

**Bidder Questions and Answers
Hazardous Incident Response Equipment (HIRE)(Statewide)
Solicitation 23173
August 13, 2019**

Question #	Solicitation Document Name	Document Section (Number & Name)	Question	OGS Response to Bidder Questions
1	Attachment 4 - Insurance Requirements	Section B.1. Commercial General Liability Insurance	We are a current approved contractor on the current HIRE contract. We have a question regarding the insurance requirements of the new contract. On the current HIRE contract #22872, we used ourselves and "Manufacturer A's" Certificates of Insurance to complete the total coverage requirements. Since our company does not manufacture "Manufacturer A's" products we exclusively sell in the Northeast and Mid-Atlantic US and list on the HIRE contract, we are not able to provide coverage for "Products – Completed Operations Aggregate". With your department's prior approval, "Manufacturer A" added NYS as a certificate holder on their policy. The combination of "Manufacturer A's" and our policies satisfied the overall coverage requirements. Please confirm if this will be a satisfactory solution again on the new HIRE contract #23173. With your approval we will provide our COI and have our manufacturer, "Manufacturer A", provide the same. Both COI's will "reference the Solicitation or award number and name The New York State Office of General Services, Bureau of Risk and Insurance Management (BRIM), 32nd Floor, Corning Tower, Empire State Plaza, Albany, New York 12242" as the certificate holder. Please let me know if you have any questions or need anything further from our company regarding this insurance requirements question. Thank you for your reply and have a nice weekend.	<p>The certificate of liability may state that the Bidder is an Additional Named Insured on a product manufacturers Acord if the Bidder is not the actual manufacturer of the products being bid under the Solicitation.</p> <p>Based on New York State Workers' Compensation Law, the Bidder must be the Named Insured on the approved workers' compensation and disability forms with the FEIN listed in the bid.</p>
2	General	Section 2 - Bidder Qualifications and Performance Requirements Section 4.4 - Format and Content of Bid Submission	Are existing HIRE contract holders omitted from any part of refileing?	No. All Contracts under Award #22872 will expire on May 31, 2020. To be considered for potential Award under the new HIRE Solicitation #23173, all Bidders must submit all required documentation as detailed in Section 4.4 - <i>Format and Content of Bid Submission</i> and meet all Bidder Qualifications and Performance Requirements as per Section 2 - <i>Bidder Qualifications and Performance Requirements</i> .
3	General	General	As a current HIRE contract holder, we have multi-year programs/projects with various state entities, including the MTA, Port Authority and New York State Police. Is there any consideration provided to ensure their programs can be supported without any interruption?	All Contracts under Award #22872 will expire on May 31, 2020. All purchase orders against Contracts under Award #22872 must be issued prior to the expiration date. Agencies should take the expiration date into consideration and plan accordingly as there is no guarantee that any Contractor under Award #22872 will be Awarded a new contract under Solicitation #23173.

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4	Attachment 14 - Category Matrix	Attachment 14 - Category Matrix	Are there any exemptions for current HIRE vendors who do not meet the 9 category minimum to be considered in the first round of awards?	No. As per Section 5.1 - <i>Method of Award</i> , "Bidders who Bid Products in nine (9) or more of the DHS AEL Categories within the scope of the Solicitation will be considered Level One Bidders, and those Bids will be given review and/or award priority over those that do not qualify for Level One. Bidders that do not qualify to be classified as Level One Bidders will be considered as Level Two Bidders and their Bids may be reviewed and/or awarded after the review and award of Level One Bid submissions. Awards are based on a Bidder's responsiveness to the Solicitation requirements, and therefore, it is possible that contract awards may be made to both Level One and Level Two Bidders at the same time, however, there is no guarantee of such."
5	General	General	Is there any preference given to vendors who hold a GSA contract?	No.
6	General	General	Is there any preference given to vendors who average \$4.5 million dollars in sales annually using the current HIRE contract?	No.
7	Solicitation Main Document	Section 2.1.1 (D) - Bidder Qualifications	We currently hold a contract under HIRE Award 22872 and are on the SAM.gov registry. Are these sufficient?	<p>Bidders holding a Contract under Award #22872 at time of bid submission meet the requirement for Proof of Government Entity Contract as detailed in Section 2.1.1 (D) - <i>Bidder Qualifications</i>. To be considered for contract award under Solicitation #23173, Bidders must meet all requirements of the Solicitation, which includes the submission of Proof of a current government contract, and all other Attachments and documents as outlined within the Solicitation.</p> <p>Bidders that appear in a government registry but do not hold a government contract at time of bid submission would not meet the requirement under 2.1.1 (D).</p>
8	Solicitation Main Document	Section 2.2.1 - Delivery	Deliveries outside of NY State can have shipping charges, how do we know what States participate in the new NYS HIRE Award 23173? What is the process of getting other States to participate?	<p>Per Section 6.37 - <i>Extension of Use</i>, "Any Contract resulting from this Solicitation may be extended to additional States or governmental jurisdictions upon mutual written agreement between New York State and the Contractor. Political subdivisions and other authorized entities within each participating state or governmental jurisdiction may also participate in any resultant Contract if such state normally allows participation by such entities. Requests for extension of use must be sent via e-mail to: OGS.sm.PSGHIRE_Renewals@ogs.ny.gov."</p> <p>OGS does not know which states, if any, will opt to request to use any contract resulting from this Solicitation.</p>
9	Solicitation Main Document	Section 4.15 - Firm Offer	Vendor price increases occur annually near the first of the year. Based on this statement can we change our prices based on increases, 6 months (180 days) past 9/10/19 (Bid submission due date) which would be 3/10/19 before the BID starts?	No. Bidder pricing cannot be changed after Bid opening and prior to execution of a contract with OGS. As per Section 6.4 - <i>Price Updates</i> , "Updates to a Contractor's OGS Price List (price list updates) will be allowed at any time, twice per year, after the first anniversary date of the Bid Opening."

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10	Appendix B	page 7 Section 33. b.	Can shipping be added onto the list price for items that are very large for i.e.: boats, foam? Foam can be up to 3,000lbs. How can we incorporate shipping so we don't lose an excessive amount of money?	<p>Additional shipping charges may not be charged to NYS Authorized Users. Per Appendix B, Section 33. b. Shipping Charges, "Unless otherwise stated in the Contract, all deliveries shall be deemed to be freight on board (F.O.B.) destination tailgate delivery at the dock of the Authorized User." Per the Solicitation Section 6.3 - <i>Bid Pricing Information</i>, "Price shall include all customs, duties and charges and be net, F.O.B. destination any point Statewide (NY). Upon mutual agreement between New York State and the Contractor, delivery locations may be expanded per Section 6.36 - <i>Non-State Agencies Participation in Centralized Contracts</i>, and Section 6.37 - <i>Extension of Use</i>. Bidder must offer discount(s) from the Manufacturer's nationally published and regularly distributed catalog(s)/Price List(s) in effect and identified at the time of the bid opening. Full List Price will not be accepted."</p> <p>Shipping charges may be charged to other participating states. Per subsection (D) of Section 2.2.1 - <i>Delivery</i>, "Upon agreement between the Authorized User and Contractor, delivery locations may be expanded per the "Extension of Use" clause (see Section 6.37). Deliveries made outside of New York State are at the discretion of the Bidder/Contractor. Additional fees for shipping may be charged for deliveries to other participating states per the Extension of Use Section. Additional shipping charges will be actual shipping charges, F.O.B destination, pre-paid and added only."</p> <p>OGS cannot suggest how Bidders incorporate shipping into their Bid pricing.</p>
11	Solicitation Main Document	Section 1.4 - Key Events/Dates	Anticipated award date, will Bidders find out before May 29th, 2020?	The anticipated Award date is a tentative date. Awards may be made prior to or after this tentative date.
12	Attachment 1 - Pricing	Instructions tab, Instruction 3.	Since 2020 pricing is not yet available from the manufacturers, shall we obtain their projected pricing/percentage increase?	No. Per Section 6.3 - <i>Bid Pricing Information</i> , "Bidder must offer discount(s) from the Manufacturer's nationally published and regularly distributed catalog(s)/Price List(s) in effect and identified at the time of the bid opening."
13	Solicitation Main Document	Section 1.8 - MWBE & SDVOB Interest in Partnering with Bidders	Can we (a bidder and WBE) express interest in partnering with other bidders for Solicitation 23173? For example, we supply reflective barriers that could also be used by those bidding on other categories of commodities.	Section 1.8 - <i>MWBE & SDVOB Interest in Partnering with Bidders</i> is intended to provide an opportunity for non-bidder MWBEs or SDVOBs to partner with Bidders, allowing an opportunity for MWBE and SDVOB entities unable to meet the solicitation requirements to participate under the resultant contract as a non-contract holder. Bidders/Contractors that would like to include their products under another "Bidders/Contractors" Price List may do so upon mutual agreement by both parties. All Price Lists must be approved by OGS.
14	Attachment 14 - Category Matrix	Attachment 14 - Category Matrix	Which category would best fit our Flex Safe products? Flex safes are collapsible barricades that emergency responders can use to block off areas. Signs are available to attach to the barricades such as "Detour", "Fire Line, "Do Not Cross", and "Road Closed" etc.	OGS cannot assist Bidder's with completing Bid documents. Bidders are encouraged to review the DHS AEL for Solicitation #23173 fully, including the Title, Description and Applicable Core Capabilities for each product bid. Bidders shall make their own determination as to the appropriate category and/or subcategory which to enter it under on Attachment 1 - <i>Pricing</i> .

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15	Solicitation Main Document	Solicitation page 1, Contract Period	The wording states "Upon Execution of Contract for a Period of 5 years". Does this mean that the contract could be approved and put into place prior to May 29, 2020, or would it renew on June 1st, 2020, 5 years after the previous contract?	Contract awards under this Solicitation may potentially be completed prior to June 1, 2019; however, it is OGS' intention for Award #22872 to expire on its intended expiration date of May 31, 2020, and have the new Award begin on June 1, 2020.
16	Attachment 1 - Pricing	23173s-PricingPage	In regards to Attachment 1 - <i>Pricing</i> – we would like to offer Authorized Users a means of acquiring kits or packages, which contain a variety of HIRE products that would work in conjunction with one another. For example, in the DHS AEL Subcategory 17WC-00-BOAT, we would look to offer a package that includes the boat itself, plus a motor, plus a trailer, plus equipment for the boat such as search and rescue dry suits, various search lighting, etc. that are all included in one product UPC, which would be listed as one individual line item on the Pricing Attachment spreadsheet. Is this permissible within the scope of the contract? Additionally, are there specific requirements regarding “substantial transformation” that we are required to meet in assembling the kit/package, in order to be listed as the associated manufacturer?	Kits or Packages may be permitted as long as all items within the Kit or Package are in Scope of the Solicitation and fit within a single permitted DHS AEL Category as per Section 1.2 - <i>Scope</i> . OGS reserves the right to exclude and/or remove, at any time, any Products deemed to be out of scope of this Solicitation.
17	Solicitation Main Document	Section 2.1.1 (C) - Bidder Qualifications	"A Bidder must have maintained an organization capable of providing the Products described in this Solicitation, in continuous operation, for a minimum of three (3) years immediately prior to the Bid opening date..."-Just to clarify, as a Distributor, does this mean we are unable to include a manufacturer on our bid unless we have been using the manufacturer for 3 years prior to the Bid opening date?	No. Bidders are not required to have used any individual manufacturer for a continuous 3-year period prior to the bid opening date. The Bidder is only required to have maintained an organization capable of providing the Products described in this Solicitation, in continuous operation, for a minimum of three (3) years immediately prior to the Bid opening date.
18	Attachment 1 - Pricing	Attachment 1 - Pricing	Are we submitting the new contract via Attachment 1- <i>Pricing</i> only?	To be considered for contract award under Solicitation #23173, Bidders must meet all requirements of the Solicitation, which includes the submission of Attachment 1 - <i>Pricing</i> , and all other Attachments and documents as outlined within the Solicitation.
19	Attachment 8 - Report of Contract Usage	Attachment 8 - Report of Contract Usage	Is this attachment only necessary for reporting and updating in the year following this new contracts activation?	Attachment 8 - <i>Report of Contract Usage</i> provided with this Solicitation is to be used to report Contract Sales under an awarded contract based upon the Solicitation as outlined in Section 6.22 - <i>Report of Contract Usage</i> . Section 6.22 has been revised. The reporting periods are as follows: Sales for January 1st through June 30th will be due July 15th. Sales for July 1st through December 31st will be due January 15th.
20	Attachment 11 - Price List Update Template	Attachment 11 - Price List Update Template	Is this attachment only necessary for reporting and updating in the year following this new contracts activation?	Attachment 11 - <i>Price List Update Template</i> provided with this Solicitation is to be used for Price Updates for an awarded contract based upon the Solicitation as outlined in Section 6.4 - <i>Price Updates</i> .
21	Attachment 1 - Pricing	Attachment 1 - Pricing	We are not sure that we will receive updated pricing by some of our suppliers/manufacturers until late this year, possibly even after the submission date in September of 2019. Once contract #23173 becomes live in May of 2020 will we have an opportunity to make any pricing updates or will we have to wait until the Fall of 2020 to update contract #23173's pricing? Will we be able to adjust pricing due to manufacturer increases before contract #23173 is active in May of 2020?	Bidder pricing cannot be changed after Bid opening and prior to execution of a contract with OGS. As per Section 6.4 - <i>Price Updates</i> , "Updates to a Contractor's OGS Price List (price list updates) will be allowed at any time, twice per year, after the first anniversary date of the Bid Opening."

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22	General	HIRE Contract #22872	Normally in the Fall of every year we have an opportunity to update our existing contract to reflect price changes, add new items, and delete items. Will we get that opportunity to update contract #22872 in the fall of this year while we wait for contract #23173 to become active in May of 2020 or are we stuck with our current contract and the pricing that currently exists on it?	Per Section 6.4 (A) of the Solicitation, "Updates to a Contractor's OGS Price List (price list updates) will be allowed at any time, twice per year, after the first anniversary date of the Bid Opening." For questions pertaining to Award #22872, please contact the OGS Contract Administrator at: bradford.deforge@ogs.ny.gov. Only questions pertaining to Solicitation #23173 will be addressed herein.
23	Attachment 1 - Pricing	Attachment 1 - Pricing	A couple of our manufacturers merged and another changed their company name. If we need to make changes to only the names of the manufacturer...lets say all the items we sell under contract #22872 are the same only the company name has changed, do we need to highlight those changes from our old contract or is this a fresh contract with no necessary explanation of price changes or manufacturers name changes?	No. Solicitation #23173 is a separate contracting opportunity. Bidders should provide all current information at the time of Bid submission.
24	Attachment 16 - Proof of Past Sales	Attachment 16 - Proof of Past Sales	Are the Sales Reports for Contract #22872 sufficient enough for this requirement? If not, why? If it is sufficient enough, would we be creating one large excel file full of all of that previous sales report information for the past 4+ years?	Bidders that have reported sales under OGS Award #22872, may use those reported sales to populate Attachment 16 - <i>Proof of Past Sales</i> . Per Section 2.1.1 (E), "Past sales revenue must be in excess of \$300,000.00 annually, for a minimum of three (3) consecutive years immediately prior to the Bid opening date, to one or more Government Entities (GSA, State, Local, BOCES, Governmental Cooperative, etc.) and/or those Authorized Users as defined herein who are eligible to use State contracts (Political Subdivisions, Schools, Not for Profits, etc.)." Bidders are reminded to read Section 2.1.1 (E) pertaining to the Past Sales Requirement in its entirety.
25	Attachment 16 - Proof of Past Sales	Attachment 16 - Proof of Past Sales	If we are able to use the Sales Reports for Contract #22872 for the Proof of Sales Requirement, do we have to put it into the format of Attachment 16 or will the format that we submitted them to you previously work okay?	Bidders that have reported sales under OGS Award #22872, may use those reported sales to populate Attachment 16 - <i>Proof of Past Sales</i> . Attachment 16 - <i>Proof of Past Sales</i> must be used to report proof of past sales, as detailed per Section 2.1.1 (E).
26	Attachment 12 - Contractor Reseller Distributor Information Sheet	Attachment 12- Contractor Reseller Distributor Information Sheet	We are the re-seller. Should we enter our company information on that sheet as the contractor and the authorized reseller?	No. Bidders should enter information for Resellers they intend to use if awarded a contract; Bidders do not need to enter their own names/information on Attachment 12.
27	Appendix C	Appendix C	Is Appendix C only information in regards to the process of updating/modifying the contract once a year or does this Appendix apply to the current procedure of us showing changes from our old contract #22872 to submitting a bid for contract #23173?	Appendix C is for use with regard to Price Updates per Section 6.4 for contracts awarded under Solicitation #23173 and does not need to be completed, or submitted, with a Bidder's Bid under this Solicitation. Solicitation #23173 is a separate contracting opportunity and has no correlation to Award #22872.
28	Attachment 1 - Pricing	Attachment 1 - Pricing	Are we able to submit a Manufacturers Price List with a 0% Discount if the Manufacturer does not allow a discount on their products?	No. Per Section 6.3 - <i>Bid Price Information</i> , "Bidder must offer discount(s) from the Manufacturer's nationally published and regularly distributed catalog(s)/Price List(s) in effect and identified at the time of the bid opening. Full List Price will not be accepted."

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29	Attachment 5 - Bidder Information Questionnaire	Question 37	In reference to the question, Place of manufacture for items bid, what type of response are you looking for? A list of countries where the items are manufactured?	The state within the United States, or the Country in which the item(s) were manufactured. Bidder should provide a separate listing if the space provided is not adequate.
30	Solicitation Main Document	Section 6.4 - Price Updates	After submitting our bid for the new contract in September, can we update our current HIRE price list which has not yet been updated?	For questions pertaining to Award #22872, please contact the OGS Contract Administrator at: bradford.deforge@ogs.ny.gov. Only questions pertaining to the new HIRE Solicitation #23173 will be addressed in this Bidder Questions and Answers document.
31	Attachment 4 - Insurance Requirements	Section B. 2. Business Automobile Liability Insurance	Need to obtain the form provided by OGS for contractors who do not own, lease or hire automobiles.	Bidders that do not own, lease or hire automobiles, as per Attachment 4 - <i>Insurance Requirements</i> will be provided with an Attestation form by OGS' Bureau of Risk Insurance Management (BRIM) after the Bid Opening during the bid review phase. Bidders needing the form may note such within their Bid submission, however it is not required to do so. BRIM will contact any Bidder not meeting the insurance requirements at time of Bid submission to obtain additional information.
32	Attachment 13 - Department of Homeland Security Authorized Equipment List (DHS AEL)	Attachment 13 - Department of Homeland Security Authorized Equipment List (DHS AEL)	Will the DHS AEL Category remain the same as current contract PC66779, our current category is 15SC-OO-PPSS? We offer Hand Held and Ground Search Metal detectors.	The DHS AEL may have been revised since the previous Award. Bidders are encouraged to review the DHS AEL for Solicitation #23173 fully-including the Title, Description and Applicable Core Capabilities for each product they wish to bid and make their own determination as to the appropriate category and/or subcategory which to enter it under on Attachment 1 - <i>Pricing</i> . OGS cannot assist Bidders with completing Bid documents.
33	Attachment 10 - Contractor Information	Attachment 10 - Contractor Information and Solicitation Section 6.8 - Volume Discounts	There is not enough rows for our products, we have 11 different models, the spread sheet said to add columns but not rows. Please advise if additional rows can be added.	It is not OGS' intention to allow volume discounts to be applied per model and/or manufacturer product line. Additional rows may not be added. Pursuant to Section 6.8 of the Solicitation, "Volume Discounts, may be applied per Purchase Order, cumulatively per ordering entity, or cumulatively statewide. The Bidder shall indicate the basis for applying the Volume Discount(s) within Attachment 10 – <i>Contractor Information</i> . Volume Discounts shall be defined and applied as follows: Purchase Order Volume Discounts shall be additional discounts applied to individual Purchase Orders over a specified dollar amount. Cumulative agency Volume Discounts shall be additional discounts applied to all future orders made by an individual ordering entity once an established volume has been met by that entity. Cumulative statewide Volume Discounts shall be additional discounts applied to all future orders for all state and non-state orders once an established volume has been met under this Contract."
34	Solicitation Main Document	Section 2.1.1 (E) - Bidder Qualifications	We are a small business and can not meet the requirements of past sales of \$300,000.00 annually.	Proof of past sales revenue in excess of \$300,000.00 annually, for a minimum of three (3) consecutive years immediately prior to the Bid opening date, to one or more Government Entities is a requirement of the Solicitation, as per Section 2.1.1 (E). Bidders must meet all requirements to be considered for Contract Award.

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35	Attachment 1 - Pricing	Attachment 1 - Pricing	Regarding 3M/Scott Safety due to all of the various configurations and options this has to be submitted as a configurator. Can we as the authorized distributor submit a Manufacturer's price configurator when bidding and when updates are provided by the Manufacturers for yearly updates?	<p>No. Per Section 6.3 - <i>Bid Price Information</i>, "A Bidder shall submit its proposed Products and pricing within Attachment 1 – <i>Pricing</i> in Excel format only, on USB Flash Drives, as per Section 4.4 – <i>Format and Content of Bid Submission</i>."</p> <p>Per Section 6.4 - <i>Price Updates</i>, "Contractors shall adhere to the instructions in Attachment 11 – <i>Price List Update Template</i> and use the provided template along with Appendix C - <i>Contract Modification Procedure</i> for all price update requests."</p>
36	Solicitation Main Document	Section 1.2 - Scope and Attachment 13 - Department of Homeland Security Authorized Equipment List (DHS AEL)	Would the equipment used by SWAT teams be considered "Intervention Equipment"? What is the criteria?	OGS cannot assist Bidders with completing Bid documents. Bidders are encouraged to review the DHS AEL for Solicitation #23173 fully, including the Title, Description and Applicable Core Capabilities for each product bid. Bidders shall make their own determination as to the appropriate category and/or subcategory which to enter it under on Attachment 1 - <i>Pricing</i> .
37	Solicitation Main Document	Section 6.23 - 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	We have not been able to find a MWBE Reseller to handle our specialized products. Resellers could not offer sales or customer support for our products. We are the manufacturer of the products. Will exemptions be granted if we are unable to find a reseller again?	<p>Request for Waivers, per Section 6.23, 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 VII below, may submit a request for a partial or total waiver on Form BDC 333, accompanied by supporting documentation.</p> <p>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 V(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 twenty (20) Business Days of receipt.</p>
38	Solicitation Main Document	Section 6.24 - Participation Opportunities for New York State Certified Service-Disabled Veteran Owned Businesses	We have the same question here, will exemptions be granted if we cannot find a reseller that can handle our specialized products?	Bidders are expected to make a good faith effort to find NYS certified SDVOB's to satisfy the Solicitation requirements. Bidders may contact the Division of Service-Disabled Veterans' Business Development at veteransdevelopment@ogs.ny.gov or 518-474-2015 for assistance finding SDVOBs to work with. In the event a Bidder makes a good faith effort and is unable to find SDVOB entity(s) to satisfy the requirement, a waiver request with documentation of the good faith efforts, including the Bidder's outreaches to SDVOB entities, and the responses received, may be submitted for OGS' consideration.

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39	Appendix C	Contract Modification Procedure (1) (a) UPDATES	Because it would greatly benefit the State and end users to have access to new life saving products, would the new products and new manufacturers be added to NY HIRE throughout the term of the contract? The ability to add new manufacturers and new products throughout the life of the contract would ensure NY OGS contract holders will always be able to provide the latest technologies to first responders.	Per Appendix C, Section 5b, and Section 6.4 (D) of the Solicitation, "New Manufacturer Product lines may be offered within a Price Update by a Contractor provided they are within Contract scope and within the DHS AEL Category(s) originally awarded to the Contractor. Products and/or product lines that fall within a DHS AEL Category not originally awarded to a Contractor will not be accepted." Once awarded a Contract, a Contractor may not request to add additional Categories during the term of the Contract and may only add Products under previously awarded Categories as per Section 6.4 - <i>Price Updates</i> .
40	Solicitation Main Document	Section 6.4 - Price Updates	"New Manufacturer Product lines may be offered within a Price Update by a Contractor provided they are within Contract scope and within the DHS AEL Category(s) originally awarded to the Contractor. Products and/or product lines that fall within a DHS AEL Category not originally awarded to a Contractor will not be accepted. DHS AEL Category(s) not originally awarded to a Contractor shall not be added post award." Does this mean that additional vendors not originally on the offering may be added as long as they fit the scope of work or is this only to add additional product lines for existing vendors?	Bidders awarded a contract under this Solicitation may add new manufacturer product lines during the contract term. Per Section 5.1 (K), "This Solicitation allows for periodic recruitment of additional Contractors during the term of the Contract. Recruitment periods are optional at the discretion of the State. Additional recruitment periods will be advertised in the NYS Contract Reporter."
41	Attachment 16 - Proof of Past Sales	Attachment 16 - Proof of Past Sales	We assume that the Proof of Past Sales does not apply to previous sales on the OGS HIRE Contract PC66823 if we are a current contract holder? Does the usage reports submitted semi-annually to OGS with regard to the existing HIRE contract exempt that activity from being reported on Attachment 16?	Bidders that have reported sales under OGS Award #22872, may use those reported sales to populate Attachment 16 - <i>Proof of Past Sales</i> . Per Section 2.1.1 (E), "Past sales revenue must be in excess of \$300,000.00 annually, for a minimum of three (3) consecutive years immediately prior to the Bid opening date, to one or more Government Entities (GSA, State, Local, BOCES, Governmental Cooperative, etc.) and/or those Authorized Users as defined herein who are eligible to use State contracts (Political Subdivisions, Schools, Not for Profits, etc.)". Bidders are reminded to read Section 2.1.1 (E) pertaining to the Past Sales Requirement in its entirety.
42	Attachment 16 - Proof of Past Sales	Attachment 16 - Proof of Past Sales	There are some contracts that are only listed as a service center and are not the primary reporting entity. Do you require these past sales on this report?	No. Pursuant to subsection (E) of Section 2.1.1- <i>Bidder Qualifications</i> , "only direct sales by the Bidder, where the Bidder is/was a contract holder, or sales via use of an Authorized Reseller(s) under the contract to satisfy contract orders, where the Bidder is/was the contract holder, will be accepted."
43	Attachment 13 - Department of Homeland Security Authorized Equipment List (DHS AEL)	TAB1- All Subcategories Line 730	Does training and installation of Metal detectors, Which fall under Category 15, fall under subcategory number 21GN-00-TRNG?	OGS cannot comment as to which DHS AEL category and/or subcategory a Bidder's potential product offering may fall under. Bidders are encouraged to review the DHS AEL fully, including the Title, Description and Applicable Core Capabilities for each intended product they wish to bid and make their own determination as to the appropriate category and/or subcategory which to enter it under on Attachment 1 - <i>Pricing</i> . Installation is not within scope of this Solicitation.
44	Solicitation Main Document	Section 6.11 - Minimum Order	What restrictions are there when setting my minimum order?	OGS has not set restrictions on a Bidder's minimum order requirement for this Solicitation.
45	Appendix B	47. Prompt Payments	As an SBE, is my required payment date for Authorized Users 15 days instead of 30?	Yes, provided the statutory conditions for payment within that timeframe are met.

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46	General	General	Are there any other benefits to being an SBE in regards to this contract and NYS law?	Solicitation #23173 does not offer any preference or additional benefit to Bidder's that self identify as a NYS Small Business Entity.
47	Solicitation Main Document	Section 2.1.1 (C) - Bidder Qualifications	Are inventories required? We are a distributor (not manufacturer) and do not typically stock inventory. Customer orders are shipped direct from the manufacturer. This is how we have operated under the current NYS HIRE Contract we participate in.	Per Section 2.1.1 (B), "Any Authorized Reseller of a Manufacturer hereby guarantees that: 1.It is an Authorized Reseller of the Manufacturer, and 2.The Manufacturer has agreed to supply such Authorized Reseller with all quantities of Product required to fulfill its obligations under any resultant Contract with the State, and 3.The Authorized Reseller will provide an Attachment 15 - <i>Manufacturer's Certificate</i> , acknowledging this level of support, with the Bid. If such Manufacturer's Certificate is not submitted with the Bid, Bidder must provide upon request by OGS."
48	Solicitation Main Document	Section 2.1.1 (D) - Bidder Qualifications	Does participation in the current NYS HIRE Contract qualify as proof of holding a government entity contract?	Yes. Bidders holding a Contract under Award #22872 at time of bid submission meet the requirement for Proof of Government Entity Contract as detailed in Section 2.1.1 (D) - <i>Bidder Qualifications</i> . To be considered for contract award under Solicitation #23173, Bidders must meet all requirements of the Solicitation, which includes the submission of Proof of a current government contract, and all other Attachments and documents as outlined within the Solicitation.
49	Solicitation Main Document	Section 2.2.1 (B) - Delivery	Where should delivery requirements be expressed in calendar days? On the bid? Or on customer order documents (e.g. - P.O.'s and invoices). As a distributor, we are only able to communicate delivery time frames based on the manufacturer operations.	Delivery (ARO) should be listed on Line 50 of Attachment 10 - <i>Contractor Information</i> .
50	Solicitation Main Document	Section 6.23, IV, A - Contract Goals	We are a certified WBE company. Are we still required to comply with the specific Contract Goals stated in this section?	Yes. Per Section 6.23, as a NY State WBE, you can get credit for the 5% WBE portion of the goal. The remaining percent can be obtained by utilizing any combination of MBE and/or WBE for participation. 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 VII. 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 V(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 twenty (20) days of receipt.

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51	Solicitation Main Document	Section 6.4 - Price Updates	The Bid Opening date is September 10, 2019. Most of our manufacturer's release price increases at the first of each calendar year. Will there be a way for us to adjust for these pricing changes during the bid review process?	No. Bidder pricing cannot be changed after Bid opening and prior to execution of a contract with OGS. As per Section 6.4 - <i>Price Updates</i> , "Updates to a Contractor's OGS Price List (price list updates) will be allowed at any time, twice per year, after the first anniversary date of the Bid Opening."