



# Bid Solicitation Information

## Subject: Continuous Recruitment Award 23166

DATE: October 1, 2023

IFB/RFP: 23166 CLOSING DATE FOR CONTRACT RECRUITMENT: May 13, 2029 5:00PM ET

GROUP | TITLE: 40440 | Vehicles, Class 1-8 (Statewide)

### OGS DESIGNATED CONTACTS:

Carol Neelis	CMS 1	518-474-3695	<a href="mailto:nysvehiclemarketplace@ogs.ny.gov">nysvehiclemarketplace@ogs.ny.gov</a>
Laura Green	CMS 1	518-473-5970	<a href="mailto:nysvehiclemarketplace@ogs.ny.gov">nysvehiclemarketplace@ogs.ny.gov</a>
Seth Johnson	CMS 1	518-486-1469	<a href="mailto:nysvehiclemarketplace@ogs.ny.gov">nysvehiclemarketplace@ogs.ny.gov</a>
Christine Anderson	CMS 2	518-474-7648	<a href="mailto:nysvehiclemarketplace@ogs.ny.gov">nysvehiclemarketplace@ogs.ny.gov</a>

## 1. INTRODUCTION

### 1.1 Bid Overview

This Continuous Recruitment Solicitation is issued by the New York State (“NYS”) Office of General Services (“OGS”), Procurement Services for the recruitment of additional Contractors for OGS Award 23166 Vehicles, Class 1-8 (the NYS Vehicle Marketplace), which was initially awarded on November 14, 2019. The Contracts are for the acquisition of Class 1 through Class 8 Vehicles as specified herein for all Authorized Users eligible to purchase through this Solicitation. Additional Bids to become a Contractor will be accepted through May 13, 2029 at 5:00 PM ET, or until a new solicitation for Class 1-8 Vehicles is issued, whichever occurs first.

This Solicitation outlines the terms and conditions and all applicable information required for submitting a Bid. Bidders are strongly encouraged to read the language of this Solicitation thoroughly and to precisely follow the instructions included in the Solicitation and all attachments. Capitalized terms used in this Solicitation shall be defined in accordance with the Contract Template, Section 1.4 *Definitions and Acronyms*.

**All Bids must be submitted in accordance with Section 4 of this document, Bid Submission. Section 4.6 Content, lists the documents that must be submitted. The Bid documents and Contract Template are available on the OGS website at <https://ogs.ny.gov/procurement/biddocument/23166CRBID>.**

A. The following documents are incorporated into this Solicitation:

1. Bid Solicitation Information (this document)
2. Contract Template, which includes the following:

Base Agreement (the portion of the Contract preceding the Parties’ signatures)  
Appendix A – *Standard Clauses for NYS Contracts (June 2023)*  
Appendix B – *General Specifications For 40440-23166 Vehicles, Class 1-8 (June 2019)*  
Appendix C – *Contract Modification Procedure*  
Appendix D – *Lease Vehicles*  
Appendix E – *Federal Funding Agency Mandatory Terms and Conditions*  
Attachment 1 – *Contractor Information*

Attachment 2 – *Insurance Requirements*  
Attachment 3 – *Report of Contract Usage*

3. Forms and other documents to be completed for this Solicitation (see Section 4 *Bid Submission*, subsection 4.6 *Content*).
- B. The resultant Contracts shall be Backdrop Contracts, as defined in Appendix B, §2 *Definitions*, Paragraph f *Contract*, for the OEM Product Line(s) available from the Dealer(s), with a NYS Minimum Discount(s) of at least one (1) percent, for applicable Vehicle types. The Contract Template includes the Backdrop Contract terms and conditions;
- C. All Contracts awarded under Solicitation 23166 will terminate simultaneously on November 13, 2029. See Contract Template Section 2.3 *Contract Term and Extensions*, for additional information;
- D. Vehicle acquisition from the Contracts shall be on an as-needed basis by Authorized Users via a competitive Mini-Bid process established by OGS. Information about the Vehicle Marketplace is located on the OGS website at <https://ogs.ny.gov/nysvehiclemarketplace>). The Contractors shall only provide a Vehicle under the Contracts when it has been awarded under the Mini-Bid process;
- E. The Vehicles shall be new, (i.e., the equitable or legal title to which has never been transferred by a manufacturer, distributor or Dealer to an ultimate purchaser). "Demos" or "used" Vehicles shall not be sold in response to a Mini-Bid;
- F. Bids for Contracts received under this Solicitation will be reviewed in the order in which they are received; and
- G. In order to be eligible for contract award, a Bidder must submit all required Bid documents in accordance with the instructions on the individual document, completed to the satisfaction of OGS.

## 1.2 Contract Scope

The resultant Contracts shall be for the acquisition of new Vehicles, in the following Classes of Vehicles: Class 1 (1 to 6,000 lbs. GVWR), Class 2 (6,001 to 10,000 lbs. GVWR), Class 3 (10,001 to 14,000 lbs. GVWR.), Class 4 (14,001 to 16,000 lbs. GVWR), Class 5 (16,001 to 19,500 lbs. GVWR), Class 6 (19,501 to 26,000 lbs. GVWR), Class 7 (26,001 to 33,000 lbs. GVWR), and Class 8 (33,001 lbs. GVWR & Over).

- A. The following is included in the scope:
  1. Complete Vehicles: A Vehicle that is ready for use and requires no further manufacturing operations to perform its intended function, and is either 1) a Single OEM Vehicle (i.e., a Vehicle that is marketed and sold under one OEM brand name), or 2) the result of a Body Upfit (i.e., the installation of a Body on a Chassis);
  2. Chassis: The portion of a Vehicle that includes the frame, wheels, and machinery (e.g., engine, transmission, driveshaft, differential, and suspension), and is an incomplete Vehicle until it is joined to a Body. Chassis includes Chassis cabs, cutaway Chassis, and any other Chassis-only incomplete Vehicle;
  3. Bodies: The portion of a Vehicle which must be attached to a Chassis in order to carry the load or cargo, and is an incomplete Vehicle without being attached to a Chassis. Examples include, but are not limited to, aerial lift, ambulance, beverage, box/van, bus, concrete mixer, dump, flat bed, log, pickup, recyclable/refuse, refrigerator, service/utility, stake, sweeper, tank, tow truck, and a chassis fifth wheel trailer;
  4. Options: Any accessory, equipment, or feature that is available from the OEM and that can be added to, or deleted from, a Vehicle; and
  5. Aftermarket Components: Any accessory, equipment, or feature that is manufactured by an OEM other than the Vehicle OEM, and is not included in the OEM Product Line, and that may be installed on the Vehicle by the Contractor, or third-party. Examples include, but are not limited to,

emergency lights, snow plow, cameras, towing equipment, tow-hitch trailers, spreaders, and tarps.

An Authorized User may utilize the resultant Contracts to conduct Mini-Bids to acquire Complete Vehicles, and individual Chassis or Bodies. Options and Aftermarket Components may only be acquired from the resultant Contracts if they are acquired with a Vehicle in a Mini-Bid conducted under the Contract.

- B. Heavy Construction Equipment, Low Speed Vehicles, School Buses, and Transit Buses are excluded from the scope (see Contract Template Section 1.2 *Scope*).

### **1.3 Estimated Quantities**

A Contract resulting from this Solicitation shall be an estimated quantity Contract. No specific quantities are represented or guaranteed and the State provides no guarantee of individual Authorized User participation. The Contractor must furnish all quantities actually ordered at or below the Contract prices. The anticipated dollar value of the award for this Solicitation, based on historical purchases under previous awards, is approximately \$125,000,000.00 annually. The individual value of each resultant Contract is indeterminate and will depend upon the number of Contracts issued and the competitiveness of the pricing offered. Authorized Users will be encouraged to purchase from Contractors who offer the Products and pricing that best meet their needs in the most practical and economical manner. See Appendix B, Section 28 *Estimated/Specific Quantity Contracts* and Appendix B, Section 25 *Participation in Centralized Contracts*.

Numerous factors could cause the actual quantities of Products purchased under a Contract resulting from this Solicitation to vary substantially from the estimates in the Solicitation. Such factors include, but are not limited to, the following:

- Such Contracts may be non-exclusive Contracts.
- There is no guarantee of quantities to be purchased, nor is there any guarantee that demand will continue in any manner consistent with previous purchases.
- The individual value of each Contract is indeterminate and will depend upon actual Authorized User demand and actual quantities ordered during the contract period.
- The State reserves the right to terminate any Contract for cause or convenience prior to the end of the term pursuant to the terms and conditions of the Contract.
- Contract pricing that is lower than anticipated could result in a higher quantity of purchases by Authorized Users than anticipated.
- Contract pricing that is higher than anticipated could result in a lower quantity of purchases by Authorized Users than anticipated.

By submitting a Bid, Bidder acknowledges the foregoing and agrees that actual good faith purchasing volumes during the term of the resulting Contracts could vary substantially from the estimates provided in this Solicitation.

### **1.4 NYS Contract Reporter**

This solicitation was initially advertised in the Contract Reporter on July 25, 2019, with a bid opening on September 3, 2019, and contracts awarded on November 14, 2019. Bidders must register with the New York State Contract Reporter ("NYSCR") at <https://www.nyscr.ny.gov> in order to receive NYSCR notifications about any future Vehicle Solicitations. Navigate to the "I want to find contracts to Bid on" page to register for your free account.

### **1.5 Bidder Questions**

Any questions regarding the Bid Solicitation Information document (this document), the Bid documents, and/or the Contract Template should be submitted to the Designated Contacts listed on Page 1 of this document, citing the applicable section of the Contract Template.

## 1.6 Summary of Policy and Prohibitions On Procurement Lobbying

Pursuant to State Finance Law § 139-j and § 139-k, this Solicitation includes and imposes certain restrictions on communications between OGS and a Bidder during the procurement process. A Bidder is restricted from making contacts from the earliest posting, on a governmental entity's website, in a newspaper of general circulation, or in the procurement opportunities newsletter of intent to solicit offers/Bids through final award and approval of the Procurement Contract by OGS and, if applicable, the Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff, as of the date hereof, are identified on the first page of this Solicitation. OGS employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Bidder pursuant to State Finance Law §139-j and §139-k. Certain findings of non-responsibility can result in rejection for Contract award and, in the event of two findings within a four-year period, the Bidder is debarred from obtaining governmental Procurement Contracts for four years. Further information about these requirements can be found on the OGS website at: <https://ogs.ny.gov/acpl/>

## 1.8 Conflict of Terms

Conflicts among the documents in the Solicitation shall be resolved in the following order of precedence:

- A. Appendix A, *Standard Clauses for New York State Contracts* June 2023
- B. The Bid Solicitation Information Document (i.e., this document);
- C. The Contract Template;
- D. Appendix B *General Specifications For 40440-23166 Vehicles, Class 1-8* (June 2019); and
- E. Other Appendices and attachments.

## 2. BIDDER QUALIFICATIONS

Bidder is advised that the State's intent in having the requirements listed below is to ensure that only qualified and reliable Contractors perform the work of the resulting Contract. Bidder shall have the burden of demonstrating to the satisfaction of Procurement Services that it can perform the work required.

Procurement Services retains the right to request any additional information pertaining to the Bidder's ability, qualifications, financial capacity, financial stability, and procedures used to accomplish all work under the resulting Contract as it deems necessary to ensure safe and satisfactory work. A Bidder shall meet the following qualifications:

- A. Offer at least one complete or partial Vehicle OEM Product Line, and be a Dealer of that Vehicle OEM Product Line. A "Dealer" is a distribution source for an OEM, authorized and designated by said OEM, subject to approval by New York State, which may include the OEM or an entity other than the OEM. Upon request by OGS, the Bidder shall provide proof of Dealer status in a format that is acceptable to OGS. A Bidder must offer new Vehicles for purchase. A Vendor that only offers vehicles for lease is not eligible to bid under this Solicitation;
- B. Offer Vehicles that can be serviced and repaired in NYS, with parts available in accordance with Contract Template Section 3.10 *Availability of Service & Parts*. See also Contract Template Section 3.17 *Post-Delivery Service*;
- C. Offer a NYS Minimum Discount of at least one (1) percent, for Contract purchases of Vehicles marketed and sold under one OEM brand name (i.e. Light Duty Vehicles, Class 3 pickup trucks, and Class 3-8 Chassis); and
- D. Agree to, and be able to meet, the terms and conditions set forth in the Contract (see Contract Template).

## 3. SPECIFICATIONS

Vehicles shall be provided under the Contracts in accordance with the general specifications included in the Contract Template, and also with the Authorized User Specifications for each Mini-Bid conducted under the

resultant award for this Solicitation. See Contract Template Section 2.42 *Procurement Method*, and Contract Template Section 3 *Specifications*, for additional information.

## **4. BID SUBMISSION**

### **4.1 Performance and Bid Bonds**

There are no bonds for this Contract. The Commissioner of OGS has determined that no performance, payment or Bid bond, or negotiable irrevocable letter of credit or other form of security for the faithful performance of the Contract is required at any time during the term of the resulting Contract.

### **4.2 NYS Vendor File Registration**

Prior to being awarded a Contract pursuant to this Solicitation, the Bidder and any authorized resellers who accept payment directly from the State, must be registered in the New York State Vendor File (Vendor File) administered by the Office of the State Comptroller (OSC). This is a central registry for all vendors who do business with New York State Agencies and the registration must be initiated by a State Agency. Following the initial registration, a unique New York State ten-digit vendor identification number (Vendor ID) will be assigned to your company and to each of your authorized resellers (if any) for use on all future transactions with New York State. Additionally, the Vendor File enables a vendor to use the Vendor Self-Service application to manage all vendor information in one central location for all transactions related to the State of New York.

If Bidder is already registered in the New York State Vendor File, the Bidder must enter its Vendor ID on the first page of this Solicitation. Authorized resellers already registered should list the Vendor ID number along with the authorized reseller information. (The Vendor ID number is not the same as a SOCIAL SECURITY NUMBER or a TIN/FEIN number.)

If the Bidder is not currently registered in the Vendor File, the Bidder must request assignment of a Vendor ID from OGS. Bidder must complete the OSC Substitute W-9 Form ([http://www.osc.state.ny.us/vendors/forms/ac3237s\\_fe.pdf](http://www.osc.state.ny.us/vendors/forms/ac3237s_fe.pdf)) and submit the form to OGS in advance of Bid submission. Please send this document to the Designated Contact identified in the Solicitation. In addition, if an authorized reseller is to be used that does not have a Vendor ID, an OSC Substitute W-9 form should be completed by each authorized reseller and submitted to OGS. OGS will initiate the vendor registration process for all Bidders and authorized resellers. Once the process is initiated, registrants will receive an e-mail identifying their Vendor ID and instructions on how to enroll in the online Vendor Self-Service application.

For more information on the Vendor File please visit the following website: <https://osc.state.ny.us/vendors/>

### **4.3 NYS Vendor Responsibility**

OGS conducts a review of prospective Contractors (“Bidders”) to provide reasonable assurances that the Bidder is responsive and responsible. A For-Profit Business Entity Questionnaire (hereinafter “Questionnaire”) is used for non-construction Contracts and is designed to provide information to assess a Bidder’s responsibility to conduct business in New York based upon financial and organizational capacity, legal authority, business integrity, and past performance history. By submitting a Bid, Bidder agrees to fully and accurately complete the Questionnaire. The Bidder acknowledges that the State’s execution of the Contract will be contingent upon the State’s determination that the Bidder is responsible, and that the State will be relying upon the Bidder’s responses to the Questionnaire, in addition to all other information the State may obtain from other sources, when making its responsibility determination.

OGS recommends each Bidder file the required Questionnaire online via the New York State VendRep System. To enroll in and use the VendRep System, please refer to the VendRep System Instructions and User Support for Vendors available at the Office of the State Comptroller’s (OSC) website at <http://www.osc.state.ny.us/vendors/index.htm> or to enroll, go directly to the VendRep System online at <https://www.osc.state.ny.us/state-vendors/vendrep/vendrep-system>.

Vendors must provide their New York State Vendor Identification Number when enrolling. For information on how to request assignment of a Vendor ID, see the NYS Vendor File Registration section. OSC provides

direct support for the VendRep System through user assistance, documents, online help, and a help desk. The OSC Help Desk contact information is located at <http://www.osc.state.ny.us/portal/contactbuss.htm>. Bidders opting to complete and submit the paper questionnaire can access this form and associated definitions via the OSC website at [http://www.osc.state.ny.us/vendrep/forms\\_vendor.htm](http://www.osc.state.ny.us/vendrep/forms_vendor.htm).

In order to assist the State in determining the responsibility of the Bidder prior to Contract award, the Bidder must complete and certify (or recertify) the Questionnaire no more than six (6) months prior to the Bid due date. A Bidder's Questionnaire cannot be viewed by OGS until the Bidder has certified the Questionnaire. It is recommended that all Bidders become familiar with all of the requirements of the Questionnaire in advance of the Bid opening to provide sufficient time to complete the Questionnaire.

The Bidder agrees that if it is awarded a Contract the following shall apply:

The Contractor shall at all times during the Contract term remain responsible. The Contractor agrees, if requested by the Commissioner of OGS, to present evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior performance, and organizational and financial capacity.

The Commissioner of OGS, in his or her sole discretion, reserves the right to suspend any or all activities under this Contract, at any time, when he or she discovers information that calls into question the responsibility of the Contractor. In the event of such suspension, the Contractor will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the Contractor must comply with the terms of the suspension order. Contract activity may resume at such time as the Commissioner of OGS issues a written notice authorizing a resumption of performance under the Contract.

The Contractor agrees that if it is found by the State that Contractor's responses to the Questionnaire were intentionally false or intentionally incomplete, on such finding, the Commissioner may terminate the Contract.

Upon written notice to the Contractor, and a reasonable opportunity to be heard with appropriate OGS officials or staff, the Contract may be terminated by the Commissioner of OGS at the Contractor's expense where the Contractor is determined by the Commissioner of OGS to be non-responsible. In such event, the Commissioner of OGS may complete the contractual requirements in any manner he or she may deem advisable and pursue available legal or equitable remedies for breach.

In no case shall such termination of the Contract by the State be deemed a breach thereof, nor shall the State be liable for any damages for lost profits or otherwise, which may be sustained by the Contractor as a result of such termination.

#### **4.4 NYS Tax Law Section 5-a**

Tax Law § 5-a requires certain Contractors awarded State Contracts for commodities, services and technology valued at more than \$100,000 to certify to NYS Department of Taxation and Finance (DTF) that they are registered to collect New York State and local sales and compensating use taxes. The law applies to Contracts where the total amount of such Contractors' sales delivered into New York State is in excess of \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made, and with respect to any affiliates and Subcontractors whose sales delivered into New York State exceeded \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made.

A Contractor is required to file the completed and notarized Form ST-220-CA with the Bid to OGS certifying that the Contractor filed the ST-220-TD with DTF. Only the Form ST-220-CA is required to be filed with OGS. The ST-220-CA can be found at [https://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](https://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The ST-220-TD can be found at [https://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](https://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf). Contractor should complete and return the certification forms within five (5) business days of request (if the forms are not completed and returned with Bid submission). Failure to make either of these filings may render a Contractor non-responsive and non-responsible. Contractor shall take the necessary steps to provide properly certified forms within a timely manner to ensure compliance with the law. The ST-220-TD only needs to be filed once with DTF, unless the information changes for the Contractor, its affiliates, or its Subcontractors.

Vendors may call DTF at 518-485-2889 with questions or visit the DTF web site at <https://www.tax.ny.gov/> for additional information

#### 4.5 Format of Bid Submission

The following applies to the format of Bids submitted for this Solicitation:

- A. All Bid documents must be submitted via email to [nysvehiclemarketplace@ogs.ny.gov](mailto:nysvehiclemarketplace@ogs.ny.gov). The subject line of the email should contain the (1) Solicitation Number 23166 and (2) business name of Bidder (e.g., 23166 Cars R Us).
- B. All documents must be completed in accordance with the instructions for the individual document, which may include an original signature or an original notarized signature. At this time, OGS cannot accept an eSignature that has been generated by software.
- C. Documents should be submitted as an electronic copy and in the format specified for each document (e.g., PDF, Excel), following the instructions provided below in Section 4.6 *Content*. Electronic copies of documents provided in PDF format should be saved as an Adobe Acrobat PDF, AND THEN converted to allow for Optical Character Recognition (OCR) (see <https://www.adobe.com/acrobat/how-to/ocr-software-convert-pdf-to-text.html>).
- D. Bidder is responsible for retaining the original documents with original signatures that have been scanned and submitted electronically until a determination of award is made. If an award is made to Bidder, the documents with original signatures shall be retained by the Bidder for a period of six (6) years after the term of the contract has ended. Bidder shall submit such documents with original signatures to OGS upon request.

#### 4.6 Content

The documents listed below must be submitted and completed to the satisfaction of OGS, on or before May 13, 2029. Unless a link is provided below, the forms are available on the OGS website at <https://ogs.ny.gov/procurement/biddocument/23166CRBID>.

The Contract will be subject to the terms and conditions in the Contract Template, which is posted at the link above. ***Do not submit the Contract Template with your bid.*** Upon satisfactory completion of all required forms, a final Contract document incorporating portions of the submitted documents will be formalized and forwarded for signature. The Contract must be approved by OGS before it becomes binding.

- A. NYS Vendor ID. If Bidder does not have the required NYS 10 digit vendor ID number, IRS W-9 form (<https://www.irs.gov/forms-pubs/about-form-w-9>) (PDF), and a Substitute W-9 form (<https://www.osc.state.ny.us/files/vendors/2017-11/vendor-form-ac3237s-fe.pdf>) (PDF). **This should be submitted prior to submitting the remainder of the bid documents listed below.** See also Section 4.2 above, *NYS Vendor File Registration*.
- B. Proof of Insurance (General Liability, Business Automobile Liability and Garage Liability). Proof of compliance with general liability, business automobile liability and garage liability insurance requirements (PDF), as specified in Contract Template Attachment 2 – *Insurance Requirements*. For convenience, these requirements are also set forth in a separate document, Solicitation Attachment 4 – *Insurance Requirements*. Please review the documents prior to submittal to ensure that the documents conform to all requirements set forth in the Attachment, including:
  - 1) ACORD Certificate of Liability Insurance that includes:
    - a) The full legal company name of the Contractor in the "Insured" box;
    - b) The company name and NAIC number of the insurer(s) affording coverage;
    - c) Policy expiration dates that are current;
    - d) The New York State Office of General Services, Procurement Services, 38th Floor, Corning Tower, Albany, New York 12242 listed as the Certificate Holder; and

- 2) Additional requirements applicable to all insurance:
  - a) Either a blanket endorsement, OR "The People of the State of New York, the New York State Office of General Services, any entity authorized by law or regulation to use the Contract and their officers, agents, and employees " named as additional insured on separate endorsement; and
  - b) A waiver of subrogation granted in favor of the additional insureds.
  - c) The following language in the Description of Operations / Locations / Vehicles section of the Certificate or on a submitted endorsement: "Additional insured protection afforded is on a primary and non-contributory basis. A waiver of subrogation is granted in favor of the additional insureds." If applicable, also note the company DBA in this box.

- C. Proof of Insurance (Workers' Compensation). Proof of compliance (e.g., NYS form C-105-2 or U-26.3) with NYS Workers Compensation insurance requirements (PDF), as specified in Contract Attachment 4: *Insurance Requirements*. Forms are available on the Workers' Compensation Board website at <http://www.wcb.ny.gov/content/main/insurers/insurers.jsp#proof-of-coverage>.
- D. Proof of Insurance (Disability Benefits). Proof of compliance (e.g., NYS form DB-120.1) with NYS Disability Benefits insurance requirements (PDF), as specified in Contract Attachment 4: *Insurance Requirements*. Forms are available on the Workers' Compensation Board website at <http://www.wcb.ny.gov/content/main/insurers/insurers.jsp#proof-of-coverage>.
- E. Solicitation Attachment 1 – Contractor Information. The completed form (MS Word). The resultant Contract will include this Contractor Information attachment (see Contract Template, Attachment 1 – *Contractor Information*), which will also be posted on the OGS website for Award 23166.

If the Bidder would like to offer Lease Vehicles, complete the last page of the document. A Contractor may only offer lease vehicles to Contract users that request them if a Lease Provider has been designated for the Contract. If Bidder is not adding a Lease Provider at time of Bid, leave this section of the form blank.

- F. Solicitation Attachment 2 – NYS Required Certifications. The completed and signed form (PDF).
- G. Solicitation Attachment 3 – Encouraging Use of NYS Businesses in Contract Performance. The completed form (PDF).
- H. Solicitation Attachment 4 – Insurance Requirements. See Paragraph B above.
- I. Solicitation Attachment 5 – Bidder Information Questionnaire. The completed form (Excel).
- J. Solicitation Attachment 6 – Bidder Submission Checklist. The completed form (Excel).
- K. Solicitation Attachment 7 – Certification Under Executive Order No. 16. The completed and signed form (PDF).
- L. Solicitation Attachment 8 – Bidder Certification and Affirmation. The completed and signed form (PDF).
- M. EEO 100 (Equal Employment Opportunity Staffing Plan). The completed and signed form (PDF). The form is available under the "Commodity & Service Contracts" section at: <https://ogs.ny.gov/mwbe/forms>. See also Contract Template Section 2.28 *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*, Subsection III *Equal Employment Opportunity (EEO)*.
- N. Vendor Responsibility Questionnaire (VRQ). Completed and certified online, and an email to [nysvehiclemarketplace@ogs.ny.gov](mailto:nysvehiclemarketplace@ogs.ny.gov) indicating completion. See also Section 4.3 above, *NYS Vendor Responsibility*. The VRQ is available on the OSC website at <https://www.osc.state.ny.us/state-vendors/vendrep/file-your-vendor-responsibility-questionnaire>.

- O. NY State Taxation and Finance forms ST-220-CA and ST-220-TD. The completed, signed and notarized ST-220-CA form (PDF). See also Section 4.4 above, *NYS Tax Law Section 5-A*.  
*Note: Form ST-220-TD, completed and with original ink signature, and notarized, must be submitted directly to the NYS Tax Department.*

The ST-220-CA form can be found at

[https://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](https://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf).

The ST-220-TD form can be found at

[https://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](https://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf).

- P. Contract Appendix E – Federal Funding Agency Mandatory Terms and Conditions (July 2021). The Contract Appendix, with Section 10 completed (PDF).

#### **4.7 Bid Deviations**

Bids must conform to the terms set forth in this Solicitation. If Bidder intends to submit a Bid that deviates from the requirements of the Solicitation in any way, the proposed deviations should be submitted in the form of a question(s) to the designated contacts prior to Bid submission. 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 Appendix B (General Specifications) that are of a material and substantive nature.

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.

#### **4.8 Bid Liability**

The State of New York will not be held liable for any cost incurred by the Contractor for work performed in the production of a Bid or for any work performed prior to the formal execution of a Contract.

#### **4.9 NYS Reserved Rights**

New York State reserves the right, in its sole discretion, to:

- A. Reject any or all Bids received in response to the Solicitation;
- B. Withdraw the Solicitation at any time at the sole discretion of the State;
- C. Make an award under the Solicitation in whole or in part;
- D. Disqualify any Bidder whose conduct and/or Bid fails to conform to the requirements of the Solicitation;
- E. Seek clarifications and revisions of the Bid;
- F. Amend the Solicitation to correct errors or oversights, or to supply additional information as it becomes available;
- G. Direct Bidders, to submit Bid modifications addressing subsequent Solicitation amendments;
- H. Change any of the schedule dates with notification through the NYS Contract Reporter;
- I. Eliminate any mandatory, non-material requirements that cannot be complied with by all of the prospective Bidders;
- J. Waive any requirements that are not material;
- K. Utilize any and all ideas submitted in the Bids received;
- L. Adopt all or any part of a Bidder's Bid in selecting the optimum configuration;

- M. Negotiate with a Bidder within the Solicitation requirements to serve the best interests of the State. This includes requesting clarifications of any or all Bids;
- N. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Bidder's Bid and/or to determine a Bidder's compliance with the requirements of the Solicitation;
- O. Award Contracts on a rolling or staggered start basis, either in whole or in part. Contracts awarded in this method shall be coterminous with the first Contract awarded as a result of this Solicitation.
- P. To exclude from award any Vehicle Make or Model that, at the sole discretion of the State, will not be approved for purchase by an Authorized User (e.g., Vehicles which are considered to be "luxury sports cars" or "exotic cars").

#### **4.10 Incorporation**

Portions of the successful Bidder's Bid and of this Solicitation shall be incorporated into a final Contract, in the form of the Contract Template posted with this Solicitation, which shall be customized with Bidder company information, and executed by Bidder and OGS.

### **5. METHOD OF AWARD**

#### **5.1 Method of Award**

Award shall be made to the responsive and responsible Bidders who meet the minimum requirements listed in Section 2 *Bidder Qualifications*, above. Because of the nature of the Products involved, and recognizing that no one Bidder will be able to supply all of the Products required by Authorized Users, award shall be made to more than one Bidder.

A Bidder responding to this Solicitation is advised that each Bid will undergo an initial administrative review for completeness. In order for a Bid to be evaluated, it must include all required documents for a complete Bid (see Section 4.6 *Content*). Upon completion of the administrative review, OGS will request any missing documentation from the Bidder, and will review all documents for completeness upon receipt of the missing documents. All required documents for a complete Bid must be submitted and be completed to the satisfaction of OGS in order for the Bid to be deemed responsive and eligible for Contract award.

Vendors may submit the required documents at any time prior to May 13, 2029 at 5:00 PM ET. Such submissions will be reviewed in the order in which they were received.

#### **5.2 Procurement Instructions for Authorized Users**

Vehicle acquisition from the Contracts shall be on an as-needed basis by Authorized Users via a competitive Mini-Bid process established by OGS. Procurement instructions are included in the "How to Use" document posted at <https://online.ogs.ny.gov/purchase/spg/awards/4044023166CAN.HTM>.

#### **5.3 Notification of Award**

Tentative Contract awards shall consist of written notice to that effect by OGS to a selected Bidder, who shall execute a Contract upon a determination by OGS that the Bidder is responsive and responsible.

Non-awardees will also be notified that their Bid was not selected for award.

#### **5.4 Debriefings**

Debriefings shall be provided to the Bidder in accordance with Contract Template, Appendix B, Section 20 *Debriefings*.