized Contract (PT-----).
6. **Existing Job Title** means a Job Title which a Contractor has previously submitted to and received approval from Procurement Services to offer this on its centralized Contract (PT-----). A Job Title is NOT an “Existing Job Title” for Contractor A if the Job Title is only offered on Contractor B’s Contract NYS Net Pricing Pages.
7. **Existing Product Line** means a Product Line which a Contractor has previously submitted to and received approval from Procurement Services to offer this on its centralized Contract (PT-----). A Product Line is NOT an “Existing Product Line” for Contractor A if the Product Line is only offered on Contractor B’s Contract NYS Net Pricing Pages.
8. **Manufacturer Certificate (Cert.)** means Attachment 11 - *Lot 1 Manufacturer’s Certificate*.
9. **Manufacturer’s Guarantee (Mfr.’s Guar.)** means Attachment 13 – *Lot 2 Manufacturer’s Guarantee*.
10. **Minor Update Request** means either:
 - A. The addition, to an Existing Product Line(s) on a Contract, of no more than 30 line items which fit the scope of This Award, or
 - B. The addition of up to Two (2) Dealers to a Lot 1 Equipment Only Contract.
11. **New Distributor** means a Distributor which has not previously executed a Distributor’s Guarantee or Distributor’s Certificate for a centralized contract (PT-----).
12. **New Product Line** means a Product Line which is not an approved Product Line on a particular contract (e.g. contract PT-----). Even if another Contractor offers this Product Line, whenever another Contractor requests to add this to their contract, it is a “new product line.”

- 13. New Job Title** means a Job Title, Description of Duties, and Total Hourly Rate which is not an approved labor rate on a particular contract (e.g. contract PT-----). Even if another contractor offers this labor, whenever another Contractor requests to add this to their Contract, it is a “New.”
- 14. Newly-Developed Job Title** means a Job Title which was not included in Attachment 1 – *NYS Net Pricing Pages* issued with Solicitation 23150.
- 15. Previously Established Job Title** means either:
- A. A Job Title which was included in Attachment 1 – *NYS Net Pricing Pages* issued with Solicitation 23150 (e.g. Electrician/Electrical Installer, Technician, Steamfitter, etc.), or
 - B. After Contract Award, a Newly-Developed Job Title which Procurement Services has previously approved under This Award and is listed in at least One (1) Contractor’s NYS Net Pricing Pages on the OGS website.
- 16. “Receive”** means:
- A. That a Contractor transmits, in accordance with the instructions in this document, a Contract Update Request or Minor Update Request to Procurement Services (the individuals identified in this Attachment), **and**
 - B. The Contractor has submitted this Contract Update Request or Minor Update Request during a time period where, in accordance with this Attachment, the Contractor is permitted to submit such a Contract Update Request or Minor Update Request.

Please see Attachment 15 – *Glossary of Terms* **and Attachment 1 – NYS Net Pricing Pages, Definitions tab for all other definitions.**

III. OVERVIEW OF UPDATES:

1. Below is a table listing the various types of Updates:

Action	Additional Notes
Update existing Product Line: 1. Add new Equipment 2. Deleting discontinued Equipment 3. Updating (increasing or decreasing) NYS Net Pricing (except for Custom-Built Equipment NYS Net Pricing) based on updates to the List Price/MSRP and maintaining the Contractually-Approved Percent (%) Discount Structure From List Price/MSRP	This refers to an Existing Product Line on a particular Contractor’s Contract. The “Pricing” only refers to the “List Price/MSRP” and corresponding NYS Net Pricing for Equipment.
For Contractors awarded Lot 2, update Custom-Built Equipment.	This involves the addition, deletion, or pricing updates for Custom-Built Equipment.
For Contractor awarded Lot 1 or Lot 2, adding a new Product Line(s) or removing an existing Product Line(s)	This involves the addition or deletion of a Product Line(s) to the Contract (e.g. adding or removing Pelco). For Lot 2, where the Product Line(s) is for a System not currently offered on the Contractor’s contract, the Contractor must also add the corresponding Job Title(s).
For Contractors awarded Lot 2, adding or removing: 1. Job Title(s), 2. Subcontractor Percent (%) Markups, or which fit the scope of This Award.	This involves the additional or deletion of Job Title (and the accompanying Description of Duties, Total Hourly Rates, etc.), Subcontractor Categories, and a Subcontractor Percent (%) Markup.
For Contractors awarded Lot 2, updating (increasing/decreasing) the Total Hourly Rates for either: 1. Job Titles Included in n NYS DOL Prevailing Wage Rate Schedule;	For Item # 1, OGS will perform this automatically. Items 2 and 3 both require OGS” approval before they become effective.

Action	Additional Notes
2. Job Titles Not Included in an NYS DOL Prevailing Wage Rate Schedule but on the Contractor's GSA Schedule; or 3. If neither A or B (and for increases only), based on either the Core CPI, or 2%, whichever is less, on the anniversary(s) of Contract award.	
For Contractors ONLY awarded Lot 1 Equipment only, adding or removing Dealers	This only applies to Contractors only awarded Lot 1 Equipment Only. A Contractor awarded a contract as a result of this Solicitation cannot be a Dealer on another contract awarded as a result of this Solicitation.
For Contractors awarded Lot 2, adding or removing: 1. Job Title(s), 2. Subcontractor Percent (%) Markups, or which fit the scope of This Award.	This involves the additional or deletion of Job Title (and the accompanying Description of Duties, Total Hourly Rates, etc.), and a Subcontractor Percent (%) Markup.

2. ALL Updates and Amendments MUST be approved by Procurement Services.
3. Amendments Involving Periodic Recruitment can only occur at the time of the issuance of a Periodic Recruitment.
4. Contractors are responsible for working with Procurement Services to ensure their Contract pricing information is current. All Contractors have been forwarded a copy of their NYS Net Pricing Pages as unprotected excel in the format of 7720123150PL_(name & date). For all future updates, this spreadsheet will be the basis of Contractor's request
5. Contractors Must ensure all required information is provided in the format prescribed by Procurement Services:
6. Procurement Services requires that Contractors submit Updates quarterly (three months from the date of Procurement Services' approving the Contractor's previous Update request.)
7. However, Procurement Services also understands that there May be cases where a Contractor needs to make a Minor Update to fulfill an immediate Authorized User need. Contractors Must have the Authorized User email/call Procurement Services the Minor Update is to address an immediate need of the Authorized User.
8. Any Update request, apart the Minor Updates described in Sec. III.7, submitted less than three (3) months after Procurement Services notifies the contractor of the approval of the contractor's previous Update will not be accepted and deemed invalid.
9. Where a Contractor submits two (2) Minor Update requests within a three (3) calendar month period, the Bidder will not be permitted to submit any Auto Add Updates for three (3) months from the date of Procurement Services approving the second Minor Update.
10. Please be advised, Contractors may submit an Update request, but this does not mean the Contract update request is approved.
11. Contractors Must plan and ensure Procurement Services receives adequate lead time. Sec. IV of this document details Procurement Services' anticipated timeframes for processing Update requests.
12. Updates will generally be processed in the order they are received. Procurement Services will expedite Updates requests only based on a direct (either email or phone call) Authorized User request to Procurement Services.

IV. ESTABLISH AND MAINTAIN PRICING:

1. Contractually-Approved Percent (%) Discount Structure From List Price/MSRP
 - A. Any Contractually-Approved Percent (%) Discount Structure From List Price/MSRP which is either:
 - i. Awarded as a result of a Bidder's proposal submitted in response to this Solicitation, or
 - ii. Added/approved by Procurement Services **in accordance with the procedures specified in this Appendix,**

Must not, once approved by Procurement Services, be reduced for the Term of the Contract under any circumstances.
 - B. If a Contractor states it can no longer honor the Contractually-Approved Percent (%) Discount Structure From List Price/MSRP, the Contractor Must:
 - i. Request Procurement Services remove this Product Line or Product Line Subcategory from its NYS Net Pricing Pages, and
 - ii. Confirm in Writing that if in the future the Contractor requests to add this Product Line or Product Line Subcategory back onto its contract, it Must offer NYS at least equal to, or better Percent (%) Discount(s) for the Product Line or Product Line Subcategory than the Contractually-Approved Percent (%) Discount Structure From List Price/MSRP.
2. Contractually-Approved Percent (%) Markup Structure Over the Prevailing Wage Rate and Supplemental Benefits:
 - A. Any Contractually-Approved Percent (%) Markup Structure Over the Prevailing Wage Rate and Supplemental Benefit which is either:
 - i. Awarded/Approved as a result of a Bidder's proposal submitted in response to this Solicitation, or
 - ii. Added/approved by Procurement Services **in accordance with the procedures specified in this Appendix,**

Must not, once approved, be increased for the **Term of the Contract** under any circumstances.
 - B. If a Contractor states it can no longer honor the Contractually-Approved Percent (%) Markup Structure Over the Prevailing Wage Rate and Supplemental Benefit, it Must:
 - i. Request Procurement Services remove this Job Title from its NYS Net Pricing Pages, and
 - ii. Confirm in Writing that if in the future the Contractor requests to add this Product Line back onto its Contract, it Must offer NYS at least equal to, or lower Contractually-Approved Percent (%) Markup Structure Over the Prevailing Wage Rate and Supplemental Benefit.
3. **All Custom-Built Equipment NYS Net Pricing May only be increased annually on the anniversary of the date of initial Award by Core CPI or 2%, whichever is less.**
4. **All Job Titles Not Included in an NYS DOL Prevailing Wage Rate Schedule but which are included on a Contractor's GSA Contract May be updated based on updates to the Contractor's GSA Contract less the industrial funding fee (IFF).**
5. **All Job Titles Not Included in an NYS DOL Prevailing Wage Rate Schedule and not listed on a Contractor's GSA contract May only be increased annually on the anniversary of the date of initial Award by Core CPI or 2%, whichever is less.**
6. **All Central Station Monitoring Fees May only be increased annually on the anniversary of the date of initial Award by Core CPI or 2%, whichever is less.**
7. **Any Subcontractor Percent (%) Markup which is either:**
 - A. **Awarded/Approved as a result of a Bidder's proposal submitted in response to this Solicitation, or**

B. Added/approved by Procurement Services procedures specified this Appendix,

Must not, once approved, be increased for the Term of the Contract under any circumstances.

8. All Not-To-Exceed Pricing Must not include industrial funding fees (IFF) or other contract administration or use fees
9. Changes in other Government or Comparable contracts (e.g. GSA Contracts), Must not be used to:
 - A. Reduce the Contractually-Approved Percent (%) Discount Structure From List Price/MSRP, or
 - B. Increase the Contractually-Approved Percent (%) Markup Structure Over the Prevailing Wage Rate and Supplemental Benefit
10. Procurement Services WILL not approve any Update or Amendment submitted by a Contractor which requests to either Reduce a Contractually-Approved Percent (%) Discount Structure from List Price/MSRP or Increase a Contractually-Approved Percent (%) Markup Structure Over the Prevailing Wage Rate and Supplemental Benefit.

V. PROCESSING REQUIREMENTS AND TIMEFRAMES FOR UPDATES:

1. When a Contractor submits an Update request, Procurement Services will review this within 30 days of receipt by Procurement Services. If Procurement Services determines there are issues with the Update request, Procurement Services will email questions to the Contractor and require the Contractor respond by providing the required information in a complete, accurate, and acceptable form within 15 days.
2. If, after 15 days;
 - A. The Contractor does not respond to Procurement Services by providing the required information, Procurement Services will deny the Update Request and notify the Contractor that the Update request; or
 - B. If the Contractor responds by providing information, Procurement Services will review this within 30 days of receipt to determine if Contractor provided the required information in a complete, accurate, and acceptable form.
3. If during the review conducted described in Sec. 2B Procurement Services determines that the Contractor did not provide the complete, accurate, and unacceptable information as required by Procurement Services, Procurement Services will email questions to the Contractor and require the Contractor respond by providing the required information in a complete, accurate, and acceptable form within 15 days.
4. If, after 15 days;
 - A. The Contractor does not respond to Procurement Services by providing the required information, Procurement Services will notify the Contractor that the Update request is denied; or
 - B. If the Contractor responds by providing information, Procurement Services will review this within 30 days of receipt to determine if Contractor provided the required information in a complete, accurate, and acceptable form, provided, that if Procurement Services determines that the Contractor did not provide the complete, accurate, and acceptable required information, Procurement Services will deny the Update request.
5. Any Contractor whose Update request is denied is not be permitted to submit an Update request until three months after the date of Procurement Services' notification of denial of the Update request.
6. During the review, the Update IS NOT approved. Therefore, Contractors cannot reference any proposed update to Authorized Users.
7. During a Periodic Recruitment, the timeframe for Procurement Services' review listed in Items 1, 2B, and 4B above Shall be 90 days from the date of receipt by Procurement Services.

VI. SUBMISSION REQUIREMENTS FOR AMENDMENTS INVOLVING PERIODIC RECRUITMENT:

The process for submitting and processing Amendments Involving Periodic Recruitment will be included in the Periodic Recruitment version of Solicitation 23150.

VII. SPECIFIC UPDATE SUBMISSION REQUIREMENTS:

Contractors are responsible for ensuring the submission of timely, accurate, and allowable Update request. The following table on Page 10 of this document lists the required documents Contractors must submit to Procurement Services as part of an Update:

Action	Contract Modification Request Form	Cover Letter	Mfr. Or Dist. Published Price List with List Price/ MSRP	Revised NYS Net Pricing Pages	Mfr.'s or Dist. Certificate*	Mfr.'s or Dist. Guarantee*	Dealer Proposal Form
For contractors awarded Lot 1 or Lot 2 Updating an existing Product Line: a. Add new Equipment b. Deleting discontinued Equipment c. Updating (increasing or decreasing) Equipment pricing based on changes to the List Price/MSRP-Pricing (and maintaining the Contractually-Approved Percent (%) Discount Structure From List Price/ MSRP)	X	X	X	X			
For Contractor awarded Lot 1 adding New Product Line(s) which fit the scope of This Award or removing an existing Product Line	X	X	X	X	X		
For Contractor awarded Lot 2 adding New Product Line(s) which fit the scope of This Award	X	X	X	X		X	
For Contractors awarded Lot 2 adding or deleting Job Titles (Services) or Subcontractor Percent (%) Markups which fit the scope of This Award	X	X		X			
For Contractors awarded Lot 2 updating Existing Job Titles Not Included in an NYS DOL Prevailing Wage Rate Schedule	X	X		X			
For Contractors ONLY awarded Lot 1 Equipment only, adding or removing a Dealer	X	X					X

*See below Section 3.C and 3.D for additional information as to whether or not (For Lot 1) Manufacturer's/Distributor's Certificates are required and (For Lot 2) Manufacturer's/Distributor's Guarantees are required.

1. Additional Requirements

- A. The Contract Update Request Form (Pages 1 and 2) Must be completed, signed, notarized, and submitted via email.
- B. The cover letter Must be on the Contractor's official corporate letterhead and briefly summarize the nature of the request.

Except where the Contractor is the Manufacturer of a Product Line, for any Contract awarded Lot 1 who is requesting to add a New Product Line Must obtain and provide to Procurement Services either:

- i. An Attachment 11 - Lot 1 Manufacturer's Certificate, or
- ii. Either
 - a. Attachment 12 - Lot 1 Distributor's Certificate from a New Distributor, or

- b. If the Product Line will be certified by an Existing Distributor, use the following to determine what is required to be submitted:

Auto Add Lot 1 Equipment Only	Entity to Guarantee	Is the Product line currently listed on the Distributor’s Guarantee on file with Procurement Services?	Updated Distributors Guarantee Required
New Product Line	Existing Distributor	Yes	No
New Product Line	Existing Distributor	No	Yes

- C. Except where the Contractor is the Manufacturer of a Product Line, any Contractor awarded Lot 2 who is requesting to add a New Product Line Must obtain and provide to Procurement Services either:

- i. An Attachment 13 -- *Lot 2 Manufacturer’s Guarantee* from the Manufacturer of the Product Line, or
- ii. Either:
 - a. If the Product Line will be guaranteed by a New Distributor, an Attachment 14 - *Lot 2 Distributor’s Guarantee*, or
 - a. If the Product Line will be guaranteed by an Existing Distributor, use the following to determine what is required to be submitted:

Update Lot 2	Entity to Guarantee	Is the Product Line currently listed on the Distributor’s Guarantee on file with Procurement Services?	Updated Distributors Guarantee Required?
New Product Line	Existing Distributor	Yes	No
New Product Line	Existing Distributor	No	Yes

- D. For any Update submitted where the Contractor is requesting to add New Product Lines/New Job Titles the Contractor Must establish Reasonableness of price by referencing a comparable contract/customer pricing,

2. Addition (or Deletion) of Systems which requires an NYS Fire Alarm Security System Installer License as required by Law:

Where a Contractor awarded Lot 2 requests to add Systems and the corresponding Job Titles to its Contract which require a license, the Contractor must provide proof to Procurement Services that it possesses an active license in good standing:

Where a Contractor awarded Lot 2 requests to remove Job Titles which are for Systems which require a license, the Contractor must provide proof that it has removed any System/Product Line from its Contract which correspond to this Job Title. The Index of Award for This Award on the OGS website will also be updated to reflect that the Contractor does not offer this System(s), Product Line(s), etc.

3. Pricing Reviews:

In order to ensure a properly completed Pricing Pages, contractors should review their proposed pricing for the following items (as applicable) BEFORE submitting their contract update to OGS. This will allow them to remove or address these items.

- A. Any Contractor either adding a New Product Line or updating an Existing Product Line Must;

- i. Review their proposed NYS Net Pricing Pages for the following terms in their Equipment pricing prior to submission:
 - a. Call for quote

- b. To be determined
 - c. Consult Factory
 - d. Custom Call for Quote
 - e. Custom Call
 - f. N/A
 - g. Value
 - h. Call
 - i. Custom.
- ii. If included in the NYS Net Pricing Pages, determine if the particular line item does not have a NYS Net Price, and
 - iii. If the line item does not have NYS Net Price either:
 - a. Remove the line item, or
 - b. Obtain and insert Exceed NYS Net Price for this line item.
- B. Any Contractor awarded Lot 1 and either adding a New Product Line or updating an Existing Product Lines Must;**
- i. Review their proposed NYS Net Pricing Pages for the following terms in their Equipment pricing prior to submission:
 - a. Web/Web-based
 - b. SaaS
 - c. PaaS
 - d. IaaS
 - e. .Net
 - f. Remote Access
 - g. Hosted
 - h. Cloud.
 - ii. If included in your NYS Net Pricing Pages, determine if this Equipment is Cloud Offerings as defined in Attachment 15 – *Glossary of Terms* Solicitation 23150, and
 - iii. If:
 - a. Yes to ii above, remove these from your NYS Net Pricing Pages, or
 - b. No to ii above, submit a response in your cover letter answering the following questions:
 - 1) Are these items on hardware which is owned and retained by customers (Authorized Users) (Yes or No only)?
 - 2) Are these items behind the customer’s firewall (Yes or No only)?
 - 3) Is any data stored/housed remotely (on non-customer premises) (Yes or No only)?
 - 4) Does/Can any other Third Party “Act on” or “Manage” these items besides the customer (Yes or No Only)? And
 - 5) Is all data transmitted on networks managed by the customer, behind their firewall/Encryption (Yes or No Only)?
- C. Any Contractor who is either adding a New Product Line or updating Existing Product Lines Must:**
- i. Review their proposed NYS Net Pricing pages for the following words which may indicate references to separate Travel Costs and Site Access Costs in their NYS Net Pricing Pages:
 - a. Travel
 - b. Meals
 - c. Lodging
 - d. Per Diem
 - e. Travel & Expenses
 - f. T&E
 - g. Airfare

- h. Mileage
 - i. Site Access.
 - ii. Determine/Verify If these terms are for separate Travel Costs or Site Access Costs, and
 - iii. If
 - a. Yes to ii above, either:
 - 1) Remove the aforementioned language from the corresponding line items, making them inclusive of all Travel Costs and Site Access Costs, or
 - 2) Remove the entire line item from your NYS Net Pricing Pages.
- Or
- b. No to ii above, include an explanation
- D. Any Contractor awarded Lot 1 or Lot 2, who is either adding a new Product Line or updating an existing Product Lines Must;
- i. Review your proposed NYS Net Pricing Pages for the following words which may indicate line items which are for separate shipping charges:
 - a. Shipping
 - b. Handling
 - c. Packaging
 - d. Delivery.
 - ii. Determine/Verify If these line items are either:
 - a. Separate Shipping Charges, or
 - b. Reference Separate Shipping Charges,
 - c. Merely describe some functional/specification aspect of the line item and therefore allowable,

and
 - iii. If
 - a. Yes, to ii.a above, remove the line item from your proposed NYS Net Pricing Pages,
 - b. Yes to ii.b above, remove the reference to separate shipping charges, or
 - c. Yes to ii.c above;
 - 1) List these items in your cover letter, and:
 - 2) Explain how these items are not referencing separate shipping charges/not shipping charges, and
 - 3) Explain how these terms merely describe some functional/specification aspect of the line item and therefore allowable.
- E. Any Contractor awarded Lot 1 Equipment Only which is either adding a New Product Lines or updating an existing Product Lines Must;
- i. Review your proposed NYS Net Pricing Pages prior to submission for the following terms:
 - a. install
 - b. integrat(-e), (-ion)
 - c. service
 - d. implement
 - e. custom
 - f. consult
 - g. maint(-enance), (-ain)
 - h. repair
 - i. replace
 - j. project manager
 - k. commission

- l. professional service
 - m. support.
- ii. If the Contractor locates these terms, determine/verify If these terms are for Services, and
- iii. If:
- a. The Contractor determines these are for Services, remove these line items from their NYS Net Pricing Pages, or
 - b. If these are not Services, the Contractor Must:
 - 1) List these items in your cover letter,
 - 2) Explain how these items are not Services, and
 - 3) Explain how these words merely describe some functional/specification aspect of the line item and therefore allowable.

Please Note; Software Maintenance, Software Support, are all “Maintenance” cannot be offered on Lot 1 Equipment Only Contracts.

- F. Where a Contractor is requesting to add additional Equipment to an existing Product Line, and there are more than four (4) Product Line Subcategories in this Product Line, Procurement Services reserves the right to require the Contractor to provide a spreadsheet detailing:
- i. The new Equipment being added,
 - ii. The existing Equipment being deleted
 - iii. Any existing Equipment whose List Price/MSRP and by extension NYS Net Pricing are being either increased or decreased.
4. Adjustments to Job Titles Not Included in an NYSDOL Prevailing Wage Rate Schedule and Custom-Built Equipment NYS Net Pricing:

Requests for adjustments to Total Hourly Rates for Job Titles Not Included in an NYS DOL Prevailing Wage Rate Schedules or Custom-Built Equipment NYS Net Pricing May be submitted on or after the first anniversary of initial award (and on or after the subsequent anniversaries) utilizing the Update process. These adjustments will be addressed as follows:

- A. For those Job Titles Not Included in an NYS DOL Prevailing Wage Rate Schedule but on the Contractor’s GSA Contract, an increase in the Total Hourly Rate to equal the GSA Contract Hourly Rate less the Industrial Funding Fee; or
 - B. For all other Job Titles Not Included in an NYS DOL Prevailing Wage Rate Schedule and all Custom-Built Equipment NYS Net Pricing, either:
 - i. Core CPI, or
 - ii. 2%
 whichever is less.
5. Addition of Foreman Job Titles:
- A. After award of Contract, Contractors awarded Lot 2 may request to add the following
 - i. Electrician/Electrical Installer Foreman
 - ii. Electrician/Electrical Installer General Foreman
 - iii. Electrical Lineman Foreman
 - iv. Electrical Lineman General Foreman
 - B. Upon request by a Contractor, Procurement Services will:
 - i. Insert the Job Title, Des into the Contractor’s NYS Net Pricing Pages
 - ii. Forward the updated NYS Net Pricing Pages to the Contractor
 - iii. Require the Contractor to submit to Procurement Services proposed NYS Net Pricing Pages with:
 - a. A proposed Percent (%) Markup

- b. The portion of the applicable collective bargaining agreements
 - c. A proposed comparable contract/customer name,
 - d. A comparable contract/customer hourly rate
- iv. Forward this information to Procurement Services along with any other required documentation.
 - v. Procurement Services will then review this information in accordance with the Procedures outlined in Section IV of this document.
- C. The proposed Percent (%) Markups:
- i. For the Electrician/Electrical Installer Foreman and Electrician/Electrical Installer General Foreman cannot exceed the Contractually-Approved Percent (%) Markup Structure Over the Prevailing Wage Rate and Supplemental Benefits for the Electrician/Electrical Installer Job Title on the Contractor's NYS Net Pricing Pages, and
 - ii. For the Electrician Lineman Foreman and Electrician Lineman General Foreman cannot exceed the Contractually-Approved Percent (%) Markup Structure Over the Prevailing Wage Rate and Supplemental Benefits for the Electrician Lineman Job Title on the Contractor's NYS Net Pricing Pages.
6. Reclassification of Job Titles:
- In the event NYS DOL classifies any work/Job Title which is currently not classified as "Public Work" as "Public Work" and publishes Prevailing Wage Rate(s) and Supplemental Benefit(s) for this work/Job Title, Procurement Services Shall develop/utilize and insert:
- 1. Job Title(s)
 - 2. Descriptions of Duties
 - 3. Prevailing Wage Rates
 - 4. Supplemental Benefits
 - 5. Applicable Formulas
- And update all Contractors' NYS Net Pricing Pages by inserting this information into these files and sending each Contractor their updated NYS Net Pricing Pages.
- Each Contractor as part of their next Update Shall insert a proposed Percent (%) Markup for this Job Title into their NYS Net Pricing Pages and submit this to Procurement Services. The Contractor's NYS Net Pricing Pages Shall calculate:
- 1. Total Hourly Rate
 - 2. Overtime Hourly Pay Rate
 - 3. Overtime Total Hourly Rate
 - 4. After Business Hours Hourly Pay Rate
 - 5. After Business Hours Total Hourly Rate
 - 6. Saturday Hourly Pay Rate
 - 7. Saturday Total Hourly Rate
 - 8. Sunday and State Holiday Hourly Pay Rate
 - 9. Sunday and State Holiday Total Hourly Rate
- Contractor Shall be required to demonstrate Reasonableness of Price for this proposed Percent (%) Markup.
- Once approved by Procurement Services, this proposed Percent (%) Markup Shall become the Contractually-Approved Percent (%) Markup Over the Prevailing Wage Rate and Supplemental Benefit. Procurement Services Shall then publish the updated NYS Net Pricing Pages to its website for this Contract.
7. Addition of Newly-Developed Job Titles:

- A. After award of Contract, Contractors awarded Lot 2 or Authorized Users may request Procurement Services Develop Newly-Developed Job Titles for certain work which fits the scope of This Award. Procurement Services May also develop Newly-Developed Job Titles as well.
- B. Upon request by a Contractor, Procurement Services will:
- i. Determine if the Work to be covered by the requested Newly-Developed Job Title:
 - a. Fits the scope of This Award, and
 - b. Is not included in the Description of Duties of any Previously-Established Job Titles
 - ii. If yes to both questions VII.2.B.i.a and VII.2.B.i.b, then Procurement Services Shall develop/approve a Newly-Developed Job Title and associated information.
 - iii. Insert this Job Title and all associated information into the Contractor’s NYS Net Pricing Pages
 - iv. Forward the updated NYS Net Pricing Pages to the Contractor and
 - v. Require the Contractor to submit to Procurement Services proposed NYS Net Pricing Pages with:
 - a. A proposed Percent (%) Markup
 - b. The portion of the applicable collective bargaining agreements listing the foreman rate(s)
 - c. A proposed comparable contract/customer name, and
 - d. A comparable contract/customer hourly rate
 - vi. Upon Receipt of Contractor’s proposed NYS Net Pricing Pages, Procurement Services will then review this information in accordance with the procedures outlined in Section IV of this document.
 - vii. Once this Newly-Developed Job Title has been approved by Procurement Services for one (1) Contractor, if any other Contractor requests to add this Job Title to their Contract, Procurement Services Shall resume VII.2.B.iii
- C. Procurement Services will not allow the addition of Newly-Added Job Titles which overlap with Previously Established Job Title. For example, Procurement Services will not add a “Network Engineer” Job Title as the Description of Duties which would be associated with this are included in the Description of Duties for the Technician Job Title.

Final determination for whether a proposed Newly-Developed Job Title overlaps with a Previously Established Job Title resides solely with Procurement Services.

8. Deferred/Installment Payment Option:

Contractors who wish to offer Deferred/Installment Payment options Must submit Update requests to Procurement Services to add the following for the Equipment in their NYS Net Pricing Pages:

- A. The NYS Net Pricing for the Equipment,
- B. The Price Per month,
- C. The fixed percentage/rate of interest per month,
- D. The price of the interest per month,
- E. The sum of the price per month and the interest price per month,
- F. The number of months for which interest will be charged,
- G. The total price of the Equipment (multiplying the sum price by the number of months), and
- H. The difference between the Total Price of the Equipment and the NYS Net Pricing. Contractors will need

9. Update to Job Titles Included in an NYS DOL Prevailing Wage Rate Schedule

Whenever an updated Prevailing Wage Rate and Supplemental Benefit is published by NYS DOL and becomes effective, Procurement Services Shall update all Contractors’ Total Hourly Rates for Job Titles Included in an NYS DOL Prevailing Wage Rate Schedule by inserting the updated Prevailing Wage Rate and Supplemental Benefit rates into the Contractor’s NYS Net Pricing Pages. The formulas in the NYS Net Pricing Pages will calculate the updated:

- A. Total Hourly Rate
- B. Overtime Hourly Pay Rate
- C. Overtime Total Hourly Rate
- D. After Business Hours Hourly Pay Rate

- E. After Business Hours Total Hourly Rate
- F. Saturday Hourly Pay Rate
- G. Saturday Total Hourly Rate
- H. Sunday and State Holiday Hourly Pay Rate
- I. Sunday and State Holiday Total Hourly Rate

Procurement Services will publish these updated NYS Net Pricing Pages on its Website.

10. Removal of Job Titles for a Particular System:

Wherever a Contractor awarded Lot 2 requests to remove a Job Title from their contract for a particular System, once approved, the contractor is no longer permitted to perform any Services/work on the particular System. The Index of Award for This Award will be updated to reflect that the Contractor does not offer this System(s), Product Line, etc.