

**Invitation for Bids #23330 (Revised March 11, 2024) - Bidder Inquiries and Responses**

#	Solicitation Document Name	Document Section (Name or No.)	Comment / Question / Bid Deviation	Response
1	Invitation for Bids #23330	General	<p>What is the enforcement status of Department of Labor regulation 12 NYCRR § 222.2(c) regarding Prevailing Wage for Hauling of Aggregate Supply Construction Materials, and how should potential Bidders factor in the status of that regulation in preparing their Bids in response to IFB #23330?</p>	<p>OGS has been advised by the Department of Labor (“DOL”) that there is a stay of enforcement of 12 NYCRR § 222.2(c) (the “Regulation”). The following is the information from the DOL website at <a href="https://dol.ny.gov/public-work-and-prevailing-wage">https://dol.ny.gov/public-work-and-prevailing-wage</a>:</p> <p><i>A stay of enforcement has been filed with respect to rule 222.2(c). Therefore, that section of the rule pertaining to the 50-mile radius is not currently in effect and shall not be enforced until further notice, including on projects solicited on or after November 15, 2023 and before the issuance of the new stay.</i></p> <p>Because DOL is currently not enforcing the Regulation and Contractors are not currently required to adhere to it, Bidders are directed to DISREGARD the Regulation when preparing their Bids in response to IFB #23330 (March 11, 2024).</p> <p>Should the temporary stay of enforcement be lifted in the future and should DOL begin to enforce the Regulation, OGS reserves the right to take any steps necessary, at OGS’s sole discretion, including, but not limited to, reissuing IFB #23330 (March 11, 2024) or adjusting applicable Contract pricing to ensure that Contractors receiving an award under IFB #23330 (March 11, 2024) may comply with the Regulation.</p> <p>Please see Reserved Right “X” referenced in Revised IFB # 23330 (March 11, 2024), Section 4.13 NYS Reserved Rights.</p> <p>In the meantime, in preparing their Bids in response to IFB #23330 (March 11, 2024), potential Bidders must adhere to all federal, State and local laws and regulations currently applicable to the Material Items and Optional Items being solicited under IFB# 23330 (March 11, 2024), as well as all the requirements outlined in IFB #23330 (March 11, 2024).</p>

**Group 33700 – Aggregates (Abrasive, Crusher Run, Geotechnical Fill) (Statewide)**

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2	Invitation for Bids #23330	Section 3 – Specifications	Does the Crusher Run have to be limestone or gravel? Where do I find that information?	<p>Please see IFB #23330 (March 11, 2024) Section 3.2 – <i>References</i>, which provides several links to obtain further information on the Material Items, including a link to the New York State Department of Transportation, Standard Specifications: <a href="https://www.dot.ny.gov/main/business-center/engineering/specifications/updated-standard-specifications-us">https://www.dot.ny.gov/main/business-center/engineering/specifications/updated-standard-specifications-us</a>.</p> <p>Information relating to specifications for Crusher Run Material Items can be found within the NYSDOT Standard Specifications, Section 733-04 <i>Subbase Course</i>.</p>
3	Invitation for Bids #23330	Section 5.2 – Evaluation Process	What are any/all conditions that would result in a "No Award" for any of the items bid?	<p>Pursuant to IFB #23330 (March 11, 2024), Section 5.1 – Method of Award, only “responsive and responsible Bidders” shall receive awards for each Material Item and each Optional Item in each NYSDOT Region.</p> <p>Furthermore, please see IFB #23330 (March 11, 2024) Section 5.2 – Evaluation Process which details the types of Bids that could receive a “No Award” status, including but not limited to, any Bid (set of prices) for a specific source location that contains bid pricing only for “Optional Items.”</p>
4	Attachment 1 – Pricing	General	Previous OGS bids have included crushed gravel items, whereas this current bid does not. These items being, 703-0202B, 703-0202C, 703-0202D, 703-0202E, 703-0202F. Will these items be added?	<p>No. OGS will not be including any additional Items in this Invitation for Bids. Bidders may only bid on the Items currently listed in IFB #23330 (March 11, 2024), Section 1.2 - <i>Scope</i>, Section 3.1 - <i>Specifications</i>, and in Attachment 1 – <i>Pricing</i>.</p>