

**Frequently Asked Questions**  
**Group 40061 – PROTECTIVE OUTERWEAR (Firefighting, Emergency/Rescue, and Safety)**  
**Information for Award 23054**

Contractors and Authorized Users are strongly encouraged to read the contract terms and conditions outlined in the IFB in its entirety to gain an understanding of the requirements. Below is a listing of Questions & Answers developed to facilitate the use of the PROTECTIVE OUTERWEAR (Firefighting, Emergency/Rescue, and Safety) (Protective Outerwear) Award.

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**Question #1: Who is the OGS contact (Contract Manager) for this Contract Award?**

**Answer:** Michael Wilson  
Contract Management Specialist  
Office of General Services  
Procurement Services, Corning Tower, 38<sup>th</sup> Floor  
Empire State Plaza, Albany, NY 12242  
Phone: 518-473-9600  
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**Question #2: Where is the specific information located for each Contractor?**

**Answer:** The specific Contractor information is located in the “Contractors’ Information” document. A link to the “Contractors’ Information” is on the main landing page for this procurement. The information in the Contractors’ Information document includes Contract Numbers, Contact Information, P-Card specifics, Delivery ARO, Prompt Pay Discount, and links to: Lot Awarded, Pricing Information, and Authorized Dealer Information.

**Question #3: Where do authorized users obtain the Contractors’ price list?**

**Answer:** In the “Contractors’ Information” document there is a link to the Contractors’ Pricing Information. The Financial Officer tab provides a summary of the offer (Product Line, Discount, Delivery, Volume Discounts). The price list(s) start with the tab(s) following the Financial Offer tab. The format of the price list includes a net pricing column for authorized users.

**Question #4: What are the terms of Pricing?**

**Answer:** Price includes all customs duties and charges and is net, F.O.B. destination any point in New York State, for orders, as designated by the ordering agency including Inside Delivery and will include:

- Upon mutual agreement, Expansion of delivery locations per the “Extension of Use” clause.

**Question #5: What are the terms for Delivery?**

**Answer:** Delivery is expressed on the “Financial Offer” tab on the Contractor’s price list, in number of calendar days required to make delivery after receipt of a purchase order to any ordering entity.

Delivery will be made in accordance with instructions on Purchase Order from each agency.

If there is a discrepancy between the purchase order and what is listed on the contract, it is the Contractor’s obligation to seek clarification from the ordering agency and, if applicable, from the Office of General Services, Procurement Services.

**Shipping Dates and Delivery Time**

- All correspondence on shipping dates and delivery time will be directed to the authorized user's contact person.
- Contractor will provide written acknowledgement of orders within five (5) business days after receipt of order and will also provide anticipated shipping date.

- If shipment will not be made within the anticipated delivery timeframe, the contractor is required to notify the authorized user in writing at least two weeks prior to the latest date of the original delivery obligation. This notification must include the reasons for the delay and a revised anticipated ship date. The authorized user may request the contractor to provide documentation to support the reason for the shipping delay. Failure to supply timely written notification of delay to the authorized user or should the reason for the delay not be acceptable to the authorized user, appropriate contract default proceedings may be initiated.

**Question #6: Are authorized users allowed to negotiate better discounts (lower prices) for the product lines they are interested in purchasing?**

**Answer:** YES! Authorized users are STRONGLY URGED to negotiate better discounts from any Contractor listed in the Contract Award Notification (CAN). The discounts listed for each Contractor should be considered as “NOT TO EXCEED” and therefore, buyers should be negotiating the best pricing possible for every purchase. Buyers are also encouraged to shop several different product lines to ensure that they are getting the BEST VALUE for New York State.

**Question #7: Are there other OGS Contracts that have the same or similar products?**

**Answer:** Yes, products may also be available from other New York State contracts. Authorized Users are advised to select the most cost-effective procurement alternative that meets their program requirements and to maintain a procurement record documenting the basis for this selection. The State has made the effort to identify products that may be available from other OGS Contracts to assist contract users in their procurement efforts.

State Finance Law §162 requires that Authorized Users afford first priority to the Products of Preferred Source suppliers such as Corcraft (the marketplace name for the NYS Department of Corrections and Community Supervision, Division of Industries), New York State Preferred Source Program for People who are Blind (NYSPSP), New York State Industries for the Disabled (NYSID), and others determined by law, when such Products meet the form, function, and utility of the Authorized User. Some Products in the resultant Contract may be available from one or more Preferred Sources. An Authorized User must determine if a particular Product is approved for a Preferred Source and follow the requirements of State Finance Law § 162(3) or (4)(b), respectively, before engaging the Contractor.

TABLE 1: Preferred Sources and/or NYS Contract Overlaps herein is a tool but, it is not intended to capture every instance at award or when contract offerings are updated. At time of purchase, it is incumbent upon the contract user to review other contracts in an effort to identify overlapping contract items and comply with all applicable requirements and guidelines.

Categories Represented in Contracts Under Group 40061	TABLE 1: Preferred Sources and/or NYS Contract Overlap →	NYS PSP	NYSID	NYS Group 38232 - Hazardous Incident Response Equip. (HIRE) (Stwd.)	NYS Group 39000 - Industrial & Comm. Supplies & Equip. (Stwd.)
Firefighter Suits (Turnouts)				X	
Fire Boots				X	X
Fire, Safety Gloves (NYS PSP, NYSID, & Gr. 39000 Safety Gloves Only)		X	X	X	X
Firefighter Helmets				X	
Safety Footwear				X	X
Safety, Search & Rescue, Wildland Apparel (NYS PSP & NYSID Safety Apparel Only)		X	X	X	X
EMS Clothing & Boots (NYSID Boots only)			X	X	

**Question #8: Is the Authorized User required to verify pricing on products ordered?**

**Answer:** Yes, as with any centralized contract, Authorized Users should verify the price charged and the discount offered when ordering by comparing them against the current Price List. When the invoice is received, authorized users should then verify that the invoice reflects the prices listed in the Price List in use at the time of the order. Any discrepancies must be brought to the Contractor’s attention within five business days.

**Question #9: Can non-contract items be submitted on a purchase order with contract items?**

**Answer:** No, any non-contract items must be submitted on a separate purchase order.

**Question #10: Can Authorized Users submit an order over the phone?**

**Answer:** Yes! Authorized Users may submit orders over the phone, email, or fax at any time. All orders will reference Contract number, requisition, and/or Purchase Order number (if applicable). Orders submitted will be deemed received by Contractor on the date submitted.

**Question #11: How do we know if the order has been received by the Contractor?**

**Answer:** Upon the Contractor’s receipt of an order, confirmation is to be provided electronically or via fax. Order confirmation should be sufficiently detailed, and include at a minimum, purchase price, date of order, delivery information (if applicable), Authorized User name, and sales representative (if applicable).

**Question #12: How do we know if Contractor is either a Minority and/or Women Owned Business?**

**Answer:** If a Contractor is a NYS Economic Development Certified MWBE, it will be noted in the Contract Award Notification (CAN) under the Contractor’s Contract Number.

**Question #13: Is there a way to report problems to OGS associated with the products ordered from the Protective Outerwear Contracts?**

**Answer:** Yes, you may contact the Contract Manager listed herein with any problems and/or concerns encountered when using the Protective Outerwear Contracts.

**Question #14: How often can Contractor Price Lists be updated?**

**Answer:** Price Lists will remain in effect until the first anniversary date of the Bid Opening. Thereafter, the Contractor may annually update the pricelist to reflect Contractor price changes. Requests for price increases should be submitted 30 days prior to the anniversary date of the Bid Opening and annually thereafter. *Requests from Contractor(s) for price increases at any other time will not be granted.*

**Auto-adds:**

Contractors will be permitted to add new products and/or delete obsolete products on a quarterly basis during the contract. The discount offered on any new Products added to pricelists will be no lower than the minimum established LOT discount. Contractors will submit their updated pricelist to the OGS Procurement Services contract administrator prior to issuing to Authorized Users.

Contractors will be permitted to add and/or delete authorized resellers any time during the contract term.

**Question: What is the Contract Update Process?**

**Answer:** Commencing with the first anniversary date of the Bid Opening, and annually thereafter, the Contractor may update the pricelist to reflect Contractor price changes.

Requests for price increases will be submitted 30 days prior to the anniversary date of the Bid Opening and annually thereafter. Requests from Contractor(s) for price increases at any other time will not be granted.

The Contractor will provide OGS with one electronic copy of the manufacturer's nationally published price list, one electronic copy NYS net price list, Contract Update Form, and cover letter written on standard company letterhead for the request. No Price Updates will be granted to any Contractor who has outstanding Sales Reports, Proof of Insurance or any other documentation that is required under the resulting contract.

Contractors will be permitted to reduce their pricing any time during the contract term.

**Auto-adds:** Contractors will be permitted to add new products and/or delete obsolete products on a quarterly basis during the contract term. Contractors will be permitted to add and/or delete authorized dealers/distributors any time during the contract term.

The discount offered on any new Products added to pricelists must not be lower than the minimum established LOT discount. Contractors will submit their updated pricelist to the OGS Procurement Services contract administrator for review and written approval prior to issuing to Authorized Users.

OGS reserves the right to:

- Request additional information;
- Reject Contract updates;
- Remove Products from Contracts;
- Remove Products from Contract updates; and
- Request additional discounts for new or existing Products

**Question: Where should Contractor's price list update be mailed or emailed?**

**Answer:** Updates will be submitted to the attention of the Contract Manager listed herein.

**Question: Are authorized dealers (resellers) allowed to accept purchase orders and receive payments?**

**Answer:** Yes, where noted on the Authorized Dealer Information page. If a reseller is not listed to accept orders and payments, then Authorized Users **must** be directed to the Contractor.

**Question: Are Contractors able to modify their Reseller(s) listing and if so, how should modifications be requested?**

**Answer:** Yes! If a Contractor allows Reseller(s) to participate in the contract, requests to add or delete resellers or to modify resellers' information must be submitted for prior approval of the State by the submitting the following:

- One (1) electronic copy of, Contract Update Form. This form must contain signatures by an individual authorized to sign on behalf of Contractor.
- Cover letter written on standard company letterhead for the request describing the nature and purpose of the update.
- Revised Attachment 9 – Authorized Dealer-Distributor Information

**Question:** If a Contractor would like to add a Reseller but the Reseller does not have a valid NYS Vendor Identification number, what is the process for requesting one?

**Answer:** NYS Vendor Identification numbers can be obtained by submitting an OSC Substitute W-9 form to the Contract Manager who is referenced herein. An OSC Substitute W-9 form can be found at the following link: [http://www.osc.state.ny.us/vendors/forms/ac3237s\\_fe.pdf](http://www.osc.state.ny.us/vendors/forms/ac3237s_fe.pdf).

OGS will initiate the vendor registration process. Once the process is initiated, registrants will receive an email from the Office of State Comptroller (OSC) that includes the unique ten-digit NYS Vendor Identification Number assigned to the Reseller and instructions on how to enroll in the online Vendor Self-Service application.

**Question:** Are Contractors required to contact OGS directly when any contract information changes (i.e., contact name, email address, company address, phone #, website, etc.)?

**Answer:** Yes! It is the Contractor's responsibility to make sure OGS has the most current information on file. OGS requires to be notified within five (5) business days if the change is the Contract Administrator, Emergency Contact, or Customer Service employees and it's required the Contractor provide an interim contact person until the position is filled.

**Question:** What information MUST be included on the Contractor's invoice in order for payment to be made through the NYS Statewide Financial System (SFS)?

**Answer:** Invoicing and payment will be made in accordance with the terms set forth in Appendix B, *Contract Invoicing*.

The Contractor will provide the Authorized User with one invoice for each Purchase Order at the time of delivery. The invoice must include detailed line item information to allow Authorized Users to verify that pricing at point of receipt matches the Contract price on the original date of order.

At a minimum, the following fields must be included on each invoice:

- Contractor Name
- Contractor Billing Address
- Contractor Federal ID Number
- NYS Vendor ID Number
- Account Number
- NYS Contract Number (PCXXXXX)
- Name of Authorized User indicated on the Purchase Order
- NYS Agency Unit ID (if applicable)

- Authorized User's Purchase Order Number
- Order Date
- Invoice Date
- Invoice Number
- Invoice Amount
- Product Descriptions
- Unit Price
- Quantity
- Unit of Measure
- Dates of Service (if applicable)

Cost centers or branch offices within an Authorized User may require separate invoicing as specified by each Authorized User. The Contractor's billing system should be flexible enough to meet the needs of varying ordering systems in use by different Authorized Users. Visit the following link for further guidance for vendors on invoicing: <https://bsc.ogs.ny.gov/content/vendor-information>

**Question: What is required for product returns and exchanges because of Contractor's error?**

**Answer:** (In addition to the provisions of Appendix B, *Title and Risk of Loss, Product Substitution, and Rejected Product*), Products returned or exchanged due to quality problems, duplicated shipments, outdated Product, incorrect Product shipped, Contractor errors otherwise not specified, will be replaced with specified Products or the Authorized User will be credited or refunded for the full purchase price.

Any credit or refund will be applied against the next bill/invoice submitted by the Contractor to the Authorized User. If no credit or refund, or only a partial credit or refund, is made in such fashion, the Contractor will pay to the Authorized User the amount of such credit or refund or portion thereof still outstanding, within 30 calendar days of demand.

The Contractor(s) will resolve all order and invoice discrepancies (e.g., shortages, incorrect item received, etc.) within five (5) business days from notification.

**Question: What is required for product returns because of quality problems?**

**Answer:** Upon written notification by the Authorized User to the Contractor, products determined to have quality problems, be outdated or damaged, etc., will be picked up by the Contractor within ten (10) business days after notification with no restocking fee. The Authorized User will choose whether to receive a replacement product or a credit/refund for the full purchase price.

The Authorized User must conduct its inspection, and notify the Contractor within 30 calendar days of delivery. If a defect is not identified within 30 calendar days after delivery, the Authorized User may be required to contact the manufacturer directly. Contractor will provide an Authorized User with the manufacturer's contact number.

*Products that are compromised due to incident involvement will be the responsibility of the ordering entity to replace. Contractors are responsible for replacement products consistent with the terms of the offered manufacturer(s) warranties.*

**Question: What is required for product returns because of Authorized User Error?**

**Answer:** Standard stock products ordered in error by Authorized User must be returned for credit within 30 days of receipt. Product must be in resalable condition (original container, unused).



Contractor can charge only a restocking fee for Product returned or exchanged due to Authorized User error that is determined not to be suitable for resale; the restocking fee cannot exceed the net price of the returned or exchanged Product.

**Question: How does the Authorized User dispose of old firefighting/EMS clothing or other items listed under Award 23054?**

**Answer:** If available, Contractor(s) is to provide an overview of the manufacturer(s) established recycling and/or disposal program. At the request of the ordering entity, the Contractor is to provide written instructions on how to use this program.

**Question: Is there a particular reporting template that Contractor(s) should use to report sales to OGS?**

**Answer:** Yes, Report of Contract Usage template, can be located on the summary page of this Award on the OGS Website. All fields listed will be complete and accurate. The Report of Contract Usage is to be submitted electronically in Microsoft Excel 2016 (or lower) to the attention of the Contract Manager.

**Question: If a Contractor is using Resellers under this contract, are the Resellers required to submit Report of Contract Usage directly to OGS or is the Contractor responsible for sending in the report?**

**Answer:** A Contractor will collect and submit **ONE** Report of Contract Usage for their sales, which will include sales for **ALL** Resellers using the Report of Contract Usage template.

**Question: When do the Contractor's Report of Contract Usage need to be submitted to OGS?**

**Answer:** Reports containing total sales for both State Agency and Authorized Non-State Agency contract purchases will be submitted no later than 15 days after the close of the calendar quarter reporting period. **Failure to submit reports on a timely basis may result in contract cancellation and designation of Contractor as non-responsible.**