

Frequently Asked Questions (FAQs)

Revised April 13, 2022

Group 71004, Award 22913 Elevator, Escalator & Miscellaneous Lift Equipment and Corrective Maintenance

This Award is for backdrop Contracts for Elevator, Escalator & Miscellaneous Lift Equipment and Corrective Maintenance in various Regions across the State. These Contracts allow Contractors awarded a Master Contract to be prequalified to bid on specific projects that will be let by Authorized Users at a later date through the use of a Project Definition and Mini-bid Process.

Authorized Users of this award are strongly encouraged to review the Executed Contracts in their entirety to gain an understanding of requirements for both the Contractor and users. Below is a listing of Questions & Answers (Q & A) to help utilize the contracts.

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1. Who Can Use this Award?

This award is for use by Authorized Users which includes, but is not limited to, New York State agencies and non-state organizations (political subdivisions, local governments, public authorities, public schools, fire districts, public and nonprofit libraries, community colleges, and certain other nonpublic/nonprofit organizations).

2. What types of services are available on this award?

This award includes Preventive and Corrective Maintenance in various Regions across the State for the following Lots:

Lot 1: Traction Elevator Equipment (Geared and Gearless Traction Elevators)

Lot 2: Hydraulic Elevator Equipment

Lot 3: Escalator Equipment Materials

Lot 4: Miscellaneous Lift Equipment (Dumbwaiters, Wheelchair Lifts, Stage Lift Elevators)

The scope of the maintenance services is detailed in Section 2 of the Executed Contract.

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3. What Regions are covered by the award?

Region	Applicable Counties
Region No. 1 - Long Island Region	Nassau and Suffolk
Region No. 2 - New York Region	Bronx, Kings, New York, Queens and Richmond
Region No. 3 - Lower Hudson Valley Region	Orange, Putnam, Rockland and Westchester
Region No. 4 - Hudson Valley Region	Dutchess, Sullivan and Ulster Counties
Region No. 5 - Capital Region	Albany, Columbia, Greene, Rensselaer, Saratoga, Schenectady and Schoharie
Region No. 6 - North Country Region	Clinton, Essex, Warren and Washington Counties
Region No. 7 - Mohawk Valley/North Country Region	Franklin, Fulton, Hamilton, Herkimer, Lewis, Madison, Montgomery, Oneida and St. Lawrence
Region No. 8 - Central New York Region	Cayuga, Cortland, Jefferson, Onondaga and Oswego
Region No. 9 - Southern Tier Region	Broome, Chemung, Chenango, Delaware, Otsego, Schuyler, Steuben, Tioga and Tompkins
Region No. 10 - Finger Lakes Region	Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming and Yates
Region No. 11 - Western New York	Alleghany, Cattaraugus, Chautauqua, Erie and Niagara

4. Who are the Contractors?

The participating Contractors can be found under the 'Contractor Information' link on the landing page at: (<http://www.ogs.ny.gov/purchase/snt/awardnotes/7100422913can.htm>)

5. How can I find out what Lots and Regions are awarded?

A summary of the Lots and Regions awarded can be found under the 'Pricing and Award Summary' link on the landing page at: (<http://www.ogs.ny.gov/purchase/snt/awardnotes/7100422913can.htm>)

6. How do Authorized Users purchase services?

Authorized Users who are interested in using this contract must utilize a Mini-bid process. The steps in the Mini-bid process are as follows:

The process for conducting a Mini-bid by a State Agency Authorized User is as follows:

- A. A State Agency Authorized User will review the location of their facility(s) to determine what Region they are located in. Please note that if a State Agency Authorized User is seeking services at multiple sites located in several Regions, then separate Mini-bid Project Definitions must be done for each Region.
- B. A State Agency Authorized User will review the list of Lots available in the applicable Region.
- C. A State Agency Authorized User will provide the eligible Contractors in the Region and Lot a copy of the Project Definition. **Please note that Contractors are not required to respond to Project Definitions.**
- D. Contractors shall develop a Bid and submit it to the State Agency Authorized User by the appropriate date.
- E. A State Agency Authorized User will evaluate the Bids and award the Mini-bid Agreement using Best Value as specified in the Project Definition. Please note that the fees and markup rates for the Mini-bid shall be less than or equal to the corresponding fees and markup rates awarded for the Contractor's Centralized Contract.
- F. The State Agency Authorized User will submit a copy of the 'Mini-bid Project Definition' and awarded Bid to the OGS Procurement Services Contract Manager listed on the Contract Award Notification document or contract landing page.

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- G. The Procurement Services Contract Manager will provide the State Agency Authorized User with a Contract Number for the awarded Contractor upon receipt of the 'Mini-bid Project Definition' and awarded Bid.
- a. **NOTE: The OGS Contract Manager is NOT reviewing or approving the 'Mini-bid Project Definition' or awarded bid, but is only issuing a unique contract number for accurate record keeping purposes. In cases where the Contract Manager sees an "obvious error", he/she will notify the AU of error without providing a contract number. Examples of some obvious errors could include: AU did not provide the Mini-bid to all of the pre-qualified Contractors, or the prices received by AU are in excess of the master contract, or the date Mini-bids were due has not yet passed, etc.**
- H. Should a protest be submitted by a Contractor regarding a Mini-bid award, the protest will be considered and decided by the Authorized User.
- I. A State Agency Authorized User will issue encumbrance documents or other written orders that are effective and binding on the Contractor when placed in the mail addressed to the Contractor at the address shown on the signature page. In order to encumber funds, the Agency's Finance Officer must complete an AC340 for the Contractor selected as a result of an award made or scope change issued under the Centralized Contract. Both the processed AC340 and BCL report must be included in the Procurement Record.
- J. The State Agency Authorized User must lock in this Contract Number in the New York State Contracting System ("NYSCS") to report subcontractor and supplier payments made by the winning Contractor to MWBEs under the State Agency Authorized User Mini-bid Agreement. OGS does not track MWBE payments. The NYSCS may be accessed at <https://ny.newnycontracts.com/>.

The process for conducting a Mini-bid by any other Authorized User is as follows:

- A. The Authorized User will review the location of their facility(s) to determine what Region they are located in. Please note that if the Authorized User is seeking services at multiple sites located in several Regions, then separate Mini-bid Project Definitions must be done for each Region.
- B. The Authorized User will review the list of Lots available in the applicable Region. **Please note that Contractors are not required to respond to Project Definitions.**
- C. The Authorized User will provide the eligible Contractors in the Region a copy of the Project Definition.
- D. Contractors shall develop a Bid and submit it to the Authorized User by the appropriate date.
- E. The Authorized User will evaluate the Bids and award the Mini-bid Agreement using Best Value as specified in the Project Definition. Please note that the fees and markup rates for the Mini-bid shall be less than or equal to the corresponding fees and markup rates awarded for the Contractor's Centralized Contract.
- F. The Authorized User will submit a copy of the 'Mini-bid Project Definition' and awarded Bid to the OGS Procurement Services Contract Manager listed on the Contract Award Notification document or contract landing page.
- G. The Procurement Services Contract Manager will provide the Authorized User with a Contract Number for the awarded Contractor upon receipt of the 'Mini-bid Project Definition' and awarded Bid. NOTE: The OGS Contract Manager is NOT reviewing or approving the 'Mini-bid Project Definition' or awarded Bid, but is only issuing a unique contract number for accurate record keeping purposes.
- H. **Should a protest be submitted by a Contractor regarding a Mini-bid award, the protest will be considered and decided by the Authorized User.**
- I. The Authorized User will issue encumbrance documents or other written orders in accordance with their organization's procurement rules that are effective and binding on the Contractor when placed in the mail addressed to the Contractor at the address shown on the signature page.

Additional Considerations for the Authorized User

- J. The evaluation tools, criteria and weighting must be finalized prior to the Mini-bid opening date. Best practice is that evaluation tools, criteria and scoring factors are finalized prior to Mini-bid release.
- K. If the scope of the Mini-bid Project Definition involves abatement, removal, repair, replacement, enclosure, encapsulation and/or disposal of any pollutants, which includes but are not limited to, petroleum, petroleum product, hazardous material or substance including asbestos, lead, fungus and those as defined by applicable state and federal laws and regulations, then the Contractor is required

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to obtain Pollution Legal Liability Insurance that meets the requirements of section 2.8 of the Mini-bid Project Definition Template. **It is the responsibility of the Authorized User to require this insurance in the Mini-bid Project Definition, review the Contractor's insurance and verify that the Pollution Legal Liability Insurance requirements have been met.** If the scope does not include this type of work, but during the term of the Mini-bid Agreement work involving abatement, removal, repair, replacement, enclosure, encapsulation and/or disposal of any pollutants, which includes but are not limited to, petroleum, petroleum product, hazardous material or substance including asbestos, lead, fungus and those as defined by applicable state and federal laws and regulations becomes necessary or is added to the scope of the Mini-bid Project Definition, then the Contractor is required to supply Pollution Legal Liability Insurance that meets the requirements of this section to the Authorized User within ten (10) business days of request. In addition, the Authorized User has the right to suspend work in accordance with Appendix B, Section 45 until the required insurance is provided.

7. Is there a template I need to follow for the Project Definition/Mini-Bid or can I make my own?

Yes, there is a Template Authorized Users are required to use when using this Contract. The template is available at <https://online.ogs.ny.gov/purchase/snt/awardnotes/7100422913can.htm> . To access this template go to this site then click on "Project Definition Template". Failure to use this template may result in a Mini-Bid Award # not being issued to you.

8. If there is only one Contractor that was awarded the Lot(s) and Region, do I still need to perform a Mini-bid?

Yes, a Mini-bid is still required even if only one Contractor was awarded the Lot(s) and Region. The pricing awarded for the Master Contract is maximum, not to exceed pricing, and in order to receive the most economical pricing the Authorized User must develop a Project Definition and distribute it to the Contractor. In addition, for Lot(s) where only one Contractor was awarded it is strongly recommended that the Authorized User obtain two additional informal quotes from open market companies in order to verify the reasonableness of the pricing received for the Mini-bid.

9. Where is the location of the Contractor's pricing for the Master Contract?

Price lists containing each Contractor's pricing for the Master Contract are located on the Office of General Services (OGS) website on the State Contract Award Notice page under the 'Contractor Information' link. Please note that each Contractor is only awarded the Lots and Regions specifically listed on the Contractor's price lists, and Contractors cannot be awarded Lots and Regions that they are not prequalified for.

10. How do I evaluate Mini-bid responses to determine who is the lowest cost?

The Mini-Bid must be evaluated based on the Authorized User's pre-defined methodology as it relates to the services required.

The Authorized User shall reject any Mini-bid which includes pricing in excess of the "maximum Not-To-Exceed price" established under the OGS Centralized Contract.

Evaluation tools cannot be altered after Bid opening.

All evaluation tool, notes, and extraneous items must be included in the Authorized User's procurement record.

11. Is the Contract between the Authorized User and the Contractor finalized once OGS Procurement Services issues a Mini-Bid Award Contract Number?

No. After the Mini-Bid Award Contract Number is issued by OGS Procurement Services the Authorized User and Contractor should each sign an Authorized User (Contract) agreement. The format of the Authorized User agreement should reflect the requirements established by Procurement Guidelines and/or legal department of the Authorized User's agency. This agreement should include the Mini-bid

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award number, a statement that the Contractor has been awarded the work as set forth in the Mini-bid Project Definition document and be executed by both parties.

Also, within 14 days after award of the Mini-bid Project Definition, the Contractor shall submit to the Authorized User a Maintenance Control Program (MCP) for review and approval.

12. Is the Contractor required to provide reports to Procurement Services?

Yes, the Contractor shall provide the following reports to either the Authorized User or OGS as detailed in the following sections. Failure to submit reports on a timely basis may result in Contract suspension and/or termination and designation of Contractor as non-responsible. The Contractor agrees that OGS reserves the right to amend the data elements collected in these reports. Such amendments shall not be substantive in nature and shall reflect information relevant to monitoring the expenditures under the Contract.

Monthly Reports

The Contractor shall submit to the Authorized User a monthly electronic report, within 5 (five) business days of the following month, for each Elevator serviced. The format of the monthly report and the specific information provided shall be pre-approved by the Authorized User and shall contain the following minimum information:

- The site location and Elevator identification number
- The date and time (in work hours) required to perform the work including arrival and departure times
- The type of work performed on the Elevator (preventative maintenance, corrective maintenance, repair, callback service, other)
- A description of the work performed on the Elevator
- A summary of the cost of the work
- In the case of callback service a description of the callback and corrective action taken
- A list of all materials used
- A list of all work scheduled to be performed, but that was not completed during the specified time frame.

Annual Reports

The Contractor shall submit to OGS Procurement Services an annual electronic report, within 30 days after the end of each calendar year. The format of the report and the specific information provided shall be pre-approved by OGS Procurement Services and shall contain the following information:

A list of all active Mini-bid Agreements awarded under the Centralized Contract and Contracts with Authorized Users.

A summary of the monthly invoices for each Mini-bid Agreement grouped by Lot number (Type of Elevator) and including the following information:

- Invoice amounts for Monthly Maintenance Fees
- Invoice amounts for Fire Service Testing Fees
- Invoice amounts for Standby Mechanic labor
- Invoice amounts for all major corrective maintenance labor
- Invoice amounts for all major corrective maintenance materials
- Invoice amounts for any other charges to the Authorized User

These annual reports shall be submitted to the current Contract Manager listed on the contract landing page on OGS Procurement Services' website or as listed in the Contract Award Notification document.

MWBE Compliance Reports

The Contractor shall submit MWBE Compliance Reports to the Office of General Services (OGS) in accordance with Section 8.19 'Contractor Requirements and Procedures for Business Participation Opportunities for New York State Certified Minority- And Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women'.

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13. Is the Contractor allowed to request a price change?

Awarded Bid pricing will be in effect for one (1) year from the start date of the Contract. After the first year, the Contractor may request a CPI adjustment to their pricing. The CPI adjustment shall apply to all Master Contract and Mini-bid Contract unit pricing.

On each annual anniversary date of the Master Contract the Contractor may request a rate change (increase or decrease) from Procurement Services for the respective Master Contract Unit Prices based upon fluctuations in the latest published copy of the Consumer Price Index for all urban consumers as published by the U.S. Department of Labor, Bureau of Labor Statistics, Washington, D.C. 20212.

- The index is also available through the Internet at the Bureau of Labor Statistics web site at <http://stats.bls.gov/>. Go to “Subjects” > “Inflation and Prices Overview” > “Consumer Price Index” > “CPI Tables” and then refer to “Table Containing History of CPI-U U.S. All Items Indexes and Annual Percent Changes From 1913 to Present is now available in the CPI Detailed Report as Table 24.”

Similarly, on each annual anniversary date of a Mini-Bid Contract, the Contractor may request a rate change (increase or decrease) from the Authorized User to the Mini-Bid Unit Prices using the same methodology. At no time during the term of a Mini-bid contract may the Mini-bid Contract unit pricing exceed the prevailing Master Contract unit pricing.

In addition, the Contractor may reduce fees at any time, by submitting a request to Procurement Services and/or the Authorized User.

14. How do I calculate overtime?

The methodology to determine Corrective Maintenance when overtime is needed is to multiply the labor markup by the total of base rate plus supplemental benefits and then adding the overtime rate to the total (see example below).

$$\text{Overtime Billing Rate} = \{(1 + \text{LMR}/100) \times (\text{PWR} + \text{SB})\} + \text{OAR}$$

LMR = Labor Markup Rate (%)

PWR = Prevailing Wage Rate

SB = Supplemental Benefits

OAR = Overtime Additional Rate (difference of Overtime Pay and Prevailing Wage Rate from Prevailing Wage Schedule)

15. How do I report problems with a Contract?

Authorized Users and/or Contractors should report any problems to the contact person listed on the summary page for this award. (<http://www.ogs.ny.gov/purchase/snt/awardnotes/7100422913can.htm>)

16. I heard there was a law that requires Elevator companies and some of their staff to be licensed. Who is responsible for making sure the Contractors and their applicable staff are licensed?

Yes, a law regarding updated licensing requirements for businesses and occupations that engage in design, construction, installation, inspection, testing, maintenance, alteration, service, and repair of elevators and other conveyances which came into effect January 1, 2022. See <https://dol.ny.gov/elevator-licensing-information> for more information.

The New York State Department of Labor keeps track of this licensing information. However, since the Authorized User interacts with the Contractor and their staff on-site, the Authorized User is responsible for verifying the licensing of the people providing the on-site service.

As per Contract Section 2.18, *Staffing* “Contractor shall provide proof of any required licensing to Authorized Users with their Mini-Bid responses and upon request by the Authorized User any time during the term of the awarded Mini-Bid.”. The Authorized User may ask the Contractor to provide this proof directly and/or may check the New York State Department of Labor website for it.

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17. Where can I go to double check licensing information for this law?

Confirmation that a company has a Business License to Design, Construct, Maintain and Repair Elevators and Conveyances or to Inspect Elevators or Conveyances can be found through the Department of Labor via <https://data.ny.gov/Government-Finance/Business-License-to-Design-Construct-Maintain-and-/yhhc-99ih> .

Confirmation that an Individual has a License to Construct, Inspect, Maintain and Repair Elevators and Conveyances can be found through the Department of Labor via <https://data.ny.gov/Government-Finance/Individuals-License-to-Construct-Inspect-Maintain-/8542-7e9y> .