

Virtual Pre-Bid Conference Q&A Compilation
OCA/CP-272: Custom Case File & Motion Jackets
from 12/17/2021, 11:00 AM

1. Why wasn't the pre-bid conference mandatory, as with previous pre-bid conferences (for the procurement of this commodity)?

Answer: As previous pre-bid conferences were the only opportunity to view, and take images of, the UCS case file and motion jacket samples, OCA made them "mandatory" for potential bidders to attend.

For this opportunity, images of the UCS samples were incorporated into the bid specifications (Exhibits G-I) and made available to any, and all, potential bidders, regardless of pre-bid conference attendance. Thus, OCA did not require mandatory attendance for this opportunity.

Further, OCA feels that by lifting the requirement, the bidder pool further opens for response.

2. Due to uncertainty in the availability of production supplies created by the pandemic, as well as supply chain shortages, would a more than 5% cap on supply increases be considered annually?

Answer: No. OCA clarified that price adjustments tied to cited CPI-U increase, if any, are allowable for the optional renewal terms only, and that submitted bid pricing is "firm" for the initial three-year contract term. As public fund contracts are subject to NYS oversight agency approval, an allowable three to five percent (3-5%) increase cap is standard practice.

At this point, the discussion remained on conditions created by the on-going pandemic, and the temporary uncertainty it causes with calculating future pricing.

OCA stated that it could not weigh in on pricing matters, but that bidders should use the tools they have at-hand to make their calculations.

Both bidders in attendance gave several related examples of difficulties they've experienced with both supply chain material shortages and delivery difficulties, including the "near impossibility" of finding a 3rd-party carrier to make "inside delivery". Two (2) definitive questions came out of the discussion for eventual Awarded Contractor(s):

3. Would OCA be willing to increase our production delivery window from 90 days to 105?

4. Would OCA be willing to waive the 1% invoice penalty if they can document that a delivery is in route, and the fault of the shipper/carrier, not theirs?

Note - OCA did not provide an answer. Instead, OCA stated that after the pre-bid conference, Counsel's Office would be consulted, and an answer released in the Pre-Bid Q&A. The determination is below.

Answer: OCA acknowledges the current supply shortages and shipping issues created by the global pandemic. If Awarded Contractor(s) can provide documentation that delays are pandemic-related, OCA will waive the above requirements on a case-by-case basis.