



# Office of General Services

## Procurement Services

Coming Tower, Empire State Plaza, Albany, NY 12242 | <https://ogs.ny.gov/procurement> | [customer.services@ogs.ny.gov](mailto:customer.services@ogs.ny.gov) | 518-474-6717

# Request for Proposals

<b>BID OPENING</b> <b>DATE:</b> June 3, 2026 <b>TIME:</b> 1:30 P.M. ET <b>SOLICITATION NUMBER:</b> <b>23420</b>	<b>TITLE: Group 71022– Business Consulting Services</b>  <b>Classification Codes: 80, 86</b>
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<b>MASTER AGREEMENT PERIOD:</b>	Five (5) years from the date of OSC approval with option to exercise renewals totaling up to an additional five (5) years following the initial term, upon mutual agreement by the Lead State and Contractor.
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**DESIGNATED CONTACTS:** In accordance with the Procurement Lobbying Law [State Finance Law § 139-j(2)(a)], the following individuals are the Designated Contacts for this Solicitation. All questions relating to this Solicitation must be addressed to the Designated Contacts.

Email Address: [OGS.SM.PS.BusinessConsulting@ogs.ny.gov](mailto:OGS.SM.PS.BusinessConsulting@ogs.ny.gov)

Jessica Watson CMS II Phone: (518)486-4830 Email: <a href="mailto:OGS.SM.PS.BusinessConsulting@ogs.ny.gov">OGS.SM.PS.BusinessConsulting@ogs.ny.gov</a>	Sean Hume Assistant Director Phone: (518) 486-1692 Email: <a href="mailto:OGS.SM.PS.BusinessConsulting@ogs.ny.gov">OGS.SM.PS.BusinessConsulting@ogs.ny.gov</a>
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<b>Bidder's Federal Tax Identification Number:</b> <i>(Do Not Use Social Security Number)</i>	<b>NYS Vendor Identification Number:</b> <i>(See New York State Vendor File Registration Clause)</i>
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Legal Business Name of Company Bidding:

D/B/A – Doing Business As (if applicable):

Street

City	State	County	Zip Code
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Email Address:	Company Web Site:
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If applicable, place an "x" in the appropriate box(es) *(check all that apply)*

<input type="checkbox"/> NYS Small Business # Employees	<input type="checkbox"/> Service-Disabled Veteran Owned Business	<input type="checkbox"/> NYS Minority Owned Business	<input type="checkbox"/> NYS Women Owned Business
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If you are not bidding, place an "x" in the box and return this page only.

WE ARE NOT BIDDING AT THIS TIME BECAUSE:

**OGS Use Only:** # of Binders/Packages: \_\_\_\_\_ # of USB Flash Drives \_\_\_\_\_ Documented by: \_\_\_\_\_

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## Bidder Certification and Affirmation

Bidder certifies and affirms as follows:

1. This Bid is an irrevocable offer for one hundred and eighty (180) days from the date of submission to the New York State (“NYS”) Office of General Services (“OGS”), or for such longer period as is set forth in the Solicitation.
2. The Bidder can and will provide and make available, at a minimum, the Products, Deliverables and/or Services as described in the Solicitation.
3. The Bidder has read and understands the provisions of the Solicitation, and all appendices, attachments, and exhibits attached thereto, including Appendix A – *Standard Clauses for New York State Contracts* and Attachment 15, *New York State Participating Addendum*.
4. The information contained in this Bid is complete, true, and accurate.
5. The Bidder understands and agrees to comply with the requirements of the Procurement Lobbying Law, State Finance Law § 139-j and § 139-k, and with OGS’s procedures relating to permissible contacts during a procurement as required by State Finance Law § 139-j(3) and § 139-j(6)(b). Such requirements and procedures are posted at <https://ogs.ny.gov/acpl>.

The signer affirms under penalties of perjury that he or she is duly authorized to legally bind the Bidder referenced above and that he or she signed this Bidder Certification as the legally binding act of the Bidder.

\_\_\_\_\_  
Print Full Bidder Entity Name

By: \_\_\_\_\_  
Signature of Person Authorized to  
Legally Bind the Bidder

\_\_\_\_\_  
Print Name of Signatory

\_\_\_\_\_  
Print Title of Signatory

\_\_\_\_\_  
Date

**RETURN THIS PAGE AS PART OF BID**

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Appendix B – *[Intentionally Omitted]*

Appendix C – *Federal Funding Agency Mandatory Terms and Conditions* (October 2023)

Appendix C-AI – *Standard Terms for AI Purchases for NYS*

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Attachment 02 – *Sample Master Agreement*

Attachment 03 – *Participation Information*

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Attachment 14 – *Contractor and Reseller/Distributor Information Sheet*

Attachment 15 – *New York State Participating Addendum*

## 1. INTRODUCTION

This Solicitation is being issued by the State of New York (“Lead State”) in collaboration with the NASPO ValuePoint cooperative purchasing program. The purpose of this Solicitation is to establish Master Agreements for Business Consulting Services, as described herein.

### **About NASPO ValuePoint**

NASPO ValuePoint is a division of the National Association of State Procurement Officials (NASPO), a non-profit association dedicated to advancing public procurement through leadership, excellence, and integrity. In accordance with NASPO ValuePoint’s Lead State Model™, the Lead State is issuing this Solicitation, evaluating responses, and establishing Master Agreements with the support and assistance of a Multistate Sourcing Team™ composed of individuals from other member states, representing a broad range of perspectives that ensure the Solicitation incorporates best practices recognized by public entities across the country.

Participation in NASPO ValuePoint Master Agreements is convenient and cost-effective for eligible entities—including state departments, institutions, agencies, and political subdivisions, federally recognized tribes, and other eligible public and nonprofit entities in the 50 states, the District of Columbia, and U.S. territories—and suppliers, with no membership or registration required. For more information on the NASPO ValuePoint Lead State Model and potential participating entities in the contracts resulting from this Solicitation, please see Section 4.30, *The NASPO ValuePoint Process* and Section 4.32, *Extension of Use* below.

More information about NASPO, NASPO ValuePoint, and the NASPO ValuePoint Lead State Model can be found at [www.naspo.org](http://www.naspo.org) and [www.naspovaluepoint.org](http://www.naspovaluepoint.org).

### **1.1 Overview**

This Solicitation is designed to meet the needs of public-sector entities with their common business consulting needs, while ensuring more niche needs are accounted for. The Solicitation is broken out into multiple lots based on the resulting engagement size and within six different consulting categories. This Solicitation shall be awarded based on Best Value to the highest scoring, up to the number identified in section 1.2 of this document, Bidders within both lots and within each of the six different categories, resulting in up to 66 Master Agreements. For New York State, contract users will utilize a mini-bid process for final selection of a vendor. Other participating entities may or may not utilize a mini-bid process on a case-by-case basis.

The Master Agreements shall be awarded for five (5) years from the date of New York State Office of the State Comptroller (“OSC”) approval with option to exercise renewals, totaling up to an additional five (5) years following the initial term, in increments of one year of more, upon mutual agreement by the Lead State and Contractor.

This Solicitation is issued by the New York State (“NYS”) Office of General Services (“OGS”), Procurement Services for Business Consulting Services as specified herein for all Authorized Users, Participating Entities and Purchasing Entities eligible to make purchases under the Contracts resulting from this Solicitation.

For New York State Only: OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). Please see Attachment 15, New York State Participating Addendum, Section 10, *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* for more information.

For New York State Only: For purposes of this procurement, OGS has not established goals for SDVOB participation. Bidder/Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials. For more information, please see Attachment 15, New York State Participating Addendum, Section 11, *Participation Opportunities for New York State Certified Service-Disabled Veteran Owned Businesses*.

This Solicitation outlines the terms and conditions, and all applicable information required for submitting a Bid. Bidders should pay strict attention to the Bid submission date and time to prevent disqualification. 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.

**1.2 Scope**

A detailed description of the Deliverables being sought through this Solicitation is attached as Attachment 01, *Scope of Work*. The Scope of Work is intended to provide Contractors with sufficient basic information to submit a proposal. It is not intended to limit a proposal's content or exclude any relevant or essential data. The State of New York – Office of General Services (OGS) on behalf of the participating NASPO ValuePoint states plans to establish Master Agreements for qualified vendors to provide Business Consulting Services. The objective of this solicitation, and resulting Master Agreements, is to provide a wide range of consultancy services frequently required by the State of New York, and any of the other forty-nine (49) states, District of Columbia, and US Territories (that choose to participate).

The objective of the Master Agreements is to establish qualified consulting firms, with various subject matter expertise, under contract for use by the State of New York and other Participating Entities. The Master Agreements will be highlighted by a breakdown of Business Consulting categories to include the following:

- A. Management & Operational
- B. Digital Operations
- C. Human Resources & Workforce Development
- D. Public Safety
- E. Legal & Compliance
- F. Environmental & Sustainability

The Contractors will be awarded Master Agreements to provide Business Consulting Services to the Bidders with the highest scores within each lot and each category. The lot structure is below.

		A.	B.	C.	D.	E.	F.
	LOTS:	Management & Operational	Digital Operations	Human Resources & Workforce Development	Public Safety	Legal & Compliance	Environmental & Sustainability
1.	Lot 1 MWBE & SDVOB (NY Only- For projects not exceeding discretionary threshold, currently \$1.5 million)	3 Awards	3 Awards	3 Awards	3 Awards	3 Awards	3 Awards
2.	Lot 2 Cooperative	8 Awards	8 Awards	8 Awards	8 Awards	8 Awards	8 Awards

The scope of this Solicitation and its resulting Master Agreement(s) is intended to be able to benefit all state departments, institutions, agencies, and political subdivisions and other eligible public and nonprofit entities in the 50 states, the District of Columbia, and U.S. territories. Therefore, Bidders should not interpret the Scope of Work to be associated with or limited to any specific purchase, implementation, project, need, or program within the Lead State or any other state or eligible entity. Proposals should be generally applicable to all Authorized Users and all potential Participating Entities and Purchasing Entities, except where specificity is requested. NYS reserves the right to raise the discretionary limit for this lot when or if NYS raises the discretionary limit during the life of any resulting NYS participating addenda.

### 1.3 Estimated Quantities

A Master Agreement resulting from this Solicitation shall be an estimated quantity contract, also referred to as indefinite delivery/indefinite quantity contract. No specific quantities are represented or guaranteed, and the Lead State provides no guarantee of individual Authorized User participation. The Contractor must furnish all quantities actually ordered at or below the awarded prices. The individual value of each resultant Master Agreement is indeterminate and will depend upon the number of Master Agreements 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.

### 1.4 Key Events/Dates

Event	Date	Time
Solicitation Release	April 16, 2026	N/A
Closing Date for Bidder Questions	April 30, 2026	5:00 PM ET
OGS Procurement Services' Responses of Bidder Questions	May 21, 2026 <i>(tentative)</i>	N/A
Bid Opening / Due date for Bids	June 3, 2026	1:30 PM ET
Notification of Tentative Award / Non-Award	August 28, 2026 <i>(tentative)</i>	N/A
Master Agreement Approval Date / Award Publish Date	Upon OSC Approval	N/A

### 1.5 NYS Contract Reporter

Solicitation Website. The following website is the official source for Solicitation information and updates:

<https://ogs.ny.gov/procurement/bid-opportunities>

Dates and deadlines are subject to change. Bidders should continue checking the Solicitation Website and by subscribing to the New York State Contract Reporter for the most up-to-date information.

Bidders must register with the New York State Contract Reporter ("NYSCR") at <https://www.nyscr.ny.gov> in order to receive notifications about this Solicitation. Navigate to the "I want to find contracts to bid on" page to register for your free account. In order to receive e-mail notifications regarding updates to the content or status of a particular ad, you must "bookmark the ad" on the upper right hand side of the ad, then return to your Account, view your list of bookmarked ads, and then select "send me notification updates" option listed to the right of the ad. Answers to all questions of a substantive nature will be posted in the form of a question and answer document and released through the NYSCR. Any updates to Solicitation documents will also be posted and released through the NYSCR.

**If you do not opt-in to receive notification updates regarding a particular ad, you will not receive e-mail notifications regarding updates, including e-mail notifications regarding the posting of the question and answer document and updates to Solicitation documents.**

Be advised that submission of responses to the Solicitation that do not reflect and take into account updated information may result in your Bid being deemed non-responsive to the Solicitation.

Documents from this Solicitation may be posted on multiple websites, including non-Lead State procurement solicitation boards and the NASPO ValuePoint website, or distributed through other channels, such as email. Such distribution is for advertising and informational purposes only, and documents and information from sources other than the Solicitation Website should not be relied upon to develop or submit a proposal. Proposals or

questions submitted through any means other than those specified in this Solicitation will not be addressed or considered by the Lead State.

### **1.6 Bidder Questions (How to Ask Questions)**

All questions regarding this Solicitation should be submitted using Attachment 11, *Bidder Questions Form*, citing the applicable Solicitation document name and document section. The completed form must be emailed to [OGS.SM.PS.BusinessConsulting@ogs.ny.gov](mailto:OGS.SM.PS.BusinessConsulting@ogs.ny.gov) by the date and time indicated in Section 1.4, *Key Events/Dates*. Questions submitted after the deadline indicated may not be answered. A Bidder is strongly encouraged to submit questions as soon as possible. Answers to all questions of a substantive nature will be provided to all prospective Bidders in the form of a question and answer document which will be posted to the OGS website and will not identify the Bidder asking the question. Notification of this posting will be advertised in the NYS Contract Reporter (“NYSCR”). Your company must select the “opt-in” option within the Contract Reporter ad to receive notification updates of this Solicitation.

As part of the Bidder questions process, Bidders may propose amendments to the Solicitation, including adjustment of deadlines. OGS is not obligated to consider any proposed amendment. If Bidder intends to submit a Bid that deviates from the requirements of the Solicitation in any way, the proposed Bid Deviations should be submitted during the *Questions* period so that they may be given due consideration prior to the submission of Bids. See *Bid Deviations* for additional information.

The following should be brought to the attention of OGS: Any alleged conflict among the materials composing this Solicitation or any alleged issue relating to the content of this Solicitation, including instructions, requirements, or specifications alleged to be ambiguous, unduly restrictive, erroneous, anticompetitive, or unlawful.

### **1.7 NYS Comptroller Approval**

In accordance with Section 112 of the State Finance Law, a Master Agreement resulting from this Solicitation shall not be valid, effective or binding upon the State until such Master Agreement has been approved by the Office of the New York State Comptroller (“OSC”). Purchase orders or other procurement transactions by New York State Authorized Users issued under such Master Agreements may also be subject to OSC approval.

### **1.8 Conditional Awards**

Awards and Master Agreements not approved by NASPO ValuePoint shall result in a contract for use by the Lead State and its Authorized Users only. Use of a Master Agreement by other Participating Entities or Purchasing Entities is conditioned upon approval by the Lead State and NASPO ValuePoint.

Approval of awards and Master Agreements may be in whole or in part. Bidder agrees to hold the Lead State and NASPO harmless and release the Lead State and NASPO from any liability for damages arising from non-award or non-execution of a contract.

### **1.9 (NYS Only) MWBE & SDVOB Interest in Partnering with Bidders**

A. If a New York State certified MWBE or SDVOB would like to indicate its interest in working with participating Bidders, please send an e-mail entitled “*Solicitation 23420 MWBE or SDVOB INTEREST\_COMPANY NAME*” to [OGS.SM.PS.BusinessConsulting@ogs.ny.gov](mailto:OGS.SM.PS.BusinessConsulting@ogs.ny.gov) on or before May 11, 2026. The e-mail content should include:

1. Company Name
2. Contact Name and Contact Information such as Phone Number, Mailing Address and E-Mail Address

3. Brief description of the company and the Products and/or services that the company offers that are related to this Solicitation (for example “Company ABC manufactures pencils”)
  4. The NYS Certification Type (Minority and/or Women-Owned or SDVOB).
  5. Include what locations in NYS the company provides services in.
- B. A list of the NYS certified MWBE and SDVOB vendors who have expressed interest in this Solicitation through the timely submission of such email, will be made available to prospective Bidders through the publishing of a Purchasing Memorandum posted through the New York State Contract Reporter.

### 1.10 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/>

### 1.11 Definitions

Capitalized terms used in this Solicitation and the resultant Contract(s) shall be defined in accordance with Appendix B *Definitions*, or as below.

“**Administrative Fee**” shall refer to the fee payable to NASPO ValuePoint, the Lead State, and/or Participating Entity, pursuant to Attachment 02, *Sample Master Agreement*, for all sales under this Master Agreement.

“**Award**” shall refer to the writings that contain the agreement of the Commissioner of NYS OGS and the Contractor setting forth the total legal obligation between the parties as determined by applicable law

“**Bidder**” shall refer to an entity or individual submitting a proposal in response to this Solicitation.

“**Bid Deviation**” shall refer to any variance submitted or proposed by a Bidder, which deviates from, adds extraneous terms to, conflicts with or offers an alternative to any term, condition, specification, or requirement of the Solicitation.

“**Business Day(s)**” shall refer to Monday through Friday from 8:00 AM – 5:00 PM ET, excluding NYS Holidays and federal holidays.

“**Confidential Information**” shall refer to any and all information in any form that is marked as confidential or would by its nature be deemed confidential and is obtained by Bidder in connection with this Solicitation, including but not limited to the data or records of the Lead State, the Multistate Sourcing Team, NASPO, or NASPO ValuePoint.

“**Contractor**” shall refer to a Bidder with whom the Lead State executes a Master Agreement resulting from this Solicitation.

“**Day**” shall refer to a calendar day, unless otherwise indicated.

**“Deliverable”** shall refer to a good, product, service, solution, result, labor, or other effort being sought through this Solicitation.

**“Interested State”** shall refer to a state that has requested to be identified as a potential Participating Entity in this Solicitation.

**“Lead State”** shall refer to the State issuing this Solicitation.

**“Master Agreement”** shall refer to a contract, resulting from this Solicitation, that is executed by and between a successful Bidder and the Lead State, acting in collaboration with NASPO ValuePoint as described herein.

**“Multistate Sourcing Team”** shall refer to the group of individuals assisting the Lead State with solicitation and contracting activities, which may include but are not limited to development of this Solicitation, evaluation of proposals, and evaluation of Contractor performance.

**“MWBE”** shall refer to a business certified with NYS Empire State Development (“ESD”) as a Minority- and/or Women-owned Business Enterprise.

**“NASPO”** shall refer to the National Association of State Procurement Officials.

**“NASPO ValuePoint”** shall refer to the cooperative contracting division of NASPO.

**“NYS Holidays”** shall refer to the legal holidays for State employees in the classified service of the executive branch, as more particularly specified on the website of the NYS Department of Civil Service. This includes the following: New Year’s Day; Dr. Martin Luther King, Jr. Day; Washington’s Birthday (observed); Memorial Day; Juneteenth; Independence Day; Labor Day; Columbus Day; Veterans’ Day; Thanksgiving Day; and Christmas Day.

**“NYS Vendor ID”** shall refer to a unique ten-character identifier issued by the NYS Office of the State Comptroller (OSC) when the vendor is registered on the Vendor File System.

**“OGS”** shall refer to the New York State Office of General Services.

**“Participating Addendum”** shall refer to a contract, referencing a Master Agreement, that is executed by and between a Contractor and a Participating Entity and may include Participating Entity-specific requirements and terms.

**“Participating Entity”** shall refer to a state, or another entity authorized to enter into a Participating Addendum, that executes a Participating Addendum with a Contractor.

**“Preferred Source Products”** shall refer to those Products that have been approved in accordance with New York State Finance Law § 162.

**“Preferred Source Program”** shall refer to the special social and economic goals set by New York State in State Finance Law § 162 that require a governmental entity purchase select Products from designated organizations when the Products meet the “form, function and utility” requirements of the governmental entity. Under State Finance Law § 163, purchases of Products from Preferred Sources are given the highest priority and are exempt from the competitive bidding requirements. The New York State Preferred Sources include: The Correctional Industries Program of the Department of Corrections and Community Supervision (“Corcraft”); New York State Preferred Source Program for People Who Are Blind (“NYSPSP”); and the New York State Industries for the Disabled (“NYSID”). These requirements apply to State Agencies, political subdivisions and public benefit corporations (including most public authorities).

**“Procurement Services”** shall refer to a business unit of OGS, formerly known as New York State Procurement (“NYSP”) and Procurement Services Group (“PSG”).

“**Products**” shall refer to items under any Solicitation or Contract and may include commodities, services, and/or technology.

“**Proposal**” or “**Bid**” shall refer to the document(s), data, information, and other media submitted by a Bidder in response to this Solicitation, including information submitted directly through the Solicitation Website and information submitted after the Bid Opening Date at the request of the Lead State.

“**Purchasing Entity**” shall refer to a state, or another entity authorized to use a Participating Addendum, that issues an Order under a Master Agreement resulting from this Solicitation through a Participating Entity’s Participating Addendum.

“**SDVOB**” shall refer to a NYS-certified Service-Disabled Veteran-Owned Business.

“**RFP**” or “**Solicitation**” shall refer to this request for proposals, including all attachments and exhibits and any information posted by the Lead State to the Solicitation Website, as amended.

## **1.12 Appendices and Attachments**

The following appendices and attachments, attached hereto, are hereby expressly made a part of this Solicitation as fully as if set forth at length herein.

Appendix A – *Standard Clauses for New York State Contracts* (June 2023)

Appendix B – *[Intentionally Omitted]*

Appendix C – *Federal Funding Agency Mandatory Terms and Conditions* (October 2023)

Appendix C-AI – *Standard Terms for AI Purchases for NY*

Attachment 01 – *Scope of Work*

Attachment 02 – *Sample Master Agreement*

Attachment 03 – *Participation Information*

Attachment 04 – *Bidder Information Questionnaire*

Attachment 05 – *Bidder Response Worksheet*

Attachment 05a – *RFP Evaluation Plan*

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Attachment 13 – *Certification Under Executive Order No. 16*

Attachment 14 – *Contractor and Reseller/Distributor Information Sheet*

Attachment 15 – *New York State Participating Addendum*

## **1.13 Conflict of Terms**

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

1. Appendix A – *Standard Clauses for New York State Contracts* (June 2023);

2. Appendix C – *Federal Funding Agency Mandatory Terms and Conditions* (October 2023);
3. Attachment 15 – New York State Participating Addendum
4. The Solicitation;
5. All other appendices and attachments to the Solicitation;

## 2. BIDDER QUALIFICATIONS

Bidder is advised that the Lead 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. Bidders are expected to possess deep expertise and resources in the categories (and subcategories) for which they are submitting a proposal. A Bidder shall meet the following qualifications:

- A. For each category that Bidders are proposing, they shall provide two (2) examples of projects delivered to public entities, within the past five (5) years, that demonstrate their ability to provide services. For each project, Bidders are required to:
  - i. Provide contact information;
  - ii. Start and end date for the project; and
  - iii. Project description.
- B. Bidders must propose a lead to be assigned to the Contract resulting from this Solicitation. The lead must have a minimum of five (5) years of experience leading public sector engagements. Bidders are required to provide a detailed resume for the proposed lead.
- C. For Bidders to participate in any category of the MWBE & SDVOB Lot they must be a NYS certified MWBE and/or certified SDVOB.

Bidders will indicate their abilities to meet the requirements of this RFP and the RFP's Scope of Work by responding to Attachment 05, *Bidder Response Worksheet*. These responses listed in the Bidder Response Worksheet will be evaluated.

## 3. SPECIFICATIONS

There are no specifications for the Contract. Authorized Users/Purchasing Entities shall provide specifications for each purchase when requesting a quote from the Contractors, and with the resultant Purchase Order; however, Bidders shall make the resources stated in Attachment 01, *Scope of Work*, Section 3 – *Service Delivery & Assurance* available to specific engagements.

## 4. BID SUBMISSION (How to Respond)

### 4.1 Performance and Bid Bonds

There are no bonds for this Solicitation. 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 (NYS 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 Format of Bid Submission

- A. The complete Bid package must be received by OGS Procurement Services by the date and time of the Bid opening. Late Bids shall be handled in accordance with Section 4.16, *Late Bids*. Any Bid pricing or portions thereof submitted on USB flash drive that are incomplete or that cannot be opened/accessed may be rejected. With respect to any Bid documents in Excel format, only those cells provided for entering Bid pricing and information are to be accessed by the Bidder. Situations susceptible to disqualification may include:
  1. E-mail or facsimile Bid submissions are not acceptable, and
  2. Absent Cost Proposals (Attachment 06, *Cost Proposal*) are not acceptable.
- B. It is recommended that the Bidder open, review and save/download all electronic files to the Bidder's hard drive and/or to a secure back-up location. Only completed files (in the specified format) should be saved to a USB flash drive for submittal.
- C. Any indicators or messages that have been built into the attachments are informational only and provided solely for the purpose of assisting Bidders in completing the attachments. The presence or absence of notes or indicators is not a determination by the Lead State as to the sufficiency of the attachments with respect to the Solicitation requirements. Bidders remain responsible for reviewing the attachments to ensure compliance with the Solicitation requirements.
- D. Bidders are responsible for the accuracy of their Bids. All Bidders are directed to take extreme care in developing their Bids. Bidders are cautioned to carefully review their Bids prior to Bid submission. A Bid that fails to conform to the requirements of the Solicitation may be considered non-responsive and may be rejected.

#### 4.4 Content

- A. A complete Bid consists of submission of the following documents (unless noted as “Not required to be submitted with the bid”). 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 electronic signature that has been generated by software (e.g., DocuSign or Adobe Acrobat Sign) for documents that are not designed to allow for or require an electronic signature. See also Attachment 10, *Bidder Submission Checklist*.

	Bid Document	Required File Format (Submit on USB)	Paper also Required (Submit printed copy)
1	Page 1 of the Solicitation	PDF	X
2	Page 2 of the Solicitation – <i>Bidder Certification and Affirmation</i> , with signature	PDF	
3	Appendix C – <i>Federal Funding Agency Mandatory Terms and Conditions</i> , with Section 10 completed (page 6)	PDF	
4	Attachment 04 – <i>Bidder Information Questionnaire</i>	Excel	
5	Attachment 05 – <i>Bidder Response Worksheet</i>	PDF	
6	Attachment 06 – <i>Cost Proposal</i> (must be included with the Bid at the Bid Opening / Due date for Bids)	Excel	
7	Attachment 07 – <i>NYS Required Certifications</i> , with signature	PDF	
8	Attachment 08 – <i>Encouraging Use of New York State Businesses in Contract Performance</i>	PDF	
9	Proof of Compliance with Attachment 09 – <i>Insurance Requirements</i> .	PDF	
10	Attachment 10 – <i>Bidder Submission Checklist</i>	Excel	
11	Attachment 11 – <i>Bidder Questions Form</i>	Not required to be submitted with the bid	
12	Attachment 12 – <i>Report of Contract Usage</i>	Not required to be submitted with the bid	
13	Attachment 13 – <i>Certification Under Executive Order 16</i> , with signature	PDF	
14	Attachment 14 – <i>Contractor/Reseller/Distributor Information</i>	Excel	
15	Attachment 15 – New York State Participating Addendum, with signature	PDF	
16	EEO 100 – <i>Equal Employment Opportunity Staffing Plan</i> , with signature (see <a href="https://ogs.ny.gov/mwbe/forms">https://ogs.ny.gov/mwbe/forms</a> under “Commodity & Service Contracts”)	PDF	
17	MWBE 100, <i>MWBE Utilization Plan</i> , with signature (see <a href="https://ogs.ny.gov/mwbe/forms">https://ogs.ny.gov/mwbe/forms</a> under “Commodity & Service Contracts”)	PDF	
18	Vendor Responsibility Questionnaire (copy of certification that a Questionnaire has been completed online, and certified no more than six (6) months prior to the bid opening date; see <a href="https://www.osc.state.ny.us/state-vendors/vendrep/file-your-vendor-responsibility-questionnaire">https://www.osc.state.ny.us/state-vendors/vendrep/file-your-vendor-responsibility-questionnaire</a> )	PDF	
19	ST-220-CA, <i>Contractor Certification to Covered Agency</i> , with signature and notary (see <a href="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</a> )	PDF	
20	ST-220-TD, <i>Contractor Certification</i> , with signature and notary (see <a href="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</a> )	Must be submitted directly to the NYS Tax Department	

- B. Documents should be submitted as an electronic copy and in the format specified in the list above for each document (e.g., PDF, Excel), following the instructions provided in this section. Electronic copies of documents must be submitted on two (2) USB flash drives, with each USB flash drive containing a complete set of the submitted documents. For bid identification purposes, include a printed copy of page 1 of the Solicitation with the two (2) USB flash drives in the Bid envelope or package (see Section 4.5, *Bid Envelopes and Packages*, below).

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>).

- C. OGS shall consider documents submitted on multiple USB flash drives to be equal, provided that the date/time modified is the same for documents that have the same file name. In the case of discrepancies between file names and date/time modified, the file with the most recent date/time modified shall take precedence.
- D. Documents that are not indicated as “Original Also Required” in the above table should not be submitted in paper format, and may not be reviewed by OGS if they are received. In the case of discrepancies between paper versions that are received (if applicable) and USB flash drive submissions of the documents submitted by the Bidder, the electronic USB flash drive copy shall take precedence over the paper version.
- E. Bidder is responsible for retaining copies and original versions (if applicable), of all submitted bid documents until a determination of Award is made. If an Award is made to Bidder, the bid documents shall be retained by the Bidder for a period of six (6) years after the term of the contract has ended. Document retention for pre- and post-Award includes both copies of electronic documents, and original paper documents with required original signatures that have been scanned and submitted electronically. Bidder shall submit such retained documents to OGS upon request.

#### **4.5 Bid Envelopes and Packages**

All Bids should have a label on the outside of the envelope or package itemizing the following information:

1. BID ENCLOSED (preferably bold, large print, all capital letters)
2. Solicitation number (23420)
3. Bid Opening Date and Time
4. The number of boxes or packages (e.g., 1 of 2; 2 of 2)

All Bids should also include a PRINTED copy of page 1 of the Solicitation, completed with the Bidder's information. This printed copy of page 1 should be placed in the envelope with the USB flash drives.

Failure to complete all information on the Bid envelope and/or package may necessitate the opening of the Bid prior to the scheduled Bid opening.

#### **4.6 Bid Delivery**

Bids shall be delivered to the following address on or before 1:30 p.m. ET, on or before the Bid opening date as stated in Section 1.4, *Key Events/Dates*:

State of New York Executive Department  
Office of General Services

Procurement Services  
Corning Tower - 38th Floor Reception Desk  
Empire State Plaza  
Albany, NY 12242  
Attn: Bid Enclosed – Solicitation 23420

Bidder assumes all risks for timely, properly submitted deliveries. The time of Bid receipt is determined by OGS according to the timeclock at the above-noted location. A Bidder is strongly encouraged to arrange for delivery of Bids to OGS prior to the date of the Bid opening. Late Bids shall be rejected, except as provided in Section 4.16, *Late Bids*. All Bids and accompanying documentation shall become the property of the State of New York and shall not be returned. Refer to “*Important Building Access Procedures*” clause.

Bidder grants Lead State and NASPO a perpetual, irrevocable, non-exclusive, royalty-free, and transferable right to display, modify, copy, and otherwise use the contents of Bidder’s proposal, which may be:

- a. Shared with NASPO members;
- b. Shared with entities represented on the Multistate Sourcing Team;
- c. Posted to the NASPO ValuePoint website following execution of Master Agreements for examination by potential Participating Entities and Purchasing Entities;
- d. Subject to disclosure in accordance with applicable public information laws, rules, and policies; and
- e. Subject to retention, archiving, and destruction in accordance with applicable retention laws, rules, and policies.

#### **4.7 Important Building Access Procedures**

To access the Corning Tower, all visitors must check in by presenting photo identification at the Corning Tower Information Desk. Delays may occur due to a high volume of visitors. Visitors conducting Procurement Services business are encouraged to pre-register for building access by contacting the Procurement Services Receptionist at (518) 474-6262 or Customer Services (518) 474-6717 at least 24 hours prior to the visit. If no answer, leave a detailed phone message including the following information: reason for visit and/or delivering a bid, solicitation number, date and estimated time of delivery or visit, first and last name of visitor, and visitor’s cell phone number. Visitor may email [customer.services@ogs.ny.gov](mailto:customer.services@ogs.ny.gov) providing the same information. Visitors who are not pre-registered will be directed to a designated phone at the Corning Tower Information Desk, where they are to call the Procurement Services Receptionist (518) 474-6262 or Customer Services (518) 474-6717 for access. The visitor will be registered at that time. Bids are not allowed to be left at the Corning Tower Information Desk. Please note that delays may occur. Building access procedures may change or be modified at any time.

#### **4.8 NYS Required Certifications**

A Bidder is required to submit the signed New York State Required Certifications (Attachment 07, *NYS Required Certifications*) with its Bid.

#### **4.9 Bid Deviations**

Bids must conform to the terms set forth in the Solicitation. As set forth in Bidder Questions, if Bidder intends to submit a Bid that deviates from the requirements of the Solicitation in any way, the proposed Bid Deviations should be submitted during the Bidder Questions period so that they may be given due consideration prior to the submission of Bids. Material Bid 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*.

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.

#### **4.10 Bid Opening Results**

Bids may, as applicable, be opened publicly. The Commissioner reserves the right at any time to postpone or cancel a scheduled Bid opening. OGS Procurement Services posts Bid information on the OGS Procurement Services website. The Bid Opening Results webpage makes available the list of Bidders that responded to the Solicitation. Such information is anticipated to be available online within two (2) Business Days after the Bid opening.

The Bid Opening Results webpage is available at: <https://ogs.ny.gov/procurement/bid-opening-results-0>.

#### **4.11 Pricing**

Pricing will be collected using Attachment 06, *Cost Proposal* in accordance with the Instructions tab listed within Attachment 06. Bidder's pricing shall include all taxes and fees applicable to the transaction. Bidder is expected to submit its most favorable terms and pricing in its original proposal submitted by the Bid Opening. OGS is under no obligation to provide Bidder an opportunity to modify or submit an addendum to Bidder's original proposal or to submit another proposal, including a best and final offer, prior to final evaluation and Award. Alternate proposals will not be accepted. Inclusion of cost or pricing information in any document other than the Cost Proposal may result in Bidder's proposal being deemed non-responsive.

Bidder's proposed pricing must be inclusive of all fees and charges, including but not limited to fees or charges for shipping, delivery, credit card payments, and personnel. All costs proposed by Bidder must also be inclusive of the NASPO ValuePoint Administrative Fee (on all non-NYS transactions) and Lead State Administrative Fee (on all NYS transactions), as set forth in Attachment 02, *Sample Master Agreement*. Proposed costs incorporated into a Master Agreement resulting from this Solicitation represent not-to-exceed pricing and minimum discounts, where applicable. Except as permitted by the next paragraph with respect to Administrative Fees of Participating Entities, pricing offered to Participating Entities and Purchasing Entities must be no higher than pricing set forth in the Master Agreement.

A Participating Addendum may also require payment of an additional Administrative Fee by Contractors to a Participating Entity based on sales to Purchasing Entities within the jurisdiction of the Participating Entity. Unless otherwise negotiated by the Participating Entity, Contractor may adjust the Master Agreement pricing incorporated into the Participating Entity's Participating Addendum by an amount not to exceed the Participating Entity's fee. Such adjustments will have no effect on the NASPO ValuePoint Administrative Fee, pricing in the Master Agreement, or pricing offered to Purchasing Entities outside the jurisdiction of the Participating Entity.

#### **4.12 Price Updates**

Contractor may update its pricelist as follows:

- A. Following the first twenty-four (24) months from the Master Agreement start date, the Contractor shall be permitted to update its pricelist one (1) time. There shall be no price increases permitted in the initial two years of the Master Agreement term. The Contractor may be permitted to update its pricelist one (1) time at first renewal after the initial term.
- B. Contractor shall be permitted to reduce its pricing at any time during the term of the Master Agreement, without prior approval from OGS.
- C. Pricelist updates are effective upon notification from OGS that the update has been approved. Revised pricelists shall be posted by OGS on the OGS Contract website within five (5) Business Days after approval, or as soon as possible thereafter.

#### 4.13 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.

#### 4.14 Firm Offer

Bids must remain an effective offer, firm and irrevocable, for at least one hundred and eighty (180) calendar days from the due date, unless the time for awarding the Contract is extended by mutual consent of OGS and the Bidder. A Bid shall continue to remain an effective offer, firm and irrevocable, subsequent to such one hundred and eighty (180) calendar-day period until either tentative Award of the Contract by OGS is made or withdrawal of the Bid in writing by the Bidder.

#### 4.15 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 prior to the Bid opening to correct errors or oversights, or to supply additional information as it becomes available;
- G. Direct Bidders, prior to the Bid opening, to submit Bid modifications addressing subsequent Solicitation amendments;
- H. Change any of the dates in the *Key Events/Dates* section, or in other Solicitation sections (if applicable), 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. Select and Award the Contract to other than the selected Bidder in the event of unsuccessful negotiations or in other specified circumstances as detailed in the Solicitation;
- P. Accept and consider for Contract Award, Bids with non-material Bid Deviations or non-material Bid defects such as errors, technicalities, irregularities, or omissions;
- Q. Use any information which OGS obtains or receives from any source and determines relevant, in OGS's sole discretion, for the purposes of bid evaluation and Contractor selection;
- R. Consider a proper alternative where an evidently incorrect reference/parameter/component/product/model/code/number is stated by the State or the Bidder;
- S. Reject an obviously unbalanced Bid as determined by the State;

- T. Conduct Contract negotiations with the next Responsible Bidder, should the State be unsuccessful in negotiating with the selected Bidder;
- U. Make no Award for any Product, region, or lot, as applicable, for reasons including, but not limited to, unbalanced, unrealistic or excessive Bidder pricing, a change in Authorized User requirements and/or Products, or an error in the Solicitation (e.g., use of incorrect reference, pack size, description, etc.). In such case, evaluation and ranking of Bids may be made on the remaining Products, regions, or lots;
- V. Offer a Bidder the opportunity to provide supplemental information or clarify its Bid, including the opportunity to explain or justify the balance, realism, and/or reasonableness of its pricing;
- W. 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;
- X. Waive technicalities, irregularities and omissions if the Commissioner determines the best interest of the State will be served; and
- Y. Accept or reject illegible, incomplete or vague bids.

#### **4.16 Late Bids**

Bids must be received at the location designated in this Solicitation at or before the date and time established in Section 1.4 for the Bid opening or receipt of Bids.

Any Bid received at the designated location after the established time will be considered a Late Bid. A Late Bid may be rejected and disqualified from Award. Notwithstanding the foregoing, a Late Bid may be accepted in the Commissioner's sole discretion where (i) no timely Bids meeting the requirements of the Solicitation are received, (ii) in the case of a multiple Award, an insufficient number of timely Bids are received to satisfy the multiple Award, or (iii) the Bidder has demonstrated to the satisfaction of the Commissioner that the Late Bid was caused solely by factors outside the control of the Bidder. However, in no event shall the Commissioner be under any obligation to accept a Late Bid.

The basis for any determination to accept a Late Bid shall be documented in the procurement record.

#### **4.17 Confidential/Trade Secret Materials**

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. 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. Bidders 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 will not be disclosed except as may be required by the Freedom of Information Law or other applicable State and federal laws.

#### **4.18 Tie Bids**

In the event two Bids are found to be substantially equivalent, price shall be the basis for determining the Award recipient. While prompt payment discounts will not be considered in determining the low Bid, the Commissioner may consider any prompt payment discount in resolving Bids which are otherwise tied. If two or more Bidders submit substantially equivalent Bids as to pricing or other factors, the decision of the Commissioner to Award a Contract to one or more of such Bidders shall be final.

#### **4.19 Debriefings**

Pursuant to Section 163(9)(c) of the State Finance Law, any unsuccessful Bidder may request a debriefing regarding the reasons that the Bid submitted by the Bidder was not selected for Award. Requests for a debriefing must be made within 15 calendar days of notification by OGS that the Bid submitted by the Bidder was not selected for Award. Requests should be submitted in writing to a designated contact identified in the Solicitation.

#### **4.20 Governing Law**

This Solicitation and any resulting contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

#### **4.21 Venue**

The venue for any protest, claim, dispute, or action relating to the Solicitation, including evaluation and Award, shall be in a court of competent jurisdiction in the State of New York.

#### **4.22 Compliance with Laws**

Bidder and Bidder's participation in this Solicitation must comply with all applicable federal, state, and local laws, rules and policies. All Deliverables proposed by Bidder under a contract resulting from this Solicitation must comply with all applicable federal, state, and local laws, and regulations.

#### **4.23 No Exclusivity**

Master Agreements resulting from this Solicitation will be established solely for the convenience of the Lead State and Participating Entities and Purchasing Entities. The Lead State, Participating Entities, and Purchasing Entities reserve the right to obtain the same or similar Deliverables from other sources when in their best interest and permitted by applicable law, rule, or policy.

#### **4.24 Mandatory State Preferences**

The Lead State may apply mandatory evaluation preferences to proposals of eligible Bidders as set forth in applicable laws, rules, policies, or provisions of this Solicitation. Bidder is wholly responsible for demonstrating eligibility for any applicable preference in Bidder's proposal, including identification of applicable certifications in Attachment 04, *Bidder Information Questionnaire*. Bidders that meet the requirements for Award with an applied preference but would not receive an Award without an applied preference may be awarded a contract for use by the Lead State but will not be awarded a NASPO ValuePoint Master Agreement for use by other states and eligible entities.

#### **4.25 N.Y. State Finance Law § 139-I**

Pursuant to N.Y. State Finance Law § 139-I, every bid made on or after January 1, 2019 to the State or any public department or agency thereof, where competitive bidding is required by statute, rule or regulation, for work or services performed or goods sold or to be sold, and where otherwise required by such public department or agency, shall contain a certification that the Bidder has and has implemented a written policy addressing sexual

harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of N.Y. State Labor Law § 201-g.

N.Y. State Labor Law § 201-g provides requirements for such policy and training and directs the Department of Labor, in consultation with the Division of Human Rights, to create and publish a model sexual harassment prevention guidance document, sexual harassment prevention policy and sexual harassment prevention training program that employers may utilize to meet the requirements of N.Y. State Labor Law § 201-g. The model sexual harassment program can be found online at the following URL: <https://www.ny.gov/combatting-sexual-harassment-workplace/employers>.

Pursuant to N.Y. State Finance Law § 139-I, any bid by a corporate Bidder containing the certification required above shall be deemed to have been authorized by the board of directors of such Bidder, and such authorization shall be deemed to include the signing and submission of such bid and the inclusion therein of such statement as the act and deed of the Bidder.

If the Bidder cannot make the required certification, such Bidder shall so state and shall furnish with the bid a signed statement that sets forth in detail the reasons that the Bidder cannot make the certification. After review and consideration of such statement, OGS may reject the bid or decide that there are sufficient reasons to accept the bid without such certification.

The certification required above can be found on Attachment 07, *NYS Required Certifications*, which Bidder must submit with its bid.

#### **4.26 Gender-Based Violence and the Workplace Certification**

New York State Finance Law §139-M requires Bidders on competitive state procurements to certify that they have a written policy addressing gender-based violence and the workplace and that such policy meets the following minimum requirements:

- **Share Information:** Employers must provide information regarding gender-based violence where employees can see and access it, including displaying the NYS Domestic and Sexual Violence Hotline information and a gender-based violence and the workplace poster.
- **Refer Employee-Survivors to Services:** The policy must require that the employer refer employees who disclose current or past victim status to the NYS Domestic and Sexual Violence Hotline and/or a local service provider. For bidders outside of New York State, referrals should be made to a local provider or statewide hotline. While referrals are required to be provided by the employer, it is not required for the employee to access services.
- **Prohibit Retaliation:** The policy must clearly state that discrimination or retaliation against employees who identify as victims or survivors of gender-based violence is prohibited.
- **Comply with Laws:** Ensure your policy follows State law. For employers based in New York State, this means that the policy must follow the SAFE Leave Act, New York State Human Rights Law, and any other relevant laws and regulations.
- **Offer Implementation Support:** The NYS Office for the Prevention of Domestic Violence (OPDV) is able to assist employers in developing and implementing this policy. Employers must provide information to supervisors and human resources, where available, about this technical assistance from OPDV. OPDV can be contacted at [workplace@opdv.ny.gov](mailto:workplace@opdv.ny.gov).

By submission of this Bid, each Bidder and each person signing on behalf of any Bidder certifies, and in the case of a joint Bid each party thereto certifies as to its own organization, under penalty of perjury, that the Bidder has and has implemented a written policy addressing gender-based violence and the workplace and has provided such policy to all of its employees, directors and board members. Such policy shall, at a minimum, meet the requirements of subdivision 11 of section five hundred seventy-five of the executive law.

If the Bidder cannot make the foregoing certification, such Bidder shall so state and shall furnish with the Bid a signed statement that sets forth in detail the reasons that the Bidder cannot make the certification.

#### 4.27 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.

#### 4.28 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 (4) 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 (4) 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.









#### 4.29 Contract Documents; Electronic Format

OGS requires Contractor to submit all documents to OGS in an electronic format, including electronic copies of documents that require original signatures. Documents requested by OGS should be submitted in the format specified by OGS, which may include a requirement for an electronic signature that has been generated by software (e.g., DocuSign or Adobe Acrobat Sign). Contractor is responsible for retaining all copies and originals (if applicable) of documents submitted to OGS for the term of the Contract and any extensions thereof, and for a period of six (6) years after the term of the Contract has ended. This requirement includes both electronic documents, and original paper documents with required original signatures that have been scanned and submitted electronically. Contractor shall submit such retained documents to OGS upon request. If Contractor seeks to assign the Contract during the term, Contractor shall provide all documents relating to the bid and Contract that it has retained to the successor Contractor (transferee/assignee) upon OGS consent to the assignment.

#### 4.30 The NASPO ValuePoint Process

The NASPO ValuePoint Lead State Model™ is a collaborative procurement process representing the input and interests of public entities across the nation.

##### THE LEAD STATE MODEL™

-  Members & Stakeholders Identify Shared Cooperative Contracting Needs
-  NASPO ValuePoint Engages Lead State & Multistate Sourcing Team
-  Members & Stakeholders Provide Input on RFP Specifications & Objectives
-  Lead State Issues RFP in Compliance with Lead State Laws
-  Lead State & Multistate Sourcing Team Evaluate Supplier Proposals
-  Lead State Negotiates & Executes Master Agreements
-  Participating States & Entities Execute Participating Addenda
-  Purchasing Entities Buy Directly from NASPO ValuePoint Contractors

NASPO ValuePoint does not charge fees to Participating Entities or Purchasing Entities—including state departments, institutions, agencies, and political subdivisions, federally recognized tribes, and other eligible public and nonprofit entities in the 50 states, the District of Columbia, and U.S. territories—to use NASPO ValuePoint Master Agreements. Suppliers pay only a nominal Administrative Fee based on their total sales. By leveraging the collective volume of potential purchases nationwide, NASPO ValuePoint is able to offer customers the best value in cooperative contracting while giving suppliers the opportunity to reach multiple markets through a single solicitation.

#### 4.31 NASPO Valuepoint eMarketplace

Participation in the NASPO ValuePoint eMarketPlace by Bidders awarded a Master Agreement resulting from this Solicitation is mandatory. By submitting a proposal, Bidder agrees to comply with the requirements, terms, and conditions related to the NASPO ValuePoint eMarketPlace set forth in Attachment 02, *Sample Master Agreement*.

#### 4.32 Extension of Use

Any Master Agreement resulting from this Solicitation may be extended to additional States or governmental jurisdictions upon the execution of a Participating Addendum by a Participating Entity. Political subdivisions and

other authorized entities within each participating state or governmental jurisdiction may also participate in any resultant Master Agreement if such state normally allows participation by such entities.

## I. POTENTIAL PARTICIPATING ENTITIES

### A. Interested States.

1. States that have requested to be named in this Solicitation as potential participants in the resulting Master Agreement(s) are listed as Interested States in Attachment 03, *Participation Information*. This list neither guarantees execution of a Participating Addendum by an Interested State nor precludes execution of a Participating Addendum by any state or entity not identified as an Interested State.
2. The Estimated Annual Volume in Attachment 03, *Participation Information* aggregates usage estimates, self-reported by the Interested States, which may be based on any factor considered relevant by each Interested State, including historical usage and anticipated future usage. No minimum or maximum level of sales volume is guaranteed or implied.
3. Some Interested States have also provided state-specific terms and conditions that may apply to a Participating Addendum executed with a Bidder awarded a Master Agreement through this Solicitation. Any terms and conditions included in Attachment 03, *Participation Information* are being provided for informational purposes only and will not be incorporated into the Master Agreement or addressed or negotiated by the Lead State. Participation and the terms and conditions applicable to each Participating Entity will be determined by the Participating Entity following negotiation of a Participating Addendum with a Contractor.

### B. Participating Entities.

1. If not proscribed by law or by the chief procurement official of the state in which the entity is located, an entity may be eligible to execute a Participating Addendum directly with a Contractor. Such entities may include:
  - a. Political subdivisions, public agencies, and service districts;
  - b. Public and private educational institutions, including K-12 public, charter, and private schools; institutions of higher education; and trade schools;
  - c. Federally recognized tribes;
  - d. Quasi-governmental entities; and
  - e. Eligible non-profit organizations.
2. Prior to execution of a Participating Addendum with an entity described above, a Contractor must coordinate with NASPO to confirm the entity's eligibility to execute a Participating Addendum. A determination that an entity is eligible to execute a Participating Addendum is not a determination that procurement authority exists; each entity must ensure it has the requisite procurement authority to execute a Participating Addendum.

C. Purchasing Entities. Entities eligible to make purchases from a Participating Addendum will be identified by the Participating Entity in the Participating Addendum.

D. Potential Participation by Canadian Entities. In addition to potential Participating Entities within the United States, any Canadian provincial government or provincially funded entity in Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, the Northwest Territories, Nova Scotia, Nunavut, Ontario, Prince Edward Island, Quebec, Saskatchewan, and

Yukon, including municipalities, universities, community colleges, school boards, health authorities, housing authorities, agencies, boards, commissions, and crown corporations, may be eligible to use a Master Agreement resulting from this Solicitation, with the approval of the Contractor.

#### 4.33 Dispute Resolution

It is the policy of the Lead State to provide interested parties, as defined in the OGS Dispute Resolution Procedures, with an opportunity to administratively resolve disputes, complaints or inquiries related to contract awards and contract administration. The Lead State encourages interested parties to seek resolution of disputes through consultation with OGS staff. All such matters shall be accorded impartial and timely consideration. Interested parties may also file formal written disputes. A copy of the OGS Dispute Resolution Procedures may be obtained by contacting the Lead State.

#### 4.34 Incorporation

Portions of a successful Bidder's Bid and of this Solicitation shall be incorporated into a final Master Agreement, with a separate document executed by Contractor and OGS. The form of the Master Agreement is attached hereto as Attachment 02, *Sample Master Agreement*. OGS reserves the right to make changes to the form of the Master Agreement if required to conform to this Solicitation and may make other changes that are not material as deemed necessary by OGS. OGS may require that the document be executed with an electronic signature that has been generated by software (e.g., DocuSign or Adobe Acrobat Sign).

### 5. METHOD OF AWARD

- A. Evaluation. Proposals will be sealed until the Bid Opening. After opening, proposals will be evaluated in stages as set forth in this section.
1. Stage 1: Initial Responsiveness Evaluation. Proposals will be reviewed for completeness and initial responsiveness. Proposals omitting required documents or responses may be rejected.
  2. Stage 2: Mandatory Minimum Requirements Evaluation. Complete and responsive proposals will be reviewed for compliance with mandatory minimum requirements. Proposals failing to meet or exceed all mandatory minimum requirements identified in Section 2, *Bidder Qualifications* may be rejected.
  3. Stage 3: Technical Criteria Evaluation. Proposals meeting or exceeding the mandatory minimum requirements will be evaluated against a series of technical criteria, see below. Bidders should demonstrate their ability to meet the technical criteria in the proposal.

<b>Cooperative Lot</b>
<b>Technical Criteria</b>
Experience, Qualifications, and Capabilities
Scope of Work
National Coverage
Quality Assurance & Service Delivery
Technology

<b>NYS Only – MWBE and SDVOB Lot</b>
<b>Technical Criteria</b>
Experience, Qualifications, and Capabilities

Scope of Work
State Coverage
Quality Assurance & Service Delivery
Technology

4. Stage 4: Cost Evaluation. Cost Proposals will be evaluated using a comparative cost equation, a total blended hourly rate identified in the Attachment 06, *Cost Proposal*, completed by Bidders. Bidders will be compared against other Bidders within the same proposal lot. Cost Proposals may also be subject to an independent review for reasonableness by the Lead State. Costs determined not to be reasonable by the Lead State may result in all or part of a Bidder’s proposal being rejected, notwithstanding the results of the Cost Proposal evaluation.
5. Scores awarded through the Technical Criteria Evaluation and Cost Evaluation will be added together to represent the total score awarded to the Bidder.

Evaluation Summary:

Stage	Total Points Possible
Technical Criteria Evaluation	70
Cost Evaluation	30
<b>Total:</b>	<b>100</b>

B. Award Process.

1. After evaluations are completed, the Lead State and Multistate Sourcing Team will determine which Bidders will receive an Award. Master Agreements will be awarded to the highest scoring Bidders in both lots, in each of the six categories.
  - a. Reference Attachment 01, *Scope of Work* for the lot structure upon which Bidders will be awarded. There will be three (3) Bidders awarded in the MWBE and SDVOB lot in each of the six categories, and up to eight (8) Bidders awarded in the Cooperative Lot in each of the six (6) categories.
2. Prior to announcement of awards, execution of Master Agreements, and submission of executed Master Agreements to OSC for approval, the Lead State will present an Award recommendation to NASPO ValuePoint for its approval of the proposed Awards for NASPO ValuePoint.
3. Following mutual agreement between the Lead State and NASPO ValuePoint, tentative contract Awards shall consist of written notice to that effect by OGS to selected Bidders. Non-Awardees will also be notified that their Bid was not selected for Award.
  - a. Awards and Master Agreements not approved by NASPO ValuePoint may, at the Lead State’s option, result in a contract that will not be extended for use by the NASPO ValuePoint Program.
4. Tentative awardees shall execute a Contract upon a determination by OGS that the Bidder is responsive and responsible. Prior to becoming effective, the executed contracts will be submitted to OSC for approval.

**6. ETHICS COMPLIANCE**

All Bidders and their employees must comply with the requirements of Sections 73 and 74 of the Public Officers Law, other State codes, rules, regulations and executive orders establishing ethical standards for the conduct of business with New York State. In signing the Bid, Bidder certifies full compliance with those provisions for any present or future dealings, transactions, sales, contracts, services, offers, relationships, etc., involving New York State and/or its employees. Failure to comply with those provisions may result in disqualification from the bidding process, termination of contract, and/or other civil or criminal proceedings as required by law.