

Group 38650 – Safety Equipment & Products for Transportation & Public Works—Comprehensive Crash Mitigation
(including Attenuators, Barricades, Bridge Rails, Crash Cushions and Guide Rails) (Statewide)

IFB 23244 - Bidder Inquiries and Responses

| # | Solicitation Document Name | Document Section (Name or No.) | Comment / Question / Bid Deviation | Response |
|---|----------------------------|--------------------------------|---|--|
| 1 | Invitation for Bids #23244 | Section 4 Bid Submission | Since hand delivered bids will not be accepted, what would be the proper protocol to submit bids? | Bids may be submitted by mail or other courier service, including UPS and FedEx. Bidders should refer to the <i>Invitation for Bids</i> document, <i>Section 4.5 - Bid Envelopes and Packages</i> and <i>Section 4.6 - Bid Delivery</i> for specific information regarding submission of bids. |
| 2 | Invitation for Bids #23244 | Section 4 Bid Submission | Since hand delivered bids will not be accepted, are original signatures still required? | Yes, original signatures are required. <i>Per Invitation for Bids, Section 4.3 - Format of Bid Submission</i> – “E-mail or facsimile Bid submissions are not acceptable.” Additionally, Bidders should refer to <i>Invitation for Bids, Section 4.4 - Content</i> and <i>Section 4.4.1 - Content of Bid Submission</i> for specific information regarding which bid documents require original signatures. |
| 3 | Invitation for Bids #23244 | Section 4 Bid Submission | Since hand delivered bids will not be accepted, will the bid need to be emailed or uploaded to the website? | No. NYS OGS does not have a web system in place that allows bids to be uploaded/submitted to the OGS website. Bidders should refer to <i>Invitation for Bids, Section 4.5- Bid Envelopes and Packages, Section 4.6 - Bid Delivery</i> for specific information regarding submission of bid, and <i>4.7 - Important Building Access Procedures</i> . |

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| 4 | Invitation for Bids #23244 | Section 6.22 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 (IV) - Contract Goals. | What will happen if the Contract MWBE goal of 30% cannot be achieved since there are no guaranteed Contract quantities or set Contract purchase amounts? This is a supply Contract and purchases are only made on an as needed basis. | This Contract requires a good faith effort to reach the MWBE goals. Awarded Bidders should document outreach and responses for all the MWBE interactions. Bidders should refer to <i>Section 6.22 (VII) Required Good Faith Efforts</i> of the <i>Invitation for Bids</i> document for more information. |
| 5 | Invitation for Bids #23244 | Section 6.22 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 (IV) - Contract Goals. | Contract goal states 30% MWBE participation is required - 15% for MBE and 15% for WBE. Please confirm if the 30% goal can be achieved solely by utilizing a WBE. Would we be penalized for not utilizing an MBE? | A bidder can fulfill goals using solely WBE or MBE certified companies. Per the <i>Invitation for Bids</i> document, <i>Section 6.22 (IV) Contract Goals</i> - "The total Contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under the Contract". |

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| 6 | Attachment 8 Report of Contract Usage | Attachment 8 | <p>(1) Is <i>Attachment 8 – Report of Contract Usage</i> meant to be used to show the “Proof of Sales” required on <i>Section 2 - Bidder Qualifications</i> of the <i>Invitation for Bids</i> document?</p> <p>(2) Does the contractor usage include NYS entities such as NYS Thruway Authority and local towns using the existing NYS Contract Group: 38650 - Award: 23130 and if not where do these completed PO's get listed to show current performance for values less than \$250,00 total sales?</p> | <p>(1) No. <i>Attachment 8 – Report of Contract Usage</i> is only used to report sales once the Contract Award is in place.</p> <p>(2) Yes. In regard to the minimum verifiable sales of \$250,000 over the three (3) year-period immediately preceding the Bid Opening Date, according to <i>Section 2 - Bidder Qualifications</i> of the <i>Invitation for Bids</i> document, “Contractors on existing Award #23130 will be exempted from meeting this requirement.”</p> <p>For those bidders that are not Contractors on existing Award #23130, this Section provides that “Bidder shall provide proof of such sales, as part of its Bid submission, in the form of a summary of the total sales reported (Proof of Past Sales – in Excel format), which shall include the name of the National Public Entity that made the purchase (i.e. federal, state, local governments, school districts or schools, public libraries, public hospitals, etc.), description of the Product(s) purchased, the total amount of sales by purchaser, and the date of each sale. Sales made directly by the manufacturer, authorized Resellers, or a combination of both can be utilized to demonstrate compliance with this provision.”</p> |

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| 7 | Attachment 10 Technical Specifications | Section 712-08 Page 29 | <p>Why is 712-08 Reusable Impact Attenuators Category listed as vacant? The Item number 712-08 is a valid and active specification number for on the NYS QPL as shown in the link below:</p> <p>https://www.dot.ny.gov/divisions/engineering/technical-services/technical-services-repository/alme/pages/7120608-1.html</p> | <p>NYSDOT confirmed that the <i>NYSDOT Standard Specification 712-08</i> is vacant at this time because not enough products meet the NYSDOT required criteria.</p> <p>NYSDOT may reactivate <i>Specification 712-08</i> in the future. At such time, products may be added to the OGS price list for the awarded Contractors.</p> |
| 8 | Attachment 10 Technical Specifications | Section 712-06 Page 28 | <p>Why is the specification of MASH NOT being used in the Expendable Attenuator Category for permanent attenuators as the FHWA sunset date was Jan 1st, 2019, and all permanent expendable attenuators installed after that date must be MASH compliant?</p> | <p>For the purposes of new installations, only MASH-compliant attenuators are permitted to be purchased.</p> <p>For the repair of existing installations that have not been upgraded to MASH, <i>NYSDOT Standard Specification 712-06</i> allows for the provision of <i>NCHRP350</i> parts.</p> <p>Bidders should reference the <i>Invitation for Bids document, Section 3 – Specifications</i> as well as <i>Attachment 10 – Technical Specifications</i>, to ensure all aspects of compliance are met for each product bid.</p> |
| 9 | Attachment 10 Technical Specifications | Section 704-05 Page 7 | <p>Does any NYS DOT approved precast barrier for Temporary use fall under this category?</p> <p>If not, what category does temporary barrier fall under?</p> | <p>Yes. Temporary Concrete Barriers fall under <i>NYSDOT Standard Specification 704-05</i>.</p> |