

NEW YORK STATE DEPARTMENT OF HEALTH

A Request for Proposal for

NYS Department of Health
Wadsworth Center

RFP No. 0812111122

Purchase and Delivery Services

Schedule of Key Events

	<u>Date</u>	<u>Time</u>
RFP Release	September 21, 2009	n/a
Deadline for Registration for Bidders Conference	October 5, 2009	4:00 PM
Bidder's Conference	October 6, 2009	10:00 AM
Deadline for Questions Related to RFP	October 13, 2009	4:00 PM
Internet Posting of Questions Related to RFP	October 16, 2009	n/a
Proposal Due	November 13, 2009	4:00 PM
Bid Opening (not open to the Public)	November 16, 2009	9:00 AM
Contract Start Date	February 1, 2010	n/a

Contacts Pursuant to State Finance Law § 139-j and 139-k

DESIGNATED CONTACTS:

Pursuant to State Finance Law §§ 139-j and 139-k, the Department of Health identifies the following designated contacts to whom all communications attempting to influence this procurement must be made:

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Permissible Subject Matter Contacts:

Pursuant to State Finance Law § 139-j(3)(a), the Department of Health also identifies the following allowable contacts for communications related to the following subjects:

Submission of written proposals or bids:

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Submission of Written Questions:

George Macko
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Participation in the Pre-Bid Conference:

Cynthia Skumin

Sharon Featherstone

Debriefings:

George Macko
Albert Killiany

Sharon Featherstone
Cynthia Skumin

Sheila Phelps
Carlene VanPatten

Negotiation of Contract Terms after Award:

George Macko
Albert Killiany

Sharon Featherstone
Cynthia Skumin

Sheila Phelps
Carlene VanPatten

For further information regarding these statutory provisions, see the Lobbying Statute summary in Section E, 10 of this solicitation.

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A. INTRODUCTION

The New York State Department of Health (DOH) Wadsworth Center (WC), seeks proposals from qualified scientific and laboratory suppliers to provide purchasing and delivery services, including:

- Supply of all scientific/laboratory items for which the vendor is normally a seller or distributor and holds a New York State Office of General Services contract (Attachment 16);
- Provision of third party purchasing services of items needed for which the vendor is NOT normally a seller or distributor; and
- Next day delivery of certain WC owned supplies.

By entering into a contract for such goods and services, the WC hopes to achieve and obtain:

- Timely, consistent, convenient and affordable procurement of frequently used items and supplies; and
- Administrative assistance with more complex purchases as well as purchases of items for which the vendor is not a seller or distributor.

While the selected vendor would become an integral partner in the WC procurement process, throughout the agreement, the WC would retain ultimate authority and responsibility for all purchasing decisions.

All transactions and components of transactions, whether carried out by the WC or by the vendor on the WC's behalf, must conform to New York State Finance Law as well as applicable State and DOH procurement regulations and policies.

B. BACKGROUND

General Information

WC scientists conduct testing for agents which cause diseases of public health importance, develop rapid, molecular-based tests for detecting pathogens including bio-threat agents, and perform complex, reference-level tests not readily available elsewhere. They also determine the presence and concentration of environmental toxicants, exploring the relationship between exposure and disease.

WC is the research-intensive public health laboratory of NYS DOH. It is committed to protecting and improving the health of New Yorkers through laboratory analysis, investigations and research, as well as laboratory certification and educational programs.

WC's largest testing program screens all the state's newborns for 45 congenital disorders. WC also operates the most comprehensive laboratory licensure program in the country for clinical and environmental laboratories, as well as blood and tissue banks.

WC is:

- One of six regional laboratories designated by the Centers for Disease Control and Prevention (CDC) for DNA fingerprinting of tuberculosis strains for epidemiological investigations;
- One of ten regional laboratories designated by the CDC for bio-monitoring of chemical threat agents, toxicants and their metabolites;
- One of ten states in the CDC Emerging Infections Program for surveillance, improved lab capacity, prevention and control of emerging infectious diseases.

WC is comprised of:

- 1,100 staff, including more than 175 doctoral level scientists
- 200 graduate students, postdoctoral fellows and visiting scientists
- 20 laboratories in five scientific divisions (see Attachment 17 "Organizational Chart"):
 1. Environmental Health Sciences
 2. Genetics
 3. Infectious Diseases
 4. Laboratory of Quality and Certification
 5. Translational Medicine
- 900,000 square feet of state-of-the-art facilities located at three sites in New York State's Capital Region (see Attachment 18 "Wadsworth Center Facilities")

WC is funded through:

- Roughly \$90 million in annual State Operations Appropriations;
- \$36.5 million in external grant funding in FY '07, the majority of it from the National Institutes of Health

The WC's operations also include activities supported by Health Research Incorporated (HRI). HRI's mission is to assist DOH to effectively solicit and administer financial support for DOH projects, and to act as technology transfer agent for inventions. HRI operates a separate purchase function and will not participate in this contract. However, goods purchased by HRI enter the WC receiving and delivery chain.

The New York State Industries for the Blind (a Preferred Source Vendor) provides WC with diagnostic kit production at their Menands Workshop. Although no WC staff is based there, some deliveries will need to be made to that location.

The WC does not guarantee a specific dollar volume as a result of a contract resulting from this RFP. Prior expenditures have been approximately \$20 million annually. WC reserves the right to purchase outside this contract.

Additional information describing WC can be found at:

<http://www.wadsworth.org/>

Information about the New York State Department of Health may be found at:

<http://www.health.state.ny.us/>

Information about Health Research Inc. may be found at:

<http://www.hrinet.org/>

Purchase Environment

The following data is a sample of purchases for the period of April 1, 2007 to March 31, 2008 (fiscal year 2008).

Purchases by Dollar Range				
Number of Orders	Total Value	Average Value	Percent of Total	Dollar Range
3,837	750,437.45	195.58	62.83%	0 and < 500
1,547	1,691,672.41	1,093.52	25.33%	>= 500 and < 2500
317	1,123,782.36	3,545.05	5.19%	> = 2500 and < 5000
298	2,540,933.34	8,526.62	4.88%	>= 5000 and < 15000
69	1,800,530.37	26,094.64	1.13%	>= 15000 and < 50000
39	7,818,821.90	200,482.61	0.64%	> = 50000
6,107	15,726,177.83	Total		

Types of Purchases				
Number of Orders	Total Value	Average Value	Percent of Total	Types of Purchase
60	1,878,078.90	31,301.32	0.98%	Capital
167	2,707,841.90	16,214.62	2.73%	Equipment
173	377,661.50	2,183.01	2.83%	Lease Repair
287	1,873,895.44	6,529.25	4.70%	Services
5,416	8,884,924.39	1,640.50	88.69%	Supplies & Materials
4	3,775.70	943.93	0.07%	Utilities & Services
6,107	15,726,177.83		TOTAL	

Order Types				
Number of Orders	Total Value	Average Value	Percent of Total	Order Type
78	262,688.00	3,367.79	1.28%	Maintenance Contract Under 15K
2	39,390.48	19,695.24	0.03%	Maintenance Contract Over 15K
15	21,955.96	1,463.73	0.25%	Confirming Orders
1	728.92	728.92	0.02%	Office Orders
85	37,791.95	444.61	1.39%	Credit Card Orders
12	262,018.14	21,834.85	0.20%	Prepayments
5,653	8,058,573.92	1,425.54	92.57%	Regular Orders
261	7,043,030.46	26,984.79	4.27%	Standing Orders
6,107	15,726,177.83		TOTAL	

The following is a sampling of the types of purchases made by the WC:

- Scientific Supplies and Equipment
- Office Supplies and Equipment
- Repairs (in house and shipped out)
- Standing Orders
- Maintenance / Service Contracts
- Live Animal Orders
- Drug Enforcement Administration (DEA) Controlled Substances
- Purchases to Foreign Countries
- Information Technology Equipment / Services

The following are examples of order types:

Confirming Order -- A confirming order is a letter of intent to purchase, or request for scheduling in advance of an order that is made by an individual, without having a valid purchase order number or an approved payment request form. It is important to note that confirming orders is **NOT** an accepted purchase practice.

Credit Card Order -- An order for goods or services prepaid with a credit card.

Maintenance Contract -- A maintenance contract is an agreement which a service provider agrees to perform maintenance services. Contracts vary, and may include the costs or servicing and/or materials. Services may include diagnosing problems, phone support, onsite repairs, spare parts, substitute units, supplementary program equipment, preventive maintenance, and other provisions.

Office Order -- An office order is similar in form, function and utility as a Standing Order (defined below), but is generally for payment of utilities such as electric service, fuel oil or shipping services.

Prepayment -- A purchase where a vendor requires payment before services are rendered or goods are shipped.

Regular Order - A purchase transmitted to a vendor requiring no special prior arrangements.

Standing Orders -- Standing Orders are purchases which include multiple, staged delivery schedules or other unusual delivery features. They are established to facilitate the procurement of supplies, materials and services required throughout the fiscal year to support ongoing operations and are not intended for one-time purchases; they must follow all NYS procurement rules. A standing order may be appropriate under various circumstances; the following are some examples:

- When an end-user requires quality acceptance testing of a product to pre-select a batch or lot number which meets some particular specifications.
- When a vendor needs advance notice to prepare and/or stock items in a sufficient quantity or to certain specifications to meet the end-user's needs.
- When an end-user has a continuous need of, but is unable to store quantities of items due to a lack of floor/bench space or specialized storage space.

Examples of delivery schedules for standing orders are:

- **Set Delivery Schedule (Preferred Method)** – the end-user has predetermined the shipment dates of the purchase and requires three or more deliveries per fiscal year
- **To Be Called For As Needed** - the end-user does not have the storage space to store materials and supplies and can request shipments of items as needed
- **Monthly Service** – Monthly invoicing of services is expected (i.e., laundry service, waste disposal)
- **Weekly Service** – Weekly invoicing of services is expected (i.e., temporary staffing)

Order of Purchasing Precedence

All procurements must adhere to NYS Finance Law, Article 11A, State Finance, as well as NYS Procurement Guidelines. Unless otherwise specified, all procurement rules and regulations will be the most recent published by the Office of General Services. Procurement Laws, Guidelines, Procedures are available at: <http://www.ogs.state.ny.us/Purchase/aboutpsg.asp>

1. **Preferred Sources** - The WC must, by law, purchase materials and supplies from preferred sources (New York State Department of Corrections, New York Industries for the Blind and the Industries for the Disabled). It is not possible for the WC to appoint the selected contractor as its agent to purchase from these sources. Items from preferred sources must be purchased directly by the WC. (See <http://www.ogs.state.ny.us/procurecouncil/pslist.htm>). There is no dollar limit for these purchases.
2. **Prime Contract** – Please refer to the “Prime Contract” component of this RFP for specifics (Section C, Page 11 of this RFP). There is no dollar limit for these purchases.
3. **DOH WC Purchase Agreement (PA) Contract** – A PA contract is the result of formal bidding under New York State procurement guidelines. Once a PA is in place, copies will be made available to the selected contractor and posted on the WC internal web site. Vendors awarded a PA may sell items to the WC directly or through the purchase-and-delivery contractor. Ongoing awards to additional vendors may occur as needed. There is no dollar limit for these procurements.
4. **NYS Office of General Services (OGS) Contract** – An OGS P-Contract is the result of OGS’s formal bidding under New York State procurement guidelines. It is important to note that not all P-contracts are available for Statewide use. Stipulations will be written into the actual terms and conditions of each contract and it is this selected contractor’s responsibility to interpret all instructions on a specific contract’s usage. Acting as our purchasing agent, the vendor will access these contracts and will obtain and retain all applicable price lists associated with a contract. It is also the responsibility of the selected contractor to keep abreast of all contract updates and purchasing memorandum. It is at the discretion of each OGS vendor whether or not they will accept a purchase order from this 3rd party purchasing agent. The selected contractor must provide New York State contract pricing on these items. These contracts are available at: <http://www.ogs.state.ny.us>. There is no dollar limit for these purchases.
5. **Open Market Purchases** – The selected contractor is expected to obtain a minimum of three (3) quotes for all open market purchases not meeting any of the criteria in 1, 2, 3 or 4 above. The selected contractor will actively seek the best price/performance for the WC for purchases in accordance with the NYS Procurement Guidelines for Discretionary Purchases (Article IIA of the NYS Finance Law) and will retain all documentation for future audit. Open market purchases are limited to the discretionary spending limit set for within NYS Finance Law, Article 11A, Purchasing.
6. **Sole-Source Purchase** – Only one vendor can supply the Commodities, Technology and/or perform the Services required. Procurement by this method must be documented by an explanation of:
 - (i) the unique nature of the requirement;
 - (ii) the basis upon which it was determined that there is only one known vendor able to meet the need (the steps taken to identify potential competitors); and
 - (iii) the basis upon which the contractor determined the cost to be reasonable (“fair market price” that could be anticipated had normal competitive conditions existed, and how that conclusion was reached). Examples of such a determination may include a comparison to product catalogs, published price lists, retail market surveys, records of previous similar purchases, consulting other purchasing officials, or using professional experience.Sole Source purchases are limited to the discretionary spending limit set for within NYS Finance Law, Article 11A, Purchasing.

7. **Single-Source Purchase** – Two or more vendors can supply the Commodity, Technology and/or perform the Services required by an agency, but one vendor is selected over others for reasons such as expertise or previous experience with similar purchases or specific factors such as past experience with a particular issue, familiarity with specific agency operations, experience with similar projects at other agencies or at other levels of government, demonstrated expertise, or capacity and willingness to respond to the situation. Procurement by this method must be documented by an explanation of:
- (i) the circumstances leading to the selection of the vendor, including the alternatives considered;
 - (ii) its rationale for selecting the specific vendor; and
 - (iii) the basis upon which it determined the cost was reasonable, as in the case of a Sole Source procurement, and how that conclusion was reached.

Single Source purchases are limited to the discretionary spending limit set for within NYS Finance Law, Article 11A, Purchasing.

C. DETAILED SPECIFICATIONS

Required Services

1. **Prime Contract for Scientific Supplies and Equipment**

To be considered for this contract:

- OGS Purchase Contractor:
 - a. The bidder must either hold a current OGS Purchase Contract under Commodity Group 12000 Laboratory Supplies and Equipment (Statewide), Award Number 21132 (Attachment 16).
 - OR**
 - b. The bidder must be included in the approved list of NYS OGS statewide contractors for Group 12000 Award 21132 as having met the terms and conditions for that award prior to award of this proposal. Vendor must be registered on the OGS Online Vendor Registration (OVR) <http://www.ogs.state.ny.us/ovr/Default.asp> system for any or all of the following classification codes 10, 12, 41, 42, 46 in order to receive email bid notification and all bid updates that are posted with respect to the laboratory periodic recruitment bid.

The awarded contractor will be the prime supplier of scientific supplies and equipment. The selected contractor will provide these items from their catalog or from other vendors for whom the prime vendor is a distributor, at predetermined discounts. All goods for which the vendor is normally a distributor, and/or for which the vendor holds a NYS OGS commodity contract, shall be considered "prime."

- The Prime portion of this contract shall adhere to all Terms and Conditions set forth in the existing OGS P-Contract for Laboratory Supplies and Equipment (Award Number 21132).
- If the OGS P-Contract expires before the expiration date of this contract, all Terms and Conditions of the OGS P-Contract will apply for the duration of this contract.
- If a new OGS P-Contract for Laboratory Supplies and Equipment is issued for this contract vendor, those contract Terms and Conditions will apply for the life of this contract.

Shipping Charges

Price includes all customs duties and charges and be net, F.O.B. destination to any WC location and shall include benchtop delivery. For items requiring special handling (i.e., furniture, chemicals with Hazmat fees, live specimens or other shipments mutually agreed between the WC and the proposed contractor), the shipping costs may be added to the invoice with a copy of the freight bill. Shipping costs must be prepaid by the proposed contractor and orders are to be shipped FOB destination, tailgate delivery. Orders must be shipped via the most economical method for proper delivery of the product and customer must be informed beforehand of shipping costs.

Minimum Requirements of Proposed Contractor

- Ü Vendor must hold current OGS Purchase Contract (see details of a and b above).
- Ü Bench-top delivery service will be provided to all WC locations.
- Ü Deliveries shall be verified by a delivery slip signed by the end-user.
- Ü Copies of the signed delivery slip will be provided to the end-user, copy available upon written or verbal request to the WC receiving unit.

- Ü Deliveries will be made during normal business hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, State Holidays excluded.
- Ü WC 3rd party purchases will be monitored by the selected contract vendor and scientific items will be added to the prime component of the contract should they be purchased frequently.
- Ü The selected contractor will supply Material Safety Data Sheets (MSDS) for all chemicals delivered to the WC.
- Ü The selected contractor will process and execute Prime standing orders.

Requirements of the WC

- Ü Audit sampling of deliveries for timeliness, accuracy and completeness.

2. **Third Party Purchasing Services**

a) **Quotations**

The selected contractor is expected to provide quotation services to all end-users of the WC. End-users will request quotations from the selected contractor via phone, e-mail or fax. All purchases must be considered in the following order of precedence:

1. Preferred Sources
2. Prime Contract
3. DOH WC Purchase Agreement (PA) Contract
4. OGS Contract
5. Open Market Purchases
6. Sole-Source Purchase
7. Single-Source Purchase

Quotations may be transmitted to the end-user via e-mail, hardcopy or fax. The format of the quotation documentation will be mutually agreed upon between the proposed contractor and the WC upon award of this contract. It is the responsibility of the end-user to make a final procurement decision.

b) **Order Placement**

On a daily basis, purchases will be transmitted to the selected contractor electronically. The selected contractor will review and place orders to their respective vendors. The selected contractor will document for each purchase:

- Date order placed
- Expected delivery date
- Total cost, including all expected shipping and handling charges

Selected contractor is expected to provide all dispute resolution with vendors on behalf of the WC. Any questions related to an order will be immediately addressed with the end-user via phone, e-mail or fax. Selected contractor should assure that reference numbers appear on all shipping and billing documents to match the delivery to the order. The selected contractor is expected to follow-up and document all open orders.

c) **Payment to Vendors**

The selected contractor is expected to pay each vendor according to the vendor's preferred method (prepayment, check, credit card). In general:

- Purchases via NYS Contracts: Payments must be made in accordance to the terms of those contracts.
- Other: For purchases not on NYS Contract (i.e., open market, Sole-Source,

Single-Source, etc.), we expect that payments will be made in accordance with NYS Finance Law (Article 11A . . .) unless the contractor and vendor have mutually agreed to other payment terms.

Selected contractor will actively seek any open invoices. Documentation of all follow-ups will be retained by the selected contractor and will be made readily available to the WC. Written documentation of payments to vendors must be retained by the proposed contractor for the life of this contract. Payment information must include the following:

- Vendor's Invoice Number
- Vendor's Invoice Date
- Amount Paid
- Any other pertinent comments

The selected contractor is expected to provide all dispute resolutions with invoices, including but not limited to discrepancies with pricing, taxes, freight and handling charges and interest due.

d) Other Services

1. Establish accounts with vendors.
2. Track volume of all purchases to ensure adherence to Discretionary Purchasing thresholds.
3. Inform WC when reaching purchasing limits where a formal contract (e.g., OGS P-contract, DOH PA Contract – see page 9 for contract details) may be required.
4. When warranted, the selected contractor will be expected to arrange for samples to be delivered to the WC for testing prior to final purchase.
5. The vendor will supply MSDS's for all chemicals delivered to the WC.

Shipping Charges

It is important to note that not all third party purchases are subject to shipping charges. Unless otherwise negotiated within an established NYS Contract (see page 9 of this RFP for specific contract types), shipping costs may be added to the invoice with a copy of the freight bill. Shipping costs must be prepaid by the proposed contractor and orders are to be shipped FOB destination, tailgate delivery to any WC location. Orders must be shipped via the most economical method for proper delivery of the product and customers must be informed beforehand of shipping costs.

Requirements of Proposed Contractor

Quotation Services

- Ü Obtain quotations for purchase
- Ü Review and place orders to their respective vendors
- Ü Documentation of orders placed
- Ü Order dispute resolution
- Ü Follow-up and documentation of all open orders

Payments to Vendors

- Ü Transmit purchase payments to vendors
- Ü Documentation of invoices
- Ü Follow-up of open invoices
- Ü Dispute resolution

Other Services

- Ü Establish accounts with vendors
- Ü Track volume of all purchases
- Ü Identify when a new contract is needed and inform WC

- Ü Arrange for samples to be delivered to the WC for testing prior to final purchase
- Ü Supply MSDS for all chemicals delivered to the WC
- Ü Receiving and delivery procedures
- Ü Process and execute Third Party standing orders

Requirements of the WC

- Ü It is the responsibility of the end-user to make a final procurement decision.

Audits

- Ü Quotation services will be subject to quarterly audits to determine that the information transmitted to the end-user follows all NYS Rules and Regulations.
- Ü Select invoices will be audited on a quarterly basis to determine that the prices being paid to vendors are the same as being charged to the WC.

3. Wadsworth Center Owned Supplies

An inventory of supplies used by the WC is required to be maintained off site at the selected purchase and delivery contractor’s warehouse. These supplies are purchased (and owned) by the WC in bulk quantities from a variety of vendors, including but not limited to: Preferred Sources, OGS P-Contracts and contractors requiring specialized permits. Due to purchasing restrictions, some of these purchases may not be processed by the proposed contractor, but will be delivered to their physical location for acceptance and subsequent distribution. The selected contractor will accept purchases for these supplies and will deliver them next day to the end-user. The WC reserves the right to add or delete supplies during the course of this contract. The following chart represents the total number of these supplies transmitted to end-users during fiscal year 2007:

Total Number of WC Owned-Supply Orders, Fiscal Year 2007				
PN	Description	UOM	Qty Ordered	No. Orders
1056	ALCOHOL, 190 PROOF	GAL	783	125
1054	ALCOHOL, 200 PROOF	PINT	1718	87
3176D	ENVELOPE #10, WINDOW, DAI	500/PK	5	2
3176	ENVELOPE #10, WINDOW, ESP	500/PK	9	3
3172D	ENVELOPE, #10, DAI	500/PK	3	2
3172	ENVELOPE, #10, ESP	500/PK	54	18
3188D	ENVELOPE, KRAFT, 10X13, DAI	100/PK	4	2
3188	ENVELOPE, KRAFT, 10X13, ESP	100/PK	39	15
3184D	ENVELOPE, KRAFT, 6X9, DAI	100/PK	6	1
3184	ENVELOPE, KRAFT, 6X9, ESP	100/PK	20	6
3186D	ENVELOPE, KRAFT, 9X12, DAI	100/PK	6	2
3186	ENVELOPE, KRAFT, 9X12, ESP	100/PK	193	29
6518	SOAP, LIQUID, HAND	GAL	26	13

Alcohol Storage

The WC holds a Federal Industrial Alcohol User Permit which allows the WC to purchase ethyl alcohol. This permit was modified to allow for off site, secure storage at the current purchase and delivery contractor’s warehouse. Upon award of a contract resulting from this RFP, WC will seek Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau (ATTB) approval for offsite storage at the site of the selected contractor. The ATTB will require that its officers have access to the selected contractor’s facility during business hours. The selected contractor will be required to store, deliver, and maintain records related to the delivery of alcohol to the WC.

One-Time Transfer of Existing Inventory

The proposed contractor will take possession of the current stock inventory at the end of a two month contract overlap period with the old contractor (see Term of Contract, page 20, number 8), immediately prior to assuming the duties of the new contract. Costs associated with the transportation of these supplies from the current contractor's warehouse will be borne by the new purchase and delivery contractor. WC will provide a detailed inventory to the new contractor prior to contract startup.

Requirements of Proposed Contractor

- Ü Conduct physical inventory of items immediately upon possession.
- Ü Maintain a perpetual inventory of these stock supplies.
- Ü Written copy of inventory will be available upon request (verbal or written) to the WC.
- Ü Advise the WC of proposed replenishment amounts.
- Ü Notify the WC when inventory of any supply has reached a predetermined restocking quantity.
- Ü For purchases received by 4:00 p.m., will deliver stock supplies next business day to end-user.
- Ü Maintain documentation of all deliveries with a signed packing or delivery slip.
- Ü Supply inventory status to the WC upon either written or verbal request.
- Ü The proposed contractor will allow ATTB access to their facility during business hours to monitor the alcohol permit.
- Ü The proposed contractor will be required to store, deliver, and maintain records related to the delivery of alcohol to the WC.

Requirements of the WC

- Ü WC will seek Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau (ATTB) approval for off site storage at the site of the proposed contractor.
- Ü Immediately before transfer of existing inventory to proposed contractor, conduct closing inventory at current contractor's worksite.
- Ü Perform a physical inventory of these supplies at WC's discretion, no fewer than two times per year.

D. PROPOSAL REQUIREMENTS

1. Type of Bid

This is a “best value” bid. Bidders will mail or deliver their required bid forms as described below. The technical review team will not have access to cost information while performing their technical evaluation.

- A. Pass / Fail
- B. Cost - 25 Percent
- C. Technical Proposal – 75 Percent

2. Method of Award

All proposals received shall be subject to an evaluation by the Department of Health. The Department of Health desires to select the bidder who has met all requirements of this RFP and will provide the best value taking into consideration qualifications, services, and cost. The pass/fail, cost, and technical proposal will be evaluated separately. A composite score will be assigned to each proposal.

A. PASS/FAIL (*Attachment 12 Bid Sheet A – Pass/Fail Items*)

Section 1 – General Questions

- 1. Bidder must be included in the approved list of NYS OGS statewide contractors for Group 12000 Award 21132 as having met the terms and conditions for that award prior to award of the DOH proposal.
 - Bidder must hold an OGS Purchase Contract under Commodity Group 12000 Laboratory Supplies and Equipment (Statewide), Award Number 21132 or
 - Bidder must be registered on the OGS Online Vendor Registration (OVR) system for any or all of the following classification codes 10, 12, 41, 42, 46 in order to receive email bid notification and all bid updates that are posted with respect to the laboratory periodic recruitment bid.
- 2. The bidder must normally be in the business of providing scientific and laboratory supplies and equipment for at least five years.
- 3. The bidder must agree to provide all of the required services noted in the “Detailed Specifications” section of this RFP. Failure to agree to these basic terms shall result in a failing bid.
- 4. The bidder must agree that they are willing and able to work with the WC’s IT network and purchase/fiscal system as outlined in Attachments 19 and 20.
- 5. Bidder must agree to provide “desktop delivery” of all Prime items.

Section 2 - References

- 1. Bidder must provide at least three references of firms for which they are providing similar services. At least two of these references must include customers receiving prime services. At least two of these references must include customers receiving third party purchasing services.

B. COST (*Attachment 13 Bid Sheet B – Cost Proposal*)

The WC is prepared to evaluate various types of administrative fees to compensate the selected contractor for the third-party purchase component of this contract. We expect administrative fees, if charged, to be minimal. Bidders’ proposed fee structures will be evaluated by applying them to the fiscal year 2008 purchase data supplied on page 7 of this RFP to obtain an annual total. The low bidder will be awarded all 25 points. Each remaining bid will be awarded points using the following formula:

$$\text{Total Points} = (\text{Bid Evaluated} - \text{Low Bid}) / \text{Lowest Bid} * 25$$

C. TECHNICAL ITEMS – (Attachment 14 Bid Sheet C – Technical Proposal)

The WC will evaluate each technical proposal and score each response section using the following normalization formula:

$$\text{Bidder's Total Score} / \text{Maximum Score} \times \text{Maximum Points}$$

Subsequent points from each section will be summed for a total technical score.

The bidder will provide narrative description of how they plan to provide the specific services requested in this RFP, including:

- I. Prime Contract for Supplies and Equipment
 - Bench-top delivery service to all WC locations.
 - Deliveries verified by a delivery slip signed by the end-user.
 - Copies of the signed delivery be provided to the end-user, and copies available upon written or verbal request by the WC receiving unit.
 - Deliveries made during normal business hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, State Holidays excluded.
 - Monitoring WC purchasing and periodically adding items to the prime component of the contract should they be purchased frequently.
 - Supplying MSDSs for all chemicals delivered to the WC.
 - Process and execute Prime Standing Orders
- II. Third Party Purchasing Services
 1. Quotation Services
 - Reviewing and placing orders to vendors
 - Documenting Orders Placed
 - Order Dispute Resolution
 - Follow-up and Documentation of all Open Orders
 2. Payments
 - Payments to Vendors
 - Documentation of Invoices
 - Follow-up of Open Invoices
 - Dispute Resolution
 3. Other 3rd Party Services
 - Establishing accounts with Vendors
 - Tracking volume of all purchases
 - Identifying when the volume of purchases with a certain vendor suggests a new contract is needed
 - Arranging for samples to be delivered to the WC for testing prior to final purchase.
 - Receiving Procedures
 - Supplying MSDSs for all chemicals delivered to the WC.
 - Direct drop shipment of standing orders to WC work location
 - Process and execute Third Party Standing Orders
- III. WC Owned Supplies
 - Physical Inventory of items immediately upon possession.
 - Maintaining a perpetual inventory of stock supplies.
 - Availability of written copy of inventory.
 - Advising the WC of proposed replenishment amounts.
 - Notification to the WC when inventory of any supply has reached a predetermined restocking quantity.
 - Delivery of supplies next business day to end-user.

- Maintaining documentation of all deliveries with a signed packing or delivery slip.
- Inventory status to the WC upon either written or verbal request.
- Allowance of ATTB access to contractor facility during business hours to enforce the alcohol permit.
- Storage, delivery, and maintenance of records related to the delivery of alcohol to the WC.

IV. Staffing Plan

Qualifications of personnel to be assigned to the contract; duties; supervision; backup plans.

E. ADMINISTRATIVE

1. **Issuing Agency** - This Request for Proposal (RFP) is a solicitation issued by the NYS Department of Health. The Department is responsible for the requirements specified herein and for the evaluation of all proposals.
2. **Inquiries** - Any questions concerning this solicitation must be directed to via e-mail to WCB1184@health.state.ny.us. The deadline for questions related to this RFP, is Tuesday, October 13, 2009 at 4:00 p.m. Questions and answers, RFP updates and/or modifications and questions and answers from the bidder's conference will be posted on the Department of Health's website at <http://www.nyhealth.gov/funding/> by October 16, 2009. Bidders wishing to receive these documents via mail must send a request via e-mail to wcb1184@health.state.ny.us.
3. **Bidder's Conference**- Attendance of the bidder's conference for this proposal is **optional**. It will be held on:

October 6, 2009, 10:00 a.m.
Center for Medical Science
150 New Scotland Avenue
Albany, NY 12208

The registration deadline for attendance of the bidder's conference is Tuesday, October 5, at 4:00 p.m. To register, bidder must send an e-mail to wcb1184@health.state.ny.us. This e-mail must include the following information for all attending the bidders conference:

Company Name	Name	Title
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4. **Submission of Proposals** - Interested vendors must submit their proposal no later than November 13, 2009, 4:00 PM. It is the bidders' responsibility to see that bids are delivered in time. Late bids due to delay by the carrier or not received in the WC mail room or WC Reception Desk will not be considered. Proposals are to be separated and sealed into individual packages and must be clearly identified with the following titles:

<u>Package Name</u>	<u>Number Originals</u>	<u>Number Copies</u>
Package 1 – Pass / Fail Criteria	2	10
Package 2 – Cost Proposal	2	5
Package 3 – Technical Proposal	2	10
Package 4 – Administrative Document	2	2

Individual packages must be bundled and shipped in one master RFP response and sent in its entirety to the address below. **PLEASE REFER TO BIDDER'S CHECKLIST (page 26) FOR COMPLETE LISTING OF ALL ITEMS TO BE INCLUDED WITH EACH BID PACKAGE.** Responses to this solicitation should be clearly marked "Purchase and Delivery Services" and directed to:

Regular Mail Services:
New York State Department of Health
Purchase and Delivery Services
RFP No. 0812111122
Wadsworth Center, Room E335
Empire State Plaza
PO Box 509
Albany, NY 12201-0509
Attention: Carlene Van Patten

Express Mail Services:
New York State Department of Health
Purchase and Delivery Services
RFP No. 0812111122
Wadsworth Center, Room E335
Empire State Plaza
Dock J – P1 Level
Albany, NY 12237
Attention: Carlene Van Patten

- Each Bid Form must be filled out in its entirety.
- The responsible corporate officer for contract negotiation must be listed. This document must be signed by the responsible corporate officer.
- All evidence and documentation requested under Section D, Proposal Requirements must be provided at the time the proposal is submitted.

5. **Bid Opening**- The bid opening will be **November 16, 2009 at 9:00 a.m.** This bid opening is **NOT** open to the public.
6. THE DEPARTMENT OF HEALTH RESERVES THE RIGHT TO
- a. Reject any or all proposals received in response to this RFP.
 - b. Waive or modify minor irregularities in proposals received after prior notification to the bidder.
 - c. Adjust or correct cost or cost figures with the concurrence of bidder if errors exist and can be documented to the satisfaction of DOH and the State Comptroller.
 - d. Negotiate with vendors responding to this RFP within the requirements to serve the best interests of the State.
 - e. Eliminate mandatory requirements unmet by all offerers.
 - f. If the Department of Health is unsuccessful in negotiating a contract with the selected vendor within an acceptable time frame, the Department of Health may begin contract negotiations with the next qualified vendor(s) in order to serve and realize the best interests of the State.
7. **Payment** - Invoices must be submitted electronically via the Purchase/Fiscal System.

NYS Department of Health
WC Fiscal Unit
Empire State Plaza
Biggs Laboratory, Room D586
Albany, NY 12237

Payment of such invoices by the State (NYS Department of Health) shall be made in accordance with Article XI-A of the New York State Finance Law.

8. **Term of Contract** - This agreement shall be effective upon approval of the NYS office of the State Comptroller. WC expects to start this contract on February 1, 2010, two months prior to the expiration date (March 31, 2010) of the current contract. During the two month overlap of contracts, the WC and the new contractor will effect operational and technical preparations necessary to perform all contract requirements. The new contractor will not process purchases on the WC's behalf until April 1, 2010. The purpose of the overlap is to ensure minimal disruption of receipt of goods and services to WC staff in the transition between contractors. This contract will be for a term of five years.

This agreement may be canceled at any time by the Department of Health giving to the contractor not less than thirty (30) days written notice that on or after a date therein specified this agreement shall be deemed terminated and canceled.

9. **Debriefing** - Once an award has been made, bidders may request a debriefing of their proposal. Please note the debriefing will be limited only to the strengths and weaknesses of the bidder's proposal, and will not include any discussion of other proposals. Requests must be received no later than three months from date of award announcement.

10. **Vendor Responsibility Questionnaire** - New York State Procurement Law requires that state agencies award contracts only to responsible vendors. Vendors are invited to file the required Vendor Responsibility Questionnaire online via the New York State VendRep System or may choose to complete and submit a paper questionnaire. To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at www.osc.state.ny.us/vendrep or go directly to the VendRep system online at <https://portal.osc.state.ny.us>. For direct VendRep System user assistance, the OSC Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email at helpdesk@osc.state.ny.us. Vendors opting to file a paper questionnaire can obtain the appropriate questionnaire from the VendRep website www.osc.state.ny.us/vendrep or may contact the Department of Health or the Office of the State Comptroller for a copy of the paper form. Bidders must also complete and submit the Vendor Responsibility Attestation (Attachment 10).

11. **State Consultant Services Reporting** - Chapter 10 of the Laws of 2006 amended certain sections of State Finance Law and Civil Service Law to require disclosure of information regarding contracts for consulting services in New York State.

The winning bidders for procurements involving consultant services must complete a "State Consultant Services Form A, Contractor's Planned Employment From Contract Start Date through End of Contract Term" in order to be eligible for a contract.

Winning bidders must also agree to complete a "State Consultant Services Form B, Contractor's Annual Employment Report" for each state fiscal year included in the resulting contract. This report must be submitted annually to the Department of Health, the Office of the State Comptroller, and Department of Civil Service.

Both of these forms are included as attachments to this document.

12. **Lobbying Statute** - Chapter 1 of the Laws of 2005, as amended by Chapter 596 of the Laws of 2005, provides, among other things, the following as pertains to development of procurement contracts with governmental entities:

- a. makes the lobbying law applicable to attempts to influence procurement contracts once the procurement process has been commenced by a state agency, unified court system, state legislature, public authority, certain industrial development agencies and local benefit corporations;
- b. requires the above mentioned governmental entities to record all contacts made by lobbyists and contractors about a governmental procurement so that the public knows who is contacting governmental entities about procurements;
- c. requires governmental entities to designate persons who generally may be the only staff contacted relative to the governmental procurement by that entity in a restricted period;
- d. authorizes the New York State Commission on Public Integrity to impose fines and penalties against persons/organizations engaging in impermissible contacts about a governmental procurement and provides for the debarment of repeat violators;
- e. directs the Office of General Services to disclose and maintain a list of non-responsible bidders pursuant to this new law and those who have been debarred and publish such list on its website;
- f. requires the timely disclosure of accurate and complete information from offerers with respect to determinations of non-responsibility and debarment;
- g. expands the definition of lobbying to include attempts to influence gubernatorial or local Executive Orders, Tribal–State Agreements, and procurement contracts;
- h. modifies the governance of the New York State Commission on Public Integrity
- i. provides that opinions of the Commission shall be binding only on the person to whom such opinion is rendered;
- j. increases the monetary threshold which triggers a lobbyist's obligations under the Lobbying Act from \$2,000 to \$5,000; and
- k. establishes the Advisory Council on Procurement Lobbying.

Generally speaking, two related aspects of procurements were amended: (i) activities by the

business and lobbying community seeking procurement contracts (through amendments to the Legislative Law) and (ii) activities involving governmental agencies establishing procurement contracts (through amendments to the State Finance Law).

Additionally, a new section 1-t was added to the Legislative Law establishing an Advisory Council on Procurement Lobbying (Advisory Council). This Advisory Council is authorized to establish the following model guidelines regarding the restrictions on contacts during the procurement process for use by governmental entities (see Legislative Law § 1-t (e) and State Finance Law § 139-j). In an effort to facilitate compliance by governmental entities, the Advisory Council has prepared model forms and language that can be used to meet the obligations imposed by State Finance Law § 139-k, Disclosure of Contacts and Responsibility of Offerers. Sections 139-j and 139-k are collectively referred to as “new State Finance Law.”

It should be noted that while this Advisory Council is charged with the responsibility of providing advice to the New York State Commission on Public Integrity regarding procurement lobbying, the Commission retains full responsibility for the interpretation, administration and enforcement of the Lobbying Act established by Article 1-A of the Legislative Law (see Legislative Law § 1-t (c) and § 1-d). Accordingly, questions regarding the registration and operation of the Lobbying Act should be directed to the New York State Commission on Public Integrity.

13. **Accessibility of State Agency Web-based Intranet and Internet Information and Applications** - Any web-based intranet and internet information and applications development, or programming delivered pursuant to the contract or procurement will comply with New York State Enterprise IT Policy NYS-P08-005, “Accessibility Web-based Information and Applications”, and New York State Enterprise IT Standard NYS-S08-005, Accessibility of Web-based Information Applications, as such policy or standard may be amended, modified or superseded, which requires that state agency web-based intranet and internet information and applications are accessible to persons with disabilities. Web content must conform to New York State Enterprise IT Standard NYS-S08-005, as determined by quality assurance testing. Such quality assurance testing will be conducted by Department of Health, contractor or other, and the results of such testing must be satisfactory to the Department of Health before web content will be considered a qualified deliverable under the contract or procurement.
14. **Information Security Breach and Notification Act** - Section 208 of the State Technology Law (STL) and Section 899-aa of the General Business Law (GBL) require that State entities and persons or businesses conducting business in New York who own or license computerized data which includes private information including an individual’s unencrypted personal information plus one or more of the following: social security number, driver’s license number or non-driver ID, account number, credit or debit card number plus security code, access code or password which permits access to an individual’s financial account, must disclose to a New York resident when their private information was, or is reasonably believed to have been, acquired by a person without valid authorization. Notification of breach of that private information to all individuals affected or potentially affected must occur in the most expedient time possible without unreasonable delay, after measures are taken to determine the scope of the breach and to restore integrity; provided, however, that notification may be delayed if law enforcement determines that expedient notification would impede a criminal investigation. When notification is necessary, the State entity or person or business conducting business in New York must also notify the following New York State agencies: the Attorney General, the Office of Cyber Security & Critical Infrastructure Coordination (CSCIC) and the Consumer Protection Board (CPB). Information relative to the law and the notification process is available at: <http://www.cscic.state.ny.us/security/securitybreach/>
15. **New York State Tax Law Section 5-a** - Section 5-a of the Tax Law, as amended, effective April 26, 2006, requires certain contractors awarded state contracts for commodities, services and technology valued at more than \$100,000 to certify to the Department of Tax 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 are in excess of \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made, and with respect to any affiliates and subcontractors whose sales delivered into New York State exceeded \$300,000 for the four quarterly periods immediately preceding the quarterly

period in which the certification is made.

This law imposes upon certain contractors the obligation to certify whether or not the contractor, its affiliates, and its subcontractors are required to register to collect state sales and compensating use tax and contractors must certify to DTF that each affiliate and subcontractor exceeding such sales threshold is registered with DTF to collect New York State and local sales and compensating use taxes. The law prohibits the State Comptroller, or other approving agencies, from approving a contract awarded to an offerer meeting the registration requirements but who is not so registered in accordance with the law.

Contractor must complete and submit directly to the New York State Taxation and Finance, Contractor Certification Form ST-220-TD attached hereto. Unless the information upon which the ST-220-TD is based changes, this form only needs to be filed once with DTF. If the information changes for the contractor, its affiliate(s), or its subcontractor(s), a new form (ST-220-TD) must be filed with DTF.

Contractor must complete and submit to the Department of Health the form ST-220-CA attached hereto, certifying that the contractor filed the ST-220-TD with DTF. Failure to make either of these filings may render an offerer non-responsive and non-responsible. Offerers shall take the necessary steps to provide properly certified forms within a timely manner to ensure compliance with the law.

16. **Piggybacking** - New York State Finance Law section 163(10)(e) (see also <http://www.ogs.state.ny.us/procurecounc/pgbguidelines.asp>) allows the Commissioner of the NYS Office of General Services to consent to the use of this contract by other New York State Agencies, and other authorized purchasers, subject to conditions and the Contractor's consent.
17. **M/WBE Utilization Plan for Subcontracting and Purchasing** - The Department of Health (DOH) encourages the use of Minority and/or Women Owned Business Enterprises (M/WBE's) for any subcontracting or purchasing related to this contract. Bidders who are not currently a New York State certified M/WBE must define the portion of all consumable products and personnel required for this proposal that will be sourced from a M/WBE. The amount must be stated in total dollars and as a percent of the total cost necessary to fulfill the RFP requirement. Supportive documentation must include a detail description of work that is required including products and services.

The goal for usage of M/WBE's is at least 10% of monies used for contract activities (Minority-owned – 5%; Women-owned – 5%). In order to assure a good-faith effort to attain this goal, the DOH requires that bidders complete the M/WBE Utilization Plan and submit this Plan with their bid documents.

Bidders that are New York State certified MBE's or WBE's are not required to complete this form. Instead, such bidders must simply provide evidence of their certified status.

Failure to submit the above referenced Plan (or evidence of certified M/WBE status) may result in disqualification of the vendor from consideration for award.

F. APPENDICES

The following will be incorporated as appendices into any contract resulting from this Request for Proposal. This Request for Proposal will, itself, be referenced as an appendix of the contract.

- q APPENDIX A - Standard Clauses for All New York State Contracts
- q APPENDIX B - Request for Proposal
- q APPENDIX C - Proposal
 - The bidder's proposal (if selected for award), including any Bid Forms and all proposal requirements.
- q APPENDIX D - General Specifications
- q APPENDIX E
 - Unless the CONTRACTOR is a political sub-division of New York State, the CONTRACTOR shall provide proof, completed by the CONTRACTOR's insurance carrier and/or the Workers' Compensation Board, of coverage for:
 - q Workers' Compensation, for which one of the following is incorporated into this contract as **Appendix E-1**:
 - o **CE-200**, Affidavit For New York Entities And Any Out-Of-State Entities With No Employees, That New York State Workers' Compensation And/Or Disability Benefits Insurance Coverage Is Not Required; OR
 - o **C-105.2** – Certificate of Workers' Compensation Insurance. PLEASE NOTE: The State Insurance Fund provides its own version of this form, the **U-26.3**; OR
 - o **SI-12** – Certificate of Workers' Compensation Self-Insurance, OR **GSI-105.2** – Certificate of Participation in Workers' Compensation Group Self-Insurance.
 - q Disability Benefits coverage, for which one of the following is incorporated into this contract as **Appendix E-2**:
 - o **CE-200**, Affidavit For New York Entities And Any Out-Of-State Entities With No Employees, That New York State Workers' Compensation And/Or Disability Benefits Insurance Coverage Is Not Required; OR
 - o **DB-120.1** – Certificate of Disability Benefits Insurance
 - o **DB-155** – Certificate of Disability Benefits Self-Insurance
 - q Appendix H - Health Insurance Portability and Accountability Act (HIPAA) (if applicable)
 - q Appendix X – Modification Agreement Form (to accompany modified appendices for changes in term or consideration on an existing period or for renewal periods)

G. ATTACHMENTS

1. Bid Form
2. No Bid Form
3. Appendix A – Standard Clauses for All New York State Contracts
4. Appendix D – General Specifications
5. N.Y.S. Taxation and Finance Contractor Certification Form ST-220-TD
6. N.Y.S. Taxation and Finance Contractor Certification Form ST-220-CA
7. N.Y.S. Office of the State Comptroller Vendor Responsibility Questionnaire (for procurements greater than or equal to \$100,000)
8. State Consultant Services Form A, Contractor's Planned Employment From Contract Start Date through End of Contract Term
9. State Consultant Services Form B, Contractor's Annual Employment Report
10. Vendor Responsibility Attestation
11. M/WBE Procurement Forms
12. Bid Sheet A – Pass Fail Items
13. Bid Sheet B – Cost Proposal
14. Bid Sheet C – Technical Proposal
15. REMOVED FROM BID
16. OGS Purchase Contract under Commodity Group 12000 Laboratory Supplies and Equipment (Statewide), Award Number 21132
17. Wadsworth Center Organization Chart
18. Wadsworth Center Facilities
19. IT Requirements
20. NYSDOH Security Requirements
21. Executive Order 4 Establishing a State Green Procurement and Agency Sustainability Program

Section H
BID PACKAGE CHECKLIST

Package 1 – Pass / Fail Criteria				
Item Number		Number of Originals	Number of Copies	Included
1	Attachment 12 – Bid Sheet A – Pass Fail Items	2	10	£

Package 2 – Cost Proposal				
Item Number		Number of Originals	Number of Copies	Included
1	Attachment 13 – Bid Sheet B – Cost Proposal	2	5	£
2	Attachment 1 – Bid Form	2	5	£

Package 3 – Technical Proposal				
Item Number		Number of Originals	Number of Copies	Included
1	Attachment 14 – Technical Proposal	2	10	£

Package 4 – Administrative Documents				
Item Number		Number of Originals	Number of Copies	Included
1	Attachment 4 - N.Y.S. Taxation and Finance Contractor Certification Form ST-220-TD	2	2	£
2	Attachment 5 - N.Y.S. Taxation and Finance Contractor Certification Form ST-220-CA	2	2	£
3	Attachment 7 - N.Y.S. Office of the State Comptroller Vendor Responsibility Questionnaire	2	2	£
4	Attachment 8 - State Consultant Services Form A, Contractor's Planned Employment From Contract Start Date through End of Contract Term	2	2	£
5	Attachment 10 – Vendor Responsibility Attestation	2	2	£
6	Attachment 11 – M/WBE Procurement Forms	2	2	£
7	Proof of Worker’s Compensation (see Page 24 of this RFP for specific forms)	2	2	£
8	Proof of Disability Benefits (see Page 24 of this RFP for specific forms)	2	2	£