



Bid Solicitation Information

(REVISED August 28, 2019)

Subject: Contract Requirements and Bid Information

DATE: August 28, 2019

IFB/RFP: 23166 BID OPENING DATE | TIME: September 3, 2019 11:00AM ET

GROUP | TITLE: 40440 | Vehicles, Class 1-8 (Statewide)

OGS DESIGNATED CONTACTS:

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1. INTRODUCTION

1.1 Bid Overview

This Solicitation is issued by the New York State (“NYS”) Office of General Services (“OGS”), Procurement Services for the acquisition of Class 1 through Class 8 Vehicles as specified herein for all Authorized Users eligible to purchase through this Solicitation. This Solicitation outlines the terms and conditions and all applicable information required for submitting a Bid. Bidders are strongly encouraged to read the language of this Solicitation thoroughly and to precisely follow the instructions included in the Solicitation and all attachments. Capitalized terms used in this Solicitation shall be defined in accordance with the Contract Template, Section 1.4 *Definitions and Acronyms*.

All Bids must be submitted by utilizing the eProcurement Platform for this Solicitation. For instructions for accessing the eProcurement Platform, and for additional information, see Section 4.4 *Format of Bid Submission*.

A. The following documents are incorporated into this Solicitation:

1. Bid Solicitation Information (this document)
2. Contract Template, which includes the following:
 - Base Agreement (the portion of the Contract preceding the Parties’ signatures)
 - Appendix A – Standard Clauses for NYS Contracts (January 2014)
 - Appendix B – General Specifications For 40440-23166 Vehicles, Class 1-8 (June 2019)
 - Appendix C – Contract Modification Procedure
 - Appendix D – Lease Vehicles
 - Attachment 1 – Contractor Information
 - Attachment 2 – Insurance Requirements
 - Attachment 3 – Report of Contract Usage
3. Forms and surveys to be completed on the eProcurement Platform for this Solicitation (see Section 4 *Bid Submission*, subsection 4.5 *Content*).

4. Bidder Questions Form

5. **How to Participate in the NYS Vehicle Marketplace.** (This is a document intended to guide the prospective Bidder through the process of how to submit a Bid under OGS Solicitation 23166, Vehicles, Class 1-8 on the Negometrix eProcurement Platform. OGS reserves the right to unilaterally make revisions, changes and/or updates to the How to Participate in the NYS Vehicle Marketplace document without processing a formal amendment and/or modification.)

- B. The resultant Contracts shall be Backdrop Contracts, as defined in Appendix B, §2 *Definitions*, Paragraph f *Contract*, for the OEM Product Line(s) available from the Dealer(s), with a NYS Minimum Discount(s) of at least one (1) percent, for applicable Vehicle types. A Contract Template containing the Backdrop Contract terms and conditions is posted on both the OGS website and eProcurement Platform for this Solicitation;
- C. The Contract term shall be ten (10) calendar years from the date of OGS approval of the first Contract awarded. See Contract Template Section 2.3 *Contract Term and Extensions*, for additional information;
- D. Vehicle acquisition from the Contracts shall be on an as-needed basis by Authorized Users via a competitive Mini-Bid process utilizing the Vehicle Marketplace eProcurement Platform established by OGS (see Contract Template Section 2.42 *Procurement Method*). The Vehicle Marketplace is located on the OGS website at ogs.ny.gov/vehicle-marketplace. The Contractors shall only provide a Vehicle under the Contracts when it has been awarded under the Mini-Bid process;
- E. The Vehicles shall be new, (i.e., the equitable or legal title to which has never been transferred by a manufacturer, distributor or Dealer to an ultimate purchaser). "Demos" or "used" Vehicles shall not be sold in response to a Mini-Bid;
- F. This is a continuous recruitment Solicitation. The first Bids for Contracts received under this Solicitation will be reviewed beginning on the Bid Opening date indicated in Section 1.4 *Key Events/Dates*. See Section 5 *Method of Award*, for additional information; and
- G. In order to be eligible for contract award on the "Contract Approval Date" indicated in Section 1.4 *Key Events/Dates*, a Bidder must submit all required Bid documents in accordance with the instructions on the eProcurement Platform for this Solicitation, completed to the satisfaction of OGS, by the "Deadline for Responsive Bid Documents" indicated in Section 1.4 *Key Events/Dates*.

1.2 Contract Scope

The resultant Contracts shall be for the acquisition of new Vehicles, in the following Classes of Vehicles: Class 1 (1 to 6,000 lbs. GVWR), Class 2 (6,001 to 10,000 lbs. GVWR), Class 3 (10,001 to 14,000 lbs. GVWR.), Class 4 (14,001 to 16,000 lbs. GVWR), Class 5 (16,001 to 19,500 lbs. GVWR), Class 6 (19,501 to 26,000 lbs. GVWR), Class 7 (26,001 to 33,000 lbs. GVWR), and Class 8 (33,001 lbs. GVWR & Over).

- A. The following is included in the scope:
 1. Complete Vehicles: A Vehicle that is ready for use and requires no further manufacturing operations to perform its intended function, and is either 1) a Single OEM Vehicle (i.e., a Vehicle that is marketed and sold under one OEM brand name), or 2) the result of a Body Upfit (i.e., the installation of a Body on a Chassis).;
 2. Chassis: The portion of a Vehicle that includes the frame, wheels, and machinery (e.g., engine, transmission, driveshaft, differential, and suspension), and is an incomplete Vehicle until it is joined to a Body. Chassis includes Chassis cabs, cutaway Chassis, and any other Chassis-only incomplete Vehicle;
 3. Bodies: The portion of a Vehicle which must be attached to a Chassis in order to carry the load or cargo, and is an incomplete Vehicle without being attached to a Chassis. Examples include, but are not limited to, aerial lift, ambulance, beverage, box/van, bus, concrete mixer, dump, flat

bed, log, pickup, recyclable/refuse, refrigerator, service/utility, stake, sweeper, tank, tow truck, and a chassis fifth wheel trailer;

4. Options: Any accessory, equipment, or feature that is available from the OEM and that can be added to, or deleted from, a Vehicle; and
5. Aftermarket Components: Any accessory, equipment, or feature that is manufactured by an OEM other than the Vehicle OEM, and is not included in the OEM Product Line, and that may be installed on the Vehicle by the Contractor, or third-party. Examples include, but are not limited to, emergency lights, snow plow, cameras, towing equipment, tow-hitch trailers, spreaders, and tarps.

An Authorized User may utilize the resultant Contracts to conduct Mini-Bids to acquire Complete Vehicles, and individual Chassis or Bodies. Options and Aftermarket Components may only be acquired from the resultant Contracts if they are acquired with a Vehicle in a Mini-Bid conducted under the Contract.

- B. Heavy Construction Equipment, Low Speed Vehicles, School Buses, and Transit Buses are excluded from the scope (see Contract Template Section 1.2 *Scope*).

1.3 Estimated Quantities

A Contract resulting from this Solicitation shall be an estimated quantity Contract. No specific quantities are represented or guaranteed and the State provides no guarantee of individual Authorized User participation. The Contractor must furnish all quantities actually ordered at or below the Contract prices. The anticipated dollar value of the award for this Solicitation, based on historical purchases under previous awards, is approximately \$125,000,000.00 annually. The individual value of each resultant Contract is indeterminate and will depend upon the number of Contracts issued and the competitiveness of the pricing offered. Authorized Users will be encouraged to purchase from Contractors who offer the Products and pricing that best meet their needs in the most practical and economical manner. See Appendix B, Section 28 *Estimated/Specific Quantity Contracts* and Appendix B, Section 25 *Participation in Centralized Contracts*.

Numerous factors could cause the actual quantities of Products purchased under a Contract resulting from this Solicitation to vary substantially from the estimates in the Solicitation. Such factors include, but are not limited to, the following:

- Such Contracts may be non-exclusive Contracts.
- There is no guarantee of quantities to be purchased, nor is there any guarantee that demand will continue in any manner consistent with previous purchases.
- The individual value of each Contract is indeterminate and will depend upon actual Authorized User demand and actual quantities ordered during the contract period.
- The State reserves the right to terminate any Contract for cause or convenience prior to the end of the term pursuant to the terms and conditions of the Contract.
- Contract pricing that is lower than anticipated could result in a higher quantity of purchases by Authorized Users than anticipated.
- Contract pricing that is higher than anticipated could result in a lower quantity of purchases by Authorized Users than anticipated.

By submitting a Bid, Bidder acknowledges the foregoing and agrees that actual good faith purchasing volumes during the term of the resulting Contracts could vary substantially from the estimates provided in this Solicitation.

1.4 Key Events/Dates

Event	Date	Time
Solicitation release	July 24, 2019	N/A
Closing date for Bidder questions	August 6, 2019	5:00 PM ET

OGS response to Bidder questions	August 28, 2019	N/A
Bid Opening / Due date for Bids	September 3, 2019	11:00 AM ET
Deadline for Responsive Bid Documents	November 5, 2019	5:00 PM ET
Contract Approval Date / Award Publish Date	November 14, 2019 (tentative)	N/A
Closing date for Contract recruitment	May 13, 2029 (tentative)	5:00 PM ET

1.5 Pre-Bid Conference

There is no pre-bid conference for this Solicitation.

1.6 NYS Contract Reporter

Bidders must register with the New York State Contract Reporter (“NYSCR”) at <https://www.nyscr.ny.gov> in order to receive NYSCR notifications about this Solicitation. Navigate to the “I want to find contracts to Bid on” page to register for your free account. In order to receive e-mail notifications regarding updates to the content or status of a particular ad, you must “bookmark the ad” on the upper right-hand side of the ad, then return to your Account, view your list of bookmarked ads, and then select “send me notification updates” option listed to the right of the ad. Answers to all questions of a substantive nature will be posted in the form of a question and answer document and released through the NYSCR. Any updates to Solicitation documents will also be posted and released through the NYSCR.

If you do not opt-in to receive notification updates regarding a particular ad, you will not receive e-mail notifications regarding updates, including e-mail notifications regarding the posting of the question and answer document and updates to Solicitation documents.

Be advised that submission of responses to the Solicitation that do not reflect and take into account updated information may result in your Bid being deemed non-responsive to the Solicitation.

1.7 Bidder Questions

All questions regarding this Solicitation must be submitted by the date and time indicated in Section 1.4 *Key Events/Dates*. Questions submitted after the deadline indicated may not be answered. A Bidder is strongly encouraged to submit questions as soon as possible. Questions should be submitted in the following manner:

- A. Any questions regarding the Bid Solicitation Information document (this document) and/or the Contract Template should be submitted using the *Bidder Questions Form*, citing the applicable section of the Contract Template. The completed form must be emailed to SST_Auto@ogs.ny.gov.

Answers to all questions regarding the Bid Solicitation Information document (this document) and/or the Contract Template of a substantive nature will be provided to all prospective Bidders in the form of a question and answer document which will be posted to both the OGS website and the eProcurement Platform for Solicitation 23166. The Bidder asking the question will not be identified.

- B. Questions regarding the forms and surveys to be completed on the eProcurement Platform for this Solicitation, that are available under the headings below, should be submitted using the question and answer feature available via the eProcurement Platform. Click on the link labeled “Pose a question to the buyer” to ask a question about a particular form or question that is asked in the Bidder surveys in the eProcurement Platform for this Solicitation.

Bidder Surveys included in the eProcurement Platform:

- 1.A Bidder Information
- 1.B Mandatory Forms
- 1.C General Questions

Answers to all questions regarding the forms and surveys of a substantive nature will be provided to all prospective Bidders in the form of a question and answer document which will be posted to both the OGS website and the eProcurement Platform for Solicitation 23166. The Bidder asking the question will not be identified.

Notification of the posting of OGS answers will be advertised in the NYS Contract Reporter ("NYSCR"). Your company must select the "opt-in" option within the Contract Reporter ad to receive notification of updates to this Solicitation.

If Bidder intends to submit a Bid that deviates from the requirements of the Solicitation in any way, the proposed deviations should be submitted during the *Questions* period so that they may be given due consideration prior to the submission of Bids. See Section 4.6 *Bid Deviations* for additional information.

1.8 Summary of Policy and Prohibitions On Procurement Lobbying

Pursuant to State Finance Law § 139-j and § 139-k, this Solicitation includes and imposes certain restrictions on communications between OGS and a Bidder during the procurement process. A Bidder is restricted from making contacts from the earliest posting, on a governmental entity's website, in a newspaper of general circulation, or in the procurement opportunities newsletter of intent to solicit offers/Bids through final award and approval of the Procurement Contract by OGS and, if applicable, the Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff, as of the date hereof, are identified on the first page of this Solicitation. OGS employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Bidder pursuant to State Finance Law §139-j and §139-k. Certain findings of non-responsibility can result in rejection for Contract award and, in the event of two findings within a four-year period, the Bidder is debarred from obtaining governmental Procurement Contracts for four years. Further information about these requirements can be found on the OGS website at: <https://www.ogs.ny.gov/acpl/>

1.9 Conflict of Terms

Conflicts among the documents in the Solicitation shall be resolved in the following order of precedence:

- A. Appendix A, *Standard Clauses for New York State Contracts* (January 2014)
- B. The Bid Solicitation Information Document (i.e., this document);
- C. The Contract Template;
- D. Appendix B *General Specifications For 40440-23166 Vehicles, Class 1-8* (June 2019); and
- E. Other Appendices and attachments.

2. BIDDER QUALIFICATIONS

Bidder is advised that the State's intent in having the requirements listed below is to ensure that only qualified and reliable Contractors perform the work of the resulting Contract. Bidder shall have the burden of demonstrating to the satisfaction of Procurement Services that it can perform the work required. Procurement Services retains the right to request any additional information pertaining to the Bidder's ability, qualifications, financial capacity, financial stability, and procedures used to accomplish all work under the resulting Contract as it deems necessary to ensure safe and satisfactory work. A Bidder shall meet the following qualifications:

- A. Offer at least one complete or partial Vehicle OEM Product Line, and be a Dealer of that **Vehicle OEM** Product Line. A "Dealer" is a distribution source for an OEM, authorized and designated by said OEM, subject to approval by New York State, which may include the OEM or an entity other than the OEM. Upon request by OGS, the Bidder shall provide proof of Dealer status in a format that is acceptable to OGS. **A Bidder must offer new Vehicles for purchase. A Vendor that only offers vehicles for lease is not eligible to bid under this Solicitation;**

- B. Offer Vehicles that can be serviced and repaired in NYS, with parts available in accordance with Contract Template Section 3.10 *Availability of Service & Parts*. See also Contract Template Section 3.17 *Post-Delivery Service*;
- C. Offer a NYS Minimum Discount of at least one (1) percent, for Contract purchases of Vehicles marketed and sold under one OEM brand name (i.e. Light Duty Vehicles, Class 3 pickup trucks, and Class 3-8 Chassis); and
- D. Agree to, and be able to meet, the terms and conditions set forth in the Contract (see Contract Template).

3. SPECIFICATIONS

Vehicles shall be provided under the Contracts in accordance with the general specifications included in Contract Template, and also with the Authorized User Specifications for each Mini-Bid conducted under the resultant award for this Solicitation. See Contract Template Section 2.42 *Procurement Method*, and Contract Template Section 3 *Specifications*, for additional information.

4. BID SUBMISSION

4.1 Performance and Bid Bonds

There are no bonds for this Contract. The Commissioner of OGS has determined that no performance, payment or Bid bond, or negotiable irrevocable letter of credit or other form of security for the faithful performance of the Contract is required at any time during the term of the resulting Contract.

4.2 NYS Vendor File Registration

Prior to being awarded a Contract pursuant to this Solicitation, the Bidder and any authorized resellers who accept payment directly from the State, must be registered in the New York State Vendor File (Vendor File) administered by the Office of the State Comptroller (OSC). This is a central registry for all vendors who do business with New York State Agencies and the registration must be initiated by a State Agency. Following the initial registration, a unique New York State ten-digit vendor identification number (Vendor ID) will be assigned to your company and to each of your authorized resellers (if any) for use on all future transactions with New York State. Additionally, the Vendor File enables a vendor to use the Vendor Self-Service application to manage all vendor information in one central location for all transactions related to the State of New York.

If Bidder is already registered in the New York State Vendor File, the Bidder must enter its Vendor ID on the first page of this Solicitation. Authorized resellers already registered should list the Vendor ID number along with the authorized reseller information. (The Vendor ID number is not the same as a SOCIAL SECURITY NUMBER or a TIN/FEIN number.)

If the Bidder is not currently registered in the Vendor File, the Bidder must request assignment of a Vendor ID from OGS. Bidder must complete the OSC Substitute W-9 Form (http://www.osc.state.ny.us/vendors/forms/ac3237s_fe.pdf) and submit the form to OGS in advance of Bid submission. Please send this document to the Designated Contact identified in the Solicitation. In addition, if an authorized reseller is to be used that does not have a Vendor ID, an OSC Substitute W-9 form should be completed by each authorized reseller and submitted to OGS. OGS will initiate the vendor registration process for all Bidders and authorized resellers. Once the process is initiated, registrants will receive an e-mail identifying their Vendor ID and instructions on how to enroll in the online Vendor Self-Service application.

For more information on the Vendor File please visit the following website:

http://www.osc.state.ny.us/vendor_management.

4.3 NYS Vendor Responsibility

OGS conducts a review of prospective Contractors (“Bidders”) to provide reasonable assurances that the Bidder is responsive and responsible. A For-Profit Business Entity Questionnaire (hereinafter “Questionnaire”) is used for non-construction Contracts and is designed to provide information to assess a Bidder’s responsibility to conduct business in New York based upon financial and organizational capacity, legal authority, business integrity, and past performance history. By submitting a Bid, Bidder agrees to fully and accurately complete the Questionnaire. The Bidder acknowledges that the State’s execution of the Contract will be contingent upon the State’s determination that the Bidder is responsible, and that the State will be relying upon the Bidder’s responses to the Questionnaire, in addition to all other information the State may obtain from other sources, when making its responsibility determination.

OGS recommends each Bidder file the required Questionnaire online via the New York State VendRep System. To enroll in and use the VendRep System, please refer to the VendRep System Instructions and User Support for Vendors available at the Office of the State Comptroller’s (OSC) website at <http://www.osc.state.ny.us/vendors/index.htm> or to enroll, go directly to the VendRep System online at <https://portal.osc.state.ny.us>.

Vendors must provide their New York State Vendor Identification Number when enrolling. For information on how to request assignment of a Vendor ID, see the *NYS Vendor File Registration* section. OSC provides direct support for the VendRep System through user assistance, documents, online help, and a help desk. The OSC Help Desk contact information is located at <http://www.osc.state.ny.us/portal/contactbuss.htm>. Bidders opting to complete and submit the paper questionnaire can access this form and associated definitions via the OSC website at http://www.osc.state.ny.us/vendrep/forms_vendor.htm.

In order to assist the State in determining the responsibility of the Bidder prior to Contract award, the Bidder must complete and certify (or recertify) the Questionnaire no more than six (6) months prior to the Bid due date. A Bidder’s Questionnaire cannot be viewed by OGS until the Bidder has certified the Questionnaire. It is recommended that all Bidders become familiar with all of the requirements of the Questionnaire in advance of the Bid opening to provide sufficient time to complete the Questionnaire.

4.4 Format of Bid Submission

The following applies to the format of Bids submitted for this Solicitation:

- A. All Bids must be submitted by utilizing the eProcurement Platform for this Solicitation, which can be found by visiting <https://platform-us.negometrix.com/PublishedTenders.aspx>. All Bidders must first register their company with Negometrix, the company that powers the eProcurement Platform for this Solicitation. Once registered, select the Solicitation number 1379 (OGS Solicitation 23166: Vehicles, Class 1-8) from the Published Solicitations list under the “Current Solicitations” tab, scroll to the bottom of the overview, and select “Participate”. **See also Section 1.1 Bid Overview (A) 5. How to Participate in the NYS Vehicle Marketplace.**
- B. For questions about how to utilize the eProcurement Platform, see the Negometrix support page at <https://support-us.negometrix.com/support/home>, or call 724-888-5294. For questions about Bid content, see Section 1.7 *Bidder Questions* above.
- C. Forms that are required with the Bid submission (see Section 4.5 *Content*), are available for download either directly from, or via a link within, the eProcurement Platform. The downloaded forms must be completed, scanned, and then uploaded to the eProcurement Platform, **with the exception of the Form ST-220-TD, which must be completed and mailed directly to the NYS Department of Taxation and Finance if applicable.** Bidder is responsible for retaining the original of the completed forms, with ink signatures if applicable, and shall submit the form(s) to OGS during the Bid and Contract award period, only if requested by OGS. Upon Contract award, the original forms must be retained by the Contractor for the Bid submission period, and for the life of the resultant Contract (a longer retention period than the six (6) year period referenced in Appendix A, Section 10 *Records*), and must be provided to OGS upon request.

- D. Bidders are responsible for the accuracy of their Bids. All Bidders are directed to take extreme care in developing their Bids. Bidders are cautioned to carefully review their Bids prior to Bid submission. A Bid that fails to conform to the requirements of the Solicitation may be considered non-responsive and may be rejected.

4.5 Content

The following information and forms must be provided utilizing the eProcurement Platform for this Solicitation, which can be accessed by following the instructions provided in Section 4.4 *Format of Bid Submission* above. The eProcurement Platform will direct the Bidder to Questionnaire 1 *OGS Solicitation 23166*, which includes the following Question Groups:

A. 1.A. Bidder Information.

- 1.A.1. Entity Name;
- 1.A.2. Federal Tax Identification Number / Federal Employer Identification Number (FEIN);
- 1.A.3. NYS Vendor Identification Number (see Section 4.2 *NYS Vendor File Registration*);
- 1.A.4. Principal Place of Business;
- 1.A.5. Contact Information; and
- 1.A.6. Bidder Certification and Affirmation Form.

B. 1.B. Mandatory Forms.

- 1.B.1. Standard Vendor Responsibility Questionnaire (SVRQ) (see Contract Template Section 2.35 *NYS Vendor Responsibility*);
- 1.B.2. NY State Taxation and Finance Form ST-220-TD (see Contract Template Section 2.36 *NYS Tax Law Section 5-A*);
- 1.B.3. NY State Taxation and Finance Form ST-220-CA (see Contract Template Section 2.36 *Tax Law Section 5-A*);
- 1.B.4. EEO-100 (Equal Employment Opportunity Staffing Plan) Form (see Contract Template Section 2.28 *Contractor Requirements And Procedures For Participation By New York State Certified Minority And Women-owned Business Enterprises And Equal Employment Opportunities For Minority Group Members And Women, Subparagraph III B Form EEO 100 – Staffing Plan*);
- 1.B.5. Proof of Insurance (Contract Requirements) (see Contract Template, Attachment 2 *Insurance Requirements*);
- 1.B.6. Proof of Insurance Documents (General, Automobile and Garage Liability);
- 1.B.7. Proof of Insurance Documents (Workers' Compensation);
- 1.B.8. Proof of Insurance Documents (Disability Benefits);
- 1.B.9. NYS Required Certifications Form;
- 1.B.10. Encouraging Use of NYS Businesses in Contract Performance Form; and
- 1.B.11. Lease Provider Information Form (If Bidder is not adding a Lease Provider at time of Bid, the Lease Provider Information Form does not need to be uploaded to the Negometrix eProcurement Platform.);
- 1.B.12. Contractor Information Form

C. 1.C. General Questions

Question Group 1.C *General Questions* includes nine (9) questions that are standard general questions about the Bidder company.

4.6 Bid Deviations

Bids must conform to the terms set forth in this Solicitation. As set forth in Bidder Questions, if Bidder intends to submit a Bid that deviates from the requirements of the Solicitation in any way, the proposed deviations should be submitted during the Questions period so that they may be given due consideration prior to the submission of Bids. Material deviations (including additional, inconsistent, conflicting, or alternative terms) submitted with the Bid may render the Bid non-responsive and may result in rejection of the Bid.

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 Appendix B (General Specifications) that are of a material and substantive nature.

Extraneous terms submitted on standard, pre-printed forms (including but not limited to: product literature, order forms, license agreements, contracts or other documents) that are attached or referenced with submissions shall not be considered part of the Bid or resulting Contract, but shall be deemed included for informational or promotional purposes only.

4.7 Electronic Bid Opening Results

OGS Procurement Services posts Bid information on the OGS Procurement Services web page. The web page makes available the list of Bidders that responded to the Solicitation. Such information is anticipated to be available online within two business days after the Bid opening.

The Bid Opening Results Page is available at: <https://ogs.ny.gov/procurement/Bid-opening-results-0>.

4.8 Bid Liability

The State of New York will not be held liable for any cost incurred by the Contractor for work performed in the production of a Bid or for any work performed prior to the formal execution of a Contract.

4.9 NYS Reserved Rights

New York State reserves the right, in its sole discretion, to:

- A. Reject any or all Bids received in response to the Solicitation;
- B. Withdraw the Solicitation at any time at the sole discretion of the State;
- C. Make an award under the Solicitation in whole or in part;
- D. Disqualify any Bidder whose conduct and/or Bid fails to conform to the requirements of the Solicitation;
- E. Seek clarifications and revisions of the Bid;
- F. Amend the Solicitation prior to the Bid opening to correct errors or oversights, or to supply additional information as it becomes available;
- G. Direct Bidders, prior to the Bid opening, to submit Bid modifications addressing subsequent Solicitation amendments;
- H. Change any of the schedule dates with notification through the NYS Contract Reporter;
- I. Eliminate any mandatory, non-material requirements that cannot be complied with by all of the prospective Bidders;
- J. Waive any requirements that are not material;
- K. Utilize any and all ideas submitted in the Bids received;

- L. Adopt all or any part of a Bidder's Bid in selecting the optimum configuration;
- M. Negotiate with a Bidder within the Solicitation requirements to serve the best interests of the State. This includes requesting clarifications of any or all Bids;
- N. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Bidder's Bid and/or to determine a Bidder's compliance with the requirements of the Solicitation;
- O. Award Contracts on a rolling or staggered start basis, either in whole or in part. Contracts awarded in this method shall be coterminous with the first Contract awarded as a result of this Solicitation.
- P. To exclude from award any Vehicle Make or Model that, at the sole discretion of the State, will not be approved for purchase by an Authorized User (e.g., Vehicles which are considered to be "luxury sports cars" or "exotic cars").

4.10 Incorporation

Portions of the successful Bidder's Bid and of this Solicitation shall be incorporated into a final Contract, in the form of the Contract Template posted with this Solicitation, which shall be customized with Bidder company information, and executed by Bidder and OGS.

5. METHOD OF AWARD

5.1 Method of Award

Award shall be made to the responsive and responsible Bidders who meet the minimum requirements listed in Section 2 *Bidder Qualifications*, above. Because of the nature of the Products involved, and recognizing that no one Bidder will be able to supply all of the Products required by Authorized Users, award shall be made to more than one Bidder.

Bids for Contracts received under this Solicitation will be reviewed beginning on the Bid Opening date indicated in Section 1.4 *Key Events/Dates*. OGS intends to award contracts simultaneously to all responsive and responsible Bidders on the "Contract Approval Date" indicated in Section 1.4 *Key Events/Dates*. A Bidder responding to this Solicitation is advised that each Bid will undergo an initial administrative review for completeness. In order for a Bid to be evaluated, it must include all required documents for a complete Bid (see Section 4.5 *Content*). Upon completion of the administrative review, OGS will request any missing documentation from the Bidder, and will review all documents for completeness upon receipt of the missing documents. All required documents for a complete Bid must be submitted and be completed to the satisfaction of OGS by the "Deadline for Responsive Bid Documents" indicated in Section 1.4 *Key Events/Dates* in order for the Bid to be deemed responsive and eligible for Contract award on the "Contract Approval Date," or later date as announced by OGS to all vendors that have submitted Bids by the Bid Opening date indicated in Section 1.4 *Key Events/Dates*.

5.2 Continuous Recruitment

This Solicitation allows for continuous recruitment of additional Contractors during the term of the Contract. Vendors that miss the Bid Opening date indicated in Section 1.4 *Key Events/Dates*, and Bidders that have not submitted all required documents for a complete Bid, completed to the satisfaction of OGS, by the "Deadline for Responsive Bid Documents" date indicated in Section 1.4 *Key Events/Dates*, may submit the required documents at any time prior to the "Closing date for Contract recruitment" date indicated in Section 1.4 *Key Events/Dates*. Such submissions will be reviewed in the order in which they were received after submissions received by the Bid Opening date indicated in Section 1.4 *Key Events/Dates* have been processed, and will be awarded upon completion of the Contract process.

5.3 Procurement Instructions for Authorized Users

Vehicle acquisition from the Contracts shall be on an as-needed basis by Authorized Users via a competitive Mini-Bid process utilizing the eProcurement Platform established by OGS. Procurement instructions are included in Contract Template Section 2.42 *Procurement Method*.

5.4 Notification of Award

Tentative Contract awards shall consist of written notice to that effect by OGS to a selected Bidder, who shall execute a Contract upon a determination by OGS that the Bidder is responsive and responsible.

Non-awardees will also be notified that their Bid was not selected for award.

5.5 Debriefings

Debriefings shall be provided to the Bidder in accordance with Contract Template, Appendix B, Section 20 *Debriefings*.