

# CLARENCE FIRE DISTRICT NO. 1

10355 Main Street, PO Box 340, Clarence, NY 14031

Phone: (716) 759-8842 Fax: (716) 759-0641

## **Board of Fire Commissioners:**

Douglas G. Garlapo, Chairman  
David R. Metzger, Vice- Chairman  
Douglas J. Larkin  
James Schlabach  
Nathan M. Work

## **Treasurer**

Kim M. Lash

## **Secretary**

Megan C. Kiener

The regular Board of Fire Commissioners' meeting was called to order by Chairman Garlapo on **Monday, July 9, 2018** at 18:32 hours.

## **ROLL CALL:**

Present: Commissioners Garlapo, Metzger, Larkin, Schlabach, Work, Treasurer Kim Lash and Secretary Megan Kiener

Absent:

Guests:

## **APPROVAL OF PRIOR MEETING MINUTES:**

**MOTION** by Larkin, second by Schlabach, to approve the June 11, 2018 minutes, carried.

**BOARD OF DIRECTORS' REPORT:** - No representative attended the meeting.

## **SECRETARY'S REPORT:**

- 1) Danny Beil and Joe Mannarino were given their key fobs and have completed their beneficiary forms.
- 2) Any update from Chiefs office to find out how new member training / truck checkouts will be given credit? Have more coming for Danny Beil & Joe Mannarino.
- 3) All LOSAP statements have been sent out.
- 4) An emailed was forwarded from Jeff stating that NYS did not have May & August 2017 NFIRS reports. Sent them in.
- 5) Sent 2017 audit report to Bloomberg as a follow up to last month's FOIL request.
- 6) Updated travel expense policy with new expense report form per Treasurer's request will be posted to the website.
- 7) Nothing new was done with Red Alert this month. Need input from Chiefs office for new reports to have created, etc. What do we need and want tracked? When will we be setting up the kiosk?
- 8) Secretary Kiener will not be at August meeting & will be out of town July 28-August 4.

## **TREASURER'S REPORT:**

- 1) Received communication from Attorney Butler of phone number changes: office 633-0911, direct 633-0910 and fax 633-0922. His e-mail and physical addresses remain the same
- 2) The audit was completed by the June 30 deadline.
- 3) All building construction fobs outstanding have been returned.
- 4) The \$1.2 million 2018 BAN funds were wired to the District on June 13 by Greene County Commercial Bank. The \$1.5 million 2017 BAN payment was wired June 14. (The 2017 BAN was at 1.83% interest rate and the interest cost was \$30,000. The 2018 BAN interest rate is 2.38% with a \$28,560 cost.)
- 5) Erie County sent the 2016 property tax chargeback request to 10255 Main St which never arrived we received a second request this month for \$2,364.55 which is included in this month's bills to be paid.
- 6) Assistant Chief Hawes vehicle report was received for 1,097 miles, 70 gallons, 15.8 mpg for June and 12.6 year to date mpg. The vehicle mileage is 52,900.
- 7) The total cost for travel to Baltimore for Mike and Hillery Dennies (June 6-10) was \$3,012.22 or \$1,506.11 per person.
- 8) The total cost for travel to Verona, NY for the State Chief's training for the Chief, Travis and Christian was \$1,853.64 or \$617.88.
- 9) RICOH copier use increase from \$5 to \$29 this month. 1,200 more black and white and 300 more color copies were made. This was largely for the books the Chief made. The increased cost is still less than if the books were taken to the printer to be produced.
- 10) The Fire Company annual foreign fire tax insurance (2% money) for 2018 is \$20,855.
- 11) Alpine Software is requesting a payment which brings the total paid to date on the Red Alert project to 75%.

**TREASURER'S REPORT (cont.):**

- 12) Included in the bills to be paid is a 50% down payment to Ulrich Signs for the new sign. The sign was not approved by the town. The District must notify neighbors. The Board determined the check would be held until the Town approves the sign variance at their August 14 meeting.
- 13) RBC and Penflex were notified of Ed Heim's passing. Is there equipment that will be returned other than a key fob?
- 14) A firefighter inquired if TIPS certified bartenders are still required when serving alcohol at a function held at the firehall.
- 15) Budget line transfers will be held until next month.

**MOTION** by Garlapo, second by Work, to approve bills, check #4329-4381, in the amount of \$74,528.76 from the General Fund, carried.

**MOTION** by Garlapo, second by Larkin, to pay Alpine Software in the amount of \$8,262 from the Equipment Reserve, carried.

Commissioner Garlapo reviewed the bank statements and found all to be in order.

Commissioner Metzger reviewed the Chiefs' vehicle reports and found all to be in order.

**CHIEF'S REPORT:**

- 1) There were 55 calls for June: 31 EMS, 6 false alarms, 7 MVA, 3 fires, 3 mutual aid, 2 hazmat and 3 other calls.
- 2) The Chief did not attend the meeting. See attached Chief's report with District comments.

**COMMISSIONER GARLAPPO:**

- 1) Travis Griner and Jim Schlabach have completed their follow ups and are certified until 4/1/19. This complete all outstanding follow ups. The final report will be given to the chief.
- 2) Joe Mannarino and Danny Beil have been cleared for active duty and have completed all District requirements.
- 3) Commissioner Garlapo went to Office Depot to get replacement chairs for the Board conference room. He asked them questions and they could not provide any answers.
- 4) The travel expense form will be updated.

**COMMISSIONER METZGER:**

- 1) There is a standard procedure policy for the communication system being developed.
- 2) The mini-bid process for 2018 Chevy Tahoes was missed, so we will now be looking into 2019 Tahoes. Mark Butler sent us a resolution to say we are doing a mini-bid. The state will put the bid out for the length we specify. This will not include any lights or stickers. We can have bids back for next meeting. Chief Schlabach stated if \$150,000 isn't enough, the difference can be taken out of his budget.
- 3) The rescue committee has been reformed with 5 new members.
- 4) The ladder truck will be back on Wednesday. Costs are unknown.
- 5) Preventative maintenance annual service will be done in the middle of next week.

**COMMISSIONER SCHLABACH:**

- 1) Bids for the stone fascia project were received as follows:
  - Mandon Building Systems - \$97,895
  - Clarence Wall & Ceiling - \$29,306
  - Upstate Specialty Coatings - \$64,000
- 2) Landscaping by the property line was completed. We bought the seed and the work was done by the Highway Department and Parks Department. The bill from Lakeside Sod for the seed was \$800.
- 3) Commissioner Schlabach asked if Commissioner Work or a lieutenant would use an engine to water the grass because it is too dry. They will water the grass during the Pump Ops course.
- 4) A new RTU will be needed for the offices on the other side of the truck room, so this needs to be added to next year's budget. Last year, Tri-R Mechanical quoted \$34,000.
- 5) The front lights are not lighting up and there is a leak by the men's room.
- 6) Based on the ECFDOA meeting, confirmed by Hartford Insurance Co., the cost per firefighter will be the same under the cancer bill. Dues go to the state. Fees will be based on budget and ability, not a set value.

**COMMISSIONER SCHLABACH (cont.):**

- 7) The Fire Advisory Board will accept applications to fill positions in January.
- 8) A benefit for Father Joe Bayne, the Erie County Chaplin, will be held at Bowmansville.
- 9) Fire Advisory Board stated that there were 3,900 hours of department trainings held in Erie County.
- 10) There is a Firefighter Survival Course on September 7<sup>th</sup> & 8<sup>th</sup>. Dival and Ellicott Creek will be holding it.
- 11) Quermback Electric will match the fixtures in the front to add to the back of the building for \$3,850.
- 12) G&G Fitness will be contacted for additional equipment.
- 13) An inactive life member asked about using the fitness room. The policy for inactive life members is on hold for now. Commissioner Schlabach requested the individual to send a letter for more information or to request a time frame.
- 14) There is one pavilion reservations.

**COMMISSIONER WORK:**

- 1) Commissioner Work and Chief Schlabach are planning a Tech Academy for elected and appointed officers to go through accessing the server, printing, etc. They will use the Board room because of the large TV that can be utilized. Google Slides will be set up on the monitor by the west Truck Room door by next meeting.
- 2) Some TVs were installed in the wrong areas. There are some larger TVs that are left that can be returned.
- 3) Commissioner Work is meeting with Time Warner Cable next Tuesday for 4-5 hours for phone, cable, and Wi-Fi switchover.
- 4) Commissioner Work requested that food be provided for the Pump Ops class that is 8 hours.
- 5) Verizon needs to be contacted to shut off the unnecessary equipment. The only thing that will stay with Verizon is the phone line to Amherst for the alarm system. The fax and Fire Company phone numbers will switch to Time Warner.
- 6) The Communications room, Chief's office and the Assistant Chiefs' office do not have TVs. The credit for the larger TVs will be used to get those offices' TVs.

**COMMISSIONER LARKIN:**

- 1) The batteries were received from Saia Technology. The original price was \$3,300, but the discounted price came to \$2,330. Commissioner Larkin will label them with dates and switch them out.

**OLD BUSINESS:**

- 1) Chiefs' trucks will be purchased before a thermal imaging camera.
- 2) The Gear Washer and Dryer policy will need to be edited based on today's discussion.
- 3) An email from Chief Schlabach was received regarding questions about the fitness room. What should be done if a member breaks the policy by not attending a call during a workout? The Chief will advise the Board of any violations for review. Does this also include work calls? Does this need to be added to the policy along with other Fire Company events? The policy will be left for now, but may have things added to it.

**NEW BUSINESS**

- 1) The Chief requested that an account be established at a car wash for the Chief vehicles. The Board agreed that the chief vehicle is a privilege and should be taken care of by that chief. No account will be established.
- 2) The dry cleaning policy was written and is a working draft. Are there any thoughts from the Board for things to add?
- 3) There have been a lot of calls to Montabaur Heights. There is not a high level of ability for independence. The Board will draft a letter to their Board to express their concerns and alarm system comments. No one is on duty at night. Should an EMT or staff member be there at night to help? There is also an issue with evacuation. Getzville and East Amherst have all no voice contact calls go to Twin City directly. They would then call the fire department if they were needed.
- 4) A wiping rag is needed for the dryer. The dryer should always have clean gear in it.

**MOTION** by Metzger, second by Work, to place signs around the building as a reminder to wash gear because of the cancer bill.

**MOTION** by Schlabach, second by Larkin, to purchase 8 exterior lights from Quermback Electric for the rear of the building for \$3,850, carried.

**MOTION** by Schlabach, second by Work, to purchase additional physical fitness equipment from G&G Fitness for \$3,457.10, carried.

**NEW BUSINESS (cont.)**

**MOTION** by Schlabach, second by Work, to approve Al Burget's pavilion rental for July 20<sup>th</sup> from 3-6pm, carried.

**MOTION** by Work, second by Larkin, to purchase food for the Saturday 7/14 NYS Pump Ops course 8 hour day at a cost not to exceed \$500, carried.

- 5) Correspondence was received regarding a TIPS course. Commissioner Garlapo stated that the course was taken many years ago by members for during fundraisers and events for the Fire Company. It is not in the current Banquet room and pavilion rental policy. Treasurer Lash asked if it should be added to the rental form. It will be difficult to implement and require for everyone.
- 6) See the attached resolution made by the Board for the mini-bid process.

**GOOD OF THE FIRE DISTRICT:**

Commissioner Metzger will be attending the Board of Directors meeting on July 16<sup>th</sup>.  
The next Regular District meeting is August 13<sup>th</sup> at 6:30 pm.

**MOTION** by Schlabach, second by Work, to adjourn the meeting at 20:27 hours, carried.

*All motions were unanimously carried unless otherwise noted.*

Attest,

Megan Kiener, Secretary

cc: Chief, Commissioners, Day Room Bulletin Board, Website

**JULY DISTRICT MEETING**  
**CHIEF'S REPORT**

**7.1 – Stats for JUNE 2018**

**7.2 – TRAINING**

- Firehouse Expo in Nashville – airfare registered by me, under budget as presented. Still discussing courses with Mark & Matt before registering. Have until 8/15 for discounted rate.
- EMS Expo in Nashville – Ruth & Nate – approved last month, on them to register.
- Second Half Drill Schedule – released and posted

**7.3 – OPERATIONAL**

- Hose test still not complete since Ladder is still out
- New Member Training/Mentoring Program – finalized and printed – several copies in Resource room for your review.
- Defensive Driver Course – I want to book for fall – yes or no approval by District? – *No, the Board does not wish to host/sponsor. The Board felt that there is plenty of availability, including online.*
- EVOC – looking to host on 10/6 at our hall. 8-10 hour course – will need food for attendees, have to sign up ahead of time as there are limits by insurance company for student ratio to instructors. Which commissioner do I coordinate this through? – *Please coordinate with Commissioner Metzger.*
- OSHA – need to schedule a fall date, preferably a Saturday? – *Please coordinate with Commissioner Work*
- Technology
  - a. IAR TV UPDATE – spent hours working on already, still have problems, working on it
  - b. ID TAG PRINTER UPDATE – I have to find the time to screw around with, still not working
  - c. RED ALERT – don't have time right now until other projects are completed, will work on
- Weiss Lawsuit update – haven't heard anything other than other departments have deposition dates already in late July and early August. Dave and I will go after other departments. Any word on lost wages reimbursement from our insurance company yet?

**7.4 – PURCHASES/PROJECTS**

- Pike poles – 2 for \$238.50 – UNKNOWN ON WHETHER RECEIVED
- Firefighting gloves – 10 for \$739.50 – UNKNOWN ON WHETHER RECEIVED
- FF Gloves – nicer ones for July at \$150 per pair as incentive? Will have final answer for August
- Helmet Streamlights – RECEIVED and in my possession
- Hallway corkboard – DONE – I submitted bill to Kim last week when I received in the mail
- Gear Washer & Dryer – BROKEN, NEEDS TO BE FIXED AND HAVE A REAL POLICY BEFORE USED AGAIN. I am meeting with Nick Radlich from DiVal and hopefully Chad & Dave at 10:15 this morning to see what the issue is and how we get it resolved.
- Thermal Imaging Camera Project – still pursuing, will have official request for August Meeting
- Air Bottles – looking at supply and evaluating whether need to buy in 2018 or 2019
- Gear – 1 to 3 sets possibly at year end or can push to next year
- Lea Stanley – drill credit on training course per company meeting discussion? I am sure that a course can't count as drill credit for some and training credit for others but I want it in District Meeting minutes and I will relay back to company via message or at next Company Meeting. – *You are correct, a drill gets drill credit and training gets training credit. Commissioner Work explained the discussion from the Company meeting. Lea Stanley asked if she could help EMS Captain Rider-Work teach the class, but receive drill credit instead of the training credit. The EMS captain is acting as an instructor for American Heart Association.*

**RESOLUTIONS OF  
THE BOARD OF FIRE COMMISSIONERS OF THE  
CLARENCE FIRE DISTRICT NO. 1**

**WHEREAS**, the Board of Fire Commissioners of the Clarence Fire District No. 1 ("Fire District") has made a determination that it is in the public interest for the Fire District to purchase one or more fire chiefs' vehicles; and

**WHEREAS**, the Fire District has further determined that it is also in the public interest to acquire such fire chiefs' vehicle(s) pursuant to and consistent with the provisions of New York State Finance Law 163(1)(k) which authorizes fire districts to purchase goods and services through the use of New York State Office of General Services centralized contracts, including the use of mini-bid processes ("the Law"), which is an exception to the competitive bidding process otherwise required under Town Law 176(23-a) and General Municipal Law 103; and

**WHEREAS**, the Fire District has made a determination that the requirements of the Law have been met, and that the Fire District is an Authorized User in compliance with and as defined under the Law; and

**NOW, THEREFORE BE IT:**

**RESOLVED**, that the Fire District hereby determines that it is in the best interests of the Clarence Fire District No. 1 and its residents and taxpayers to acquire one or more fire chiefs' vehicles pursuant to and as part of the mini-bid process under the State Finance Law; and it is further

**RESOLVED**, that the Fire District hereby authorizes the Chairman and other Fire District personnel to take such steps as may be necessary to file such documents as may be required to comply with the requirements of the Office of General Services and otherwise to solicit bids for such fire chiefs' vehicle(s) using the mini-bid process; and it is further

**RESOLVED**, that these Resolutions authorize only the solicitation of bids for such fire chiefs' vehicle(s) using such mini-bid process and that any award of such bids and execution of any contract therefor is subject to the further action and authorization of the Fire District.

Commissioner Metzger moved, Commissioner Garlapo seconded, and the Board of Fire Commissioners voted as follows:

Name:

Voting: Aye or Nay:

Chairman Garlapo

aye

Vice-Chairman Metzger

aye

Commissioner Larkin

aye

Commissioner Schlabach

aye

Commissioner Work

aye

The foregoing resolution was thereupon declared duly adopted.

July 9, 2018

Megan Keiner  
Megan C. Keiner, Secretary  
Clarence Fire District No. 1

**Group 40451– Award 22898**  
**Light Duty Vehicles**

**HOW TO USE THE CONTRACTS**

**PROCUREMENT METHOD**

The following procurement instructions shall apply to the Contracts under Award 22898. Authorized User purchases or leases under this Award shall be made through a competitive Mini-Bid conducted via the Vehicle Marketplace, facilitated by OGS, as described in further detail below. The Vehicle Marketplace is located on the OGS website at the link below. To request a vehicle, click on "Authorized Buyers," and download Form A: *Vehicle Request*. If you need assistance with the Vehicle Marketplace, contact the Vehicle Marketplace Team at [NYSPro.VehicleMarketPlace@ogs.ny.gov](mailto:NYSPro.VehicleMarketPlace@ogs.ny.gov).

**Vehicle Marketplace: <http://vehicles.nyspro.ogs.ny.gov>**

- A. When utilizing the Contracts, the Authorized User should be familiar with and follow the terms and conditions governing its use. The Authorized User is accountable and responsible for compliance with the requirements of public procurement processes. The Authorized User, when purchasing or leasing from OGS contracts, should hold the Contractor accountable for Contract compliance and meeting the Contract terms, conditions, specifications, and other requirements. Also, in recognition of market fluctuations over time, Authorized Users are encouraged to seek improved pricing whenever possible. Authorized Users have the responsibility to document purchases and leases which should include:
- A statement of need and associated requirements;
  - Obtaining all necessary prior approvals;
  - A summary of the Contract alternatives considered for the purchase or lease, if any; and
  - The reason(s) supporting the resulting purchase or lease.
- B. An Authorized User will review the Contracts and associated NYS Vehicle Discounts on the OGS website under Contract Award 22898. Click on "Contractor Information" on the Award summary page located at <http://www.ogs.ny.gov/purchase/spg/awards/4045122898CAN.HTM>, and then "Contractor and Pricing Information". Also, for Contract language, click on "Terms & Conditions" located at <https://www.ogs.ny.gov/purchase/spg/awards/4045122898CAN.HTM>.
- C. Vehicle Marketplace:
- Authorized User purchases and Leases under this Contract shall be made through a competitive Mini-Bid conducted via the Vehicle Marketplace, facilitated by OGS, as described below. The Contractor shall only provide a Vehicle under this Contract when it has been awarded under the Mini-Bid process. A Mini-Bid awarded by an Authorized User to a Contractor may not be utilized by another Authorized User for procurement of a Vehicle. See Appendix C: *Light Duty Vehicles Documents: Number 5: Vehicle Marketplace Forms*, for forms used in the Vehicle Marketplace.
1. When a need is identified, an Authorized User is required to obtain all internal/control agency approvals necessary prior to initiating a Mini-Bid through the Vehicle Marketplace. Upon internal/control agency approvals, the Authorized User will complete Form A (Class 1-2): *Mini-Bid Request*, and submit the completed Form A: *Mini-Bid Request* to OGS for processing. Executive Agencies, as designated on the Form A, must email their request to [OGS.sm.Fleet.Admin@ogs.ny.gov](mailto:OGS.sm.Fleet.Admin@ogs.ny.gov). All other Authorized Users must email their request to [NYSPro.VehicleMarketPlace@ogs.ny.gov](mailto:NYSPro.VehicleMarketPlace@ogs.ny.gov). Form A (Class 1-2): *Mini-Bid Request* will identify such things as the number of Vehicles needed, a description of the Vehicles, including specifications, (e.g., required features, deletion of any standard equipment, addition of Options or Aftermarket components, and interior/exterior colors), Aftermarket Component Provider, delivery requirements and locations, and any



- additional required terms for the Mini-Bid. If a Lease is requested, the specifications shall include any required specifications for the Lease (e.g., Lease Term and type), and Estimated Annual Mileage, if known (see Appendix D: *Lease Vehicles*). See also Contract Section III.1 *Vehicle Requirements* for minimum Vehicle requirements.
2. Upon completion of OGS review of the Form A (Class 1-2): *Mini-Bid Request*, OGS will assign a Mini-Bid Number to the request.
    - a. A Mini-Bid shall be posted to the Vehicle Marketplace website (<http://vehicles.nyspro.ogs.ny.gov>) within one (1) to three (3) business days of approval of Form A (Class 1-2): *Mini-Bid Request*, as determined by whether or not the Authorized User has designated the request as "expedited."
    - b. It shall be the responsibility of the Contractor to monitor the Vehicle Marketplace website (<http://vehicles.nyspro.ogs.ny.gov>) for Mini-Bids that are applicable to the Vehicles that are offered by the Contractor. OGS shall not provide Contractors with daily notifications that Mini-Bids have been posted. OGS reserves the right to notify Contractors via email distribution that a Mini-Bid will be, or has been, posted. Such notification shall be sent to the email address(es) set forth in Appendix C: *Light Duty Vehicles Documents*; Number 1: *Contractor Information*. The Contractor shall be responsible for providing updated email address(es) during the Contract term to the Procurement Services Contract Administrator identified on the Contract Award Notification page posted at the OGS website.
    - c. OGS Reservation of Rights. OGS reserves the right to aggregate the volume of Authorized User requests for Vehicles by combining requests under one Mini-Bid Number.
  3. From the date of OGS posting of Form A (Class 1-2): *Mini-Bid Request*, Contractors shall have a minimum of three (3) to five (5) business days to submit Form B (Class 1-2): *Mini-Bid Response* in response to a Mini-Bid. Procurement Services reserves the right to set Mini-Bid response submittal deadlines that are longer than three (3) to five (5) business days. The Mini-Bid response submittal deadline for each Mini-Bid shall be posted on the Vehicle Marketplace website. OGS shall remove the Mini-Bid posting from the Vehicle Marketplace website on the first business day following the response submittal deadline date.
    - a. A Contractor that offers a Vehicle in response to a posted Mini-Bid must provide the Mini-Bid response on Form B (Class 1-2): *Mini-Bid Response*, which is an Excel workbook that is available for download from the Vehicle Marketplace website. Form B (Class 1-2): *Mini-Bid Response* includes Contractor response sections for Contractor information, Vehicle information, and pricing information. A Contractor submitting a Mini-Bid response for a Mini-Bid must save the blank Excel worksheet to its computer, enter the required Vehicle and pricing information, and then email the completed Form B (Class 1-2): *Mini-Bid Response* to OGS at [NYSPro.VehicleMarketPlace@ogs.ny.gov](mailto:NYSPro.VehicleMarketPlace@ogs.ny.gov). Instructions for completion and submittal are included on the form.
    - b. Form B (Class 1-2): *Mini-Bid Response*, provides the Contractor with a field to enter deviations or other additional information applicable to the Mini-Bid. A Contractor shall use this field to identify issues related to the providing the Vehicle requested by the Authorized User. A Mini-Bid response submitted in a format other than Form B (Class 1-2): *Mini-Bid Response* shall be considered unresponsive and shall be rejected.
    - c. A Mini-Bid Response for a Lease Vehicle shall only be accepted from a Contractor if OGS has approved the addition of one (1) or more Lease Providers for its Contract (see Appendix D: *Lease Vehicles*, Section A: *Lease Terms and Conditions*, Paragraph 3 *Lease Provider*).
  4. A Contractor that chooses to not offer a Vehicle in response to a posted Mini-Bid is requested to complete and submit Form B (Class 1-2): *Mini-Bid Response (No Bid)* to OGS at [NYSPro.VehicleMarketPlace@ogs.ny.gov](mailto:NYSPro.VehicleMarketPlace@ogs.ny.gov). A Contractor is requested to include on this form a reason that a "No Bid" is being submitted in response to the posted Mini-Bid. Submittal of this form is not mandatory, however, it is strongly recommended if the Contractor is a Dealer for the Vehicle specified in the Mini-Bid.
  5. Timeframe for offers in Mini-Bids.

- a. Vehicle(s) Built to Specifications. The timeframe for offers shall be as specified in Appendix B §25 *Timeframe for Offers*.
  - b. Pre-Existing Inventory Vehicles. The timeframe during which offers shall remain firm and cannot be withdrawn shall be ten (10) calendar days from the first business day immediately following the Mini-Bid response submittal deadline, or such other period of time as specified in the Mini-Bid. In order for a Mini-Bid response to be responsive to a Mini-Bid involving Pre-Existing Inventory Vehicles, Contractor is required to retain the Pre-Existing Inventory Vehicles for the ten (10) calendar day period, or such other period of time as set forth in the Mini-Bid. Contractor's failure to retain the Pre-Existing Inventory Vehicles for such period of time shall render Contractor's Mini-Bid response non-responsive and the Mini-Bid response shall be disqualified.
6. OGS shall send all responses received in response to a Mini-Bid via email to the Authorized User contact designated on Form A (Class 1-2): *Mini-Bid Request* by the close of business on the first business day following the Mini-Bid response submittal deadline date. The Authorized User shall be responsible for evaluation and award of the Mini-Bid. Authorized Users are instructed to notify the Contractors of award or non-award within five (5) business days of receipt of bids from OGS.
  7. The Authorized User shall evaluate all Mini-Bid responses received in response to the Mini-Bid. The Contractor shall, upon request of the Authorized User, submit a Dealer Invoice and OEM specifications to the Authorized User prior to award of the Mini-Bid.

If the Mini-Bid is for a Lease Vehicle, in addition to the Dealer Invoice and OEM Specifications, the Contractor shall assist the Authorized User with obtaining one (1) or more quotes for Lease pricing, and proposed Lease agreement(s), from the Lease Provider(s) designated on the Contract. The Authorized User may obtain a quote for Lease pricing and proposed Lease agreement(s) from any Contractor, and the applicable Lease Provider(s), that responded to the applicable Mini-Bid for the Lease Vehicle.

8. Award of the Mini-Bid shall be made by the Authorized User as set forth below. The Authorized User must note justification of method of award on Form C (Class 1-2): *Mini-Bid Report of Use*. If at least three (3) Mini-Bid responses are not submitted, the Authorized User must justify the reasonableness of award on Form C (Class 1-2): *Mini-Bid Report of Use*.
  - a. For Vehicle(s) that will be purchased, award shall be made to a responsive bidder based on the requirements specified by the Authorized User on Form A (Class 1-2): *Mini-Bid Request*, including any Additional Vehicle Specifications that were included with the Mini-Bid.
  - b. For a Vehicle(s) that will be leased, award shall be made to the Contractor's Lease Provider that offers the lowest Lease pricing among the Lease Providers that meet the Authorized User specifications for the Lease and provides a Lease agreement that the Authorized User agrees to.
9. Upon determination of either award, or determination not to make any award to any Contractor, the Authorized User shall issue notification of award, non-award, or determination not to make any award, as applicable, to all Contractors that submitted a Mini-Bid response. Upon notification of award for Vehicle(s) Built to Specifications, a Mini-Bid awardee shall provide the Authorized User with either the Final Order Date for the Vehicle(s), or notification that the date is "TBD," (if the date has not yet been set by the OEM).
10. Upon award of the Mini-Bid, the Authorized User shall issue a Purchase Order to the Contractor following the Authorized User's standard procedures (see Contract Section II.13.1 *Purchase Orders*). In addition, the Authorized User must provide Form C (Class 1-2): *Mini-Bid Report of Use*, a copy of the Purchase Order, and any supporting documentation to [NYSPro.VehicleMarketPlace@ogs.ny.gov](mailto:NYSPro.VehicleMarketPlace@ogs.ny.gov), or other address designated by OGS, and ensure that a copy of the documents are also maintained for audit purposes following the Authorized User's standard procedures).

D. Authorized User Procurement Rights.

Authorized Users hereby reserves the right in a Mini-Bid to:

1. Reject any or all bids received in response to the solicitation;
2. Withdraw the solicitation at any time, at the Agency's sole discretion;
3. Make an award under the solicitation in whole or in part;
4. Disqualify any Bidder whose conduct and/or proposal fails to conform to the requirements of the solicitation;
5. Seek clarifications and revisions of bids;
6. Prior to the bid opening, amend the solicitation specifications to correct errors or oversights, or to supply additional information, as it becomes available;
7. Prior to the bid opening, direct Bidders to submit solicitation modifications addressing subsequent solicitation amendments;
8. Change any of the schedule dates with notification through the Vehicle Marketplace;
9. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective Bidders;
10. Waive any requirements that are not material;
11. Utilize any and all ideas submitted in the bids received;
12. Adopt all or any part of a Bidder's bid in selecting the optimum configuration.
13. Negotiate with the Bidder responding to the solicitation within the solicitation requirements to serve the best interests of the State. This includes requesting clarifications of any or all Bidders' bids;
14. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Bidder's bid and/or to determine a Bidder's compliance with the requirements of the solicitation;
15. Select and award the Mini-Bid to other than the selected Bidder in the event of unsuccessful negotiations or, optionally, in other specified circumstances as detailed in the solicitation requirements;
16. Use bid information obtained through site visits, management interviews, and the State's investigation of a Bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the Bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the solicitation.

### PURCHASE ORDERS AND INVOICING

All Purchase Orders and invoices/vouchers shall include the following information. All matters pertaining to registration and licensing of a Vehicle are the responsibility of the ordering Authorized User.

#### A. PURCHASE ORDERS

Authorized User Purchase Orders are to include the following information:

1. Contract Number;
2. Vehicle Marketplace Mini-Bid Number;
3. Make, Model and Model Code of the Vehicle(s);
4. Option code(s) and descriptions, if applicable;
5. Aftermarket Components part numbers and descriptions, if applicable;
6. NYS Contract Price for the Vehicle;
7. Number of Vehicles;
8. Total NYS Contract Price (number of Vehicles x NYS Contract Price for the Vehicle(s)); and
9. Liquidated damages, if any.

**B. INVOICES**

Authorized Users are instructed not to process invoices that do not include the required information set forth below. Invoices must be detailed and include in the body of the invoice or an attachment to the invoice all of the following items. Failure to comply may result in lengthy payment delays.

Invoices shall include, at a minimum, the following information:

1. Contract Number;
2. Vehicle Marketplace Mini-Bid Number;
3. Make, Model and Model Code of the Vehicle(s);
4. Option code(s) and descriptions, if applicable;
5. Aftermarket Components part numbers and descriptions, if applicable;
6. Calculation of the total NYS Contract Price, including:
  - a) Base Vehicle MSRP;
  - b) NYS Vehicle Discount;
  - c) Base NYS Vehicle Price;
  - d) NYS Aftermarket Components Price;
  - e) Delivery Charge;
  - f) NYS Contract Price for the Vehicle;
  - g) Number of Vehicles; and
  - h) Total NYS Contract Price (Number of Vehicles x NYS Contract Price for the Vehicle)
7. Breakdown of Liquidated damages, if any (see Contract Section III.3.6 *Liquidated Damages*).

It is strongly advised that all contract users FOLLOW-UP WITH THE CONTRACTOR after submitting their purchase order, whether it was submitted by mail, electronically or by fax. This is to ensure that the contractor received and placed your order.

Upon receipt of your vehicle and processing payment, be sure to audit your invoice to ensure that the correct NYS Discount, and other pricing submitted with the Mini-Bid response, was used. For a leased vehicle, verify that the Total NYS Contract Price was in the calculation of the lease payments. If itemized pricing is not included in your invoice, please contact the NYSPRO Contact Person listed on summary page of this Award. The Authorized User is accountable and responsible for compliance with the requirements of public procurement processes.

State agencies must forward a copy of each vehicle purchase order to NYS OGS Risk, Insurance and Fleet Management in order to facilitate the issuance of an OGS-Issued State identification number. Each vehicle on the Purchase Order must also identify if the agency is obtaining state or street plates. Purchase Orders can be faxed, e-mailed, or mailed to:

NYS Office of General Services  
Risk, Insurance and Fleet Management  
Bldg. #18, State Campus  
Albany, NY 12226  
Fax: 518-457-7263 - E-mail: [fleet.admin@ogs.ny.gov](mailto:fleet.admin@ogs.ny.gov)

**CONTRACT PAYMENTS**

Payments cannot be processed by Authorized Users until the Vehicles have been delivered and accepted in accordance with Contract Section III.3 *Delivery*. Payment will be based on any invoice used in the Contractor or Lease Provider's normal course of business. However, such invoice must contain all requirements listed above in *Purchase Orders and Invoicing*. See also Appendix B §49 *Contract Invoicing*.

Authorized Users that are State Agencies are required to forward properly completed vouchers to the Office of the State Comptroller for audit and payment. All Authorized Users are urged to process every completed voucher expeditiously, giving particular attention to those involving cash discounts for prompt payment.

Political subdivisions and others authorized by law to participate in OGS contracts are required to make payments directly to the Contractor or Lease Provider. Prior to processing such payment, the Contractor or Lease Provider may be required to complete the ordering non-State agency's own voucher form.

"OGS OR LESS" GUIDELINES APPLY TO THIS CONTRACT

Purchases and leases of the products included in this Contract are subject to the "OGS or Less" provisions of New York State Finance Law § 163(3)(a)(v). This means that State agencies can purchase or lease products from sources other than the Contractor or the Contractor's Lease Provider provided that such products are substantially similar in form, function or utility to the products herein and are:

- 1. Lower in price  
-And/Or-
- 2. Available under terms which are more economically efficient to the State agency (e.g. delivery terms, warranty terms, etc.).

State agencies are reminded that they must provide the Contractor or Lease Provider an opportunity to match the non-contract savings at least two business days prior to purchase or lease. In addition, purchases or leases made under "OGS or Less" flexibility must meet all requirements of law including, but not limited to, advertising in the New York State Contract Reporter, prior approval of the Comptroller's Office and competitive bidding of requirements exceeding the discretionary bid limit.

NON-STATE AGENCIES PARTICIPATION

Upon request, all eligible non-State agencies must furnish Contractor or Lease Provider with the proper tax exemption certificates and documentation certifying eligibility to use the Contract. Questions regarding an organization's eligibility to purchase or lease from New York State Contracts may also be directed to OGS NYS Procurement Services Customer Services at 518-474-6717.

POOR PERFORMANCE

Authorized Users should notify NYS Procurement Services Customer Services promptly if the Contractor fails to meet the requirements of this contract. Performance which does not comply with requirements or is otherwise unsatisfactory to the Authorized User should also be reported to Customer Services:

Office of General Services	Tel: 518-474-6717
New York State Procurement	Fax: 518-474-2437
Customer Services Coordination	E-mail: <a href="mailto:customer.services@ogs.ny.gov">customer.services@ogs.ny.gov</a>
38th Floor Corning Tower	
Empire State Plaza	
Albany, NY 12242	

\* \* \* \*