

Group 02450 Solicitation 23199 - Food (Commercial and Retail) (Statewide) Responses to Bidder Inquiries

#	Solicitation Document Name	Document Section (Name or No.)	Comment/Question	Response
1	Appendix B	"Product Delivery"	Although 30 days is listed as a prompt delivery many customers place orders at the last moment and expect delivery within 1-3 days. Many items take 3-4 weeks from ordering to arrive. Without any commitment from the Authorized users it will be very difficult to have all their requirements on hand to deliver promptly.	Pursuant to Appendix B, <i>Product Delivery</i> , Contractor and Authorized User may agree to alternative timeframes for delivery. Please also refer to Section 3.2, <i>Lot Specific Requirements</i> , which has shorter delivery requirements for Lot 2 - Retail and Lot 3 - Bulk Fresh Produce. Lot 1 - Commercial has emergency service provision. If the Contractor cannot meet the required delivery requirements, they will be required to immediately notify the Authorized User in accordance with Appendix B, <i>Product Delivery</i> .
2	Attachment 1 - Pricing	"COMPARABLE CONTRACT NET PRICE"	THE ONLY COMPARABLE PRIME VENFOR CONTRACT WE HAVE IS NYS CONTRACT # PC66440. IS THIS ACCEPTABLE TO USE?	Yes. As per Section 5.1, <i>Method of Award</i> , "Reasonable prices" may be determined by reviewing Percent Markups and net prices offered to the General Services Administration ("GSA"), prices on any previously awarded NYS Contract(s), prices offered by other Bidders for this Solicitation, Contracts with other state, government, or cooperative entities, etc. At the time of the Bid opening, Bidder must provide copies of, or a link to at least one governmental, local government, or cooperative purchasing Contract (GSA, NASPO ValuePoint, Sourcewell, NYS, other State, etc.) and Contract pricelists that show the Percent Markup and net prices."
3	Solicitation Main Document	Attachment 1 - Pricing	How and at what section do you wish to see the product details and packing info?	All product details and packing information shall be included on Attachment 1 - Pricing (Revised TBD).
4	Attachment 3 - Encouraging Use of NYS Businesses		WE CAN NOT INPUT DATA. OUR COMPANY NAME AND THE NAME AND ADDRESS OF NYS SUPPLIERS	Please see revised Attachment 3 - <i>Encouraging Use of NYS Businesses</i> . Bidder may now enter information into the form.
5	Solicitation Main Document	1.2, <i>Scope</i>	In reviewing the documents, I do not see a market basket of items. When will the market basket be available?	Solicitation 23199 does not include a market basket. Please be sure to include all Products Bidder wishes to offer for Solicitation 23199 and closely follow the instructions on Attachment 1 - Pricing and complete it in its entirety, as applicable. Section 5.1, <i>Method of Award</i> , states, "OGS desires to make awards in a multiple award structure (multiple

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				awards per Region) for each of the Lots described in Section 1.2, <i>Scope</i> , to all responsive and responsible Bidder(s) who meet minimum qualifications and whose pricing demonstrates that Products offered will be delivered at a reasonable price as determined by OGS Procurement Services." "Reasonable prices" may be determined by reviewing Percent Markups and net prices offered to other government entities.
6	Solicitation Main Document	1.2, <i>Scope</i>	As the incumbent do we utilize past purchases or is there a list of items to be priced?	No. There is no list of items provided by OGS to be priced. Solicitation 23199 does not include a market basket. Please be sure to include all Products Bidder wishes to offer for Solicitation 23199 and closely follow the instructions on Attachment 1 - Pricing and complete it in its entirety, as applicable.
7	Solicitation Main Document	1.2, <i>Scope</i>	How will you be designating Retail vs Commercial items? Is it by Pack Size?	The Bidder designates which items are offered under Lot 1 (Commercial Lot) or Lot 2 (Retail Lot) by completing Attachment 1, <i>Pricing</i> . The Commercial Lot generally refers to Products that are sold in bulk size, with a minimum order of \$1500. The Retail Lot generally refers to Products sold in grocery size packaging, with a minimum order of \$200. See Section 6.12, <i>Minimum Order</i> . In addition, delivery requirements may vary as stated in Section 3.2, <i>Lot Specific Requirements</i> , and Section 6.16, <i>Smaller Vehicle Use for Delivery – For Lot 2 - Retail</i> , "Since many delivery sites are located in residential areas, it is anticipated local ordinances may restrict and/or prohibit the use of 40,000 pound (40') vehicles. Consequently, deliveries to these locations are required to be with smaller vehicles - 26,000 pound (20' straight trucks or 24' "pups") or smaller capacity/size vehicles. In such cases, it is not only a requirement to use smaller vehicles, but it also remains the Contractor's responsibility to determine and comply with local ordinances and requirements."
8	Solicitation Main Document	1.2, <i>Scope</i>	Please clarify if [Vendor] can bid for non-food only?	No. As per Section 1.3, <i>Regions</i> , and Section 6.3.3, <i>Percent Markup</i> , "Bidder must bid on all Categories within the Lot(s)/Regions for which they intend to bid."
9	Solicitation Main Document	1.2, <i>Scope</i>	Please advise how to do submit the non-food?	Please be sure to include all Products under the appropriate Category and Lot on Attachment 1 - Pricing. Please be aware that as per Section 1.3, <i>Regions</i> , and Section 6.3.3, <i>Percent Markup</i> , "Bidder must bid on all Categories within the Lot(s)/Regions for which they

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				intend to bid. A Bidder is only required to enter Markups for the Categories within the Lot(s)/Region(s) for which they are bidding. Failure to enter markup percentages for any Category within the Lot/Region being bid may result in disqualification of the Bid."
10	Solicitation Main Document	1.3, Regions	Is there a list of Authorized Users that participated in OGS Fiscal 2019? Please provide by region by lot if so?	No. A complete list of Authorized Users by Region by Lot is unknown. Facilities with the most spend in all Regions for the current Awards 22794 and 22688 are: <ul style="list-style-type: none"> • NYS Department of Corrections and Community Supervision • NYS Office of Mental Health • NYS Office of People With Developmental Disabilities • NYS Office of Children and Family Services • School Districts and Colleges • Sherriff Departments and County Jails • Social Services Organizations Please also refer to the response to Question #14 for historic average annual spend per Region per Lot.
11	Solicitation Main Document	1.3, <i>Regions</i>	Do we need to give pricing on both retail and commercial?	No. As per Section 1.3, Regions, "Bidder may bid on any combination of Lots and Regions and be awarded any combination of Lots and Regions on one Contract. However, Bidder must bid on all categories within Lot 1 and/or Lot 2 for the Regions they intend to bid. In addition, when bidding on a Region for Lot 1 and/or Lot 2, Bidder must be capable of supplying all Categories (Food and Non-Food.) of the Lot(s) on their Price Guides to all Authorized Users in such Region."
12	Solicitation Main Document	1.3, Regions	Can OGS supply a list of users by region for Lot #1?	No. A complete list of Authorized Users by Region by Lot is unknown. Facilities with the most spend in all Regions for the current Awards 22794 and 22688 are: <ul style="list-style-type: none"> • NYS Department of Corrections and Community Supervision • NYS Office of Mental Health • NYS Office of People With Developmental Disabilities • NYS Office of Children and Family Services • School Districts and Colleges • Sherriff Departments and County Jails • Social Services Organizations Please also refer to the response to Question #14 for historic average annual spend per Region per Lot.

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13	Solicitation Main Document	1.4, <i>Estimated Quantities</i>	We also stock 300 - 400 items that are specifically for Authorized NYS users to meet the form, function and utility of these Authorized users. If there aren't any guarantees of what will be purchased from an awarded contractor how will we know which products to inventory and when to have them in stock.	Please refer to the response to Question #14 for historic average annual spend per Region per Lot. Please note that Section 1.4, <i>Estimated Quantities</i> , states, "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 individual value of each resultant Contract is indeterminate and will depend upon the number of Contracts issued and the competitiveness of the pricing offered." Please also refer to Question #36 regarding inventory of Preferred Source items.
14	Solicitation Main Document	1.4, <i>Estimated Quantities</i>	What is the anticipated Dollar value by region and lot per region?	The average of historic annual spend for Award 22794, Lot 1 - Commercial is: Central: \$17M Downstate: \$11M Eastern: \$15.1M Western: \$22M The average of historic annual spend for Award 22688, Lot 2 - Retail (Downstate Region only) is \$9M. An Estimated annual spend for Lot 3 is \$1.3M.
15	Solicitation Main Document	1.4, <i>Estimated Quantities</i>	What was the annual dollar value for fiscal years 2018 & 2019 per region and per lot per region?	Please refer to the response to Question #14 for historic average annual spend per Region per Lot.
16	Solicitation Main Document	1.4, <i>Estimated Quantities</i>	What are the yearly case volumes for Authorized Users that participated in fiscal 2019 by region?	Although not all food and non-food items are packed and sold by the case, an estimate of cases sold per region for the current Award 22794, Lot 1 - Commercial in 2019 is: Central: 564,000 cases yearly Downstate: 456,000 cases yearly Eastern: 543,600 cases yearly Western: 750,000 cases yearly An estimate of cases sold for the current Award 22688, Lot 2 – Retail (Downstate Region only) is 398,400 cases yearly.
17	Solicitation Main Document	4.1, <i>NYS Vendor File Registration</i>	How do I receive a Vendor File? Link provided is showing as error message.	If Bidder needs to obtain a NYS Vendor ID, please follow instructions in Section 4.1, <i>NYS Vendor File Registration</i> . Please note the link in Section 4.1 has been updated to https://www.osc.state.ny.us/vendors/index.htm

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18	Solicitation Main Document	4.8, <i>Bid Deviations</i>	My product is a vegetable and spice blended mixture 32 oz. Can this be considered acceptable?	Yes. Please be sure to include all Products under the appropriate Category and Lot on Attachment 1 - Pricing. Please be aware that as per Section 1.3, <i>Regions</i> , and Section 6.3.3, <i>Percent Markup</i> , "Bidder must bid on all Categories within the Lot(s)/Regions for which they intend to bid. A Bidder is only required to enter Markups for the Categories within the Lot(s)/Region(s) for which they are bidding. Failure to enter markup percentages for any Category within the Lot/Region being bid may result in disqualification of the Bid."
19	Solicitation Main Document	4.8, <i>Bid Deviations</i>	My product is a seasoned minced garlic 16 oz. Can this be considered acceptable?	Yes. Please be sure to include all Products under the appropriate Category and Lot on Attachment 1 - Pricing. Please be aware that as per Section 1.3, <i>Regions</i> , and Section 6.3.3, <i>Percent Markup</i> , "Bidder must bid on all Categories within the Lot(s)/Regions for which they intend to bid. A Bidder is only required to enter Markups for the Categories within the Lot(s)/Region(s) for which they are bidding. Failure to enter markup percentages for any Category within the Lot/Region being bid may result in disqualification of the Bid."
20	Solicitation Main Document	4.8, <i>Bid Deviations</i>	My product is a baked good - bread pudding. Can this be considered acceptable?	Yes. Please be sure to include all Products under the appropriate Category and Lot on Attachment 1 - Pricing. Please be aware that as per Section 1.3, <i>Regions</i> , and Section 6.3.3, <i>Percent Markup</i> , "Bidder must bid on all Categories within the Lot(s)/Regions for which they intend to bid. A Bidder is only required to enter Markups for the Categories within the Lot(s)/Region(s) for which they are bidding. Failure to enter markup percentages for any Category within the Lot/Region being bid may result in disqualification of the Bid."
21	Solicitation Main Document	5.1, <i>Method of Award</i>	Will the state be willing to become a "Lead" agency for [VENDOR NAME], if yes who will approve and be point person? <ol style="list-style-type: none"> 1. The lead agency prepares a competitive solicitation while incorporating language to make the agreement accessible nationally to agencies in states that allow intergovernmental (i.e., "piggyback") contract usage. 2. The lead agency issues the solicitation and any required amendments and notifications. Pre-proposal conferences and meetings are conducted. 3. Interested suppliers respond to the solicitation. 4. The lead agency evaluates the responses, negotiates the final terms and ultimately awards the master agreement. 5. The cooperative contract is made available to public agencies, educational institutions and nonprofits. 	OGS has no plans to turn the awarded Contracts into a cooperative contract. Section 6.54, <i>Extension of Use</i> , allows additional States or governmental jurisdictions upon mutual written agreement between New York State and the Contractor, to use the awarded Contracts.

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22	Solicitation Main Document	5.1, <i>Method of Award</i>	What is the criteria to evaluate the bid? Will it be a points system (IE union scale wages pricing, service level, distribution etc.)	Section 5.1, <i>Method of Award</i> , states, "OGS desires to make awards in a multiple award structure (multiple awards per Region) for each of the Lots described in Section 1.2, Scope, to all responsive and responsible Bidder(s) who meet minimum qualifications and whose pricing demonstrates that Products offered will be delivered at a reasonable price as determined by OGS Procurement Services." "Reasonable prices" may be determined by reviewing Percent Markups and net prices offered to other government entities.
23	Solicitation Main Document	5.1, <i>Method of Award</i>	Please clarify 5.2 method of award	Contracts will be awarded to all responsive and responsible Bidder(s) who meet minimum qualifications and whose pricing is reasonable. Solicitation 23199 could potentially result in multiple Contractors awarded in each Region for each of the Lots described in Section 1.2, <i>Scope</i> .
24	Solicitation Main Document	5.1, <i>Method of Award</i>	Please further describe the multiple award structure and how it would be awarded.	Contracts will be awarded to all responsive and responsible Bidder(s) who meet minimum qualifications and whose pricing is reasonable. Solicitation 23199 could potentially result in multiple Contractors awarded in each Region for each of the Lots described in Section 1.2, <i>Scope</i> .

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25	Solicitation Main Document	5.1, <i>Method of Award</i>	It is the desire of OGS to make awards to all responsive and responsible bidders. The contracts that will be established based on IFB # 23199 are very different than most Procurement Contracts. The two major differences are the awarded contractor will deliver most Authorized users twice a week and will offer more than 4300 items for prompt delivery. Since 1995 the basis for award of the current Prime Vendor Contract # PC66401 and those that preceded this contract was a market basket evaluation. One of the strengths of the previous Prime Vendor contract was the ability to leverage the volume in the 4 regions to lower the States cost. The volume combined for all the regions allowed the winner in each region to purchase most items by the truckload which is the most economical means. Based on the historic volume each contractor was able to safely make a large investment in inventory and was able after a short startup period make complete timely deliveries to the Authorized users. By comparison if there are 2 multiple awards in each Region of Lot #1 it could dilute the buying power of each contractor by 50%. If there are 3 multiple awards in each Region of Lot #1 it could dilute the buying power of each contractor by 66% and so on. Delivering to the State large orders and knowing how many truckloads are dedicated to the State week in week out allows a company to work on a lower margin. Based on the tentative method of award the pricing to NYS users and the burden to the taxpayers will most likely increase significantly. Why doesn't the State return to a market basket evaluation using their highly Professional staff at Procurement Service to make the most cost effective choice? Rather than relying on each individual Authorizer user to evaluate each and every week hundreds if not thousands of items.	OGS respectfully acknowledges your comment regarding the multiple award structure. OGS has determined that the method of award as stated in the Solicitation (Revised 03/05/2020) is one that will best meet the needs of the State of New York and its Authorized Users.
26	Solicitation Main Document	5.3, <i>Procurement Instructions for Authorized Users</i>	Authorized users are encouraged to obtain quotes from all awarded contractors within the applicable region prior to making a purchase. Considering that most facilities will order twice a week from their chosen contractor and their order may consist of 100 to 150 items on each delivery it seems that it will be very difficult if not impossible for each unit to review all prices from multiple contractors. It is our understanding that staffing over the past 20 years has been lowered at most NYS facilities. Therefore, how will this method in the end yield an economical alternative that is in the best interest of the State and it's resident taxpayers?	Please see response to Question #25.
27	Solicitation Main Document	6.3, <i>Price</i>	Just looking at the contract. Am I correct that the present average pricing calculation is not part of this contract?	Yes. As per 6.3.1, Bidder Supplier Cost, "The Bidder Supplier Cost shall be the last invoiced cost for each item. Bidder shall include the most recent cost of each item on Attachment 1 – Pricing."

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28	Solicitation Main Document	6.3, <i>Price</i>	A. What is the framework for evaluating pricing? B. Is there a list of specific items to be bid?	A. Bidders must demonstrate that Products offered will be delivered at a reasonable price as determined by OGS Procurement Services." "Reasonable prices" may be determined by reviewing Percent Markups and net prices offered to other government entities. B. There is no list of items to be bid. Solicitation 23199 does not include a market basket. Please be sure to include all Products Bidder wishes to offer for Solicitation 23199 and closely follow the instructions on Attachment 1 - Pricing and complete it in its entirety, as applicable.
29	Solicitation Main Document	6.3, <i>Price</i>	Is the 3 month weighted average pricing going away only the mark up for the whole RFP?	Yes. As per 6.3.1, Bidder Supplier Cost, "The Bidder Supplier Cost shall be the last invoiced cost for each item. Bidder shall include the most recent cost of each item on Attachment 1 – Pricing."
30	Solicitation Main Document	6.3, <i>Price</i>	Can we submit our pricing on our own excel list along with complete product details that company has in place?	No. As per Section 6.3, Price, "Pricing will be collected using Attachment 1 – Pricing (Revised TBD) in accordance with the Instructions tab listed within Attachment 1."
31	Solicitation Main Document	6.3.3, <i>Percent Markup</i>	What does the State expect in regards to percentage, should we just give our wholesale cost + shipping and the State does the marking up? Or if any other way please clarify.	No. The State does not establish the percent markup. The Bidder indicates its markup on Attachment 1, <i>Pricing</i> and the markup is automatically applied to the Cost of Product plus Incoming Freight and Applicable Allowance (if any). All information regarding percent markup is located in Section 6.3.3, Percent Markup.
32	Solicitation Main Document	6.3.3, <i>Percent Markup</i>	Would this bid allow us to bid only on non-food line item?	No. As per Section 1.3, <i>Regions</i> , and Section 6.3.3, <i>Percent Markup</i> , "Bidder must bid on all Categories within the Lot(s)/Regions for which they intend to bid."
33	Solicitation Main Document	6.4.1, <i>Price Guides</i>	As the current Prime Vendor of Lot #1 Downstate Contract PC66401, we currently stock approximately \$1,000,000.00 in inventory to service the Authorized users and stock approximately 4300 items.	OGS appreciates your commitment and effort to meet the needs of NYS Authorizes Users of Lot #1 - Downstate Region.
34	Solicitation Main Document	6.10, <i>Ordering</i>	What is the lead time to the contractor for purchase orders from each authorized user?	Section 6.14, Product Delivery states, "Delivery of all Contract Products shall be made in accordance with Appendix B, Product Delivery and Shipping/Receipt of Product. In addition, Contractor directly, or through its subcontractor, shall be able to deliver all items/Product categories listed herein with evenly spaced deliveries including weeks with legal holidays to all Authorized Users on a consolidated basis. Delivery shall be made in accordance with instructions on the purchase order from each facility. Deliveries shall be on weekdays during normal business hours, as determined by the facility, except/excluding legal holidays NOTE: Some large Authorized

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				Users may require as many as three deliveries per week. Some locations (psychiatric and developmental facilities) may accept Saturday delivery. Correctional facilities will not accept Saturday delivery. For some facilities, delivery may be required to more than one building. After an Authorized User places an order, Contractor shall work with the Authorized User to establish mutually beneficial dates of delivery, to the extent possible. Contractor shall contact Authorized User prior to making delivery if regularly scheduled delivery date is changed. Any deviations from the set delivery schedule must be acceptable to both parties." Please also refer to Question #1 for additional information.
35	Solicitation Main Document	6.17, <i>Quality Control and Safety</i>	Operating out of a commercial kitchen with a HACCP in place. Am I also required to acquire a HACCP in addition to my 20C license issued from the Department of Agriculture?	Yes. As per Section 6.17, <i>Quality Control and Safety</i> , "Upon OGS request, Contractor shall verify that all manufacturers supplying Product have verifiable HACCP programs in place at their manufacturing facilities. Bidder must provide a recent (within 24 months prior to bid opening) New York State Department of Agriculture and Markets inspection report demonstrating compliance (or acceptable equivalent as determined by OGS) with bid submission, for each distribution center used for the Bid. Bidder shall provide a current New York State food warehouse license (or acceptable equivalent as determined by OGS) with bid submission."
36	Solicitation Main Document	6.49, <i>Preferred Source Products</i>	We stock approximately 50 Preferred Source items to meet the form, function and utility of these Authorized users. If there aren't any guarantees of what will be purchased from an awarded contractor how will we know which products to inventory and when to have them in stock. These products under normal circumstances would not be sold to our existing trade. What are we to do with excess inventories?	NYS Authorized Users may continue purchasing Preferred Source items if they meet their form, function and utility through the resultant Contracts of Solicitation 23199 (Revised 03/05/2020), if the Contractor chooses to stock Preferred Source Items. However, there is no requirement for an awarded Contractor to stock Preferred Source items.