

Q#	Solicitation Document Name	Document Section (Number & Name)	Bidder Question	OGS Response
1	General		This pricing sheet says you guys estimate around 32 Mil Gallons per year based on each location total?	The filed requirements are listed in Attachment 1. However, please refer to Section 1.3 of the Solicitation, "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." Estimated gallons per county and fuel type can be found in Attachment 1.
2	General		I saw your posting looking for Intent to Bid for, On Road Diesel & Biodiesel Fuel. I wanted to check with you first to see if it was possible to only bid on the counties in New York State that we currently serve (Kings ,Queens, Staten Island , Nassau , Suffolk and Westchester) rather than the entire state. Also There weren't any documents in the below ad posting. If you could please forward the bid documents to me . Thank You very much we look forward to submitting bid.	Please refer to Section 4.5 of the Solicitation, "A Bidder is not required to bid on every Item; A Bidder May bid on as few or as many Items as desired." All bid documents can be found on the OGS website here: https://ogs.ny.gov/procurement/biddocument/23236bid
3	General		I would like request a copy of the upcoming Ultra Low Sulfur and Biodiesel bid, as well as results tabulation from the last time these products were bid. Can all of this be emailed?	All bid documents can be found on the OGS website here: https://ogs.ny.gov/procurement/biddocument/23236bid The bid results were published to OGS' bid result page after each bid opening. Please visit the following website https://ogs.ny.gov/procurement/bid-opening-results-0 and search for 05602 (both 23094 & 23216 will show up).
4	General		Would someone please forward to me the RFP and the last awarded contract for this bid? Would you permit a bid of Industrial Hemp biodiesel?	All bid documents can be found on the OGS website here: https://ogs.ny.gov/procurement/biddocument/23236bid The information requested is published to OGS Procurement Services website. Please visit the following website https://ogs.ny.gov/procurement/ogs-centralized-awards-list and search for 05602 (both 23094 & 23216 will show up). If the Industrial Hemp biodiesel fuel meets the requirements of the Solicitation, including ASTM D6751-20, or latest version thereof, then the fuel satisfies the definition.
5	IFB Main Document	N/A	Have any addenda been released for this bid?	No.
6	IFB Main Document	page 12 definitions	for the purposes of this bid - can B99 be substituted for B100 since their product specifications are the same	If the fuel B99 meets the ASTM D6751-20 or latest version thereof standards, then the fuel satisfies the definition.
7	IFB Main Document	2.0 Bidder Qualifications page 15	Item # 7 - Please explain what service facilitates and what service is required for this bid?	This requirement is to ensure Bidder's operation is capable to provide any requested services (ex. product testing, tank inspection, topping off tanks for testing, etc.) for delivered product, within the specified 48 hours.

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8	IFB Main Document	page 16 - section 3.3.2	vendor requests that OGS consider time and materials since Authorized Users expect vendor to coordinate with tank testing services - normally - this takes several hours	OGS Procurement Services respectfully declines to make this change.
9	IFB Main Document	3.3.4 Temperature Schedule	This section states that users can request and the contractor should reply in writing with an agreement. Is this a mutually agreeable request or is the contractor required to deliver whatever winter mix the users desire no matter the temperature?	The Contractor is required to deliver the fuel requested by the Authorized User. Any deviations from the "grade - temperature schedule" would have to be requested by the Authorized User in writing to OGS and the Contractor, so that it is agreed by all parties. Communication is expected between the Contractor and Authorized User to clarify any concerns.
10	IFB Main Document	3.3.4 Grade page 17	Is a vendor able to use a winterized adder instead of Kerosene (1D)?	The Contractor is required to deliver the fuel requested by the Authorized User. In accordance with Section 3.3.4, any deviations from the "grade - temperature schedule" would have to be requested by the Authorized User in writing to OGS and the Contractor, so that it is agreed by all parties. Communication is expected between the Contractor and Authorized User to clarify any concerns.
11	IFB Main Document	page 17 - section 3.3.4	vendor sees no way to deliver straight 1D or straight bio since the cost of dedicated delivery service is exhorbatent since dedicated truck service removes vehicles from the fleet and the size of the delivery is unknown and no fleet is dedicated for this type of delivery service.	There is no requirement for a dedicated delivery service by a dedicated truck for straight 1D or straight biodiesel. The intent of this Solicitation is for Authorized Users to procure diesel and blended diesel for on-road use only. However, there may be instances where Authorized Users request a straight product for injection into an existing product. Communication between Authorized Users and Vendors should take place if the vendor has an alternative solution to delivering straight kerosene (e.g., additives, higher cut winter mix).
12	IFB Main Document	page 17 - section 3.3.5	pump samples from agency tanks are not representative of vendors product - vendor requests that sampling procedure be take directly from vendor's delivery vehicle to ensure proper chain of custody and fair representation. Vendor should never be responsible for agency's tank housekeeping or previous vendor's product quality	OGS Procurement Services respectfully declines to make this change.
13	IFB Main Document	3.3.5 Sampling	The "usual method of sampling" requires specific driver training & special sampling devices that are not on delivery trucks. Bidder discourages anyone going on top of truck "without proper fall protection at customer's delivery location". Can sample be taken from the trucks manifold?	OGS respectfully declines this request.
14	IFB Main Document	3.3.5 Sampling	Please confirm contractor will be entitled to receive and retain a split sample from any sample taken from a delivery truck for laboratory testing.	Section 3.3.5 states "the usual method of sampling is a three-way bottle/container sampling taken at an upper, middle, and a lower sample point from the delivery vehicle". There is nothing in Section 3.3.5 that would prohibit the contractor from requesting its own sample.

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15	IFB Main Document	3.3.6 Non-Complying Product	Please confirm contractor will be liable only for the amount by which the price paid by the State in the open market exceeds the bid price.	Section 3.3.6 states if the fuel delivered fails to meet the specific requirements, "the State may cancel the contract and may purchase the balance of the contract quantities in the open market at the Contractor's expense". If the State cancels the contract pursuant to Section 3.3.6 and purchases the balance of the contract quantities in the open market, then the contractor will be liable for the amount by which the price paid by the State in the open market exceeds the bid price.
16	IFB Main Document	pages 17-18 sections 3.3.6 - 3.3.14	vendor is not responsible for agency location housekeeping and not responsible for previous vendor product. This vendor requests that delivery tank location be certified to prevent unwarranted non-complying product issues	OGS Procurement Services respectfully declines to make this change. Vendors are encouraged to communicate with Authorized Users to take appropriate steps to certify delivery tank locations prior to first delivery. OGS should be notified regarding any unresolved non-complying product issues.
17	IFB Main Document	page 23, 24 - section 3.3.33	Vendor requires clarification - OGS requires cetane improver to raise cetane to 46.5 when minimum in spec is 45.5. Please clarify.	The minimum cetane index for Premium Diesel is 45.5. However, the improver shall increase the cetane value of the fuel by a minimum of four (4) numbers and be at a minimum of thirty (30%) percent of the additive package.
18	IFB Main Document	4.3 Format of Bid Submission	We would like to confirm the current hours of operation that you are able to accept the delivery of bid packages by FedEx or UPS.	<p>OGS Procurement Services standard business hours are: Monday through Friday, 8:30 AM to 4:00 PM, ET.</p> <p>Please refer to Section 4.7 Bid Delivery: "Bids shall be delivered to the following address on or before 11:00 a.m. ET, on or before the Bid opening date as stated in Section - Key Events/Dates:</p> <p style="text-align: center;">State of New York Executive Department Office of General Services Procurement Services Corning Tower - 38th Floor Reception Desk Empire State Plaza Albany, NY 12242</p> <p>Bidder assumes all risks for timely, properly submitted deliveries. The time of Bid receipt is determined by OGS according to the clock at the above-noted location. A Bidder is strongly encouraged to arrange for delivery of Bids to OGS prior to the date of the Bid opening. Late Bids shall be rejected, except as provided in Appendix B, Late Bids."</p>
19	IFB Main Document	page 24 - section 3.3.34	vendor requires clarification - OGS requires L-10 requirements but then references MB OM-616 Coker Test for detergency - not all vehicles are MB. Clarification is required.	OGS Procurement Services believes this question references Section 3.3.35 Detergent. This clause states "The Mercedes Benz OM-616 Coker Test, or comparable test, shall be acceptable for proof of performance." (bolded/italicized added for emphasis).
20	IFB Main Document	page 37 - section 6.3	Vendor requests that OGS consider pricing on the day of delivery and not the day of the order since authorized agents may use last weeks lower pricing on Thursday evening for a Friday delivery.	OGS Procurement Services respectfully declines to make this change.

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21	IFB Main Document	6.3 Price page 37	Pricing shall reflect the day of delivery for orders placed that go beyond the guaranteed timeframe of 48 hours. Can this be changed to pricing is effective date of delivery regardless of when delivery will take place. This will eliminate many issues in the future.	OGS Procurement Services respectfully declines to make this change.
22	IFB Main Document	6.3 price page 38	Price shall include all applicable Federal, State and Local taxes and duties. State of NY is exempt from Federal Excise tax as long as you provide a Model P Federal Certificate. Shall we include or not include the Federal Excise Tax in our price?	Please refer to Section 6.3. The State of New York and its political subdivisions are exempt from New York State and local sales taxes and federal excise taxes. The bid price shall include all <i>applicable</i> federal, state and local taxes and duties. Therefore, bidders should not include New York State and local sales taxes and federal excise taxes or other taxes that are not applicable to purchases by State and local governments. Communication is expected between the Contractor and Authorized User to ensure proper forms and certificates are used.
23	IFB Main Document	6.3 Price page 38	State of NY is exempt from State Excise Tax, Petroleum Business Tax and Sales Tax as long as you provide a NY State Exemption Letter for each Agency. Shall we include or not include the State Excise Tax, Petroleum Business Tax and Sales tax in our price?	Please refer to Section 6.3. The State of New York and its political subdivisions are exempt from New York State and local sales taxes and federal excise taxes. The bid price shall include all <i>applicable</i> federal, state and local taxes and duties. Therefore, bidders should not include New York State and local sales taxes and federal excise taxes or other taxes that are not applicable to purchases by State and local governments. Communication is expected between the Contractor and Authorized User to ensure proper forms and certificates are used.
24	IFB Main Document	6.3 Price page 40	Long Island, NY posting does not required Kero (1D). Do you require any winter mix during the months of November - March for these delivery locations?	Please refer to Section 6.4 OPIS Posting Locations "Newark, NJ posting location is utilized for the Kerosene low price for the Long Island posting location." Requirements will be determined by Authorized Users.
25	IFB Main Document	6.3 Price page 40	Posting prices provided on page 40 is based on May 6, 2021 date correct?	Yes. Please refer to Section 6.5 Price Adjustments/Revisions "The published prices on May 6, 2021 for 1D (ultra-low sulfur Kerosene) and 2D (ultra-low sulfur Diesel) are shown in the table below, by posting location."
26	IFB Main Document	6.3 Price page 40	Posting prices provided on page 40 is based on the LOW posting and not the average correct?	Yes.
27	IFB Main Document	page 40- section 6.4	the OPIS Newark kerosene low posting is located in NJ. This is not representative of the NY product pricign especially since the exhorbatent cost of this product is much more expensive in NY. This vendor requests that OGS consider an average posting that represents the delivery locations. this is fair and reasonable.	OGS Procurement Services declines to make this change. These locations have been determined to be in the best interest of the State. Please bid accordingly.
28	IFB Main Document	page 44 - sections 6.12	emergency delivery times of 8 - 12 hours may not be reasonable depending on the State of Emergency situation and weather in the winter. The safety of drivers making deliveries also takes precedent. This vendor requests that authorized agents plan ahead to alleviate unnecessary delivery issues under periods of natural gas interruption or serious weather events and DOT restrictions.	OGS Procurement Services declines this request. OGS understands there may be factors that arise which may affect delivery times, however it is incumbent upon the Contractor to be prepared to deliver in accordance with the terms and conditions of the Agreement.

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29	IFB Main Document	page 44 - sections 6.12	This vendor requests that failed delivery attempt on the part of the authorized agent for any reason result in a \$50 surcharge.	OGS Procurement Services respectfully declines to make this change.
30	IFB Main Document	6.13 Automatic Replenishment	In section 6.13 - Automatic replenishment, are automatic deliveries no longer mutually agreed upon if the tank size is over 500 gallons?	<p>Requests for automatic replenishment from AU on any tank(s) with a total gross capacity equal to or greater than 500 gallons shall be accepted by the Contractor in writing to the AU whether the requests are made verbally or in writing.</p> <p>Per Section 6.13 "A Contractor shall provide written notification back to any Authorized User's request for automatic replenishment on any tank with a total gross capacity equal to or greater than 500 gallons. Automatic replenishment for tank capacities less than 500 gallons will be at the Contractor's option and may be subject to a minimum order charge (see Minimum Order clause of this Solicitation)"</p> <p>Communication is expected between the Contractor and Authorized User to clarify any requests.</p>
31	IFB Main Document	6.13 Automatic Replenishment	May an authorized user require automatic deliveries based on days between delivery which require the contractor to make small inefficient deliveries relative to the tank size? Besides being inefficient, a larger amount of smaller deliveries increase congestion, emissions and risk of incidents by accessing the delivery locations more times than warranted based on fuel usage and tank size.	<p>It is the intent of automatic replenishment to have the Contractor provide deliveries without the Authorized User's request so long as the Minimum Level of the Authorized User's tank does not fall below the percentage set out in Section 6.13. It does not limit or prevent the Authorized User from requesting an additional delivery per Section 6.3, Pricing, subject to any applicable surcharge pursuant to Section 6.10 Minimum Order.</p> <p>Please refer to Section 6.13 "Automatic replenishment for tank capacities less than 500 gallons will be at the Contractor's option and may be subject to a minimum order charge (see Minimum Order clause of this Solicitation)."</p> <p>Communication is expected between the Contractor and Authorized User.</p>
32	IFB Main Document	6.21 Report of Contract Usage	Please clarify what is meant by "Contractor shall specify if any "authorized resellers, dealers or distributors" Are you referring to contractors authorized subcontractor?"	Yes. This section in the Report of Contract Usage refers to "authorized resellers, dealers or distributors that are NYS Certified Minority- and/or Women-Owned Business Enterprises (MWBES), small business enterprises (SBEs), or Service-Disabled Veteran-Owned Businesses (SDVOBs)."
33	IFB Main Document	6.30 Engineering Service	To what extent have previous contractors been required to provide services beyond testing of a fuel sample?	OGS Procurement Services is unaware of any previous instances. Section 6.30 states Contractors may be requested "to investigate a complaint...that might arise in connection with the use of Contractor's fuel in State equipment." and "The engineering service will include but not be limited to the diagnosis of fuel related engine problems in the Authorized User's equipment utilizing the Contractor's fuel."

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34	Attachment 1 - Pricing	bid price submittal sheet	"E" thru "I" are blacked out and cannot be observed - therefore prices cannot be verified readily - these columns are protected and cannot be changed by the vendor	Please refer to item #2 on the Instructions tab in Attachment 1 - Pricing. After acknowledging the bidder is not bidding a mark-up price, Columns E through I in the "Bid Price Submittal Sheet" tab will be revealed.
35	Attachment 11 - MWBE Utilization Plan	1	Please provide vendors with an list of approved MBEs and WBEs that can provide services for this contract.	<p>Please refer to Section 1.9 MWBE & SDVOB Interest in Partnering with Bidders: "A list of the NYS certified MWBE and SDVOB vendors who have expressed interest in this Solicitation through the timely submission of such email, will be made available to prospective Bidders through the publishing of a Bid Solicitation Update posted through the New York State Contract Reporter.</p> <p>OGS has not received notice from any interested vendors. Please reach out to the NYS OGS Office of Business Diversity (OBD) for assistance with locating MWBEs, if needed. https://ogs.ny.gov/MWBE</p>