

***** GENERAL SPECIFICATIONS *****

NOTE: IN ADDITION TO SUCH OTHER SPECIFICATIONS AND CRITERIA PRESENTED HEREIN, THE NYS UNIFIED COURT SYSTEM STANDARD REQUEST FOR BID CLAUSES & FORMS - ATTACHMENT I IS ATTACHED HERETO AND MADE A PART HEREOF.

PURPOSE AND SCOPE:

THE NEW YORK STATE OFFICE OF COURT ADMINISTRATION, CONTRACT AND PROCUREMENT ADMINISTRATION UNIT (HEREAFTER, OCA-CPA) IS SOLICITING SEALED BIDS FOR THE PURPOSE OF ESTABLISHING AN ESTIMATED QUANTITY TERM CONTRACT TO PROVIDE **NUMBERED STENOGRAPHIC MACHINE PAPER**, IN BOTH RECYCLED AND VIRGIN STOCK FOR VARIOUS COURTS OF THE UNIFIED COURT SYSTEM (HEREAFTER, UCS).

BID DUE DATE:

ALL BIDS MUST BE RECEIVED **ON/BEFORE 2:00PM EST, TUESDAY MARCH 22, 2005** AT OCA/CPA, 42 KARNER ROAD, ALBANY, NY 12205 TO RECEIVE CONSIDERATION.

TERM OF CONTRACT:

A SINGLE CONTRACT WILL BE AWARDED FOR AN INITIAL TWO (2) YEAR PERIOD COMMENCING **MAY 1, 2005 THROUGH APRIL 30, 2007**. THE UCS RESERVES THE RIGHT TO RENEW SUCH CONTRACT FOR TWO (2) ADDITIONAL ONE (1) YEAR PERIODS **UPON THE SAME TERMS AND CONDITIONS (SEE "PRICE INCREASES")**.

THE UCS FURTHER RESERVES THE RIGHT TO EXTEND THE CONTRACT FOR A PERIOD OF ONE-HUNDRED AND EIGHT (180) DAYS UPON WRITTEN NOTIFICATION TO CONTRACTOR PRIOR TO INITIAL CONTRACT TERMINATION DATE, OR ANY RENEWAL PERIOD THEREOF. SUCH EXTENSION SHALL ALSO BE UPON THE SAME TERMS, CONDITIONS **AND PRICING**. ANY SUCH RENEWAL OR EXTENSION SHALL BE SUBJECT TO APPROVAL BY THE OFFICE OF THE STATE COMPTROLLER (HEREAFTER, OSC).

METHOD OF AWARD:

AWARD SHALL BE MADE BY LOT TO THE LOWEST COST, RESPONSIBLE, **SINGLE** BIDDER DETERMINED TO BE IN COMPLIANCE WITH THIS RFB AND SPECIFICATIONS.

"LOWEST COST" SHALL BE DETERMINED BY CALCULATING THE TOTAL OF THE UNIT PRICE PER CARTON TIMES (X) YEARLY ESTIMATED QUANTITIES FOR VIRGIN AND RE-CYCLED STOCK TIMES (X) TWO (2) YEARS (INITIAL CONTRACT PERIOD) - SEE "BID RESPONSE FORM". IN THE EVENT OF A BIDDER MISCALCULATION, THE UNIT PRICE WILL PREVAIL. PRICING MUST BE PROVIDED FOR

BOTH RECYCLED AND VIRGIN STOCK.

"RESPONSIBLE" SHALL BE DEFINED TO INCLUDE, BUT NOT BE LIMITED TO: COMPLIANCE WITH THE SPECIFICATIONS HEREIN, BIDDER'S PERFORMANCE HISTORY, AVAILABILITY OF PRODUCT, EXPERIENCE WITH COMPARABLE AWARDS/CONTRACTS, PRODUCTION RESOURCES, FINANCIAL STABILITY AND PERFORMANCE OF SAMPLES PROVIDED.

BIDDER MUST MAINTAIN A BUSINESS ESTABLISHMENT WITH ADEQUATE INVENTORIES OF THE SUPPLIES OFFERED, AND MUST BE CAPABLE OF PROCESSING AND SHIPPING LARGE NUMBERS OF ORDERS TO VARIOUS DESTINATIONS.

PRICE:

PRICES QUOTED SHALL BE NET F.O.B. DESTINATION AND INCLUDE FULL INSIDE DELIVERY TO THE EXACT LOCATION(S) INDICATED ON THE PURCHASE ORDER(S). **ALL PRICING SHALL REMAIN FIRM THROUGHOUT THE FIRST YEAR OF THE INITIAL CONTRACT PERIOD.**

PRICE INCREASES:

REASONABLE, NECESSARY AND DOCUMENTED PRICE INCREASE(S) FOR THE **SECOND YEAR** OF THE INITIAL CONTRACT PERIOD, OR ANY **RENEWAL** PERIOD, **WILL BE CONSIDERED** SUBJECT TO THE FOLLOWING:

ONLY THOSE INCREASES APPLICABLE TO MATERIALS AND SUPPLIES WILL BE REVIEWED. ~~INCREASES ASSOCIATED WITH LABOR COSTS WILL BE CONSIDERED ONLY TO THE EXTENT REQUIRED BY THE NEW YORK STATE PREVAILING WAGE RATES AS ISSUED BY THE NYS DEPT. OF LABOR AND,~~

CONTRACTOR MUST SUBMIT WRITTEN REQUEST FOR INCREASE(S) FORTY-FIVE (45) DAYS PRIOR TO THE END OF THE INITIAL CONTRACT PERIOD ACCOMPANIED BY ANY/ALL SUPPORTING DOCUMENTATION, INCLUDING, BUT NOT LIMITED TO, SUPPLIER(S) NOTIFICATION(S) OF PRICE INCREASE, TO THE ATTENTION OF THE UCS CONTRACT & PROCUREMENT ADMINISTRATOR.

NO PRICE INCREASE WILL BE CONSIDERED FOR ANY EXTENSION PERIOD; PRICING FOR PRIOR CONTRACT TERM, OR RENEWAL THEREOF, SHALL PREVAIL.

PRICE DECREASES:

CONTRACTOR SHALL NOTIFY OCA/CPA IN WRITING WITHIN FIVE (5) BUSINESS DAYS OF ANY PRICE DECREASE(S) WHICH MAY OCCUR THROUGHOUT ANY PERIOD WHICH THE CONTRACT IS IN FORCE. FAILURE OF CONTRACTOR TO DO SO MAY SUBJECT CONTRACTOR TO AN APPROPRIATE ADJUSTMENT PENALTY.

ESTIMATED QUANTITIES:

ANY REQUIREMENTS SPECIFIED IN THIS SOLICITATION CONSTITUTE ESTIMATES **ONLY** AND NO

COMMITMENT OR GUARANTEE TO REACH ANY SPECIFIED VOLUME OF BUSINESS IS MADE OR IMPLIED. ACCORDINGLY, THE AWARD SHALL BE FOR AN **ESTIMATED QUANTITY TERM CONTRACT.**

THE ESTIMATED QUANTITY IS APPROXIMATELY **800** CARTONS OF **RECYCLED** NUMBERED PAPER AND **3700** CARTONS OF **VIRGIN** STOCK NUMBERED PAPER **PER YEAR**. ITEMS MAY BE ORDERED IN SINGLE OR MULTIPLE CARTON QUANTITIES THROUGHOUT THE TERM OF THIS CONTRACT.

DELIVERY:

DELIVERY WILL BE MADE TO SPECIFIC LOCATIONS AS NOTED ON PURCHASE ORDERS. ACCORDINGLY, PURCHASE ORDER(S) WILL BE ISSUED ON AN AS-NEEDED BASIS DIRECTLY BY END-USERS. DELIVERY SHALL BE EXPRESSED IN NUMBER OF CALENDAR DAYS A/R/O NEEDED TO MAKE A DELIVERY AFTER RECEIPT OF A PURCHASE ORDER. **ANY DELIVERY A/R/O GREATER THAN TEN (10) DAYS WILL NOT BE ACCEPTED.**

SAMPLES TO BE SUBMITTED:

SIMULTANEOUS WITH SUBMISSION OF BID, BIDDER MUST PROVIDE OCA/CPA ADMINISTRATOR WITH ONE (1) SAMPLE **CARTON** OF VIRGIN NUMBERED AND ONE (1) SAMPLE **CARTON** OF RECYCLED NUMBERED STENOGRAPHIC PAPER. SAMPLES SHALL BE CLEARLY MARKED ON THE OUTSIDE OF THE PACKAGING WITH THE BIDDER'S NAME, LOT NUMBER AND RFB NUMBER (OCA/CPA-312). **FAILURE TO PROPERLY IDENTIFY SAMPLES MAY BE CAUSE FOR BID DISQUALIFICATION.**

SAMPLES SHALL BE SUBMITTED TO OCA/CPA FREE OF CHARGE AND ENTIRELY AT THE BIDDER'S EXPENSE AND WILL BECOME THE PROPERTY OF THE OFFICE OF COURT ADMINISTRATION. **FAILURE TO SUBMIT SAMPLES BY THE REQUIRED DEADLINE MAY RESULT IN BID REJECTIONS.**

UCS RESERVES THE RIGHT TO CONDUCT SUCH TESTS AS MAY BE DEEMED NECESSARY TO DETERMINE THE SUITABILITY FOR UCS NEEDS, QUALITY, UNIFORMITY AND WORKMANSHIP OF THE PRODUCTS OFFERED AND DELIVERED.

PURCHASE ORDERS:

PURCHASE ORDERS WILL BE ISSUED DIRECTLY TO AWARDED CONTRACTOR BY COURT OR RELATED OFFICE AND SHALL BE BINDING UPON THE CONTRACTOR WHEN PLACED IN THE MAIL TO THE ADDRESS NOTED IN THE AWARD. UNDER NO CIRCUMSTANCES IS AWARDED CONTRACTOR TO SHIP ANY ORDER WITHOUT RECEIPT OF A PURCHASE ORDER - **VENDOR ACCEPTS ALL RISKS IN ACTING OTHERWISE!!**

REQUIRED COPIES:

IN ADDITION TO ALL REQUIRED ORIGINAL RFB DOCUMENTS (EXECUTED RFB FORM, NON-COLLUSIVE BIDDER CERTIFICATE, ACKNOWLEDGMENT, MANUFACTURER'S AFFIDAVITS, BID RESPONSE FORM) AND ANY OTHER REQUIRED DOCUMENTATION, BROCHURES, ETC. **BIDDER MUST INCLUDE THREE (3) COPIES OF ALL SUCH MATERIAL. FAILURE TO PROVIDE SAME MAY RESULT IN DISQUALIFICATION OF BIDDER'S RESPONSE !!**

PLEASE NOTE: ORIGINAL AND COPIES OF THE BID DOCUMENTS, FORMS, BROCHURES, ETC. SHOULD **NOT** BE SUBMITTED IN A THREE-RING BINDER, OR IN ANY OTHER BOUND FASHION. PLEASE SUBMIT THE ORIGINAL AND COPIES BOUND ONLY BY **RUBBER BANDS, CLIPS OR SIMILAR DEVICES.**

COMPLETE THE PAPERWORK ON THE FORMS PROVIDED WITH THIS SOLICITATION. UNLESS OTHERWISE SPECIFIED HEREIN, **DO NOT RETYPE OR AMEND ANY PORTION OF THIS SOLICITATION. FAILURE TO COMPLY MAY RESULT IN DISQUALIFICATION OF BIDDER'S RESPONSE.**

SUBCONTRACTING:

SUBCONTRACTING IS SUBJECT TO THE UCS CONTRACT & PROCUREMENT ADMINISTRATOR'S APPROVAL AS PER **ATTACHMENT I** AND BIDDER SHALL BE COMPLETELY RESPONSIBLE FOR ALL SUBCONTRACTOR(S)' PERFORMANCE WITHOUT EXCEPTION.

REFERENCES:

BIDDER SHALL SUBMIT A LIST OF **AT LEAST THREE (3)** BUSINESS AND/OR GOVERNMENTAL ENTITIES TO WHICH BIDDER SUPPLIED STENOGRAPHIC PAPER DURING THE **PAST TWO (2)** YEARS. FAILURE TO PROVIDE SUCH LIST MAY RESULT IN BID DISQUALIFICATION.

BIDDER'S/CONTRACTOR'S FACILITY:

FOR PURPOSES OF EVALUATION, **BIDDER'S** PROPOSED FACILITIES SHALL BE AVAILABLE FOR INSPECTION. SUBSEQUENT TO THE AWARD, **CONTRACTOR'S** FACILITIES SHALL BE MADE AVAILABLE FOR PERIODIC INSPECTION UPON REQUEST.

CONTRACTOR'S LOGO/ID:

CONTRACTOR'S LOGO OR ANY OTHER MANUFACTURER'S /SUPPLIER'S IDENTIFICATION MAY APPEAR ON THE END USER, FINISHED PRODUCT (I.E. STENOGRAPHIC PADS).

RFB# OCA/CPA-312
STENOGRAPHIC MACHINE PAPER
NUMBERED - RECYCLED AND VIRGIN STOCK

BID OPENING: MARCH 22, 2005
2:00 PM

* * * DETAILED SPECIFICATIONS * * *

ESTIMATED QUANTITIES:

NUMBERED VIRGIN STOCK	3700 CARTONS/YEAR
NUMBERED RE-CYCLED STOCK	800 CARTONS/YEAR

DELIVERY LOCATIONS: COURT OPERATIONS THROUGHOUT NEW YORK STATE.

IN ADDITION TO ALL ASPECTS OF THE PRECEDING "GENERAL SPECIFICATIONS", THE FOLLOWING SHALL ALSO APPLY:

THE SUPPLIES FURNISHED TO THE UCS SHALL BE THE SAME AS THOSE WHICH ARE SOLD TO THE GENERAL TRADE UNDER THE SAME BRAND, TRADE-NAME OR NUMBER AND QUALITY. ANY SUBSTITUTIONS SHALL BE REQUESTED IN WRITING AND SUBJECT TO OCA APPROVAL.

PAD SHALL BE A THREE-HUNDRED (300) FOLD PAPER PAD. EACH PAD TO BE FILM WRAPPED FOR USE IN "REPORTER" MODEL STENOGRAPH MACHINE.

PAD CAN ALSO BE SPLIT FOR USE IN "SECRETARIAL" MODEL STENOGRAPH MACHINE.

LOTS SHALL CONFORM TO OR EXCEED APPLICABLE PORTIONS OF FEDERAL SPECIFICATION, COMMERCIAL ITEM DESCRIPTION A-A-56B, DATED MARCH 25, 1994, OR MUST CURRENT VERSION THEREOF.

PACKED FIFTY (50) PADS PER CARTON AND CARTON WEIGHT SHALL NOT EXCEED FIFTY (50) POUNDS.

FOLDS ARE TO BE CONSECUTIVELY NUMBERED.

FIGURES WHEN PRINTED SHALL BE LEGIBLE AND NOT SMEAR.

PLEASE DIRECT ANY INQUIRIES TO:

GLENN R. HARRISON
CONTRACTS & PROCUREMENT ADMINISTRATOR
OFFICE OF COURT ADMINISTRATION
CONTRACT & PROCUREMENT ADMINISTRATION
42 KARNER ROAD
ALBANY, NEW YORK 12205
PHONE: (518) 869-4732 FAX: (518) 869-4735
EMAIL: gharriso@courts.state.ny.us



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June 10, 2005

Glenn R. Harrison
NYS Unified Court System
42 Karner Road
Albany, NY 12205

Dear Glenn:

Re: RPB# OCA/CPA-312

Pengad, Inc. will forego the right to request a price increase for our increased labor costs during the contract and contract renewal periods.

However, we do reserve the right to request consideration for increased material costs that we incur during the contract and renewal periods.

Yours truly,


Patricia Verga
Vice President Sales