

CLARIFICATION OF ROUND 1 Q&A REPNSES

Response # 189 in the First Round of Inquiries and Responses is deleted in its entirety and replaced with the following:

OGS will not accept any changes to the Terms and Conditions of Solicitation 23150 and any resulting Contract.

Procurement Services will not review, approve or post any Software License Agreements under This Award. Therefore, Bidders/Contractors should not submit Software License Agreements to OGS.

Procurement Services has removed the revision to Solicitation §6.8 *Contact Update Procedures* by removing the following:

~~Contractors May submit Software License Agreements which comply with the Terms and Conditions of This Award to Procurement Services for review, approval, and posting on the OGS Website, Contractors and Authorized Users Must not agree to any Software License Agreement until it has been approved by Procurement Services and posted on the OGS Website.~~

~~Procurement Services will reject any proposed Software License Agreement which does not comply with the Terms and Conditions of This Award.~~

Additionally, responses 101-106, and 167-169 in the First Round of Inquiries and Responses are deleted in their entirety and replaced with the responses beginning on Page 50 of this document:

#	Document	Section	Inquiry	OGS response
1	Solicitation Main Document	1.2 Scope	Does the scope for solicitation # 23150, Group 77201, when it pertains to fire pump systems, and fire sprinkler/fire suppression systems include mechanical work? I.E. modifications, maintenance and repairs to fire sprinkler piping, valves, fittings, sprinkler heads, etc. usually done by pipe fitters.	Yes, please see the revised definitions of "Fire Sprinkler System" and "Fire Pump System" in Attachment 15 - Glossary of Terms. Please see the Description of Duties for the Sprinkler Fitter Job Titles in Attachment 1 - NYS Net Pricing Pages, Labor Rates:
2	Solicitation Main Document	1.1 Scope	Have the Lot classifications changed? We had previous bid under Lot 3 (Product, Installation, Systems Integration, and Maintenance), what would be our Lot classification now?	Per Solicitation §1.2 Scope: <i>The Solicitation consists of the following Lots.</i> <i>LOT 1: Equipment Only</i> <i>LOT 2: Systems & Solutions (Equipment, Installation, Integration, and Maintenance)</i> If you wish to Bid to be awarded a Contract for Equipment, Installation, Integration, and Maintenance, you Must Bid Lot 2.
3	Solicitation Main Document	1.2 Scope	Regarding the definition of "equipment", does software, offered for sale on its own, to operate and enhance operation of a piece of equipment sold under the IFSSS contract, qualify for sale under Lot 1 as a piece of equipment?	Yes, provided this software meets the following requirement of Solicitation §1.2 Scope: <i>Any Equipment or Service that does not directly relate to the provision of an Intelligent Facility and Security System and Solution is prohibited.</i>
4	Solicitation Main Document	1.2 Scope	Our solutions for CCTV Surveillance Camera Systems includes wireless devices, we have read Attachment 15- Glossary of Terms under "equipment", but would like clarification on whether or not these items should be included in this bid.	Yes, provided these wireless devices meets the following requirement of Solicitation §1.2 Scope: <i>Any Equipment or Service that does not directly relate to the provision of an Intelligent Facility and Security System and Solution is prohibited.</i>
5	Solicitation Main Document	1.2 Scope	I have several Contractors that are asking me to share my list pricing with them, and complete paperwork in accordance with Solicitation 23150. A) It appears that I can do that with multiple contractors. B). What if I do with one of them, but another contractor wins the job and wants me to supply them with [Equipment]?	A) Per Solicitation §1.1 Overview, this is a multiple award solicitation. The Solicitation does not place a limit on the number of bidders who may offer the same Manufacturers or Product Lines. B) See §2, <i>Bidder Qualifications</i> and Attachment 15 - <i>Glossary of Terms</i> for the definition of Integrator.

#	Document	Section	Inquiry	OGS response
6	Solicitation Main Document	1.2 Scope	<p>1) As a vendor, we would like to offer our full product solution for Public Safety under one contract for the convenience of NY customers. NY OGS answered for Solicitation 23150 Round 1 Questions under #16 that Radio Dispatch was not within the scope of the Security contract and should be under Solicitation 23141 Lot 2.</p> <p>2) Is A) 9-1-1 Call Taking, B) Computer Aided Dispatch, and C) Fire Station Alerting within the scope of Solicitation 23141 Lot 2 as well?</p>	<p>1) The purpose of this document is not to answer questions related to Solicitation 23141. Please follow the Question and Answer procedures found in Solicitation 23141. For more information, please see the following link: https://ogs.ny.gov/procurement/bid-document-files-public-safety-communications-equipment-and-services-two-way-radios</p> <p>2) The scope of Solicitation 23150 is limited to the 28 systems and related equipment listed in Solicitation §1.2 <i>Scope</i>, and Attachment 15 - <i>Glossary of Terms</i> for accompanying definitions.</p> <p>A) 9-1-1 Call Taking systems do not fit the scope of Solicitation 23150.</p> <p>B) Per Solicitation §1.2 <i>Scope</i> "Computer Aided Dispatch Systems" as defined in Attachment 15 - <i>Glossary of Terms</i> fit the scope of Solicitation 23150.</p> <p>C) Per Solicitation §1.2 <i>Scope</i> "Fire Station Alerting Systems" as defined in Attachment 15 - <i>Glossary of Terms</i> fit the scope of Solicitation 23150.</p>
7	Solicitation Main Document	1.2 Scope	<p>Our product is capable of providing solutions to multiple systems. What is the process to be included for consideration of multiple systems? Are we to call out specific systems in our bid, if so where? Or does NYS OGS determine where our solutions fit?</p>	<p>Per Solicitation §1.2 <i>Scope</i>, Contracts will be awarded on the basis of Lots and Regions. OGS will determine if Equipment/Product Lines bid meet the Scope of Solicitation 23150, using the list of 28 Systems in Solicitation §1.2 <i>Scope</i> as well as the definitions within Attachment 15 - <i>Glossary of Terms</i>.</p>
8	Solicitation Main Document	1.2 Scope	<p>If we originally told the NYS OGS we were going to Bid Lot 2 but have found the cost to provide the additional required insurances to be too cost prohibitive can we now bid Lot 1? If so, is there any other notification we need to provide to do so?</p>	<p>There is no requirement for an intent to bid. Pursuant to Solicitation §1, <i>Introduction</i> and Solicitation §5.1 <i>Method of Award</i>, Procurement Services will evaluate and make awards based on the final Proposal submitted to Procurement Services by the Bidder prior to the Bid opening date.</p>

#	Document	Section	Inquiry	OGS response
9	Solicitation Main Document	1.2 Scope	<p>"Bidders Must offer either an entire Product Line, or all Product Subcategories of a Product Line which fit the Scope of this Solicitation and any resulting Contract by including all items from these into the applicable Equipment Pricing tab in Attachment 1 NYS Net Pricing." President Trump banned Hikvision and Dahua from sales to US federal agencies. There is a Manufacturer list of OEM that use Hikvision and Dahua. Can we delete the camera and video related product from these MSRP and list their remaining unbanned product?</p>	<p>No, Per Attachment 1 – <i>NYS Net Pricing Pages, Cover Page</i> tab: <i>Bidders Must offer either an entire Product Line, or all Product Subcategories of a Product Line which fit the Scope of this Solicitation and any resulting Contract by including all items from these into the applicable Equipment Pricing tab in Attachment 1 NYS Net Pricing. Any Product Subcategory or portion of a Product Line which does not fit the scope of this Solicitation and any resulting Contract Must not be offered and will not be included in any award.</i></p> <p>Purchases will be made in accordance with Solicitation §6.3 <i>Procurement Instructions for Authorized Users</i> and Attachment 16 - <i>How To Use</i>.</p>
10	Solicitation Main Document	1.2 Scope	<p>The Federal Government has banned the use of Hikvision, Dahua and all derivative OEM's from federal buildings. Reference: National Defense Authorization Act (NDAA) signed into law (Public Law: 115-232) on 8/13/18. Does this apply to products specified in this Bid?</p>	<p>No, Per Attachment 1 – <i>NYS Net Pricing Pages, Cover Page</i> tab: <i>Bidders Must offer either an entire Product Line, or all Product Subcategories of a Product Line which fit the Scope of this Solicitation and any resulting Contract by including all items from these into the applicable Equipment Pricing tab in Attachment 1 NYS Net Pricing. Any Product Subcategory or portion of a Product Line which does not fit the scope of this Solicitation and any resulting Contract Must not be offered and will not be included in any award.</i></p> <p>Purchases will be made in accordance with Solicitation §6.3 <i>Procurement Instructions for Authorized Users</i> and Attachment 16 - <i>How To Use</i>.</p>
11	General	1.2 Scope	<p>When is the OGS to provide guidance to Question, Responses advised on the impact of requirements under domestic sourcing (Ex: Buy American Act) will this be available?</p>	<p>Authorized Users will identify any applicable requirements, including domestic sourcing, at the time of transaction. See Attachment 16 - <i>How To Use</i>.</p>
12	Solicitation Main Document	1.2 Scope	<p>Can you please clarify if there are any domestic sourcing requirements [sic] (i.e. Buy American Act or Trade Agreement Act) required for products supplied via this contract?</p>	<p>Authorized Users will identify any applicable requirements, including domestic sourcing, at the time of transaction. See Attachment 16 – <i>How To Use</i>.</p>

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13	Solicitation Main Document	1.2 Scope	Can you please clarify the requirements for domestic sourcing for product to be included on this contract (i.e. Buy American Act, Trade Agreement Act (examples for Federal contracts)	Authorized Users will identify any applicable requirements, including domestic sourcing, at the time of transaction. See Attachment 16 – <i>How To Use</i> .
14	Solicitation Main Document	1.2 Scope	Can you please clarify if there are any domestic sourcing requirements (i.e. Buy American Act or Trade Agreement Act) required for products supplied via this contract?	Authorized Users will identify any applicable requirements, including domestic sourcing, at the time of transaction. See Attachment 16 – <i>How To Use</i> .
15	Solicitation Main Document	1.2 Scope	3. Will NY OGS consider allowing Vendors the option of including their full price book upon award in any given category?	No, the scope of the Solicitation is limited to the 28 systems and related equipment listed in Solicitation §1.2 <i>Scope</i> , and Attachment 15- <i>Glossary of Terms</i> for accompanying definitions. Actual purchases will be determined by the needs of Authorized Users. Per Attachment 1 – <i>NYS Net Pricing Pages, Cover Page</i> tab: <i>Bidders Must offer either an entire Product Line, or all Product Subcategories of a Product Line which fit the Scope of this Solicitation and any resulting Contract by including all items from these into the applicable Equipment Pricing tab in Attachment 1 NYS Net Pricing. Any Product Subcategory or portion of a Product Line which does not fit the scope of this Solicitation and any resulting Contract Must not be offered and will not be included in any award.</i>
16	Solicitation Main Document	1.2 Scope	In section 1.2 of the solicitation, it lists the various systems that are included on the scope of this contract. Emergency Management Systems is listed but there is not a definition in Attachment 15 Glossary. Is the definition somewhere else?	Procurement Services apologizes for this oversight. This was incorrectly listed in the Scope. We have removed this from Solicitation §1.2 <i>Scope</i> .

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17	Solicitation Main Document	1.2 Scope	<p>QUESTION: Round 1 Question #33 inquires if CCTV equipment is limited to Fixed Site Application. Follow up question is: If mobile bus and or mobile train car surveillance camera video is stored locally on the bus/train via NVR then downloaded automatically via wireless mesh daily (via schedule) using the closed network WIFI dedicated to the fixed onsite surveillance system, would this solution be considered acceptable? The mobile surveillance video would only be accessible by the operator via the fixed site system application after automatic download, hence making this solution an extension of the fixed site application.</p>	<p>No, these items are not within the scope of the Solicitation. The scope of the Solicitation is limited to the 28 systems and related equipment listed in Solicitation §1.2 Scope, and Attachment 15 - <i>Glossary of Terms</i> for accompanying definitions.</p> <p>Vendors offering Equipment/Services that do not fit the Scope of Solicitation 23150 should continue to monitor the NYSCR (https://www.nyscr.ny.gov/) for future opportunities.</p>
18	Solicitation Main Document	1.2 Scope	<p>Are sUAS(drones) being considered under Surveillance Camera Systems or Traffic and Transportation CCTV/Surveillance and Monitoring Systems for this contract?</p>	<p>No, these items are not within the scope of the Solicitation. The scope of the Solicitation is limited to the 29 systems and related equipment listed in Solicitation §1.2 Scope, and Attachment 15 - <i>Glossary of Terms</i> for accompanying definitions.</p> <p>Vendors offering Equipment/Services that do not fit the Scope of Solicitation 23150 should continue to monitor the NYSCR (https://www.nyscr.ny.gov/) for future opportunities.</p>
19	Solicitation Main Document	1.2 Scope	<p>A) the replacement contract does not allow for Survey related products so we would like to know if we will be able to continue selling Survey related products to the State of NY under the existing contract 20191 until August of 2020? B) Or when OGS intends to release a replacement contract for Survey so the state entities are not forced to do without?</p>	<p>A) No, contracts under award 20191 is scheduled to expires on August 26th, 2019.</p> <p>B) Vendors offering Equipment/Services that do not fit the Scope of Solicitation 23150 should continue to monitor the NYSCR (https://www.nyscr.ny.gov/) for future opportunities.</p>

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20	Solicitation Main Document	1.2 Scope	Currently [sic], we are approved as an electrician/installer under the OGS Administrative Services contract (23057). We are wondering if our services in that contract may tie in with the installation of Intelligent Facility and Security Systems and Solutions services. Specifically, we note that Lots 1 and 2 are both open to “manufacturers” of product lines, even if the manufacturer itself does not install. Could a state agency that purchases “installation of Intelligent Facility and Security Systems/solutions” from a manufacturer under this contract, hire a vendor under the Administrative Services contract to install the system?	Installation services purchased under a Contract resulting from this Solicitation Must be performed in accordance with the terms and conditions of the contracts resulting from this Solicitation.
21	Solicitation Main Document	1.2 Scope	A) In the proof of sales section, what is considered an “authorized user”? B) I have the \$600,000 in prior sales as a WBE subcontractor to a private company that has sold my services to a Government Entity. Would that be considered a sale to an “authorized user”?	A) Please see Appendix B, <i>Definitions</i> . B) No, sales to a private company do not satisfy the requirement in Solicitation §2.2.1 <i>Proof of Past Sales</i> which requires sales to either Government Entities and/or to Authorized Users.

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22	Solicitation Main Document	1.2 Scope	<p>As a WBE company with a NYS alarm license, I have been doing security work for NY State as a subcontractor for many years. In the last three years we have performed well over \$600,000 in security work for multiple NY State agencies. We recently completed a \$817,000 security project for [Agency ABC] through [Contractor DEF]. Last year we completed a project for the [Agency GHI] and we are presently working on an [Agency GHI] project that's valued at \$400,000 as a subcontractor for [Contractor DEF].</p> <p>In the last year I have performed \$50,000 in security work for [Agency JKL] as a subcontractor for [Contractor MNO] and they recently awarded me another [Agency JKL] security project for \$200,000. I recently completed a security project for the City Agency PQR worth \$190,000 as a subcontractor for [Contractor STU]</p> <p>I have completed well over \$600,000 in security work for NY State and other authorized users in the last two years. I have been unable to sell my security services directly to NY State because I don't have a NYS OGS contact. My concern is that I can't respond to NYS OGS RFP solicitation because I didn't procure any work directly from the State of New York.</p>	<p>OGS respectfully declines to make the requested changes. Sales to a private company do not satisfy the requirement in Solicitation §2.2.1 <i>Proof of Past Sales</i> which requires sales to either Government Entities and/or to Authorized Users.</p>
23	Solicitation Main Document	1.2 Scope	<p>[Manufacturer XYZ] offers software and hardware solutions, including but not limited to CCTV, Access Control and Visitor Management Systems which provide credentials for entry into end users' sites. Does such visitor management system fall under the scope of Solicitation #23150 as an integral part of a facility's physical access control system?</p>	<p>If a Visitor Management System is within the definition of a Physical Access Control System (as defined in Attachment 15 - Glossary of Terms, then the Visitor Management System would fall within the Scope of Solicitation 23150 as a Physical Access Control System.</p>

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24	Solicitation Main Document	1.3 Estimated Quantities	Can you tell me if I choose to bid on the CCTV and the access control portion how many access points there are and how many cameras your needing? Also are there any specs for both?	This Solicitation is not an agency specific or project specific solicitation but is to establish multiple indefinite delivery/indefinite quantity centralized Contracts. Please see Solicitation §1.3 <i>Estimated Quantities</i> for additional information.
25	Solicitation Main Document	1.4 Key Events/Dates	With the delayed response to the first round of bidder questions, bidders are required to request the 2nd copy of wet inked Manufacturer/Distributor's Guarantee/Certificates. Will there be an extension to the Bid Opening/ due date for bids?	Yes, OGS has revised the Bid Opening Date to be June 6, 2019 at 11:00 AM ET. Please See Addendum 4, and the revised Solicitation §1.4 <i>Key Events/Dates</i> at the following link: https://ogs.ny.gov/procurement/bid-document-files-intelligent-facility-and-security-systems-and-solutions-statewide
26	Solicitation Main Document	1.4 Key Events/Dates	Please extend the bid opening date by three weeks since the answers to vendor questions were delivered late and there were several changes to the bid package.	Yes, OGS has revised the Bid Opening Date to be June 6, 2019 at 11:00 AM ET. Please See Addendum 4, and the revised Solicitation §1.4 <i>Key Events/Dates</i> at the following link: https://ogs.ny.gov/procurement/bid-document-files-intelligent-facility-and-security-systems-and-solutions-statewide
27	Solicitation Main Document	1.4 Key Events/Dates	Due to late response to first-round questions from the state, will the due date for Bids be extended?	Yes, OGS has revised the Bid Opening Date to be June 6, 2019 at 11:00 AM ET. Please See Addendum 4, and the revised Solicitation §1.4 <i>Key Events/Dates</i> at the following link: https://ogs.ny.gov/procurement/bid-document-files-intelligent-facility-and-security-systems-and-solutions-statewide
28	Solicitation Main Document	1.4 Key Events/Dates	Is the delay in providing Responses for 1st round going to revise the Due Date?	Yes, OGS has revised the Bid Opening Date to be June 6, 2019 at 11:00 AM ET. Please See Addendum 4, and the revised Solicitation §1.4 <i>Key Events/Dates</i> at the following link: https://ogs.ny.gov/procurement/bid-document-files-intelligent-facility-and-security-systems-and-solutions-statewide
29	Solicitation Main Document	1.5 Pre-Bid Conference	I know we were not present at the pre- bid meeting but I noticed there was a webinar. Is there any chance there a copy you can forward to me to view. If so it would be greatly appreciated.	The webinar PowerPoint is posted to the Bid Documents section of the Solicitation. A link to the video recorded webinar can be found at the following: https://meetny.webex.com/meetny/ldr.php?RCID=f524ac8f5921c491c77e8af840e094a2

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30	Solicitation Main Document	2 Bidder Qualifications	My firm is an LLC with a wholly-owned C-Corp. subsidiary. The tax IDs of the two entities are different. May I submit one application covering both tax IDs, as they have the same ownership, or does New York State consider them separate for this solicitation?	No, a Bidder cannot submit a Bid covering multiple Business Entities. Each Business Entity seeking a contract award Must submit a separate bid. See Attachment 15 - <i>Glossary of Terms</i> , the definitions of "Bidders" and "Business Entity."
31	Solicitation Main Document	§2 Bidder Qualifications	These documents apply to service companies and distributors?	For information on who may Bid in response to this Solicitation, please refer to §2, <i>Bidder Qualifications</i> .
32	Solicitation Main Document	§2 Bidder Qualifications	Can I register with NYS directly as a manufacturer, or do I need to go through a Bidder/Contractor?	For information on who may Bid in response to this Solicitation, please refer to §2, <i>Bidder Qualifications</i> .
33	Solicitation Main Document	2.2.1 Proof of Past Sales	Do the subcontractors have to comply with the same 3 year proof of past sales requirement?	No, Subcontractors do not have to comply with the same 3 year proof of past sales requirement.
34	Solicitation Main Document	2.2.2. Continuous Operation	Company will have been in continuous operation for 2 years & 4.5 months. Could the 3 year requirement [sic] be waived?	OGS respectfully declines to make the requested change.
35	Solicitation Main Document	2.3 Lot 1 Specific Qualifications 2.4 Lot 2 Specific Qualifications	Attachments 11-14 has OGS Header, note "Manufacturer to Affix Corporate Letterhead" and Instructions to Bidder/Contractor. Can these three items be removed so that it does not print on top of the Manufacturer's Corporate Letterhead logo and address?	Bidder may remove these items from the templates of the referenced Attachments as long as the final version contains the appropriate information listed in Bid Solicitation Update #6. Please review Bid Solicitation Update # 6 at the following link: https://ogs.ny.gov/procurement/bid-document-files-intelligent-facility-and-security-systems-and-solutions-statewide
36	Solicitation Main Document	2.3 Lot 1 Specific Qualifications 2.4 Lot 2 Specific Qualifications	On the OGS contract for security, your office asks Manufacturers to copy the Manufacture's Certificate onto their letterhead—but what some companies have been doing, is completing the form, and just placing their corporate logo on top. I am asking if this is acceptable (the logo on the OGS document, and not the document cut and pasted onto proper corporate letterhead).	Yes, the forms will be acceptable if you have already obtained completed forms that were properly executed by an AUTHORIZED MANUFACTURER'S REPRESENTATIVE.

#	Document	Section	Inquiry	OGS response
37	Solicitation Main Document	2.3 Lot 1 Specific Qualifications 2.4 Lot 2 Specific Qualifications	Will a W/MBE entity acting as a distributor under the Solicitation 23150 be permitted to so act as a distributor if they are not authorized by the manufacturer to offer the entire product line or every product subcategory within the scope of IFSSS?	No, Pursuant to 2, <i>Bidder Qualifications</i> a Distributor Must either certify (for Bidder(s) Bidding Lot 1) or guarantee (for Bidder(s) Being Lot 2) the entire Product Line (or every Product Line Subcategory within a Product Line) which fit the Scope of Solicitation 23150.
38	Solicitation Main Document	2.3 Lot 1 Specific Qualifications 2.4 Lot 2 Specific Qualifications	Are the Manufactures on our Current Contract “Grandfathered” for the New Contract?	No, the Manufactures on your current contract (under award 20191) are not “Grandfathered” for Contracts awarded as a result of Solicitation 23150. OGS respectfully declines to make the requested revision.
39	Solicitation Main Document	2.4 Lot 2 Specific Qualifications	Our organization’s parent company owns entities that Manufacture Product Lines that we would like to offer as part of this solicitation. In this case is the Bidder required to provide either the “Manufacturer’s Guarantee” (Attachment 13) or “Distributor’s Guarantee” (Attachment 14) for those product lines? If not, what documentation will be required for this submission?	Because the Bidder is a different Business Entity than the Manufacturer, the Bidder Must obtain Attachment 13 - Lot 2 - Manufacturer's Guarantees from each of these Business Entities.
40	Solicitation Main Document	2.4 Lot 2 Specific Qualifications	In the Intelligent Facility and Security Systems and Solutions materials, I see that Lot 2 of this procurement includes “installation” of the covered product lines. Given our background in installation, we are hopeful that this would qualify us to bid on Lot 2. Is it necessary for us to have any direct contractual or contract-like relationship with a manufacturer in order to qualify for the types of installing services referenced in Lot 2?	Per Solicitation §2.4 <i>Lot 2 Specific Qualifications: Bidders Bidding Lot 2 Must either:</i> 1. <i>Be the Manufacturer of the Product Line(s) they are offering, or</i> 2. <i>Be an Integrator authorized by the Manufacturer to sell and perform Installation, Integration, and Maintenance of the Product Line(s) they are offering by providing either Attachment 13 – Lot 2 Manufacturer’s Guarantee or Attachment 14 – Lot 2 Distributor’s Guarantee.</i>
41	Solicitation Main Document	2.4 Lot 2 Specific Qualifications	Question 88, the response was that a distributor certification is sufficient and it is not required to obtain a Manufacturer's cert/guarantee. What happens if the distrubtor [sic] refuses to sign the certification form?	If the Distributor refuses to sign the Guarantee Form (for Lot 2), then the Bidder is not qualified as an Integrator for the Distributor's Product Line(s). See Solicitation §2.4 <i>Lot 2 Specific Qualifications.</i>

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42	Solicitation Main Document	2.4 Lot 2 Specific Qualifications	Questions are asking distributors to warranty [sic] products and provide installation [sic] of products for up to 7 years upon contracture default. Distributors are not installation [sic] companies and can only warranty products per manufacturer warranty guidelines. [sic] typically one year. (Please Clarify)	Distributors who execute an Attachment 14 - <i>Lot 2 Distributor's Guarantee</i> are only obligated to meet the requirements of this guarantee.
43	Solicitation Main Document	2.4 Lot 2 Specific Qualifications	Will you be approving multiple distributors for one manufacturer?	Per Solicitation §1.1 <i>Overview</i> , this is a multiple award solicitation. The Solicitation does not place a limit on the number of bidders who may offer the same Manufacturers or Product Lines.
44	Solicitation Main Document	2.4 Lot 2 Specific Qualifications	We're bidding lot 2. If we're sourcing a manufacturer that also distributes other product lines that they don't manufacture, do they need to fill out <u>both</u> Attachments 13 & 14?	If the Bidder intends to Bid Equipment/Product Line(s) that the Manufacturer manufactures and Equipment/Product Line(s) that the Manufacturer distributes, then pursuant to Solicitation §2.4 <i>Lot 2 Specific Qualifications</i> , the Bidder Must obtain both an Attachment 13 - Lot 2 Manufacturer's Guarantee, for the Product Line(s) the Manufacturer manufactures, and an Attachment 14 - Lot 2 Distributor's Guarantee, for those Product line(s) the Manufacturer does not manufacture but distributes.
45	Solicitation Main Document	2.4 Lot 2 Specific Qualifications	If a Manufacturer is also a distributor for varying projects, must we have a both a LOT 2 guarantee for each attachment 13 and 14?	If the Bidder intends to Bid Equipment/Product Line(s) that the Manufacturer manufactures and Equipment/Product Line(s) that the Manufacturer distributes, then pursuant to Solicitation §2.4 <i>Lot 2 Specific Qualifications</i> , the Bidder Must obtain both an Attachment 13 - Lot 2 Manufacturer's Guarantee, for the Product Line(s) the Manufacturer manufactures, and an Attachment 14 - Lot 2 Distributor's Guarantee, for those Product line(s) the Manufacturer does not manufacture but distributes.
46	Solicitation Main Document	2.4 Lot 2 Specific Qualifications	If a Manufacturer is also a distributor for varying projects, must we have a both a LOT 2 guarantee for each attachment 13 and 14?	If the Bidder intends to Bid Equipment/Product Line(s) that the Manufacturer manufactures and Equipment/Product Line(s) that the Manufacturer distributes, then pursuant to Solicitation §2.4 <i>Lot 2 Specific Qualifications</i> , the Bidder Must obtain both an Attachment 13 - Lot 2 Manufacturer's Guarantee, for the Product Line(s) the Manufacturer manufactures, and an Attachment 14 - Lot 2 Distributor's Guarantee, for those Product line(s) the Manufacturer does not manufacture but distributes.
47	Solicitation Main Document	2.4 Lot 2 Specific Qualifications	Can you have more than one (1) Distributor for a product, if you provide Attachment 14 for each Distributor	Yes, Bidders can have more than one (1) Distributor for a product, if Bidder provides an Attachment 14 for each Distributor.

#	Document	Section	Inquiry	OGS response
48	Solicitation Main Document	3.4 NYS Fire Alarm Security Systems Installer License Where required by Law	<p>NYS Division of Licensing Services issued an update to the "Business of Installing, Servicing or Maintaining Security of Fire Alarm Systems" in February 2018 to specifically state a license is now required for the following:</p> <p><i>§195.2 Need for license</i> <i>(a) An individual, firm, company partnership or corporation must be licensed:</i> <i>(1) if it installs, maintains or services alarm systems, including, but not limited to, such items as [the] detectors, control devices and alarm communication systems, conduits and associated wires of alarm systems; or...</i></p> <p>A) With this amended change, will this contract only permit MWBE and SDVOB subcontractors (and non MWBE/SDVOB contractors) that are licensed security installers if their primary and only service offered is low voltage cable installation? B) If yes, will this be formally communicated to all bidders?</p>	<p>If Bidder/Contractor:</p> <p>1) Is offering Security of Fire Alarm Systems as defined in §195.1 <i>Definitions [Title 19 NYCRR Reg. 195.1]</i> and 195.2 <i>Need for License [Title 19 NYCRR Reg. 195.2]</i>, and 2) Meets the requirements of Solicitation §3.4 <i>NYS Fire Alarm Security Systems Installer License Where required by Law</i>, and 3) Is using the Subcontractor(s) who is performing low voltage cable installation of Security and Fire Alarm Systems as defined in §195.2 <i>Need for License [Title 19 NYCRR Reg. 195.2]</i>:</p> <p>A) Yes, a Business Entity Must not be added or used as a Subcontractor to perform low voltage cable installation of Security and Fire Alarm Systems as required by §195.2 <i>Need for License [Title 19 NYCRR Reg. 195.2]</i> on any Contract awarded as a result of Solicitation 23150, unless such Subcontractor is licensed by the Division of Licensing Services or qualifies for a waiver from licensing. Please see Solicitation §6.32 <i>Contractor Responsibility and Subcontractor</i>.</p> <p>B) Yes.</p>

#	Document	Section	Inquiry	OGS response
49	Solicitation Main Document	3.4 NYS Fire Alarm Security Systems Installer License Where required by Law	<p>NYS Division of Licensing Services issued an update to the "Business of Installing, Servicing or Maintaining Security of Fire Alarm Systems" in February 2018 to specifically updated definitions to include installation and maintenance of networks as defined:</p> <p><i>195.1 Definitions</i> <i>(g) Network- A network, also referred to as a computer network, consists of two or more devices that are linked together through any means, including but not limited to, ethernet, Wi-Fi, or serial bus, so that they can communicate with each other and thereby exchange commands and share data that may operate hardware and utilize other resources for the operation of a security, video, access and alarm detection and/or notification system.</i></p> <p>A) With this amended change, will this contract only permit MWBE and SDVOB subcontractors (and non MWBE/SDVOB contractors) that are licensed security installers if their primary and only service offered is network/IT services installation and support?</p> <p>B) If yes, will this be formally communicated to all bidders?</p>	<p>If Bidder/Contractor:</p> <p>1) Is offering Security of Fire Alarm Systems as defined in §195.1 <i>Definitions [Title 19 NYCRR Reg. 195.1]</i> and 195.2 <i>Need for License [Title 19 NYCRR Reg. 195.2]</i>, and</p> <p>2) Meets the requirements of Solicitation §3.4 <i>NYS Fire Alarm Security Systems Installer License Where required by Law</i>, and</p> <p>3) Is using the Subcontractor(s) who is performing low voltage cable installation of Security and Fire Alarm Systems as defined in §195.1 <i>Need for License [Title 19 NYCRR Reg. 195.1]</i>:</p> <p>A) Yes, a Business Entity Must not be added or used as a Subcontractor to network/IT services and support of Security and Fire Alarm Systems as required by §195.2 <i>Need for License [Title 19 NYCRR Reg. 195.2]</i> on any Contract awarded as a result of Solicitation 23150, unless such Subcontractor is licensed by the Division of Licensing Services or qualifies for a waiver from licensing. Please see Solicitation §6.32 Contractor Responsibility and Subcontractor.</p> <p>B) Yes.</p>
50	Solicitation Main Document	3.7 EEO 100 (Equal Employment Opportunity Staffing Plan)	<p>Hyperlink to EEO 100 form is broken, can you please provide a new link</p>	<p>OGS apologizes for this oversight. OGS has issued a revised Solicitation document with updated links. Please see below the following link to the updated Solicitation:</p> <p>https://ogs.ny.gov/procurement/bid-document-files-intelligent-facility-and-security-systems-and-solutions-statewide</p>

#	Document	Section	Inquiry	OGS response
51	Solicitation Main Document	3.8 MWBE Utilization	The link for the MWBE 100 does not work. Where can I get this document?	<p>OGS apologizes for this oversight. OGS has issued a revised Solicitation document with updated links. Please see below the following link to the updated Solicitation:</p> <p>https://ogs.ny.gov/procurement/bid-document-files-intelligent-facility-and-security-systems-and-solutions-statewide</p>
52	Solicitation Main Document	3.8 MWBE Utilization	For the participation of WBE, we have tried numerous of times to reach out to woman-owned companies to work with us and received none or uninterested replies. Is there any way in which we can obtain a waiver?	<p>Pursuant to Solicitation §6.19 and Solicitation §6.20, a Bidder Must complete both:</p> <p>a) either an MWBE 100 (MWBE Utilization Plan) or an MWBE Waiver, and</p> <p>b) either an SDVOB 100 (SDVOB Utilization) or an SDVOB Waiver in its entirety, signed and submitted with its Bidder Submission</p> <p>Request for Waivers for MWBE Goals are evaluated at the time of submittal by the OGS Office of Minority- and Women-Owned Business Enterprises. In accordance with 5 NYCRR § 142.7, a Bidder/Contractor who is able to document good faith efforts to meet the goal requirements, as set forth in clause 5.28.7. below, may submit a request for a partial or total waiver on Form BDC 333, accompanied by supporting documentation. A Bidder may submit the request for waiver at the same time it submits its MWBE Utilization Plan. If a request for waiver is submitted with the MWBE Utilization Plan and is not accepted by OGS at that time, the provisions of clauses 5.28.5. (3), (4) & (5) will apply. If the documentation included with the bidder's/Contractor's waiver request is complete, OGS shall evaluate the request and issue a written notice of acceptance or denial within twenty (20) days of receipt.</p>

#	Document	Section	Inquiry	OGS response
53	Solicitation Main Document	3.8 MWBE Utilization and 3.9 SDVOB Utilization	Are we disqualified from bidding the project if we cannot meet the MWBE requirements?	<p>No. However MWBE request for Waivers are evaluated at the time of submittal by the OGS Office of Minority- and Women-Owned Business Enterprises. In accordance with 5 NYCRR § 142.7, a Bidder/Contractor who is able to document good faith efforts to meet the goal requirements, as set forth in clause 5.28.7. below, may submit a request for a partial or total waiver on Form BDC 333, accompanied by supporting documentation. A Bidder may submit the request for waiver at the same time it submits its MWBE Utilization Plan. If a request for waiver is submitted with the MWBE Utilization Plan and is not accepted by OGS at that time, the provisions of clauses 5.28.5. (3), (4) & (5) will apply. If the documentation included with the bidder's/Contractor's waiver request is complete, OGS shall evaluate the request and issue a written notice of acceptance or denial within twenty (20) days of receipt.</p> <p>Regarding SDVOB Waivers, pursuant to Solicitation §6.20.3 <i>Request for Waiver: B) In accordance with 9 NYCRR § 252.2(m), a Bidder/Contractor that is able to document good faith efforts to meet the goal requirements, as set forth in clause IV below, may submit a request for a partial or total waiver on Form SDVOB 200, accompanied by supporting documentation. A Bidder may submit the request for waiver at the same time it submits its SDVOB Utilization Plan. If a request for waiver is submitted with the SDVOB Utilization Plan and is not accepted by OGS at that time, the provisions of clauses II (C), (D) & (E) will apply. If the documentation included with the Bidder's/Contractor's waiver request is complete, OGS shall evaluate the request and issue a written notice of acceptance or denial within 20 days of receipt.</i></p>
54	Solicitation Main Document	3.8 MWBE Utilization 3.9 SDVOB Utilization	What are the penalties for failing to meet the MWBE or SDVOB requirements?	<p>Pursuant to Solicitation §6.19 and Solicitation §6.20, a Bidder Must complete both:</p> <ul style="list-style-type: none"> a) either an MWBE 100 (MWBE Utilization Plan) or an MWBE Waiver, and b) either an SDVOB 100 (SDVOB Utilization) or an SDVOB Waiver in its entirety, signed and submitted with its Bidder Submission <p>Bidders who do not meet either of these requirements will not be eligible for award. Please see Solicitation §6.19.9 <i>Breach of Contract and Liquidated Damages</i> and Solicitation §6.20.6 <i>Breach of Contract and Damages</i>.</p>

#	Document	Section	Inquiry	OGS response
55	Solicitation Main Document	3.8 MWBE Utilization and 3.9 SDVOB Utilization	My firm is a distributor, purchasing from manufacturers and selling direct to Authorized Users. In cases where labor is required, we self-perform. As there are no subcontracting opportunities in my scope of work, is this an acceptable reason to request MWBE and SDVOB waivers?	<p>First, since you indicated you perform Services, it appears you are an Integrator, not a Distributor. Please see Attachment 15 – <i>Glossary of Terms</i> for the definitions of both “Integrator” and “Distributor.”</p> <p>Regarding your inquiry: Request for Waivers are evaluated at the time of submittal by the OGS Office of Minority- and Women-Owned Business Enterprises. In accordance with 5 NYCRR § 142.7, a Bidder/Contractor who is able to document good faith efforts to meet the goal requirements, as set forth in clause 5.28.7. below, may submit a request for a partial or total waiver on Form BDC 333, accompanied by supporting documentation. A Bidder may submit the request for waiver at the same time it submits its MWBE Utilization Plan. If a request for waiver is submitted with the MWBE Utilization Plan and is not accepted by OGS at that time, the provisions of clauses 5.28.5. (3), (4) & (5) will apply. If the documentation included with the bidder’s/Contractor’s waiver request is complete, OGS shall evaluate the request and issue a written notice of acceptance or denial within twenty (20) days of receipt.</p> <p>Pursuant to Solicitation §6.20.3 <i>Request for Waiver. B) In accordance with 9 NYCRR § 252.2(m), a Bidder/Contractor that is able to document good faith efforts to meet the goal requirements, as set forth in clause IV below, may submit a request for a partial or total waiver on Form SDVOB 200, accompanied by supporting documentation. A Bidder may submit the request for waiver at the same time it submits its SDVOB Utilization Plan. If a request for waiver is submitted with the SDVOB Utilization Plan and is not accepted by OGS at that time, the provisions of clauses II (C), (D) & (E) will apply. If the documentation included with the Bidder’s/Contractor’s waiver request is complete, OGS shall evaluate the request and issue a written notice of acceptance or denial within 20 days of receipt.</i></p>
56	Solicitation Main Document	3.8 MWBE Utilization and 3.9 SDVOB Utilization	Under Solicitation #23141, the MBE/WBE/SDVOB requirements are optional. Will NY OGS consider making the MBE/WBE/SDVOB requirements listed in Solicitation 23150 optional in the same way?	No, OGS respectfully declines to make the requested change.

#	Document	Section	Inquiry	OGS response
57	Solicitation Main Document	3.8 MWBE Utilization	Hyperlink to MWBE 100 form is broken, can you please provide a new link	OGS apologizes for this oversight. OGS has issued a revised Solicitation document with updated links. Please see below the following link to the updated Solicitation: https://ogs.ny.gov/procurement/bid-document-files-intelligent-facility-and-security-systems-and-solutions-statewide
58	Solicitation Main Document	3.9 SDVOB Utilization	The link for the SDVOB/Waiver does not work. Where can I get this document?	OGS apologizes for this oversight. OGS has issued a revised Solicitation document with updated links. Please see below the following link to the updated Solicitation: https://ogs.ny.gov/procurement/bid-document-files-intelligent-facility-and-security-systems-and-solutions-statewide
59	Solicitation Main Document	3.9 SDVOB Utilization	Hyperlink to SDVOB 100 form is broken, can you please provide a new link	OGS apologizes for this oversight. OGS has issued a revised Solicitation document with updated links.
60	Solicitation Main Document	3.10 Proof of Sales	A) If bidding Lot 1 as a dealer, does the proof of sales have to be for that product? B) If the answer is "yes", how does a "new product line" get introduced into this solicitation which has no prior sales history under the dealer?	A) No, pursuant to Solicitation §2.2.1 <i>Proof of Past Sales</i> , proof of past sales does not need to be the Products offered but only "sales are for IFSSS listed in §1.2." B) n/a
61	Solicitation Main Document	3.12 Pricing	Will OGS accept a GSA schedule in lieu of a MSRP price list?	No, OGS respectfully declines to make the requested change.

#	Document	Section	Inquiry	OGS response
62	Solicitation Main Document	3.12.1 Reasonableness of Price	How do we establish reasonableness of price for custom built products?	<p>Pursuant to Solicitation §3.12.1 <i>Reasonableness of Price</i>: And Attachment 1 -<i>NYS Net Pricing Pages, Custom Pricing Instructions</i> Tab, number 8 and 9, Bidders Must:</p> <p>8. Under Column H, "Comparable Contract/Customer", indicate a comparable contract/customer for which you have previously offered the listed Equipment to demonstrate Reasonableness of Price.</p> <p>Bidders may demonstrate Reasonableness of Price by offering NYS equal to or better pricing than the following:</p> <ol style="list-style-type: none"> 1. Pricing on any contracts awarded by GSA, Veteran's Administration (VA), Department of Defense (DOD), and other government entities, 2. Pricing on Previously Awarded NYS Centralized Contacts, 3. Pricing on other state('s) government contract, 4. Pricing offered by Bidders to their Best Commercial Customer(s), and/or 5. Reviewing other information deemed necessary by the Office of General Services <p>9. Under Column I, "Comparable Contract Price", indicate the price that was offered to the comparable customer/contract. This figure should be indicated to match the NYS Net Price column G, (e.g. if you indicated a NYS Net Price under column G of \$450.00 and offered the State of Texas \$475.00 per ton for a chiller, please list the \$475.00 as the Comparable Contract Price.</p>
63	Solicitation Main Document	3.12.1 Reasonableness of Price	We are not comfortable listing our customers on a publicly [sic] viewed listing. Our private customers are not public property. We have listed comparable [sic] private projects including our discounts given without specific customer names. If it is desired to discuss "off the record" we would provide these customers without it being displayed for public viewing. Contact us directly if that is desired.	OGS respectfully declines to make the required changes. Procurement Services will not publish or display either any comparable contract/customer names and/or pricing offered to comparable contract/customers on the OGS Website for public viewing. However, this information Must be provided in Attachment 1 – NYS Net Pricing Pages as Per Solicitation §3.12.1 Reasonableness of Price.

#	Document	Section	Inquiry	OGS response
64	Solicitation Main Document	3.12.1 Reasonableness of Price	GSA does not list subcontractor percentage markup. Please advise on locations of comparable percentage discounts.	<p>Per Solicitation §3.12.1 <i>Reasonableness of Price</i>: Bidders May demonstrate Reasonableness of Price by offering NYS equal to or better pricing (Percent (%) Discounts, Percent (%) Markups, etc.) than the following:</p> <ol style="list-style-type: none"> 1. Pricing on any contracts awarded by GSA, Veteran's Administration (VA), Department of Defense (DOD), and other government entities, 2. Pricing on Previously Awarded NYS Centralized Contacts 3. Pricing on other state('s) government contract, 4. Pricing offered by Bidders to their Best Commercial Customer(s), and/or 5. Reviewing other information deemed necessary by the Office of General Services <p>Compiling the information required to show Reasonableness of Price under Solicitation §3.12.1 <i>Reasonableness of Price</i> is the Bidder's responsibility.</p>

#	Document	Section	Inquiry	OGS response
65	Solicitation Main Document	3.12.1 Reasonableness of Price	<p>A) Where does Bidder actually record this pricing in Attachment 1 to comply ?</p> <p>B) Must we add the additional columns or since we are offering as best net price based on OGS contacts, that's sufficient?</p>	<p>A) Please see Attachment 1, Instructions Tabs. Bidders Must list their Comparable Contract/customer and Comparable Contract/Customer Pricing in the following tabs:</p> <ol style="list-style-type: none"> 1) For all Equipment except Custom-Built Equipment, in Attachment 1 – <i>NYS Net Pricing Pages, Discount Summary Table</i> tab. 2) For Custom-Built Equipment, in Attachment 1 – <i>NYS Net Pricing Pages, Custom Pricing</i> tab, 3) For Labor Rates, in Attachment 1 - <i>NYS Net Pricing Pages, Labor Rate Pricing</i> tab(s), and 4) For Subcontractor Percent (%) Markups, in Attachment 1 - <i>NYS Net Pricing Pages, Subcontractor Percent (%) Markup</i> tab. <p>OGS has revised Attachment 1 – <i>NYS Net Pricing Pages, Cover Pages</i> tab, by adding the following:</p> <p><i>Bidders Must not change Attachment 1 – NYS Net Pricing Pages but Must complete this Attachment following the instructions provided by OGS. Any Bidder which changes Attachment 1 – NYS Net Pricing Pages May be disqualified.</i></p> <p>B) Bidders do not need to add additional columns. However, Bidders Must complete the unlocked columns in each tab where they are proposing their offerings. This includes, but is not limited to, inserting the comparable contract/customer information and comparable contract/customer pricing information where required by Attachment 1 – <i>NYS Net Pricing Pages</i>.</p>
66	Solicitation Main Document	3.12.2 Comparable Contract	Can you please provide an example?	<p>Compiling the information required to show Reasonableness of Price under Solicitation §3.12.1 <i>Reasonableness of Price</i> is the Bidder's responsibility.</p>

#	Document	Section	Inquiry	OGS response
67	Solicitation Main Document	4.5 Content	How many copies of the Bid you need?	<p>Per Solicitation §4.5 Content: <i>Bidders Must submit two (2) USB flash drives containing all documents required to be submitted in electronic format.</i></p> <p><i>Additionally, Bidders Must submit two (2) original paper versions of all documents required to be submitted in hardcopy format.</i></p>
68	Solicitation Main Document	4.5 Content	Do we need two originals or one is good for any documents requiring a notary [sic]?	<p>Per Solicitation §4.5 Content: <i>Bidders Must submit two (2) original paper versions of all documents required to be submitted in hardcopy format.</i></p>
69	Solicitation Main Document	4.9 Bid Deviations	For bid deviations to be considered part of the Bid or resulting Contract, in what manner proposed changes be submitted? Given the response to question 151 of the First Round of Bidder questions, attached or referenced submissions are not part of the bid or resulting contract.	<p>As noted in Questions 150 and 151 in Round 1, and in Solicitation §4.9 Bid Deviations: <i>If a Bidder intends to propose Extraneous Terms as part of their Bid Proposal, the proposed deviations should be submitted during the Questions period so that they may be given due consideration prior to the submission of Bids.</i></p> <p><i>Additionally, pursuant to Section 4.9 Bid Deviations: Bidder is advised that OGS will not entertain any exceptions to Appendix A (Standard Clauses for New York State Contracts). OGS will also not entertain exceptions to the Solicitation or Appendix B (General Specifications) that are of a material and substantive nature.</i></p>

#	Document	Section	Inquiry	OGS response
70	Solicitation Main Document	4.9 Bid Deviations	Companies that offer central station monitoring services have terms and conditions that are more protective than the terms and conditions listed in the NYS Contract Appendix "B". For example the Limitation of Liability listed in Appendix "B" limits the amount to two (2) times the values of the contract. Reputable central station companies limit the liability to \$250 of 10% of the value of the contract. How can we add or modify the NYS contract's terms and conditions for this specific service offering or would the State be willing to modify the language to indicate two times the annual charge of the effected premise; not of the entire contract price".	OGS respectfully declines to make the requested changes.
71	Solicitation Main Document	5.1 Method of Award	In the event, the OGS has questions about May 14th submissions, will the OGS reach out to Bidder to ask for needed info in the ordinary course of business before a final determination [sic] is made, unless of course a failure to comply omission [sic]	Per Solicitation §5.1 <i>Method of Award: Bidders May be requested by Procurement Services to clarify the contents of their proposals. Other than to provide such information as May be requested by Procurement Services, no Bidder will be allowed to alter its proposal or add information after the deadline for submission of proposals.</i>
72	Solicitation Main Document	6.7 Periodic Recruitment	If we Bid Lot 1 can we add Lot 2 later in future years?	Yes, Per Solicitation §6.7 <i>Periodic Recruitment. Once awarded a Contract, a Contractor May submit a Contract Amendment at time of Periodic Recruitment for future consideration to:</i> 1. Add additional regions, and 2. Update (change) the Lot they are awarded.
73	Solicitation Main Document	6.8 Contract Update	It is understood that the Commissioner and Authorized Users may suspend work when its in the best interest of the Authorized User. During the suspension period, however, will the Authorized User remain liable for all accrued but unpaid charges incurred through the date of the suspension?	Per Appendix B, Section 42, <i>"In the event of such suspension, the Contractor will be given a formal written notice outlining the particulars of such suspension."</i>

#	Document	Section	Inquiry	OGS response
74	Solicitation Main Document	6.8 Contract Update Procedures, Subsection C	We understand that "Contractors May submit Software License Agreements which comply with the Terms and Conditions of This Award to Procurement Services for review, approval, and posting on the OGS Website." Please confirm that the Contractor may also submit terms for Cloud/Hosted/Remote Offering for Procurement Services' review, approval, and posting (provided that terms comply with the Terms and Conditions of the Award).	No. Bidders May not submit software license agreements or other terms and conditions relating to any Equipment or service to be provided under the resulting contracts to OGS. However, such software license agreements or other terms and conditions may be submitted in response to an Authorized User's RFQ subject to the requirements of Solicitation §6.45.2, <i>Appendix B Amendment, Modification of Contract Terms</i> . See revised Solicitation §6.45.2.
75	Solicitation Main Document	6.8 Contract Update Procedures, Subsection C	When should Agreements be submitted "to Procurement Services for review, approval, and posting?" Should the Agreements be included in our Proposal or should they be submitted following Award?	No. Bidders May not submit software license agreements or other terms and conditions relating to any Equipment or service to be provided under the resulting contracts to OGS. However, such software license agreements or other terms and conditions may be submitted in response to an Authorized User's RFQ subject to the requirements of Solicitation §6.45.2, <i>Appendix B Amendment, Modification of Contract Terms</i> . See revised Solicitation §6.45.2.
76	Solicitation Main Document	6.8 Contract Update Procedures	How would a bidder on either Lot 1 or Lot 2 add new SKU's to an existing product line for which the new SKU's have not yet been offered for sale in any venue?	See Solicitation §6.8 <i>Contract Update Procedures</i> , Solicitation §6.10 <i>Product Lines</i> , Solicitation §6.11 <i>Pricing Structure and Adjustments</i> , and Appendix C – <i>Contract Modification Form and Procedures</i> .
77	Solicitation Main Document	6.8 Contract Update Procedures	How would a bidder on either Lot 1 or Lot 2 add a wholly new product line or product subcategory to a Manufacturer's offering currently sold on the existing Security Systems and Solutions Contract inasmuch as there will be no price history to demonstrate reasonableness?	See Solicitation §6.8 <i>Contract Update Procedures</i> , Solicitation §6.10 <i>Product Lines</i> , Solicitation §6.11 <i>Pricing Structure and Adjustments</i> , and Appendix C – <i>Contract Modification Form and Procedures</i> .
78	Solicitation Main Document	6.8 Contract Update Procedures	How would a bidder on either Lot 1 or Lot 2 add a CCTV Manufacturer whose entire product line clearly falls within the IFSSS Scope in 1.2 of the main solicitation document if the product has only just been released and has not yet been sold in any venue, therefore having no pricing history on any public or private contracts to demonstrate reasonableness.	See Solicitation §6.8 <i>Contract Update Procedures</i> , Solicitation §6.10 <i>Product Lines</i> , Solicitation §6.11 <i>Pricing Structure and Adjustments</i> , and Appendix C – <i>Contract Modification Form and Procedures</i> .

#	Document	Section	Inquiry	OGS response
79	Solicitation Main Document	6.10 Product Lines	If a contractor is awarded lot [sic] 2, and requires ancillary item, not specifically included on their price sheet, are they allowed to purchase equipment from a Lot 1 equipment distributor?	<p>Per Solicitation §6.50 §Ongoing Compliance Regarding Pricing: Contractors Must not provide Equipment/Systems or Perform Services unless all of the Equipment/Systems and Services are on their NYS Net Pricing Pages.</p> <p>Pursuant to Solicitation §6.8 <i>Contract Updates</i>, Solicitation §6.10 <i>Product Lines</i>, Solicitation §6.11 <i>Pricing Structure and Adjustments</i>, and Appendix C – <i>Contract Modification Form and Procedures</i>, Contractors May request the addition of Equipment</p> <p>Per Solicitation 6.8 <i>Contract Updates</i>, Solicitation §6.10 <i>Product Lines</i>, Solicitation §6.11 <i>Pricing Structure and Adjustments</i>, and Appendix C – <i>Contract Modification Form and Procedures</i>, Contractors awarded Lot 2 May submit request to update existing Product Lines on their Contract and add new Product Lines on their contract.</p>
80	Solicitation Main Document	6.13 Purchasing Card Orders	<p>"The Contractor Must not charge or bill the Authorized User for any additional charges related to the use of the Purchasing Card, including but not limited to processing charges, surcharges or other fees."</p> <p>Will the bidder/contractor be charged the processing fee for the Authorized User paying with the Purchasing Card? If the answer is yes, what percentage is this processing fee?</p>	<p>Contractors are not required to accept P cards. However, if they decide to accept them, any processing charges are determined between the contractors and card networks.</p>
81	Solicitation Main Document	6.14 Minimum Order	<p>6.14 Minimum Order- Per NYS OGS – there is no minimum order on the contract. Contractor Must honor all orders regardless of their value.</p> <p>Can we require a minimum quantity to be ordered? For Instance- Fobs and Card Access cards come in minimum Quantities from our supplies ... for example minimum card order is 100. We are usually only provided an MSRP as a per card pricing but they are not able to be purchased in less than Qty 100.</p>	<p>There is no minimum order. The Bidder Must provide pricing using the unit of measure and that is used by the Manufacturer or Distributor in the Manufacturer or Distributor's Price List with List Price/MSRP and associated with a particular Product/Model # and Product Description. Please refer to revised Solicitation §3.12 <i>Pricing</i>.</p>

#	Document	Section	Inquiry	OGS response
82	Solicitation Main Document	6.14 Minimum Order	For some of our custom built items [sic], we offer different prices for the same item based off quantity: Should we have different SKU's for each quantity?	Pursuant to revised §3.12 <i>Pricing</i> : For all Custom-Built Equipment, the Bidder Must provide pricing using the unit of measure and quantity that is used and commercially published by the Manufacturer or Distributor for and associated with each particular Product/Model # and Product Description.
83	Solicitation Main Document	6.19 Contractor Requirements and Procedures for Business Participation Opportunities for NYS Certified Minority- and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women And 6.20 Participation Opportunities for New York State Certified Service-Disabled Veteran Owned Businesses	Is the contract holder given 100% credit for the revenue passing through M/WBE or SDVOB subcontractors if that revenue is solely for supplying materials and equipment on a Lot 2 contract or is there only a fractional credit given to M/WBE or SDVOB participation for supplying a Bill of Materials on a Lot 2 contract job?	<p>MWBE and SDVOB Subcontractors (and any other Subcontractor) do not provide materials and equipment but perform Services. Please see Attachment – 15 <i>Glossary of Terms</i> and Appendix B, <i>Definitions</i>.</p> <p>Contractors awarded Lot 2 who obtain Equipment from MWBE or SDVOB Suppliers as part of providing an Intelligent Facility and Security System and Solution will receive 100% credit for this Equipment.</p>
84	Solicitation Main Document	6.29 NYS Tax Law Sec 5-A	I have a current ST-220-TD filed for OGS with NYS DTF which references current PT-XXXXX contract award. I called DTF per instructions and they told me I cannot file a new ST-220-TD under a solicitation number. They said I had to wait until a contract was awarded to file a new ST-220-TD because I have to enter the contract number on the form. Should I try refiling anyway using the solicitation number or leaving it blank where you should enter the contract number, OR do I submit an ST-220-CA to OGS with the bid showing the current contract number which will expire in August.? How can I comply?	Bidders can refile their ST-220-TD and enter the Solicitation name (Intelligent Facility & Security Systems and Solutions) in the box labelled: "Contract number or description"

#	Document	Section	Inquiry	OGS response
85	Solicitation Main Document	6.32 Contractor Responsibility and Subcontractor	Number 17 states, "Contractor Must not propose or use any other Contractor under award 20191 as a Subcontractor." Will our list of subcontractors on our 20191 be listed in our 23150 bid?	OGS apologizes for this oversight. OGS has revised Solicitation §6.32(17) <i>Contractor Responsibility and Subcontractor</i> to state: "Contractor Must not propose or use any other Contractor under award 23150 as a Subcontractor." Bidders/Contractors are not required to submit a list of Subcontractors as part of their bid or at any time during the Contract Term. However, utilization of subcontractors remains subject to Appendix B, <i>Subcontractors and Suppliers</i> .
86	Solicitation Main Document	6.32 Contractor Responsibility and Subcontractor	In our 20191 contract, a list of our subcontractors were posted publicly. Will this bid 23150 be listing subcontractors on each awarded Contract as it has been for 20191? Please see attached for your reference.	No, Bidders/Contractors are not required to submit a list of Subcontractors as part of their bid or at any time during the Contract Term. However, utilization of subcontractors remains subject to Appendix B, <i>Subcontractors and Suppliers</i> .
87	Solicitation Main Document	6.32 Contractor Responsibility and Subcontractor	If the end user requests confirmation from OGS for bidder to use a different subcontractor, will OGS provide this documentation?	No, Bidders/Contractors are not required to submit a list of Subcontractors as part of their bid or at any time during the Contract Term. However, utilization of subcontractors remains subject to Appendix B, <i>Subcontractors and Suppliers</i> . Please Note: OGS has revised Solicitation §6.32 <i>Contractor Responsibility and Subcontractor</i> by adding the following: <i>All Subcontractors Must be approved by the Authorized User prior to executing/entering into the Authorized User Agreement.</i>
88	Solicitation Main Document	6.32 Contractor Responsibility and Subcontractor	If we want to request and submit subcontractors are there any forms required?	No, Bidders/Contractors are not required to submit a list of Subcontractors as part of their bid or at any time during the Contract Term. However, utilization of subcontractors remains subject to Appendix B, <i>Subcontractors and Suppliers</i> . Please Note: OGS has revised Solicitation §6.32 <i>Contractor Responsibility and Subcontractor</i> by adding the following: <i>All Subcontractors Must be approved by the Authorized User prior to executing/entering into the Authorized User Agreement.</i>
89	Solicitation Main Document	6.32 Contractor Responsibility and Subcontractor	If we are not required to list subcontractors for this bid, are we allowed to use any subcontractor of our choice?	Yes, however in accordance with Appendix B, Section 39, Employees, Subcontractors and Agents, the Commissioner and the Authorized User reserve the right to approve Subcontractors.

#	Document	Section	Inquiry	OGS response
90	Solicitation Main Document	6.32 Contractor Responsibility and Subcontractor	To meet goals we frequently use smaller MWBE companies to supplement our manpower [sic]. We take this opportunity to nurture these companies to help them grow. Some of these companies have their own contract but don't have the full capacity to implement a large turn key solutions. Can they be considered for use on our contract?	No, OGS respectfully declines to make the requested change.
91	Solicitation Main Document	6.32.1 Contractor Utilization of Subcontractors	Under section 6.32.1 Contractor Utilization of Subcontractors; the following is stated " <i>Contractors awarded Lot 2 are permitted to charge a Subcontractor Percent (%) Markup for all work performed by Subcontractors on Authorized user Agreements provided the Contractor has an approved Subcontractor Percent (%) Markup in their NYS Net Pricing Pages published on the OGS website.</i> " Two part question; A) Which Attachment is required to be filled out in order to submit the percent markup for each subcontractor on the BID solicitation? B) Should we submit the attached document [list of existing subcontractors from Award 20191] along with the bid?	<p>A) Attachment 1 - <i>NYS Net Pricing Pages, Subcontractor Percent (%) Markup Tab.</i></p> <p>B) Bidders/Contractors are not required to submit a list of Subcontractors as part of their bid or at any time during the contract term. However, utilization of subcontractors remains subject to Appendix B, <i>Subcontractors and Suppliers.</i></p>

#	Document	Section	Inquiry	OGS response
92	Solicitation Main Document	6.32.1 Contractor Utilization of Subcontractors	A) Does the allowable Subcontractor Percent (%) Markup for work performed by the Subcontractor pertain solely (sic) to the Subcontractor, and not to the bidders own work force? B) In other words, will the bidder be allowed to include additional project management to cover the management of their own work force and back-office costs required to administer the project that are not associated with the subcontractor?	<p>A) Yes, the Subcontractor Percent (%) Markup only pertains to work/Services performed by the Subcontractor, and not the Bidder/Contractor's employees. The Subcontractor Percent (%) Markup contained in Attachment 1 – NYS Net Pricing Pages, Subcontractor Percent (%) Markup tab, is different than the Percent (%) Markup Bidders Must Bid for each Job Title in the Attachment 1 – NYS Net Pricing Pages, Labor Rates Sheets. Additionally, Per Solicitation §6.32(12): <i>Subcontractors Must use and Must not charge more than the Total Hourly Rates on the Contractor's pricing published on the OGS website to develop its Authorized User Total Hourly Rates for all Services on Contract....</i></p> <p>B) No, Bidders/Contractors will not be allowed to include additional, separate back-office project management costs and back-office administrative costs for the Contractors employees. These Must be included in the Proposed Percent (%) Markup for Job Titles Included in an NYS DOL Prevailing Wage Rate Schedule or the proposed Total Hourly Rates for Job Titles not Included in an NYS DOL Prevailing Wage Rate Schedule. Based on this inquiry, Procurement Services has revised Attachment 1 - NYS Net Pricing Pages, <i>Labor Rate Sheet Instructions</i> tabs, as follows:</p> <p><i>The Percent (%) Markup includes, but is not limited to, ...17. Back-Office Project Management, and 18. Back-Office Administration</i></p> <p><i>The Total Hourly Rate includes, but is not limited to, ...18. Back-Office Project Management, and 19. Back-Office Administration</i></p>
93	Solicitation Main Document	6.46 Systems and Solutions that Include Cloud/Hosted/Remote Offerings	If our offering or product is not stored in the Cloud or Cloud accessible, does the clause under Section 6.46 apply?	Please see the revised Attachment 15 – <i>Glossary of Terms</i> for the definition of "Cloud/Hosted/Remote Offerings."
94	Solicitation Main Document	6.46 Systems and Solutions that Include Cloud/Hosted/Remote Offerings	Section 6.46 allows the sale of cloud/hosted/remote offerings. As a component of the system, will subscription mode (subscription as a service/SAAS) software licensing be permitted if it aligns with the requirements within section 6.46?	Vendors may offer any Equipment or Service that is within the scope of the Solicitation as set forth in Solicitation §1.2 Scope and meets all other requirements of Solicitation 23150.

#	Document	Section	Inquiry	OGS response
95	Solicitation Main Document	6.46 Systems and Solutions that Include Cloud/Hosted/Remote Offerings	The terms and conditions included with the Solicitation are tailored toward the sale of products and systems. Would NYS-OGS consider the inclusion of additional commercial terms and conditions which enable the sale of Software as a Service (SaaS)/Subscription Services? Such terms are for the benefit of the State, its Authorized Users, and vendors, as they define the relationship of the parties in a SaaS/Subscription environment.	No. Bidders May not submit software license agreements or other terms and conditions relating to any Equipment or service to be provided under the resulting contracts to OGS. However, such software license agreements or other terms and conditions may be submitted in response to an Authorized User's RFQ subject to the requirements of Solicitation §6.45.2, <i>Appendix B Amendment, Modification of Contract Terms</i> . See revised Solicitation §6.45.2.
96	Solicitation Main Document	6.46 Systems and Solutions that Include Cloud/Hosted/Remote Offerings	If a LOT 2 bidder, we include Cloud Pricing, but what about redundancy storage costs outside US, may these be included as well as long as included in Attachment 1?	Per Section 6.46, all Data, including redundancy storage, must remain in CONUS. Costs for storage outside of CONUS Must Not be included in Attachment 1 – <i>NYS Net Pricing Pages</i> .
97	Solicitation Main Document	Section 7: Maintenance	7.1.1 states Lot 2 dealers *may* offer Maintenance. Is 7.1.1 referencing long-term (i.e., >1 year) maintenance/service agreements? 7.1.2 states that Remedial Maintenance is to be provided under warranty provisions during the first year post-System or Equipment sale (and acceptance). For clarification, please confirm if a Lot 2 Dealer does not enter into a long-term maintenance/service agreement, their contractual obligations expire 1 year post-acceptance.	Yes, if the Authorized User declines to continue Preventative and Remedial Maintenance following the Warranty Period, then the Contractor is no longer responsible for any Maintenance on this particular Authorized' User's equipment/System. Procurement Services revised Solicitation §7.1 <i>General Provisions</i> by adding this language. Pursuant to Solicitation §2.4 <i>Lot 2 Specific Qualifications</i> , only Manufacturer's or Integrators May be awarded Contracts for Lot 2. Please see Attachment 15 – <i>Glossary of Terms</i> for the definitions of "Manufacturer," "Dealer," and "Integrator."

98	Solicitation Main Document	7.1.3.C General Provisions	<p>Under Section 7.1.3.C C.; [sic] the following is stated <i>"Contractor Must offer the Prepaid Maintenance Agreement as a Fixed/Price Lump Sum Agreement."</i> With our best commercial customers, we normally charge a percentage of the total system value per month for maintenance such as cleaning cameras, upgrading firmware, software upgrades, break fixes, and etc, (ex - total system cost is \$15,000.00, we would charge \$150.00 per month (1%)). Which attachment is required to be filled out to illustrate to the authorized user of how a fixed price/lump sum agreement is determined?</p>	<p>OGS has revised Solicitation §7.1 General Provisions by adding the following:</p> <p>"Maintenance May not be Bid/offered as a percentage of the total System cost." All proposed pricing Must be included in Attachment 1 - NYS Net Pricing Pages. At the point of a Second Tier Solicitation/ Direct Engagement, Contractors Must demonstrate how costs are calculated using their Not-To-Exceed Pricing published on the OGS website to develop proposals for Authorized Users, including for Maintenance. To compute proposed Maintenance pricing for an Authorized User, Contractors must provide the following to the Authorized User as part of its response to the Second Tier Solicitation/Direct Engagement:</p> <ul style="list-style-type: none"> A. Job Title(s) to be utilized, B. Description of Duties of the Job Title(s) from the Centralized Contract, C. Prevailing Wage Occupation Subcategory D. For Job Titles Included in an NYS DOL Prevailing Wage Rate Schedule: <ul style="list-style-type: none"> a) Prevailing Wage Rate(s), and b) Supplemental Benefit(s) Note: Use the Overtime Hourly Pay Rates, After Business Hours Hourly Pay Rate(s), Saturday Hourly Pay Rate(s), and Sunday and State Holiday Hourly Pay Rate(s) where applicable, E. Total Hourly Rate(s) on Contract F. Either: <ul style="list-style-type: none"> i) For Job Titles Included in an NYS DOL Prevailing Wage Rate Schedule: The Authorized User Percent (%) Markup, or ii) For Job Titles Not Included in an NYS DOL Prevailing Wage Rate Schedule, the Authorized User Percent (%) Discount G. Authorized User Total Hourly Rate(s) to be charged H. # of Hours worked/ Serviced or Proposed to be worked/Serviced per Job Title, I. The total cost per Job Title computed by multiplying each the Authorized User Total Hourly Rate by the corresponding # of Hours worked/ Serviced or Proposed to be worked/Serviced per Job Title, J. The total cost of Service computed by adding the sum of all the total cost per Job Title K. NYS Net Pricing of Equipment (each Equipment/Model #) on Contract, L. The Authorized User Percent (%) Discount for each item of Equipment,
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#	Document	Section	Inquiry	OGS response
				<p>M. The Authorized User NYS Net Price for each Equipment to be charged, N. (#) of each Equipment to be purchased, repaired, replaced, or otherwise Maintained. O. Total equipment cost for each Equipment (Equipment Model #) computed by multiplying the Authorized User NYS Net Price (#) of each Equipment to be purchased, repaired, replaced, or otherwise Maintained. P. The total Equipment cost computed by adding the sum Total equipment cost for each Equipment (Equipment Model #) Q. Frequency (e.g. semi-annually, monthly, weekly, etc.), and R. (if applicable) # of locations (e.g. multiple sites)</p> <p>OGS has revised Solicitation §7.1 <i>General Provisions</i>, Attachment 1 – <i>NYS Net Pricing Pages</i>, and Attachment 16 – <i>How to Use</i>, to include the above information.</p>
99	Solicitation Main Document	7.1 Maintenance	<p>1) Can annual preventative maintenance and annual remedial maintenance be based on the following: A) A % of total cost of equipment B) Lump sum agreed upon value C) Estimation of equipment required, and estimation of labor required?</p> <p>2) If "C", how can we accurately price what equipment will fail in a given time frame?</p> <p>3) And how do we show on the pricing sheet(s)?</p>	<p>All proposed pricing Must be included in Attachment 1 - <i>NYS Net Pricing Pages</i>. At the point of a Second Tier Solicitation/ Direct Engagement, Contractors Must use their pricing published on the OGS website to develop proposals for Authorized Users, including for Maintenance.</p> <p>1) Regarding each specific question: A) No, Maintenance May not be Bid/offered as a percentage of the total System cost. Please see the revised Solicitation §7.1 <i>General Provisions</i> where OGS has added this language. B) Yes, but the Contractor Must use their pricing published on the OGS website to develop proposals for Authorized Users, including for Maintenance. C) Yes, but the Contractor Must use their pricing published on the OGS website to develop proposals for Authorized Users, including for Maintenance.</p> <p>2) At the point of a Second Tier Solicitation/ Direct Engagement, Contractors Must use their pricing published on the OGS website to develop proposals for Authorized Users, including for Maintenance.</p> <p>3) At the point of a Second Tier Solicitation/ Direct Engagement, Contractors Must use their pricing published on the OGS website to develop proposals for Authorized Users, including for Maintenance.</p>

#	Document	Section	Inquiry	OGS response
100	Attachment 1-NYS Net Pricing Pages	Labor	Does a pre-paid maintenance agreement need to be listed (as a product or custom product ? It is not possible to put a value on this since the products the user would need to be maintained would vary from user to user.	No, a pre-paid maintenance agreement does not need to be listed as a product or custom product. However, all proposed pricing Must be included in Attachment 1, NYS Net Pricing Pages. At the point of a Second Tier Solicitation/Direct Engagement, Contractors Must use their pricing published on the OGS website to develop proposals for Authorized Users, including for Prepaid Maintenance Agreements.
101	Solicitation Main Document	7.7 Maintenance Guarantee	Is there an exception/waiver procedure for the 48 continuous hour repair requirement in the event a repair in that time period is not possible? (ie: obsolete equipment, fire pump replacement, etc)	No, OGS respectfully declines to make the requested changes.
102	Appendix B	Scope Changes	When changes in scope of work to Contractor, Commissioner can adjust the Contract. Will such modification require mutual agreement of the parties?	No, these modifications do not require the mutual agreement of the parties but instead May be required by the Commissioner. Per Appendix B, <i>Scope Modification: The Commissioner reserves the right to require, by written order, changes to the scope of the Contract, provided that such changes do not materially alter the general scope of the Contract.</i>
103	Appendix B	Shipping Charges	The shipping term is FOB destination. A) Can this shipping term be further clarified to include "FOB first destination"? B) Or will there be storage facilities used in the interim before final destination?	A) No, OGS respectfully declines to make the requested changes. See Attachment 1 – <i>NYS Net Pricing Pages, Cover Pages</i> tab which states: <i>All NYS Net Prices Must INCLUDE all applicable shipping; handling, insurance and associated delivery charges (F.O.B. Destination the dock/delivery location of the Authorized User) Reference Appendix B, Shipping/Receipt of Product and Solicitation §6.45 Appendix B Revisions.</i> B) Authorized users May include additional terms and conditions including any temporary storage needs at the point of a Second Tier Solicitation/Direct Engagement.

#	Document	Section	Inquiry	OGS response
104	Appendix B	Product Warranty	For products which are not manufactured by bidder, which require warranty repair or replacement; an extended warranty is not available. Is there an available exception for non-bidder manufactured parts or equipment which do not provide for an extended warranty?	No, OGS respectfully declines to make the requested changes.
105	Appendix B	Legal Compliance	Please confirm that Contractors will be able to change their pricing in the event there is a change to "applicable laws, ordinances, rules and regulations" that increases compliance costs.	No, OGS respectfully declines to make the requested change. Pricing updates will only be approved in accordance with Solicitation §6.8 <i>Contract Updates</i> , Solicitation 6.10 <i>Product Lines</i> , Solicitation §6.11 <i>Pricing Structure and Adjustments</i> , and Appendix C - <i>Contract Modification Form and Procedures</i> .
106	Appendix B	Product Acceptance and 6.45.1 Appendix B Revisions	There is reference to mutual agreement by the parties regarding acceptance of hardware. For revenue recognition purposes, title and risk of loss transfers 30 days following delivery at which time revenue can be recognized. How would a contractor document mutual agreement to change the acceptance date and subsequent transfer of title and risk of loss?	Pursuant to Solicitation §6.45 <i>Appendix B Revisions</i> , Appendix B, <i>Product Acceptance</i> , is deleted in its entirety and replaced with §6.45.1 <i>Acceptance Testing & Product/System Acceptance</i> .
107	Appendix B, Attachment 15 - Glossary of Terms	Ownership/Title to Project Deliverables	How does Custom-Built Equipment differ from Custom Products defined in Appendix B 64 a.(iii)?	<i>Custom-Built Equipment is defined in Attachment 15 – Glossary of Terms.</i> Custom Products are defined (per Appendix B, <i>Ownership/Title to Project Deliverables</i>). Authorized Users will determine whether they are requesting Custom-Built Equipment or Custom Products in a Second Tier Solicitation/Direct Engagement.

#	Document	Section	Inquiry	OGS response
108	Appendix B	Ownership, Title to Project Deliverables	A) What is OGS' process to request Custom Products and B)how are they priced out?	<p>A) Authorized Users will determine whether they are requesting Custom Products in a Second Tier Solicitation/Direct Engagement.</p> <p>B) Contractor would propose pricing in response to a Second Tier Solicitation/ Direct Engagement, using Contractor's pricing published on the OGS website to develop proposals for Authorized Users, including for Maintenance.</p> <p>See Solicitation §6.50 Ongoing Pricing Compliance.</p>
109	Appendix C	Contract Modification Request Form, Statement 2	A) If a Contractor is requesting modifications to the terms and conditions of the Contract using Appendix C, under the definition, "Update Terms" would not be appropriate. B) What line should be marked to indicate requested changes to terms and conditions?	<p>A) Appendix C – <i>Contract Update Form and Procedures</i> does not permit Contractors to request modifications to the Terms and Conditions of the Contract, but only allows for: <i>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.</i></p> <p>If the existing Contractor is agreeing to new terms and conditions either issued as part of a Periodic Recruitment or by Procurement Services in accordance with Solicitation §6.8 Contract Update Procedures, Contractor Must select "Updated Terms."</p> <p>B) The Solicitation and any resulting Contracts do not allow for requests for changes to terms and conditions. Appendix C – <i>Contract Modification Form and Procedures</i> has been updated to clarify that such requests are only made in conjunction with a Periodic Recruitment.</p>
110	Appendix C - Contract Modification Form and Procedure	General	Section III, Paragraph 8 specifies that a new update request cannot be submitted within 3 months of a previously approved Update. If multiple existing Product Lines receive a manufacturer's price increase at or around the same time, how can I update my pricing for all in a timely fashion?	Contractors May include multiple Product Lines as part of one (1) Contract Update Request. Procurement Services has updated Appendix C – Contract Update Form and Procedures to reflect this.

#	Document	Section	Inquiry	OGS response
111	Attachment 1 - NYS Net Pricing Pages	General	The instructions for extending down the rows for additional equipment does not appear to be working correctly. Can you please assist?	Procurement Services has reviewed the Attachment 1 - <i>NYS Net Pricing Pages</i> and has determined that the addition of rows in the spreadsheet equipment pricing is working properly. Please ensure you are using the most recent version of the Bid Attachments found at the following link: https://ogs.ny.gov/procurement/bid-document-files-intelligent-facility-and-security-systems-and-solutions-statewide
112	Attachment 1 - NYS Net Pricing Pages	Pricing Instructions	Form will not allow to delete example lines as requested, cells are protected and we are unable to unprotect without a password	Procurement Services has reviewed the Attachment 1 - <i>NYS Net Pricing Pages</i> and has determined that the addition of rows in the spreadsheet equipment pricing is working properly. Please ensure you are using the most recent version of the Bid Attachments found at the following link: https://ogs.ny.gov/procurement/bid-document-files-intelligent-facility-and-security-systems-and-solutions-statewide
113	Attachment 1 - NYS Net Pricing Pages	Discount Table Comparison Tab	This tab states, "To assist bidders, Procurement Services has created the following EXAMPLES of how to complete this table. Please delete these examples when you complete this form." I have attempted to deleted these examples and am being asked to unprotect the sheet using a password. Was this an oversight or may we receive a password to be able to delete the examples?	OGS apologizes for this oversight and has revised the Discount Table Comparison Tab to allow for these examples to be removed.
114	Attachment 1 - NYS Net Pricing Pages	Equipment Pricing Tabs	Line items pertaining to our industry cant be deleted. Should we just leave these blank?	The Price Pages in Attachment 1 – NYS Net Pricing Pages Must be completed according to the instructions.

#	Document	Section	Inquiry	OGS response
115	Attachment 1 - NYS Net Pricing Pages	Cover Page Equipment Pricing Instructions Tab	<p><i>In previous contract RFP's NYS OGS has provided a list of words/phrases that would exclude items from being quoted if they were contained in the part number or description, partialalry in LOT 1. Is thre [sic] such a list for this RFP ?</i></p> <ol style="list-style-type: none"> 1. install/installing/installation 2. labor 3. integrate, integration 4. maintain, maintenance 5. design 6. lodge/lodging 7. travel 8. Expenses (usually with travel/lodging) 9. ship/shipping 10. Handling 11. Per Diem 12. airfare 13. To be determined (listed as the MSRP/NYS Net Price) 14. Call for quote (listed as the MSRP/NYS Net Price) 15. Contact mfr. (listed as the MSRP/NYS Net Price) 	<p>Yes, see Attachment 1 - NYS Net Pricing Pages, Cover Page tab, rows 35, 37, and 39, and Attachment 1- NYS Net Pricing Pages, Equipment Pricing Instructions Tab, rows 28 and 38.</p>
116	Attachment 1 - NYS Net Pricing Pages	Discount Table Comparison Tab	<p>[A Current Contractor] under award 20191 has [ABC] listed in a previous OGS contract update, can you provide their MSRP discount? (Redacted)</p>	<p>Price List files under Award 20191 can be accessed at the following: https://online.ogs.ny.gov/purchase/snt/awardnotes/7720120191Prices.pdf</p>
117	Attachment 1 - NYS Net Pricing Pages		<p>In instances where some of a manufacturer's products are GSA listed, but others are not, is the bidder allowed to cite a comparable discount for the non-GSA parts?</p>	<p>There is no requirement that all Equipment that is proposed in response to this Solicitation be listed under a GSA contract or other comparable contract. However, for Reasonableness of Price purposes (See Solicitation §3.12.1 <i>Reasonableness of Price</i>), a GSA or other comparable contract May be cited for Equipment that is within the Product Line covered by the GSA or other comparable contract even if the Equipment is not specifically included on such contract.</p>

#	Document	Section	Inquiry	OGS response
118	Attachment 1, NYS Net Pricing Pages	Cover Page	<p>We will be supplying numerous locking hardware products on our contract in support of the scope of work, especially relating to Physical Access Control Systems. Locks are a highly configurable product that requires many variations in the part numbers, such as handing, finish, function, keyways and cylinder-types that create thousands of variations of a single lock. This results in hundreds of thousands of sku's that are not available by mfrs/suppliers. Assuming that these are not additional cost options, can we, similar to how GSA allows, list base function locks with a primary sku and associated contract price, and allow for these mandatory highly customizable options be provided by buying agency upon award of order?</p>	<p>OGS respectfully declines to make the requested revision.</p> <p>See Solicitation §3.12 <i>Pricing</i>.</p>
119	Attachment 1, NYS Net Pricing Pages	Equipment Pricing Instructions tab and Custom Pricing Instructions tab	<p>A) Does "Equipment/Model Number" allow for SKU variability? B) If a manufacturer produces a line of exit devices with features that vary based on application (e.g., function, trim, finish, nominal width, fire rating), does each SKU combination need be listed, or can an overarching, generic SKU be listed and all variations be assigned the same percent discount (understanding that any variation from the generic SKU will have a slightly different list price)?</p>	<p>A) No, please see Solicitation 3.12 Pricing, Attachment 1 – NYS Net Pricing Pages, Equipment Pricing Instructions tab, and Attachment 1 – NYS Net Pricing Pages, Custom Pricing Instructions tab.</p> <p>B) No, Per Attachment 1 – NYS Net Pricing Pages, <i>Equipment Pricing Instructions</i> tab states: <i>Bidders Must offer either an entire Product Line, or all Product Subcategories of a Product Line which fit the Scope of this Solicitation and any resulting Contract by including all items from these into the applicable Equipment Pricing tab in Attachment 1 NYS Net Pricing. Any Product Subcategory or portion of a Product Line which does not fit the scope of this Solicitation and any resulting Contract Must not be offered and will not be included in any award.</i></p>

#	Document	Section	Inquiry	OGS response
120	Attachment 1 - NYS Net Pricing Pages	Cover Page	In instances where a bidder has a single demonstratable discount rate for a manufacturer, are we required to break out product lines, or can we apply the discount via one line to the manufacturer's entire product line	Bidders must break out an entire Product Line or Product Line Subcategory by listing all Equipment in the applicable tab in Attachment 1 – NYS Net Pricing Pages. <i>Attachment 1 – NYS Net Pricing Pages, Cover Page tab states: Bidders Must offer either an entire Product Line, or all Product Subcategories of a Product Line which fit the Scope of this Solicitation and any resulting Contract by including all items from these into the applicable Equipment Pricing tab in Attachment 1 NYS Net Pricing. Any Product Subcategory or portion of a Product Line which does not fit the scope of this Solicitation and any resulting Contract Must not be offered and will not be included in any award.</i>
121	Attachment 1 - NYS Net Pricing Pages	Discount Comparison Table Tab	We are unable to add additional lines to the NYS Net Pricing Page Discount Comparison table. Would OGS unlock this function?	To add a row to the Discount Comparison, right click a row within the table, and then click "Insert"

#	Document	Section	Inquiry	OGS response
122	Attachment 1 - NYS Net Pricing Pages	Labor Rate Instructions Tab Row 30; Column F	<p>A) We are an S Corporation and have been informed we are not subject to pay prevailing wages, do we enter 100%; 0%; or leave blank?</p> <p>B) How do authorized users determine our billable labor rate?</p> <p>C) We are unsure how to complete the pricing forms?</p>	<p>A) Bidders Bidding Lot 2 and offering Equipment/Systems with corresponding Job Titles included in an NYS DOL Prevailing Wage Rate Schedule Must bid a Proposed Percent (%) Markup for each of Job Title(s) Included in an NYS DOL Prevailing Wage Rate Schedule. Procurement Services has revised Attachment 1 - NYS Net Pricing Pages, <i>Labor Rate Sheet Instructions</i> tab, to include this language.</p> <p>Additionally, per Solicitation 6.9.1 <i>Overview</i> and Appendix B, <i>Prevailing Wage Rates – Public Works and Building Services Contracts: Bidders must submit Bids which are based upon the prevailing hourly wages, and supplements in cash or equivalent benefits (e.g., fringe benefits and any cash or non-cash compensation which are not wages, as defined by law) that equal or exceed the applicable prevailing wage rates for the location where the work is to be performed. Bidders may not submit Bids based upon hourly wage rates and supplements below the applicable prevailing wage rates as established by the New York State Department of Labor. <u>Bids that fail to comply with this requirement will be disqualified.</u></i></p> <p>B) Per Solicitation §6.9.1 <i>Overview: The Authorized User Total Hourly Rate for each Authorized User engagement will be established in response to a particular Authorized User Agreement and will incorporate/reference the PRC # obtained by each requesting Authorized User.</i></p> <p>C) Bidders Must review Attachment 1 – <i>NYS Net Pricing Pages</i> and complete these forms as per the instructions provided by Procurement Services.</p>

#	Document	Section	Inquiry	OGS response
123	Attachment #1 NYS Net Pricing Pages	Labor Rates Region 2 Tab	On the solicitation in Attachment #1, Region 2 Labor rates, the rates that you have listed are lower than the NYC Comptroller published rates. Which one are we required to bid on?	For purposes of this Solicitation, the Rates are based on NYS DOL Prevailing Wage Rates. However, Per Solicitation §6.9.2 <i>Living Wage Law</i> . <i>An Authorized User subject to a local law, such as the “living wage” requirement as found in Section 6-109 of the New York City Administrative Code, is required to ensure the Contractor sought to be hired complies with such local law at the time of issuance of an Authorized User Agreement to the selected Contractor. If Contractor documents that it is required to pay higher than the Prevailing Wage Rate and Supplemental Benefit as per a “Living Wage Law,” it Shall be allowed, after award of Contract, to propose, via the Contract update procedures, a higher rate of pay and benefits than the Prevailing Wage Rate and Supplemental Benefits, but maintaining the same Percent (%) Markup for this proposed higher pay and benefit rate as the Percent (%) Markup over the Prevailing Wage Rate and Supplemental Benefits. If a Contractor does not submit such a request and wishes to perform work for an Authorized User, it Must pay the higher pay or benefits required by the Local Living Wage Law and not charge above its Total Hourly Rate.</i>
124	Attachment 1 – NYS Net Pricing Pages	Equipment Pricing	Will the state allow us to import/ copy & paste into the provided State Price form, as we have thousands of line items and options?	No, Bidders Must not import a price list.
125	Attachment 1 – NYS Net Pricing Pages	Cover Page	In answer to question number 200 on round one, it was stated that Bidders must offer either a manufacturer's entire product line or all product subcategories [sic] which fit the scope of Solicitation 23150. In the event a Bidder is only permitted by the manufacturer to sell certain SKU's or groups of SKU's less than all product subcategories [sic] within the scope of Solicitation 23150, may said bidder offer the limited set of SKU's as authorized by the manufacturer or will this not be permitted?	No, OGS respectfully declines to make the requested revisions. Per Attachment 1 - NYS Net Pricing Pages, Equipment Pricing Instructions tab: Bidders Must offer either an entire Product Line, or all Product Subcategories of a Product Line which fit the Scope of this Solicitation and any resulting Contract by including all items from these into the applicable Equipment Pricing tab in Attachment 1 NYS Net Pricing.

#	Document	Section	Inquiry	OGS response
126	Attachment 1 - NYS Net Pricing Pages	Equipment Pricing Tab/Custom-Built Pricing Tab	Per Attachment 15, cable and wire is part of the term "Equipment" and/or "System". Cable and wire is considered a commodity product with price changes due to the market and does not have an MSRP. Can cable and wire be listed in Attachment 1 under "Equipment Pricing" or "Custom-Built Pricing" tab without an MSRP?	Only if the cable and wire meets the definition of "Custom-Built Equipment" in Attachment 15 – <i>Glossary of Terms</i> , then Bidders May list this Equipment as Custom-Built Equipment. However, per Attachment 1 – NYS Net Pricing Pages, Custom Pricing Tab: <i>For Any Equipment which a Bidder Proposes as Custom-Built Equipment where OGS determines that there is a List Price/MSRP, OGS will reject the proposed Custom-Built Equipment Pricing.</i>
127	Attachment 1 - NYS Net Pricing Pages	Custom-Built Pricing Tab	In our 20191 contract, we listed "Small, Medium, and Large Ancillary Items" necessary for overall systems performance and maintenance. Can these Ancillary Items be listed in Attachment 1 under "Custom-Built Pricing" tab without an MSRP?	No, OGS respectfully declines to make the requested change. Pursuant to Attachment 1 - <i>NYS Net Pricing Pages, Definitions</i> tab, these Ancillary Line items are "Bundled Line items," and pursuant to Attachment 15 – <i>Glossary of Terms</i> , the definition of "Custom-Built Equipment," "Bundled Line Items" are not permitted to be Custom-Built Equipment.
128	Attachment 1 - NYS Net Pricing Pages	Custom-Built Pricing Tab	A 1) I don't see an area to list central station monitoring fees or A 2) inspection fees, is this required? B) I only see an individual labor rate?	A1) Central Station Monitoring Fees Must be listed in Attachment 1 – <i>NYS Net Pricing Pages, Central Station Monitoring Fees</i> tab. OGS has revised Attachment 15 – <i>Glossary of Terms</i> by adding the definition of Central Station Monitoring Fees and revised Attachment 1 – NYS Net Pricing Pages, by adding the "Central Station Monitoring Fee Instructions" tab and "Central Station Monitoring Fees" tab. A2) Inspection Fees are included as part of Attachment 1. Please see Attachment 15 – <i>Glossary of Terms</i> , "inspection," is a form of Preventative Maintenance covered by the Job Titles including Preventative and Remedial Maintenance. B) Central Station Monitoring Fees Must be listed in Attachment 1 – NYS Net Pricing Pages, <i>Central Station Monitoring Fees</i> tab.
129	Attachment 1 - NYS Net Pricing Pages	Custom-Built Pricing Tab	In our 20191 contract, we listed Town/County fire alarm submittal fees. Can these fees be listed in Attachment 1 under "Equipment Pricing" tab with the town/county's fee schedule?	No, these fees will not be listed in Attachment 1. Please see Solicitation §6.11 <i>Pricing Structure and Adjustments</i> , §Attachment 15 – <i>Glossary of Terms</i> , and §Attachment 16 – <i>How to Use</i> for additional information.

#	Document	Section	Inquiry	OGS response
130	Attachment 1 - NYS Net Pricing Pages	Labor Rates Instructions Tabs	A) The Published prevailing rates published 1/14/2019 are effective 1/1/2018 through 6/30/2019 which is during the review period. Are to (sic) to expect any changes or leave as. B) In the labor exhibit, we are specifically asked to include comparable pricing/contract info, is this the only place for the labor details?	<p>Please review the instructions in Attachment 1- <i>NYS Net Pricing Pages</i> for instructions as to how to complete this form. Bidders are to bid a Not-To-Exceed Price in the form of a proposed Percent (%) Markup over the Prevailing Wage Rate and Supplemental Benefits that will be in effect at the time that work is performed.</p> <p>A) Pursuant to Appendix C – Contract Update Form and Procedures, Procurement Services will update the Prevailing Wage Rates and Supplemental Benefits upon award of Contract.</p> <p>B) Yes, the Labor Rate Pricing Tabs in Attachment 1 – NYS Net Pricing Pages are the only location where Bidders Must list the comparable contract/customer and comparable contract/customer pricing for the Job Titles Bidder is proposing.</p>
131	Attachment 1 - NYS Net Pricing Pages	Rates	OGS Rates for Jefferson, Lewis and St. Lawrence do not reflect the 4/1/29 Increase.	OGS apologizes for this oversight and has revised the Prevailing Wage Rates and Supplemental Benefits.
132	Attachment 1 - NYS Net Pricing Pages	Lines 21 Column J	upon entering our % increase the OT hourly pay rate in column O does not multiply labor rate by 1.5% but comes us with a figure way below what it should be the same for Double time rate column	OGS has reviewed the formulas and determined they are working correctly.
133	Attachment 1-NYS Net Pricing Pages	Equipment Pricing	The character/text equipment description field is formatted to be a length of 71 characters, may we extend as needed, or leave as is	OGS has reviewed the Equipment Description Field and determined it is not formatted to be a length of 71 characters.
134	Attachment 1 - NYS Net Pricing Pages	Labor Rate Tabs	On the occasion we decide to use a subcontractor to install and service gates and sally ports as described in this solicitation the labor category provided is iron worker and there is no iron worker category on the labor tab. Will a labor item be added for iron worker?	<p>OGS declines to make the requested change.</p> <p>After award Contractors May request, adding Newly-Developed Job Titles in accordance with VII.7 <i>Addition of Newly Developed Job Titles in Appendix C - Contract Modification Form and Procedure.</i></p>

#	Document	Section	Inquiry	OGS response
135	Attachment 1 - NYS Net Pricing Pages	Labor Rate Tabs	For some access control installations a locksmith needs to be utilized to provide a turnkey solution. The prevailing wage category for a locksmith is carpenter. Will a labor line be added for a locksmith/carpenter rate?	OGS declines to make the requested change. After award Contractors May request, adding Newly-Developed Job Titles in accordance with VII.7 <i>Addition of Newly Developed Job Titles in Appendix C - Contract Modification Form and Procedure.</i>
136	Attachment 1 - NYS Net Pricing Pages	Labor Rates Instructions Tab	How do you determine the value of a business when it comes to the pricing for the Labor Rate, or what is your evaluation criteria when it comes to the second phase of the bid?	Labor rates must be priced in accordance with Section 3.12 Pricing and Attachment 1 – <i>NYS Net Pricing Pages</i> which OGS has revised by adding the followig: <i>Bidder's proposed labor rates submitted in response to this Solicitation Must be expressed as Not-To-Exceed Pricing as specified. See the definition of Not-To-Exceed Pricing in Attachment 15.- Glossary of Terms. Authorized Users will select Contractors in response to a Second Tier Solicitation/Direct Engagement per Attachment 16 - How To Use.</i>
137	Attachment 2 - NYS Required Certifications Form	Nondiscrimination In Employment In Northern Ireland Macbride Fair Employment Principles- Question #2	If you answer question #1 NO , would the correct response for question #2 be NO or left blank ?	In accordance with the Attachment 2, question #2 only applies if the answer to Question #1 is 'Yes'.
138	Attachment 4 - Contract Insurance Coverage Requirements	Part 1 General Conditions Applicable to Insurance	Bid calls for Licensed or Authorized ("admitted") carriers by NYS Financial Services. Will NYS accept excess lines carriers?	Yes, Per Attachment 4 - <i>Contract Insurance Coverage Requirements: OGS may, in its sole discretion, accept policies of insurance written by a non-authorized carrier or carriers when certificates and/or other policy documents are accompanied by a completed Excess Lines Association of New York (ELANY) affidavit or other documents demonstrating the company's strong financial rating.</i>
139	Attachment 4 - Contract Insurance Coverage Requirements	Part 1 General Conditions Applicable to Insurance	Will NYS accept Loyds of London? They are an unauthorized excess lines carrier who are allowed to do business in the State of NY.	Yes, OGS accepts policies written by Lloyds of London.

#	Document	Section	Inquiry	OGS response
140	Attachment 4 - Contract Insurance Coverage Requirements	Part 1 General Conditions Applicable to Insurance	Do the MBE, WBE and SDVOB companies listed in our Utilization Plan need to meet the insurance requirements of the bid?	<p>Per Attachment 4 - <i>Contractor's Insurance Coverage Requirements: Prior to the commencement of any work by a Subcontractor, the Contractor Shall require such Subcontractor to procure policies of insurance as required by this Attachment and maintain the same in force during the term of any work performed by that Subcontractor.</i></p> <p>If the MWBE or SDVOB Business Entity is a Subcontractor and going to perform work as a Subcontractor, then the MWBE or SDVOB Must procure and maintain policies of insurance required by Attachment 4.</p>
141	Attachment 4 - Contract Insurance Coverage Requirements	Part 1 General Conditions Applicable to Insurance	What is the approval process if a deductible exceeds \$100,000.00?	BRIM requests a questionnaire be complete and we do a financial review of the Bidder.
142	Attachment 4 - Contract Insurance Coverage Requirements	Part 1 General Conditions Applicable to Insurance	<p>"If a policy is written a claims-made basis, the Contractor must provide to OGS proof that the policy includes an Extended Reporting Period ("tail coverage") providing coverage for no less than 1 year after work is completed in the event that coverage is cancelled or not renewed."</p> <p>My company already has a professional policy in place, which is not project-specific. Embedded in the policy is an ERP condition that triggers if the policy were to cancel. For bid submission purposes, would OGS accept a copy of our policy?</p>	<p>Please only provide the page of the policy with this information. Please do not send the entire policy. We would accept this condition if it provided this extended ERP provides coverage for no less than one (1) year.</p>

#	Document	Section	Inquiry	OGS response
143	Attachment 4 - Contract Insurance Coverage Requirements	Part 2 Specific Insurance Requirements (Coverage Levels and Scope	Our Data Breach Privacy/Cyber Liability Insurance is included under our umbrella policy that exceeds the minimum requirements [sic] for this bid, does that satisfy [sic] the states requirements?	<p>OGS will need to review the umbrella schedule showing that the Data Breach Privacy/Cyber Liability is covered under the umbrella policy. In response to this inquiry, Procurement Services has revised Attachment 4 - <i>Contract Insurance Coverage Requirements</i> and Attachment 5 <i>Project-Specific Insurance Requirements</i> by updating the following:</p> <p>If Data Breach and Cyber/Privacy Liability Insurance coverage is included under a Commercial General Liability Policy, Professional Liability/Errors & Omissions Policy, or Technology Professional Liability/Technology Errors & Omissions Insurance Policy, or Umbrella Policy, this Must be evidenced by a copy of the Policy Documents/applicable Endorsements provided to the Authorized User.</p>
144	Attachment 4 - Contract Insurance Coverage Requirements	Part 2 Specific Insurance Requirements (Coverage Levels and Scope	Our Technology/Professional Errors & Omissions Liability is included under our umbrella policy that exceeds the minimum requirements for this bid, does that satisfy the states requirements?	<p>OGS will need to review the umbrella schedule showing that the Technology E&O/Professional Liability is covered under the umbrella policy. In response to this inquiry, Procurement Services has revised Attachment 4 - <i>Contract Insurance Coverage Requirements Form</i> by updating the following:</p> <p>If either Technology/Professional Liability Errors and Omissions Liability insurance coverage is included under a Commercial General Liability Policy or Umbrella Policy, the Contractor or Subcontractor Must provide the policy documents/endorsements which demonstrates that Technology Professional Liability/Technology Errors and Omissions Liability coverage is part of the Commercial General Liability policy or Umbrella Policy</p>
145	Attachment 4 - Contract Insurance Coverage Requirements Attachment 5 - Project Specific Insurance Attestation	Part 2 Specific Insurance Requirements (Coverage Levels and Scope and Part 6	NYS OGS refers to the needed insurance as "Construction Managers Professional" however the insurance brokers keep coming back referring to it as "Contractors Professional." Is "Contractors Professional" accepted by NYS OGS? (Per our insurance agent - the underwriters advise that the "Construction Managers Professional" is actually written as "Contractors Professional" and does include sub contractors for coverage. A difference in terms only.)	Yes, OGS would accept this.

#	Document	Section	Inquiry	OGS response
146	Attachment 5 - Project Specific Insurance Attestation	Part 6	Since we will not be managing the overall construction site, are we still required to provide the Construction Manager Professional Liability policy if we are in the tier of contractors limited to installing equipment/software and commissioning services for our system along with managing a subcontractor?	In responses to this inquiry, Procurement Services has revised Attachment 5 - <i>Project Specific Insurance Attestation</i> by updating the following: Where Contractor is offering a Design Build Solution as per an Authorized User Agreement, The Contractor Must obtain and maintain Construction Managers (Contractor's) Professional Liability Insurance
147	Attachment 5 - Project Specific Insurance Attestation	Part 2	Is the installation floater sufficient in lieu of the builder's risk policy? The way it is worded, it looks like you could have either or builder's risk or installation floater. There is not a limit mentioned, so it must equal the amount of material installed at the project?	Yes, in response to this inquiry, OGS has revised Attachment 5 - <i>Project Specific Insurance Attestation</i> to reflect this.
148	Attachment 5 - Project Specific Insurance Attestation	Part 2	Section 2 requires the bidder to provide Builder's Risk Insurance. My company currently has a blanket installation floater. Will this suffice? It looks like OGS wants a separate policy put in place so they can be named as an insured and loss payee. Please clarify	Yes, in response to this inquiry, OGS has revised Attachment 5 - <i>Project Specific Insurance Attestation</i> to reflect this.
149	Attachment 5 - Project Specific Insurance Attestation	Part 2	We cannot name OGS as an "insured" under our Builder's Risk policy but can name OGS as an "additional insured". In order to meet the requirement of naming OGS as an "insured" we would be required to purchase a separate policy. Must we purchase this separate policy or will OGS accept that we name them as an "additional insured" under our current policy?	On a Builder's Risk Policy, OGS and any other contractor and/or subcontractor is required to be a Named Insured or Additional Named Insured on your policy for your project. OGS would not be an additional insured.
150	Attachment 4 - Contract Insurance Coverage Requirements Form	Part 2 Specific Insurance Requirements (Coverage Levels and Scope and Part 6	Please define "Low Risk Data", "Medium Risk Data" and "High Risk Data"	Please see ITS Policy # NYS-S14-002 for additional information relating to risk levels: https://its.ny.gov/sites/default/files/documents/nys-s14-002_information_classification_1.pdf

#	Document	Section	Inquiry	OGS response
151	Attachment 6 - Bidder Information Questionnaire	Various questions	If a question doesn't apply and there is no dropdown, do you leave blank or is N/A acceptable - <i>Example: if the response to question #14 is NO, what would be the appropriate response for Questions 15, 16 and 17? NO, N/A or left blank?</i>	OGS apologizes for this oversight. Please see the revised instructions for Attachment 6 - <i>Bidder Information Questionnaire</i> .
152	Attachment 6 - Bidder Information Questionnaire	Lines 39-42	We are bidding Lot 2 for services using distributed products by different manufacturers and are unaware of origination, should we enter N/A?	No, Questions must be answered based on where the Product(s) (Equipment) that the Bidder will be selling are manufactured.
153	Attachment 7 - Bidder Submission Checklist	Question 4	A) What is the Addenda? B) Where do I find it?	Addenda are the documents formally revising the Bid Solicitation. Addenda for Solicitation 23150 can be found at the following link as "Solicitation Updates:" https://ogs.ny.gov/procurement/bid-document-files-intelligent-facility-and-security-systems-and-solutions-statewide
154	Attachment 7 - Bidder Submission Checklist	Question 6	Are you asking for the price list directly from the manufacturer that has 'OUR COST' on it?	No, we are not asking for your cost. Per Solicitation 3.12 <i>Pricing</i> , OGS is requiring Bidder to provide the Manufacturer/s/Distributor's Price List with List Price/MSRP ("List Price/MSRP File") as defined in Attachment 15 – Glossary of Terms.
155	Attachment 7 - Bidder Submission Checklist	Line item #14	Line item #14 "if bidding lot 1..." does not have a drop down listing N/A. We are bidding Lot 2 so this is not applicable for us.	OGS apologizes for this oversight and has issued a revised Attachment 7- Bidder Submission Checklist which includes "N/A," as an option.
156	Attachment 7 - Bidder Submission Checklist	Question 17	If we are not proposing extraneous terms do we answer the question Yes or No in the Response for Electronic Submission system	Bidders not proposing Extraneous Terms Must select "No" in the "Response for Electronic Submission."
157	Attachment 7 – Bidder Submission Checklist	Question 17	"If Bidder is Proposing Extraneous Terms, have these been indicated and included with Bidder's proposal submission?" A) What is meant by this? B) Could you give an example?	A) An extraneous term is any term that deviates from a requirement of the Solicitation. B) For an example see question and response # 98 above in this document..

#	Document	Section	Inquiry	OGS response
158	Attachment 7 - Bidder Submission Checklist	Question 25	A) What is an ST-220-CA and B) why is it required?	<p>A) The ST-220 CA form certifies that the Contractor filed the ST-220 TD with the NYS Department of Taxation and Finance (DTF). Please see Solicitation 6.29 for additional information.</p> <p>B) See New York State Tax Law §5-A and the following link: https://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf</p>
159	Attachment 13, Manufacturer's Guarantee	Parts 3, 4, and 5	<p>Previous NYS contract documents (D-1 Mfrs Guarantee) had language for manufacturers who do NOT provide installation or field/service maintenance. It indicated that they "will be required to identify firms who can provide any required services in the event that the contractor is unable to complete an acceptable installation...."</p> <p>This language, or similar, does not appear in new Mfr cert attachments. This is a legal/liability concern for those that cannot provide these services. Can this language be included in the contract docs?</p>	<p>Please see the definition of "Cause to be performed" in Attachment 15 – Glossary of Terms: "Cause to be performed" means that either:</p> <p>a) <i>A Manufacturer which executed Attachment 13 – Lot 2 Manufacturer's Guarantee, or</i></p> <p>b) <i>A Distributor which executed Attachment 14 – Lot 2 Distributor's Guarantee provides an Identified Firm(s) to the State or an Authorized User after New York State or an Authorized User invokes the guarantee(s). Once the Manufacturer or Distributor provides an Identified Firm(s) to the State or an Authorized User which invoked the Guarantee, any agreement to perform Installation, Integration, or Maintenance will be between the Identified Firm and either New York State or the Authorized User, depending upon who invoked the Guarantee.</i></p>

#	Document	Section	Inquiry	Inquiry
101	Solicitation Main Document	3.7 EEO Staffing Plan	If we plan on increasing staff during the 5-year term, does the FORM 100 need to reflect this?	No, not at the time of submittal, but the form needs to be updated, to reflect all changes throughout the duration of the contract.
102	Solicitation Main Document	3.8 MWBE Utilization/3.9 SDVOB Utilization	Are MWBE and SDVOB Forms 100 required as part of the initial solicitation submission?	Yes, Pursuant to Solicitation §6.19 and Solicitation §6.20, a Bidder Must complete both: a) either an MWBE 100 (MWBE Utilization Plan) or an MWBE Waiver, and b) either an SDVOB 100 (SDVOB Utilization) or an SDVOB Waiver in its entirety, signed and submitted with its Bidder Submission MWBE Utilization Plan and SDVOB Utilization Must contain a detailed description of the supplies and/or services to be provided by each MWBE/SDVOB subcontractor/supplier.
103	Solicitation Main Document	3.8 MWBE Utilization	Do you complete MWBE 100 if you are a MWBE business?	Yes, An MBE contractor must still meet the WBE requirement, and vice versa. A dual-certified MWBE's participation in a State contract may be counted towards either an MBE goal or a WBE goal but may not be counted towards both and the designation chosen (either MBE or WBE) must remain for the life of the contract.
104	Solicitation Main Document	3.8 MWBE Utilization	Do Lot 2 Bidders need to list all potential MWBE Subcontractors on the initial MWBE 100 form?	Yes, the plan must contain a detailed description of the supplies and/or services to be provided by each MWBE subcontractor/supplier

#	Document	Section	Inquiry	Inquiry
105	Solicitation Main Document	3.8.1 MWBE 100 (Utilization Plan) or Waiver	If we are bidding on Lot 1 for equipment only is it still a requirement to have MBE or WMBE	<p>Yes, for this procurement all lots have MWBE goals, all bidder Must submit a (MWBE 100) Utilization Plan, regardless of lots. The plan must contain a detailed description of the supplies and/or services to be provided by each MWBE subcontractor/supplier.</p> <p>Request for Waivers are evaluated at the time of submittal by the OGS Office of Minority- and Women-Owned Business Enterprises. In accordance with 5 NYCRR § 142.7, a Bidder/Contractor who is able to document good faith efforts to meet the goal requirements, as set forth in clause 5.28.7. below, may submit a request for a partial or total waiver on Form BDC 333, accompanied by supporting documentation. A Bidder may submit the request for waiver at the same time it submits its MWBE Utilization Plan. If a request for waiver is submitted with the MWBE Utilization Plan and is not accepted by OGS at that time, the provisions of clauses 5.28.5. (3), (4) & (5) will apply. If the documentation included with the bidder's/Contractor's waiver request is complete, OGS shall evaluate the request and issue a written notice of acceptance or denial within twenty (20) days of receipt.</p>

#	Document	Section	Inquiry	Inquiry
106	Solicitation Main Document	3.8.1 MWBE 100 (Utilization Plan) or Waiver	If we have one now, do we need to complete a new one from scratch?	<p>Yes, all bidders Must submit a new (MWBE 100) Utilization Plan, or Waiver Request. The plan Must contain a detailed description of the supplies and/or services to be provided by each MWBE subcontractor/supplier.</p> <p>Request for Waivers are evaluated at the time of submittal by the OGS Office of Minority- and Women-Owned Business Enterprises. In accordance with 5 NYCRR § 142.7, a Bidder/Contractor who is able to document good faith efforts to meet the goal requirements, as set forth in clause 5.28.7. below, may submit a request for a partial or total waiver on Form BDC 333, accompanied by supporting documentation. A Bidder may submit the request for waiver at the same time it submits its MWBE Utilization Plan. If a request for waiver is submitted with the MWBE Utilization Plan and is not accepted by OGS at that time, the provisions of clauses 5.28.5. (3), (4) & (5) will apply. If the documentation included with the bidder's/Contractor's waiver request is complete, OGS shall evaluate the request and issue a written notice of acceptance or denial within twenty (20) days of receipt.</p>
167	Solicitation Main Document	6.19.3.C Equal Employment Opportunity (EEO)	Is a Form EEO 101 Due from the Contractor and Each Subcontractor as part of the bid package submission or is this only required post-award on a Quarterly basis?	<p>Pursuant to §6.19 of this Solicitation, a Bidder Must complete EEO 100 (Equal Employment Opportunity Staffing Plan) in its entirety, sign and submit with its Bidder Submission.</p> <p>Awarded Contractors and their Subcontractors Must submit. (EEO 101) This report must be submitted quarterly by the 10th day of April, July, October, and January throughout the duration of a contract.</p>

#	Document	Section	Inquiry	Inquiry
168	Solicitation Main Document	6.19.4 Contract Goals	Do these requirements apply to transactions with Authorized Users? Do they apply strictly to contract awards?	No, the goals apply to contract awardees, OGS hereby established an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under the Contract.
169	Solicitation Main Document	6.19.5 MWBE Utilization Plan/ 6.20.2 SDVOB Utilization Plan	Can you elaborate on the requirements for the MWBE and the SDVOB Utilization Plans?	The (MWBE 100) Utilization Plan [and SDVOB 100 – SDVOB Utilization Plan] Must contain a detailed description of the supplies and/or services to be provided by each MWBE subcontractor/supplier.