Invitation for Bids #23409 - Bidder Inquiries and Responses

#	Solicitation Document Name	Document Section (Name or No.)	Comment / Question / Bid Deviation	Response
1	IFB Main Document	General Question	I do not see anything in the bid about the Buy American Salt Act. Will OGS be including the preference this year?	OGS will not be imposing the Buy American Salt Act preference on this Solicitation. All awards will be made to the lowest responsive and responsible bidder per item within each Lot and County.
2	IFB Main Document	General Question	Is this contract considered a public works project under Article 8 of the Labor Law? Do all contractors need to register with the New York State Department of Labor?	No. Invitation for Bids #23409 (Revised July 10, 2025) is a commodity contract and does not fall into any of the applicable categories for the application of NYS Labor Law § 220-i which are: construction, demolition, reconstruction, excavation, rehabilitation, repair, installation, renovation, alteration, or custom fabrication work.
3	IFB Main Document	1.3 - Estimated Quantities	Regarding Estimated Quantities and minimum/maximum language they appear to be in conflict. Can you please confirm which provision governs this contract?	Invitation for Bids #23409 (Revised July 10, 2025), Section 1.3 – *Estimated Quantities* identifies the anticipated dollar value <u>for the entire Solicitation</u> as $200,000,000.00 annually. This amount does not represent the anticipated dollar value of any one specific vendor contract award. While the awards made under the Solicitation will be Estimated Quantity Contracts, Authorized Users remain subject to the minimum/maximum purchase obligations set forth in Section 6.9 of the Solicitation.
4	IFB Main Document	6.1 – Contract Term and Extensions	It states that extensions are if they are mutually agreed between OGS and the Contractor the contract may be extended. However, it then also states that any whether the optional extensions are exercised is at the sole discretion of the state. Is it a mutually agreed upon extension or sole discretion of the state?	The determination to pursue the option to extend the Contract is at the sole discretion of the State. However, the Contractor retains the right to decline the extension option if they do not agree to it. Therefore, it is subject to mutual agreement. Invitation for Bids #23409 (Revised July 10, 2025), Section 6.1 – *Contract Term and Extensions* states, "*If mutually agreed between OGS and the Contractor, and subject to the approval of OSC, the Contract may be extended under the same terms and conditions for up to three (3) additional one (1) year extensions. Whether the optional extensions are exercised, is at the sole discretion of the State*."

Group 01800 – Road Salt, Treated Salt, & Emergency Standby Road Salt (Statewide)

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5	IFB Main Document	6.3 – Price	Is there any mechanism to account for potential price changes related to tariffs on imported salt whether it be new tariffs or adjustments to existing tariff rates that occur during the contract period?	Invitation for Bids #23409 (Revised July 10, 2025), Section 6.3 – Price states, *"Price shall include all customs and duties and be net per ton, FOB destination designated on purchase order, including unloading of the bulk salt. Contract prices shall be firm except for price revisions permitted in accordance with the following clauses:* • *Price Escalation Based on Quantities Exceeding 120% & 130% of Filed Requirement,* • *Fuel Price Adjustment,* • *Contract Term and Extensions* In addition, Appendix B, Section 44 could potentially apply depending on the circumstances. This section provides for pricing adjustments due to "extreme and unforeseen volatility in the marketplace" meeting the conditions specified therein.
6	IFB Main Document	6.9 Minimum/Maximum Purchase Obligations	Has OGS considered tightening the min/max range of 50%-130% range to allow vendors to more accurately plan their supply and reduce the instances where salt is unavailable? An industry standard is 80% - 120% min max spread for State contracts.	OGS declines to make any changes to the minimum/maximum purchase obligations range of filed requirements at this time.
7	IFB Main Document	6.21 – 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	There are no specific counties listed under the MWBE contract goals. How does a bidder meet the required 10% participation goal?	Invitation for Bids #23409 (Revised July 10, 2025) has established an overall goal of 10% for MWBE participation. A contractor may utilize any NYS MWBE Certified company for subcontracting under the Contract.

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8	Attachment 10 – Road & Treated Salt Specifications	Section 1.1.2 – Size Grading	What is the standard practice for the DOT testing of gradation? Are entities testing and rounding up or down consistently to the nearest whole number or leaving the percent passing as is?	Invitation for Bids #23409 (Revised July 10, 2025), Attachment 10 – *Road & Treated Salt Specifications,* Section 1.1.2-*Size Grading-Rock Salt* states that the salt is tested in accordance with ASTM D632 or the latest revision thereof. Bidders should reference the ASTM for specific testing information.
9	Attachment 10 – Road & Treated Salt Specifications	Section 1.1.8 – Price Deductions	If moisture/gradation testing at an Authorized User location materially differs from the contractor's moisture and gradation readings, what steps are in place to ensure a fair application of price deductions?	OGS will act as mediator between Authorized Users and awarded Contactors, as needed, for any disputes related to the application of contract terms.
10	Attachment 10 – Road & Treated Salt Specifications	2.5.2 – Section B: Corrosion Inhibited Liquid Magnesium/Calcium Chloride Product (with Organic Based Performance Enhancer, OBPE)	Are the other requirements listed on Page 10 of 13 the specific requirements for the liquid magnesium/calcium chloride product or of the combined product?	Invitation for Bids #23409 (Revised July 10, 2025), Attachment 10 – *Road & Treated Salt Specifications*, Section 2.52, states in part, "*The offered product shall meet all of the requirements for EITHER Type 1 or Type 2*." Attachment 11 – *Bidder Certified Product Data Sheet* (page 4 or page 5) is where the information will be submitted by the Bidder that relates to the product compliance with specifications listed in the Attachment 10, "Other Requirements" table.
11	Attachment 14 - Bidder Certification of Production / Provision of Product Data	Question #2	There are a couple other NY bids due around the same time as the OGS due date, which means bidders might not know the results of those bids until after we send in the paperwork for the OGS bid. What would you recommend bidders do in this scenario?	Attachment 14 – *Bidder Certification of Production* should be completed with information that is known at the time of the bid opening.