

Solicitation 23313 - Advanced Scientific Equipment & Instruments (Statewide)
Bidder Questions and Answers
July 17, 2023

Question #	Solicitation Document Name	Document Section (Number & Name)	Question	OGS Response to Bidder Questions
1	Appendix B – General Specifications (April 2016)	35. PRODUCT SUBSTITUTION	What is the process to replace products on contract that have been substituted permanently due to being obsolete?	Obsolete products can be removed during the pricelist update process that may occur up to twice per year. (See Solicitation document section 5.4 - Price Updates). In the event that the Commissioner approves a substitute, the Contract Manager will add the new item to the Contract pricelist.
2	Appendix B – General Specifications (April 2016)	36 Rejected Products	Any rejected products must be returned by the end user not the Contractor. Our sales team is not responsible for picking up rejected products. The customer at this point owns the products and must ship back rejected products themselves and in no instance can a return be made without receiving a RMA from the contractor.	OGS respectfully declines the requested revision.
3	Appendix B – General Specifications (April 2016)	39. EMPLOYEES, SUBCONTRACTORS AND AGENTS	Can the State provide additional context behind the Security background check and what exactly it entails?	Some Authorized Users, including correctional facilities, may require enhanced security measures, which may include background checks. OGS is unable to provide context or specifics with regard to individual agencies needs.
4	Appendix B – General Specifications (April 2016)	48.d.Reimbursement of Costs	Contractor takes exception to costs and exceptions associated with end user finding replacement products. We cannot agree to accept these costs or expenses.	OGS has reviewed this Bid Deviation request and has determined that no changes will be made to the Appendix B Section 48 d - Reimbursement of Costs. Per Solicitation Section 3.9 - Bid Deviations, OGS will not entertain exceptions to the Solicitation or Appendix B (General Specifications) that are of a material and substantive nature.
5	Appendix B – General Specifications (April 2016)	58.a. Limitation of Liability	Contractor's business model does not accept LOL-our policy is repair, replace or refund the price of the affected product. Contractor will accept a 300K cap on LOL in this case.	OGS has carefully reviewed this Bid Deviation Request and has determined that no changes will be made to the Appendix B Section 58 a - Limitation of Liability. Per Solicitation Section 3.9 - Bid Deviations, OGS will not entertain exceptions to the Solicitation or Appendix B (General Specifications) that are of a material and substantive nature.
6	Appendix B – General Specifications (April 2016)	60.d.Product Technical Support & Maintenance	Contractor shall warrant software for 1 year and then customer will be able to purchase upgrades at an additional cost.	For software requirements refer to Solicitation Section 1.2 - Scope. Software is included in Lot 3 - Accessories & Peripherals. OGS respectfully declines to make changes to this Section.
7	Appendix B – General Specifications (April 2016)	Cannot find statement about purchasing open market items.	Can open market items be purchased under the NYS contract? Is there a requirement that a certain percentage of parts be on contract for a customer to be able to purchase off the NYS contract?	No, open market items cannot be purchased under the resulting Contract(s). All items Bidder intends to offer under any resulting Contract(s) must be listed on Attachment 1 - Pricing. Items that are not included on Attachment 1 - Pricing and are purchased from the open market would not be considered a Contract purchase. There is no requirement with regard to the number of parts/items that must be on contract for Authorized Users to purchase from the resultant Contract(s). Any open market purchases made by an Authorized User would be considered a separate, non-contract purchase and must be made in accordance with the Authorized User's applicable procurement rules and policies.
8	Appendix B – General Specifications (April 2016)	Item 13, Pricing	Will you consider a percent discount off current price list for each product line offered from our total product list, instead of a fixed price list listing individual items offered?	No. All products will be grouped into categories, and each category will have a uniform discount. Bidder may determine the appropriate number of categories offered within each lot. All products Bidder intends to offer must be listed individually on Attachment 1 - Pricing, and on Attachment 12 - Pricelist Update Template for consideration.
9	Appendix B – General Specifications (April 2016)	Terms and Conditions	Are any of the terms and conditions open for negotiation?	No. Per Solicitation Section 3.9 - Bid Deviations, OGS will not entertain exceptions to the Solicitation or Appendix B (General Specifications) that are of a material and substantive nature.
10	Appendix C – Contract Modification Procedure	A.UPDATES	How often are we able to add new part numbers to the NYS contract price list?	Per Solicitation Section 5.4 - Price Updates, "Updates to a Contractor's OGS Price List (price list updates) will be allowed twice per year, after the first anniversary date of the Bid Opening".
11	Appendix C – Contract Modification Procedure	A.UPDATES	How do we add and delete part numbers from the NYS contract outside of the annual price revision?	Per Solicitation Section 5.4 - Price Updates, there are two opportunities per year for pricing revisions, which includes adding and deleting part numbers.
12	Appendix C – Contract Modification Procedure	A.UPDATES	Do we use the Modification Form noted in Appendix C to add and delete parts from the NYS contract?	Yes. All pricing modifications, including the addition or deletion of products should also be included on Attachment 12 - Price List Update Template.
13	Appendix C – Contract Modification Procedure	A.UPDATES	Can we negotiate the date of the annual price revision to better coincide with our price schedules? Example submit annual price list changes in Nov/Dec.	Yes. After the first anniversary of the Bid Opening Date, Contractors may choose to submit their biannual pricelist update request to coincide with their price schedules. Per Solicitation Section 5.4 - Price Updates, "Updates to a Contractor's OGS Price List (price list updates) will be allowed twice per year, after the first anniversary date of the Bid Opening. Price list updates may not be allowed within 90 days of a prior price list update approval unless deemed within the best interest of the State."
14	Appendix D – Federal Funding Agency Mandatory Terms and Conditions.	Signature of Contractor's Authorized Official	Who should sign this part? Contractor's lawyer, or someone else?	OGS will accept signatures from individual(s) within the bidder's company that are duly authorized to legally bind the Bidder and have legal signing authority to do so.
15	Attachment 1 - Pricing	Instructions C. 2.	Is Bidder able to assign different discounts within a category?	No. Per Solicitation Section 5.3. B; "The same discount must apply to all products within the category." Each category will have a uniform discount. Discount may differ from category to category in each Lot.
16	Attachment 1 - Pricing	Instructions C. 2.	Is a product line considered a category?	Yes. Per Solicitation Section 5.3. B - Price, "Bidder shall group all products offered into categories within the Lot they are bidding. Bidder must designate at least one category per Lot and must assign a title to each category, as appropriate for the scope of the Lot being Bid." Bidder may consider a product line a category, as category names and groupings are at the Bidder's discretion.
17	Attachment 1 - Pricing	Instructions C. 3.	If a Bidder's product is a bundle sku, does Bidder need to break apart the bundle and price each part individually?	If items are sold ONLY as a bundle they do not need to be broken out separately. However, if they are offered individually, they must be listed separately with their own unique sku. Solicitation Section 5.3. Pricing E. has been revised as follows: "Bidder should specify the applicable category for each product in each Lot Bid. If desired, Bidder may designate products as part of a bundled offering (several products for sale as one combined product with a unique SKU/Part Number). If items are sold ONLY within a bundled offering, they do not need to be listed separately with their own unique SKU and price. However, if items that are included in a bundled offering are also offered individually, they must be listed separately with their own unique SKU and price."

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18	Attachment 1 - Pricing	Lot 4	Contractor offers Extended Warranties (Service Agreements) at a discounted rate. The requirement is that each customer must sign a Contractor Service Agreement prior to any extended warranty after initial warranty period has expired.	Service Agreements or extended warranties can be offered, per Solicitation Section 1.2 - Scope Lot 4- Maintenance and Warranties, which states, "Sometimes called a Service Agreement, Service Contract, or a Maintenance Agreement, offer prolonged warranties in addition to the standard warranty. Examples include: • Extended Warranty • Preventive Maintenance • Service Contract, Including Regulatory and Quality Compliance". The Contractor and Authorized User must mutually agree upon the Service Agreement/extended warranty requirement(s).
19	Attachment 1 - Pricing	Type of Documentation	What are you looking for us to provide if we select NYS Contract? A prior invoice under NYS contract or a prior price under NYS Contract? Do you need a prior NYS price list submission for proof?	If NYS Contract is selected, please provide the NYS Contract number. A prior NYS Pricelist submission is not required.
20	Attachment 10 – Contact and Supplemental Information	General	Bidder has many thousands of products, some of which a volume discount may apply. How can Bidder indicate many lines of volume discounts or tiered discounts?	A Contractor may offer volume discounts for individual orders in addition to what is shown on Attachment 10 - Contact and Supplemental Information page. Per Main Solicitation Document Section 4.5 - Procurement Instructions for Authorized Users C., "Authorized Users are strongly encouraged to seek a minimum of three (3) quotes, where possible, as well as to seek better than Contract pricing for all items, especially when purchasing in volume, as Contractors may or may not automatically offer volume discounts."
21	Attachment 10 – Contact and Supplemental Information	General	Is an Authorized Reseller defined as a distributor?	Yes. Per Solicitation Section 5.35 - Authorized Resellers, "Reseller" shall refer to alternate distribution sources (distributors or dealers) for a manufacturer that are authorized and designated by said manufacturer, subject to approval by New York State."
22	Attachment 12 – Price List Update Template	General	Is there any limit on how often we can add product to the price list?	Yes. Per Solicitation Section 5.4 - Price Updates "Updates to a Contractor's OGS Price List (price list updates) will be allowed twice per year, after the first anniversary date of the Bid Opening. Price list updates may not be allowed within 90 days of a prior price list update approval unless deemed within the best interest of the State. Additional price list update requests may not be granted, unless OGS determines that it is within the best interest of the State and/or its Authorized Users."
23	Attachment 12 – Price List Update Template	Type of Documentation	If we have parts we would like to add to the NYS contract that are not on another government contract; Is there another method to show price reasonableness for a large quantity of parts in the same product line and not part by part?	1. Price reasonableness is not required for items being added to an existing category at the approved category discount. Per Solicitation Section 5.4 - Price Updates C., "New products may be offered and added to an existing category within a price list update submission. Contractor shall designate each new product to the applicable category within each Lot and shall be offered at the approved category discount." 2.If product line is being added as a new category, then proof of price reasonableness is required. Per Solicitation Section 5.4 - Price Updates D. has been revised as follows, "Contractor may request to add products in a new category within a Contract Price List update submission. The Contractor is required to provide proof of reasonableness of price for products offered in new categories if the items in the new category are offered at a lower discount than existing categories. Proof of reasonableness may be in the form of pricing from a contract held with a government or private entity, invoices from sales made to such entities, or sales reports, that are less than twelve (12) months old from the date of the Contract Price List update submission for the products offered, or such other information as determined by OGS. If a Bidder holds another contract that requires them to offer a better discount than to any other entity, then the Bidder will be required to provide a copy of the contract language. If a Bidder holds another contract in which the price is F.O.B. origin, then OGS will allow up to a three (3) percent difference in the discount structure."
24	Attachment 12 – Price List Update Template	Type of Documentation, "NYS Contract", "Other Government Contract", "Paid Invoices to Government Entities", "Paid Invoices to Other Entities"	If a product line is not on a government contract to show price reasonableness, what can be used as price reasonableness to add this product to the NYS contract? For example if there are 100 parts from the same product line not on another government contract; Is it required to provide 100 paid invoices to other entities?	1. Price reasonableness is not required for items being added to an existing category at the approved category discount. Per Solicitation Section 5.4 - Price Updates C., "New products may be offered and added to an existing category within a price list update submission. Contractor shall designate each new product to the applicable category within each Lot and shall be offered at the approved category discount." 2.If product line is being added as a new category, then proof of price reasonableness is required. Per Solicitation Section 5.4 - Price Updates D. has been revised as follows, "Contractor may request to add products in a new category within a Contract Price List update submission. The Contractor is required to provide proof of reasonableness of price for products offered in new categories if the items in the new category are offered at a lower discount than existing categories. Proof of reasonableness may be in the form of pricing from a contract held with a government or private entity, invoices from sales made to such entities, or sales reports, that are less than twelve (12) months old from the date of the Contract Price List update submission for the products offered, or such other information as determined by OGS. If a Bidder holds another contract that requires them to offer a better discount than to any other entity, then the Bidder will be required to provide a copy of the contract language. If a Bidder holds another contract in which the price is F.O.B. origin, then OGS will allow up to a three (3) percent difference in the discount structure."
25	Attachment 13 - Proof of Past Sales	General	Does NYS want to see all purchase history of Bidder's products for the last 12 months in this attachment?	Solicitation Section 2.1 - Bidder Qualifications C. has been revised to, "Bidder must be able to provide proof of past sales of Advanced Scientific Equipment and Instrument products included in Section 1.2 - Scope, to government or private entities, equal to \$50,000 (fifty thousand dollars) or greater. Proof of past sales must be within twelve (12) months prior to the Bid opening date. Bidder shall provide proof of past sales in Excel format within Attachment 13 – Proof of Past Sales as part of its Bid submission, which shall include purchasing entity names, product item number and description, date of sale, list price, discount percentage, quantity sold, and extended net sale amount.. Copies of invoices, purchase orders, vouchers, etc. will not be allowed as proof of past sales revenue. Bidder's failure to include proof of sales as part of its Bid may result in rejection of Bid. OGS reserves the right to request additional documentation. OGS reserves the right to waive any or all of the requirements pertaining to past sales, if deemed to be in the best interest of the State."

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26	Attachment 13 - Proof of Past Sales	Reporting Columns	What about confidentiality of our customer names for proof? Can we "customer confidential" instead of the purchasing entity name? This is never provided to any state or federal entity without redacting and I find this a violation of our customer's privacy.	Per Appendix B 6. a. - Bidder/Contractor, "Confidential, trade secret or proprietary materials as defined by the laws of the State of New York must be clearly marked and identified as such upon submission by the Bidder/Contractor. Marking the Bid as "confidential" or "proprietary" on its face or in the document header or footer shall not be considered by the Commissioner or Authorized User to be sufficient without specific justification as to why disclosure of particular information in the Bid would cause substantial injury to the competitive position of the Bidder/Contractor. Bidders/Contractors intending to seek an exemption from disclosure of these materials under the Freedom of Information Law must request the exemption in writing, setting forth the reasons for the claimed exemption. The Commissioner's or Authorized User's receipt/acceptance of the claimed materials does not constitute a determination on the exemption request, which determination will be made in accordance with statutory procedures. Properly identified information that has been designated confidential, trade secret, or proprietary by the Bidder/Contractor will not be disclosed except as may be required by the Freedom of Information Law or other applicable State and federal laws."
27	Attachment 4 - Insurance Requirements	6. Self-Insured Retention/Deductibles	Our standard Certificate of Insurance, which has been accepted by the State before, does not include deductible specific detail. This is not industry standard practice. Will the state remove this as a requirement?	No, OGS respectfully declines to remove the requirement. Per Attachment 4 - Insurance Requirements, Section 3. Certificates of Insurance/Notices, "Certificates of Insurance shall: Disclose any deductible, self-insured retention, aggregate limit or exclusion to the policy that materially changes the coverage required by this Solicitation and any Contract resulting from this Solicitation/Contract."
28	Attachment 8 - Report of Contract Usage	General	Can NYS allow reasonable time limits on how far back NYS is able to request an audit on Bidder's orders?	With regard to required time limits on record keeping, refer to Appendix A Section 10 - Records that states, "The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, the "Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. OGS respectfully declines to make revisions to Appendix A requirements."
29	Attachment 8 - Report of Contract Usage	Reporting Columns	The usage report is much more detailed than it has been in the prior years. Lot number and Category name are burdensome, manual, and not a reportable item in our system and is only specific to NYS contract. We would ask that those fields be changed to "Optional" or removed altogether. Additionally, ordering entity PO number and contractor's invoice number are not reportable fields and we would request these either be made optional or removed from the requirement altogether. We will not be able to provide that information in a timely manner and it would be very manual to obtain it. I don't understand why this is necessary when the detailed information can be provided by the ordering entity. We also would propose instead providing the internal order numbers if more detail is necessary for an investigation, but from a standard report structure, the requirements for invoice number and PO number need to be lifted as mandatory or they just won't be included in future reports under the contract.	OGS respectfully declines to accept the requested revision. All Bidders/Contractors are required to adhere to Solicitation Section 5.19 - Report of Contract Usage states, "The report in Attachment 8 – Report of Contract Usage contains the minimum information required. Additional related sales information, such as detailed user purchases may be required by OGS and must be supplied upon request. Failure to submit reports on a timely basis may result in Contract cancellation and designation of Contractor as non-responsible."
30	Attachment 8 - Report of Contract Usage	Reporting information	Do you require on a report of items purchased specifically under the contract or do you want all agencies usage, regardless if they used another contract (like E&I)?	All items purchased under the resultant contract must be reported as per Solicitation Section 5.19 - Report of Contract Usage. Sales to Authorized Users for items under another OGS contract are not required to be reported for this Solicitation.
31	Solicitation Main Document	5.12	Please change the sentence "Products shall be replaced within 10 business days of written notification to the contractor..." to include "only for products that were shipped incorrectly by Vendor or due to a warranty issue under Vendor's policies." Other returns, due to customer's convenience, will only be shipped upon confirmation that the authorized user has shipped the returned product and may exceed the 10 day limit.	Solicitation Section 5.12 - Product Returns and Exchanges has been revised as follows: "Authorized Users shall provide written notification to the Contractor with their intent to return or exchange the Product. Stock products shall be replaced within 10 business days after confirmation that the Authorized User has shipped the return product. Non-stock products shall be replaced within 30 calendar days after confirmation that the Authorized User has shipped the return product, unless otherwise agreed to by the Authorized User and the Contractor."
32	Solicitation Main Document	5.19	Please change 15 days to 30 days.	OGS respectfully declines to accept the requested revision.
33	Solicitation Main Document	5.20	Please advise if a small business subcontracting plan will suffice under this section in accordance with federal GSA contract requirements. If we have one on file every year, can we be exempt from reporting specific subcontracting to minority, etc. vendors because our ability to discern the exact contribution our vendor's contribution to our manufacturing of materials is minimal and not worth reporting, but we have goals with the SBA and report this directly every year under GSA requirements.	MWBE reporting is not required for this Solicitation. Solicitation Section 5.20, Subsection IV. A - Contract Goals states, "For purposes of this procurement, OGS conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set goals for participation by MWBEs as subcontractors, service providers, or suppliers to Contractor."
34	Solicitation Main Document	2.1 C Bidder must be able to provide proof of past sales of Advanced Scientific Equipment and Instrument products included in Section 1.2	How many examples must we provide for proof of past sales?	Solicitation Section 2.1 - Bidder Qualifications C. has been revised to, "Bidder must be able to provide proof of past sales of Advanced Scientific Equipment and Instrument products included in Section 1.2 - Scope, to government or private entities, equal to \$50,000 (fifty thousand dollars) or greater. Proof of past sales must be within twelve (12) months prior to the Bid opening date. Bidder shall provide proof of past sales in Excel format within Attachment 13 – Proof of Past Sales as part of its Bid submission, which shall include purchasing entity names, product item number and description, date of sale, list price, discount percentage, quantity sold, and extended net sale amount.. Copies of invoices, purchase orders, vouchers, etc. will not be allowed as proof of past sales revenue. Bidder's failure to include proof of sales as part of its Bid may result in rejection of Bid. OGS reserves the right to request additional documentation. OGS reserves the right to waive any or all of the requirements pertaining to past sales, if deemed to be in the best interest of the State."

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35	Solicitation Main Document	4.1 Method of Award	Financial statements-we are a private company and our financial statements are confidential, does this disqualify us from bidding?	<p>No, financial statements are not required to be submitted with the initial Bid. Financial statements will only be required upon request by OGS.</p> <p>Solicitation Section 4.1 - Method of Award states, "Bidder must be financially stable and able to demonstrate the financial stability of the company. In addition to sales history, current financial statements or other financial information, as requested and deemed appropriate by OGS, must be provided within five (5) business days of request. New York State reserves the right to reject any Bidder who does not demonstrate financial stability sufficient for the scope of this contract."</p> <p>Per Appendix B 6. a. - Bidder/Contractor: "Confidential, trade secret or proprietary materials as defined by the laws of the State of New York must be clearly marked and identified as such upon submission by the Bidder/Contractor. Marking the Bid as "confidential" or "proprietary" on its face or in the document header or footer shall not be considered by the Commissioner or Authorized User to be sufficient without specific justification as to why disclosure of particular information in the Bid would cause substantial injury to the competitive position of the Bidder/Contractor. Bidders/Contractors intending to seek an exemption from disclosure of these materials under the Freedom of Information Law must request the exemption in writing, setting forth the reasons for the claimed exemption. The Commissioner's or Authorized User's receipt/acceptance of the claimed materials does not constitute a determination on the exemption request, which determination will be made in accordance with statutory procedures. Properly identified information that has been designated confidential, trade secret, or proprietary by the Bidder/Contractor will not be disclosed except as may be required by the Freedom of Information Law or other applicable State and federal laws."</p>
36	Solicitation Main Document	4.1. Financial Information	As an LLC (incorporated in the State of New York) and not a publicly traded entity, are financial statements on a corporate consolidated basis acceptable?	<p>Financial statements are not required to be submitted with the initial Bid. Financial statements will only be required upon request by OGS. Financial statements, if requested, will be evaluated on a case by case basis.</p> <p>Solicitation Section 4.1 - Method of Award states, "Bidder must be financially stable and able to demonstrate the financial stability of the company. In addition to sales history, current financial statements or other financial information, as requested and deemed appropriate by OGS, must be provided within five (5) business days of request. New York State reserves the right to reject any Bidder who does not demonstrate financial stability sufficient for the scope of this contract."</p>
37	Solicitation Main Document	4.5. B Procurement instructions for Authorized Users	Will the pricing information we supply be secured in such a way that only Authorized Users can access? It seems like the current information is available to any curious member of the public at the website, https://online.ogs.ny.gov/purchase/spg/pdfdocs/3870022962ContractorInfo.pdf	No, this is a public procurement. Solicitation Section 4.5 B - Procurement Instructions for Authorized Users states, "Each Contractor's contract Price List and Contact and Supplemental Information sheet will be posted on the OGS website without exception so that Authorized Users can find contact information, as well as discount structure, volume discounts, prompt payment discount (if available), and NYS Purchasing Card information (if available)."
38	Solicitation Main Document	5.1 Contract terms and conditions	Can we take exception to the Name of Authorized User indicated on the Purchase Order must be reflected on the invoice? We do not have the means to do so.	No. The name of the Authorized User must be included in the invoice.
39	Solicitation Main Document	5.11 Product Delivery	We request shipping terms to be FOB destination, pre-paid and add.	OGS respectfully declines to make the requested revision.
40	Solicitation Main Document	5.11.1	Can prices on the price list not include delivery charges if Vendor agrees to disclose delivery charges upon every quotation or potential purchase finalization? Each purchase is not a fixed delivery dollar amount, it is based on size and weight and where the shipment is being sent to. There is no way to estimate the delivery costs for 3-5K products under contract so that we can include the charges in the prices on the price list, but we can provide an estimate of shipping upon a quote or order online. Or are there other suggestions for allowing shipping costs?	<p>No. Solicitation Section 1.10 - Definitions states, "Net Price" shall refer to the price extended to New York State after all discounts, rebates, etc. have been allowed. All prices are FOB destination and include all customs, duties, and charges to any destination in New York State."</p> <p>Additionally, Solicitation Section 5.11.1 - Shipping Charges states the following: "All prices as set forth in Attachment 1 - Price Pages, shall include all customs, duties, and charges for delivery and be net FOB destination for delivery to any location designated by the Authorized User within New York State. There shall be no additional charges for delivery..."</p>
41	Solicitation Main Document	5.11.1	Can we charge for shipping for anything that is not on contract?	Any items that are purchased off-Contract should be separately invoiced. Shipping arrangements and charges for non-Contract items are at discretion of the Contractor and purchaser.
42	Solicitation Main Document	5.11.1 Shipping Charges	If it became necessary for the business to add any additional charge (EX:Surcharge), would that charge fall under the "special handling" category? Could the charge be added?	<p>Additional charges/surcharges are not allowed. Per Solicitation Section 1.10 - Definitions states, "Net Price" shall refer to the price extended to New York State after all discounts, rebates, etc. have been allowed. All prices are FOB destination and include all customs, duties, and charges to any destination in New York State."</p> <p>In the event special handling is required, Solicitation Section 5.11.2 - Special Handling states, "Contractor will provide information on "special handling", including what constitutes special handling, and the terms, conditions, and pricing which will apply when it is required. The Authorized User must be informed of the special handling prior to delivery and agree in writing to the additional terms."</p>
43	Solicitation Main Document	5.12 Product Returns	Most of our products have delivery time of at least 60 days at the earliest. While some items are in stock, these are not consumables. So 10 days to replace a non-conforming product is unreasonable. We would alert the end user of the time frame at time of the return and replacement of product.	Solicitation Section 5.12 - Product Returns and Exchanges has been revised as follows: "Authorized Users shall provide written notification to the Contractor with their intent to return or exchange the Product. Stock products shall be replaced within 10 business days after confirmation that the Authorized User has shipped the return product. Non-stock products shall be replaced within 30 calendar days after confirmation that the Authorized User has shipped the return product, unless otherwise agreed to by the Authorized User and the Contractor."
44	Solicitation Main Document	5.12 Product Returns and Exchanges	Due to the complex nature of our products, it may not always be possible to replace products within 10 business days. Request this be changed to 90 business days.	Solicitation Section 5.12 - Product Returns and Exchanges has been revised as follows: "Authorized Users shall provide written notification to the Contractor with their intent to return or exchange the Product. Stock products shall be replaced within 10 business days after confirmation that the Authorized User has shipped the return product. Non-stock products shall be replaced within 30 calendar days after confirmation that the Authorized User has shipped the return product, unless otherwise agreed to by the Authorized User and the Contractor."
45	Solicitation Main Document	5.14 Contract Administration	While a sales rep would be an emergency contact, the response time is dependent on the mutually agreed upon time frame between the customer and the sales rep. We cannot provide emergency responses after hours or on weekends unless it is mutually agreed upon by both parties.	While OGS understands that response times may vary, it is required that the Bidder provide an emergency contact in accordance with Solicitation Section 5.14 - Contract Administration, which states, "The Bidder shall provide a sufficient number of Customer Service employees who are knowledgeable and responsive to Authorized User needs and who can effectively service the Contract. Bidder shall also provide an Emergency Contact in the event of an emergency occurring after business hours or on weekends/holidays."

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46	Solicitation Main Document	5.16 ADA	Prospective bidder requests a waiver from this requirement under the category of Fundamental Alteration E202.6 for reasons that the essentials of the technology are visual and non-visual equivalence is not available.	This Solicitation does not require Bidders to offer Products that are ADA approved, but rather identify and offer products they do have that meet ADA requirements. Refer to Solicitation Section 5.16 - Americans with Disabilities Act (ADA) states, "The federal ADA bars employment discrimination and requires all levels of government to provide necessary and reasonable accommodations to qualified workers with disabilities. Bidder is required to identify and offer any Products it manufactures or adapts that may be used or adapted for use by persons with visual, hearing, or any other physical disabilities. Although it is not mandatory for Bidder to have these Products in order to receive an award, it is necessary to identify any such Products offered that fall into the above category."
47	Solicitation Main Document	5.4 A Price Updates	Given the inflationary times we live in, we would request the ability to increase our prices once within the first year of award and twice per year in subsequent years.	To clarify, Solicitation Section 5.4 - Price Updates states, "Updates to a Contractor's OGS Price List (price list updates) will be allowed twice per year, after the first anniversary date of the Bid Opening. " The Bid Opening Date for this Solicitation has been changed to August 16, 2023. See revised Section 1.4 Key Events/Dates. As such, two price list updates would be permitted between August 16, 2024 and August 15, 2025.
48	Solicitation Main Document	5.4 G Price Updates	We request the ability to increase prices in the final year of the contract.	OGS respectfully declines to remove the reserved right to deny price adjustments during the last twelve (12) months of the Contract.. Solicitation Section 5.4 - Price Updates G. states, "OGS reserves the right to deny price adjustments during the last twelve (12) months of the Contract term, without prior notice".
49	Solicitation Main Document	5.4 Price Updates	Contractor cannot provide proof reasonableness: we do not have a published price list and no 2 invoices from customers are the same. Our products have unique configurations determined by each end user and sales team so there are thousands of unique microscope configurations. Also our invoices are considered confidential and cannot be shared with a 3rd party. What happens in this instance?	Bidders who are not able to meet the requirements of the Solicitation may be disqualified as nonresponsive. Per Section 4.1 - Method of Award-Awards shall be made to all responsive and responsible Bidders that are able to meet the terms and conditions of this Solicitation and the qualifications and requirements detailed in Section 2 - Bidder Qualifications and Requirements and whose product offerings meet the Scope of this Solicitation, as detailed in Section 1.2 - Scope and whose prices indicate that those products will be provided at a reasonable price as determined by OGS. Per Appendix B 6. a. - Bidder/Contractor: "Confidential, trade secret or proprietary materials as defined by the laws of the State of New York must be clearly marked and identified as such upon submission by the Bidder/Contractor. Marking the Bid as "confidential" or "proprietary" on its face or in the document header or footer shall not be considered by the Commissioner or Authorized User to be sufficient without specific justification as to why disclosure of particular information in the Bid would cause substantial injury to the competitive position of the Bidder/Contractor. Bidders/Contractors intending to seek an exemption from disclosure of these materials under the Freedom of Information Law must request the exemption in writing, setting forth the reasons for the claimed exemption. The Commissioner's or Authorized User's receipt/acceptance of the claimed materials does not constitute a determination on the exemption request, which determination will be made in accordance with statutory procedures. Properly identified information that has been designated confidential, trade secret, or proprietary by the Bidder/Contractor will not be disclosed except as may be required by the Freedom of Information Law or other applicable State and federal laws."
50	Solicitation Main Document	5.5 Best Pricing Offer	We request the right to reserve our best pricing for the federal government, i.e. GSA contract. The basis of award of our GSA MAS schedule precludes us from extending most favored prices to any Educational Institution by a certain percentage always in favor of the U.S. government.	OGS respectfully declines to revise Solicitation Section 5.5 - Best Pricing Offer. Solicitation Section 4.1 - Method of Award has been revised as follows, "Bidder shall demonstrate reasonableness of pricing. "Reasonable prices" may be determined by reviewing discounts and net prices offered on any previously awarded NYS Contract, pricing offered by other Bidders for this Solicitation, contracts with other state or government entities, invoices from sales made to government or private entities that are within twelve (12) months prior to the Bid opening date, or such other information as determined by OGS. If a Bidder holds another contract that requires them to offer a better discount than to any other entity, then the Bidder will be required to provide a copy of the contract language. If a Bidder holds another contract in which the price is F.O.B. origin, then OGS will allow up to a three (3) percent difference in the discount structure. " Section 5.4 - Price Updates D. has been revised as follows, "Contractor may request to add products in a new category within a Contract Price List update submission. The Contractor is required to provide proof of reasonableness of price for products offered in new categories if the items in the new category are offered at a lower discount than existing categories. Proof of reasonableness may be in the form of pricing from a contract held with a government or private entity, invoices from sales made to such entities , or sales reports, that are less than twelve (12) months old from the date of the Contract Price List update submission for the products offered, or such other information as determined by OGS. If a Bidder holds another contract that requires them to offer a better discount than to any other entity, then the Bidder will be required to provide a copy of the contract language. If a Bidder holds another contract in which the price is F.O.B. origin, then OGS will allow up to a three (3) percent difference in the discount structure. "
51	Solicitation Main Document	5.6 Price Structure	Again, this goes to the unique configurations of our microscopes. We can state that the pricing to NYS is equal to or better than the pricing to the same category of customer, with like quantity, like quality and like configuration and under substantially similar Terms and Conditions. Can this section be modified?	OGS respectfully declines to modify Solicitation Section 5.5 - Best Pricing Offer or Section 5.6 - Price Structure.
52	Solicitation Main Document	5.8 Ordering	Can we take exceptions to this section? We do not accept phone orders and have no web based ordering system.	The Section is meant to allow for phone / web-based orders-it does not require it.

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53	Solicitation Main Document	General	Can Bidder charge freight? Can Bidder provide a freight table?	<p>No. Solicitation Section 1.10 - Definitions states, "Net Price" shall refer to the price extended to New York State after all discounts, rebates, etc. have been allowed. All prices are FOB destination and include all customs, duties, and charges to any location designated in New York State."</p> <p>Additionally, Solicitation Section 5.11.1 - Shipping Charges states the following: "All prices as set forth in Attachment 1 - Price Pages, shall include all customs, duties, and charges for delivery and be net FOB destination for delivery to any location designated by the Authorized User within New York State. There shall be no additional charges for delivery except as follows:</p> <p>5.11.2 Special Handling Contractor will provide information on "special handling", including what constitutes special handling, and the terms, conditions, and pricing which will apply when it is required. The Authorized User must be informed of the special handling prior to delivery and agree in writing to the additional terms.</p> <p>5.11.3 Expedited Delivery Expedited delivery will only be allowable and charged to the Authorized Users when such delivery is requested in writing by the Authorized User. The Authorized User must be informed of the additional cost prior to delivery and agree in writing to the additional charge. Shipping costs must be prepaid by the Contractor and may be added to the invoice with a copy of the freight bill.</p> <p>5.11.4 Packaging All Products furnished must be in the original, standard packaging, clearly marked as to part number and contents."</p>
54	Solicitation Main Document	General	Could the State prohibit the sharing of Bidder's pricing with other Bidders?	All Bid submissions are confidential prior to approval and Contract Award. However, Solicitation Section 4.5 - Procurement Instructions for Authorized Users states, "Each Contractor's contract Price List and Contact and Supplemental Information sheet will be posted on the OGS website without exception so that Authorized Users can find contact information, as well as discount structure, volume discounts, prompt payment discount (if available), and NYS Purchasing Card information (if available)."
55	Solicitation Main Document	Item 1.1, Overview	If a vendor does not submit a bid response to be included on this Contract, does it preclude the New York State Agencies and/or Authorized Users from purchasing from the vendor not listed on the Contract?	No, however, New York State Agency Authorized Users are required to purchase from OGS centralized contracts, provided such contracts meet the Agency's form, function and utility requirements, prior to considering alternative procurement methods. New York State Agencies and/or Authorized Users must follow their procurement guidelines and discretionary limits with regard to non-contract purchases from Vendors.
56	Solicitation Main Document	Item 5.1, Contract Term and Extensions	If a bid is not submitted at this time, will there be an opportunity to be included or added on the Contract at any later date prior to the five year expiration?	Solicitation Section 4.4 - Periodic Recruitment states, "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. " Please note there is no guarantee when or if a Periodic Recruitment will be conducted.
57	Solicitation Main Document	Lot 3 Box - Page 8	Please clarify "... that does not require conversion by the Authorized User" in relation to software offerings?	Software offered in Lot 3 - Accessories & Peripherals should be ready to be used as purchased, and should require no modifications.
58	Solicitation Main Document	Section 1.10	Could the State change the definition for "Net Price" be redefined to change "and charges" to "and standard charges"? See question below related to "special handling".	OGS respectfully declines to accept the requested revision.
59	Solicitation Main Document	Section 1.4	Could the State please extend the questions deadline for one or two additional week(s) and Bid Opening date for an additional month? Bidder has engaged multi-divisions, which some were not participants in the State's contract in the last 9 years and would like to capture as many divisions with offerings in Lots 1-5.	OGS respectfully declines to extend the deadline for Bidder Questions. The Bid Opening Date for this Solicitation has been changed to August 16, 2023. See revised Section 1.4 Key Events/Dates.
60	Solicitation Main Document	Section 1.7	Deviations isn't defined here. Is this the same as "updates" and "amendments" as defined in Section 5.37? If so, Bidder requests additional time for questions in order to address those as "deviations".	OGS respectfully declines to extend the deadline for Bidder Questions.
61	Solicitation Main Document	Section 2.1 - subsection C	This subsection states that past sales is defined as the last 12 months prior to bid opening, which would not be a possible parameter. Could the State clarify this section to be 12 months prior to three (3) months before the bid opening? This will ensure 12 months is captured and vetted for accuracy prior to the bid submission.	<p>Deviations as mentioned in Solicitation Section 1.7 - Bidder Questions is defined in Solicitation Section 3.9 - Bid Deviations, "Bids must conform to the terms set forth in the Solicitation. As set forth in Attachment 7 - 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 Bidder 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 Solicitation or Appendix B (General Specifications) that are of a material and substantive nature.</p> <p>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."</p> <p>Solicitation Section 2.1 - Bidder Qualifications C. has been revised to, "Bidder must be able to provide proof of past sales of Advanced Scientific Equipment and Instrument products included in Section 1.2 - Scope, to government or private entities, equal to \$50,000 (fifty thousand dollars) or greater. Proof of past sales must be within twelve (12) months prior to the Bid opening date. Bidder shall provide proof of past sales in Excel format within Attachment 13 – Proof of Past Sales as part of its Bid submission, which shall include purchasing entity names, product item number and description, date of sale, list price, discount percentage, quantity sold, and extended net sale amount.. Copies of invoices, purchase orders, vouchers, etc. will not be allowed as proof of past sales revenue. Bidder's failure to include proof of sales as part of its Bid may result in rejection of Bid. OGS reserves the right to request additional documentation. OGS reserves the right to waive any or all of the requirements pertaining to past sales, if deemed to be in the best interest of the State."</p>

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62	Solicitation Main Document	Section 3.10	Could the State also share a list of Bidders that submitted an Intent to Bid?	No. OGS is not able to share Solicitation documents while Solicitation 23313 is in the restricted period per Solicitation Section 1.9 - Summary Of Policy And Prohibitions On Procurement Lobbying. OGS will post a complete list of Bidders after the Bid Opening.
63	Solicitation Main Document	Section 3.13 - subsection W	Should rolling or staggered starts occur, could the State share or will it share each new Contract Award to Bidders?	Yes, should rolling or staggering Contract Awards be made, each Contract Award will be posted on the OGS website. OGS will announce new Contracts Awards via the OGS Purchaser Notification Service, which is the online registration site for government purchasers and others interested in receiving information about OGS commodities, services and technology contracts as well as other important procurement related information. https://online.ogs.ny.gov/pns/
64	Solicitation Main Document	Section 3.6 and 3.7	At the State's bid delivery address, how are bid packages delivered by FedEx handled at the time of receipt? Is FedEx directed to a mailroom, which then accepts the package and delivers the package to the 38th Floor Reception Desk?	All FedEx packages are delivered directly to the OGS mailroom. They then deliver all packages to the 38 th floor reception desk by OGS mailroom employees.
65	Solicitation Main Document	Section 4.1	Can "private entities" be removed from this section? Confidentiality with private entities prohibits the sharing of any information of the nature contemplated in this section.	OGS respectfully declines to remove 'Private Entity' from Solicitation Section 4.1 - Method of Award. Should a Bidder opt to provide confidential documentation-refer to Appendix B 6.a noted below: Per Appendix B 6. a. - Bidder/Contractor: "Confidential, trade secret or proprietary materials as defined by the laws of the State of New York must be clearly marked and identified as such upon submission by the Bidder/Contractor. Marking the Bid as "confidential" or "proprietary" on its face or in the document header or footer shall not be considered by the Commissioner or Authorized User to be sufficient without specific justification as to why disclosure of particular information in the Bid would cause substantial injury to the competitive position of the Bidder/Contractor. Bidders/Contractors intending to seek an exemption from disclosure of these materials under the Freedom of Information Law must request the exemption in writing, setting forth the reasons for the claimed exemption. The Commissioner's or Authorized User's receipt/acceptance of the claimed materials does not constitute a determination on the exemption request, which determination will be made in accordance with statutory procedures. Properly identified information that has been designated confidential, trade secret, or proprietary by the Bidder/Contractor will not be disclosed except as may be required by the Freedom of Information Law or other applicable State and federal laws."
66	Solicitation Main Document	Section 4.4 - 2nd paragraph	Could the State clarify the 2nd paragraph in this section? Does this section mean that if a Bidder presents an offering for Lot 1, but not Lot 4, and is awarded Lot 1, then in the next Periodic Recruitment, the Bidder can provide an offering for Lot 4 (but not sooner)?	The Second paragraph of Solicitation Section 4.4 - Periodic Recruitment is intended to prohibit a Contractor from resubmitting a Bid during a periodic recruitment period for Lot(s) already awarded. Solicitation Section 5.4 - Price Updates E. allows for the addition of Lot(s) during a price list update. The Section states, "Contractor may also request to add a Lot (2-5 ONLY) within a Contract Price List update submission. The Contractor is required to provide proof of reasonableness of price for products offered in new Lot(s)."
67	Solicitation Main Document	Section 5.1 - subsection A	Could the State please specify the time-frame for review and response to Bidder's when a price list update has been submitted accurately in accordance with conditions of the contract (e.g. 30 calendar days)?	OGS is unable to provide an exact timeframe with regard to reviewing Contractor price list update submissions, as each review may include various factors (e.g. completeness of submission, complexity of the price list, staffing resources available, number of price lists to review, etc.), which may affect the time needed to perform the reviews.
68	Solicitation Main Document	Section 5.1 - subsection G - last sentence	Could the State please clarify the last sentence in this section? The "last twelve (12) months of the Contract term" could mean Year 5 of the base contract term. This could result in a price list update being unable to be changed for 12 months plus the time since the last price list update (e.g. 18 months). Or, it can mean Year 5 + renewal Year 6 + renewal Year 7 + renewal Year 8, which would result in a price list that hasn't been updated since some point in Year 4. If the Contract terms and conditions apply already with the specifications around price updates already existing, subject to approval of the update already being in place, could this last sentence be deleted in its entirety?	Solicitation Section 5.4. - Price Updates states G., "All adjustments to a Contractor's previously approved Contract Price List are allowable at the sole discretion of OGS Procurement Services. OGS reserves the right to remove any item(s) deemed to be out of scope and/or unreasonably priced, at any time. In addition, OGS reserves the right to deny price adjustments during the last twelve (12) months of the Contract term, without prior notice." This is intended to be the last twelve (12) months of the entire term of the Award, including extension periods. This means, if the State and the Contractor choose to extend the Contract for the three (3) allowable years, the last twelve (12) months of the Award would be year eight (8). Price list updates would be permitted twice per year until the start of year eight(8). A Contractor may request a price list update in year eight (8), however, OGS reserves the right to deny the request.
69	Solicitation Main Document	Section 5.11.1	Appendix B - subsection 33(b) references the additional language related to "FOB shipping point plus transportation charges". Could the State apply the additional language to the Solicitation?	OGS respectfully declines the request to add the additional Appendix B language to the Solicitation document. Appendix B is part of the Solicitation as listed in Solicitation Section 1.11 - Appendices and Attachments.
70	Solicitation Main Document	Section 5.11.2	Could the State please specify where "special handling" should be defined? Bidder has a definition as to what constitutes "special handling" for Bidder's products.	"Special Handling" may be defined on the Contractor's Quote, and must be mutually agreed upon by the Contractor and the Authorized User prior to purchase.
71	Solicitation Main Document	Section 5.20 - Subsection III	Bidder does not use subcontractors nor will be initiating new staffing for the Solicitation of this nature. Bidder has an EEO policy related to its workforce. Could the State clarify as to how the Form EEO 100 - Staffing Plan works in this scenario?	The EEO Staffing plan is meant to capture the composition of the proposed workforce to be utilized in the performance of the Contract by the specified categories listed, including ethnic background, gender, and federal occupational categories. The use of Subcontractors is not required. Contractors should, however, have the proper number of staff to be able to perform as required under the Contract. Bidders are reminded that MWBE goals are not included in this Solicitation. Instructions on how to complete the OGS EEO - 100 Staffing plan can be found here: https://ogs.ny.gov/eoo-100-staffing-plan-instructions .
72	Solicitation Main Document	Section 5.3 - General	Can Bidder submit discounts on a SKU/Product Number level instead of by category? Some Bidders in themselves are a category (i.e. human identification/forensic) and do not have categories beyond instruments and consumables/reagents.	No, All items will be grouped into Categories created and named by the Bidder. Bidder assigns a uniform discount to each category they have created. Solicitation Section 5.3 - Price B. states, "Bidder shall group all products offered into categories within the Lot they are bidding. Bidder must designate at least one category per Lot and must assign a title to each category, as appropriate for the scope of the Lot being Bid. A single minimum percentage discount from the most recent Retail Price (List Price/MSRP) is required for each category within each Lot. The same discount must apply to all products within the category. Bidder may choose to offer varying discounts per category in each Lot."
73	Solicitation Main Document	Section 5.3 - subsection B	Does the State have a definition for "category" or "categories" or is this at the discretion of the Bidder to identify a category name (i.e. division, product line, bundle name, etc.). For example, Lot 1 has various possible category names within Lot 1 that can be defined differently by a Bidder.	No, OGS does not define category. Per Solicitation Section 5.3 - Price G., "Bidder must designate at least one category per Lot and must assign a title to each category, as appropriate for the scope of the Lot being Bid." Categories are created and named by the Bidder.

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74	Solicitation Main Document	Section 5.3 - subsection G	Could the State change the word "charges" to "standard charges"? See question below related to "special handling".	OGS respectfully declines to accept the requested revision.
75	Solicitation Main Document	Section 5.3 - subsection G	Appendix B - subsection 33(b) references the additional language related to "FOB shipping point plus transportation charges". Could the State apply the additional language to the Solicitation?	OGS respectfully declines the request to add the additional Appendix B language to the Solicitation document. Appendix B is part of the Solicitation as listed in Solicitation Section 1.11 - Appendices and Attachments.
76	Solicitation Main Document	Section 5.33	Could the State please specify that non-State eligible entities are those referenced in the link and only in the State of New York? If not, could the State please clarify?	Yes, the link, https://online.ogs.ny.gov/purchase/snt/othersuse.asp , is a list of New York State non-State Agencies that are eligible to purchase through New York State Centralized Contracts.
77	Solicitation Main Document	Section 5.34 - 2nd sentence	In the 2nd sentence, "if such state normally allows participation by such entities" is very vague. Could the State simply restate "upon the mutual written agreement of New York State and Contractor" as is present in the 1st sentence?	OGS respectfully declines to make the requested revision. Solicitation section 5.34 - Extension of Use states, "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." The second sentence explains that political subdivisions and other authorized entities may participate in the resulting Contract, if allowable, when it is mutually agreed upon by NYS and the Contractor to extend the Contract for use to another State or government jurisdiction.
78	Solicitation Main Document	Section 5.35	Could the State provide insight into the review of Authorized Resellers submitted to the State for consideration under the Bidder's resulting contract? Does the Authorized Reseller need to separately enter into any contractual relationship with the State?	No, Authorized Resellers that are approved to participate do not enter into a separate contact agreement. Solicitation Section 5.35 - Designation of Resellers D. states, "Contractor shall be fully liable for a Reseller's performance and compliance with all Contract terms and conditions. Product purchased through a Reseller must be reported by Contractor in the required quarterly sales reports to the State as a condition of payment. In addition to inclusion of Reseller volume in the Contractor's sales reporting obligation to the State, at the request of an Authorized User, the Reseller shall provide the Authorized User with reports of the individual Authorized User's Contract activity with the Reseller."
79	Solicitation Main Document	Section 5.37	There are clauses essential the some products, which are not contemplated in the State's terms and conditions (e.g. warranties, limited use label licenses which allow a product for research use only to be used instead for forensic or paternity use, etc.). Are adding these product clauses the types of clauses that a Bidder can submit to the State for consideration?	In accordance with Appendix B, Section 26, Modification of Contract Terms, terms and conditions may be added within the limitations set forth therein, provided they are more advantageous to the Authorized User and do not conflict with the terms and conditions in the Contract.
80	Solicitation Main Document	Section 5.42	Could the State please clarify whether the Purchasing Card is a Visa or Mastercard?	The current Purchasing Card is a Visa under Award 23217 Purchasing, Travel and NET Card Services (Statewide). Purchasing Card questions may be directed to the Contract Manager listed on the Award at the following link: https://online.ogs.ny.gov/purchase/snt/awardnotes/7900823217can.htm
81	Solicitation Main Document	Section 5.5	This item is requested to be removed. The lower price can be compared to a single customer if you would like to use a basis of award customer, like GSA. However, we can agree to honor the lower price of any customer at any time, as purchasing is based on many factors and we are in many competitive situations that would call for better pricing.	OGS respectfully declines to make the requested revision.
82	Solicitation Main Document	Section 5.5	This section is "most favored nation" / "most favored customer" and prohibited by our company's policies and procedures, which could prevent the ability for Bidder to participate in this Solicitation. As "reasonable pricing" language is already considered in other sections of the Solicitation with mechanisms to ensure such reasonable pricing, could the State remove this section in its entirety?	OGS respectfully declines to make the requested revision.
83	Solicitation Main Document	Section 5.6	Could the State revise "may terminate the Contract" to "may terminate the Contract or the Lot category at issue"?	OGS respectfully declines to make the requested revision. Solicitation Section 5.4. - Price Updates E. and F. The addition or deletion of Lots or Categories is permitted during pricelist updates, therefore, should a Contractors pricing structure for a particular Lot or Category become unworkable during the Contract term, the Contractor may remove it during an update, if necessary.
84	Solicitation Main Document	Section 5.8 - 2nd Paragraph	Could the State provide insight as to whether its purchase orders contain the email address of the issuer? Specifically, Bidder issues electronic email confirmations after an order is processed, but the buyer's email is essential to ensure the issuing buyer receives such email .	No, OGS is not able to provide insight as to whether or not Purchase Orders will contain the Authorized User's email address. Bidder may request that Authorized Users provide an email on the Purchase Orders; however, doing so at the discretion of the Authorized User. The format of Purchase Orders and details included within the Purchase Orders may vary by Authorized User.