



Department of Health

Invitation for Bids

IFB #20291

Purchase and Delivery of Scientific, Specialty, Liquid, and Industrial Gases

Issued: 09/26/2023

DESIGNATED CONTACT:

Pursuant to State Finance Law §§ 139-j and 139-k, the New York State Department of Health (hereinafter referred to as the “**Department**” or as “**DOH**”) identifies the following designated person to whom all communications attempting to influence the Department’s conduct or decision regarding this procurement must be made.

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PERMISSIBLE SUBJECT MATTER CONTACT:

Pursuant to State Finance Law § 139-j(3)(a), the Department identifies the following allowable person to contact for communications related to the submission of written bids, written questions, pre-bid questions, and debriefings.

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1. CALENDAR OF EVENTS

IFB #20291 Purchase and Delivery of Scientific, Specialty, Liquid and Industrial Gases	
<u>EVENT</u>	<u>DATE</u>
Issuance of Invitation for Bids	09/26/2023
Registration for Mandatory Site Visit Required By	10/16/2023
Mandatory Site Visit	10/25/2023, 9AM or 10/26/2023, 9AM
Deadline for Submission of Written Questions	Questions Due By 11/6/2023 3:00 p.m. ET
Responses to Written Questions Posted by DOH	Responses to be Posted On or About 11/20/2023
Deadline for Submission of Bids	Bids Due on Or Before Date 12/08/2023 3:00 p.m. ET
<u>Anticipated</u> Contract Start Date	June 1, 2024

2. OVERVIEW

Through this Invitation for Bids (“IFB”), the New York State (“NYS”) Department of Health (the “Department” or “DOH”) is seeking competitive bids from (a) qualified organization(s) for comprehensive next-day gas delivery service to include a full line of cylinder gases required for use in a laboratory setting as further detailed in Attachment B. It is the Department’s intent to award one (1) contract from this procurement.

2.1 Introductory Background

The Wadsworth Center (“WC”) purchases gas which requires delivery of approximately 1170 liquid gas cylinders, and 800 industrial, scientific and specialty gas cylinders annually. There are approximately 1,230 orders placed annually. There are approximately 700 cylinders on site total for all locations.

The volume/usage totals provided are based on the previous two (2) years purchasing and are meant to be representative of volumes/types purchased. The totals do not represent a commitment or guarantee to utilize a specific quantity of cylinders or the purchase of any specific quantity of industrial gas.

Cylinder Deposits and Rental Fees - The WC will not pay cylinder deposit or rental fees of any kind under this contract.

2.2 Important Information

The Bidder **must** review, and is requested to have its legal counsel review, [Attachment 8](#), the DOH Agreement (Standard Contract), as the successful Bidder must be willing to enter into the Contract awarded pursuant to this IFB in the terms of [Attachment 8](#), **subject only to any amendments to**

the Standard Contract agreed by the Department during the Question and Answer Phase of this IFB (see, [Section 5.2](#)). Please note that this IFB and the awarded Bidder's Bid will become part of the Contract as Appendix B and C, respectively.

It should be noted that Appendix A of [Attachment 8](#), "Standard Clauses for New York State Contracts", contains important information, terms and conditions related to the Contract to be entered into as a result of this IFB and **will be incorporated, without change or amendment**, into the Contract entered into between DOH and the successful Bidder. By submitting a response to this IFB, the Bidder agrees to comply with all the provisions of the Contract, including all of the provisions of Appendix A.

Note, [Attachment 7](#), the Bidder's Certified Statements, **must** be submitted by each Bidder and includes a statement that the Bidder accepts, **without any added conditions, qualifications or exceptions**, the contract terms and conditions contained in this IFB including any exhibits and attachments, including, without limitation, [Attachment 8](#). It also includes a statement that the Bidder acknowledges that, should any alternative proposals or extraneous terms be submitted with its Bid, such alternate proposals or extraneous terms will not be evaluated by the DOH.

Any qualifications or exceptions proposed by a Bidder to this IFB should be submitted in writing using the process set forth in [Section 5.2](#) (Questions) prior to the deadline for submission of written questions indicated in [Section 1](#). (Calendar of Events). Any such qualifications or exceptions that are not proposed prior to the deadline for the submission of written questions will not be considered by DOH after contract award. Any amendments DOH makes to the IFB as a result of questions and answers will be publicized on the DOH web site and will be available and applicable to all Bidders equally.

2.3 Term of the Agreement

The term of the Contract that will be entered into pursuant to this IFB between the Department and the successful Bidder is expected to be for a period of 5 years commencing on the date shown on the Calendar of Events in [Section 1](#), subject to the availability of sufficient funding, successful Contractor performance, and approvals from the New York State Attorney General (AG) and the Office of the State Comptroller (OSC).

The pricing for years two (2) and five (5) of the Contract is subject to an annual increase or decrease as described in [Section 4.4](#) (Payment).

Also acceptable is for bidders to include any price increase for subsequent years into their submittal bid price. Example: Bidder bids a price for each year of the contract.

3. MINIMUM QUALIFICATIONS TO BID

3.1 Mandatory Site Visit

Due to the complex nature of the facilities, site visits to two (2) of the (4) locations are MANDATORY prior to submitting a bid. The schedule for the Mandatory Site Visit is shown in the Calendar of Events in Section 1.

Available dates and times of the Mandatory Site Visit are provided in Section 1.0, Calendar of Events. Site visits are currently scheduled on two days, but a bidder is only allowed to attend one day of this mandatory event, **wherein they will visit two laboratories: Biggs Laboratory and the David Axelrod Institute**. Site visits are expected to take about two (2) hours total.

Registration is required and all bidders must register by the deadline for registration, which is provided in Section 1.0, Calendar of Events. Bidders may call between the hours of 8:00am and 3:00pm, Monday through Friday at (518) 474-2950 to schedule their mandatory site visit.

Any bids received from vendors who have not attended one of the mandatory site visits will be rejected and not eligible for award.

Bidders must attend the Mandatory Site Visit and must sign in at each location:

Mandatory Site Visit Locations

Biggs Laboratory
Empire State Plaza
Albany, NY

David Axelrod Institute
120 New Scotland Ave
Albany, NY

Attendees will be required to provide photo identification the day of the Site Visit.

- Representative areas will be visited in the Capital District area (see locations listed above).
- Questions will be announced and answered for all attending to hear. Further, questions raised, and verbal responses provided during the Mandatory Site Visit will be incorporated into the Department's official response to questions (both written and Mandatory Site Visit questions) to be posted to the Department's website for this IFB, on or about the date specified in the Section 1.0 Calendar of Events.
- Any questions that cannot be answered during the Mandatory Site Visit will be answered and incorporated into the Department's official response to questions and posted to the IFB website on or about the date specified in the Section 1.0 Calendar of Events.
- Vendors should clearly understand that only official answers or positions of the Department are those stated in writing and posted on the Department's website for this IFB. Verbal responses provided during the Mandatory Site Visit (or at any other time) do not represent the official answer or position of the Department and the Department shall not be bound in any way by any such verbal answer.

3.2 Mandatory Qualifications

The NYSDOH will only accept Bid proposals from Bidders who meet all of the following specified minimum requirements as a prime contractor:

- A minimum of three (3) years-experience providing delivery of gas cylinders directly into laboratory rooms of institutions of similar overall size to the Wadsworth Center.
- All delivery personnel must have a minimum of 6 months experience delivering scientific and industrial gases directly into laboratories. Dock delivery or delivery into a staging room or area does not qualify.

For the purposes of this IFB, a "prime Contractor" is defined as one who, in relation to a given project, job or product, has the contract with the owner of a project or job, or entity procuring the product,

and has full responsibility for the successful completion or delivery of the project or job or product pursuant to the terms of the contract.

4. DETAILED SPECIFICATIONS

This Section describes the comprehensive next-day gas delivery service of required to be provided by the successful Bidder. The gases to be provided are listed in Attachment B. The selected Bidder must be able to provide all of these products or services throughout the contract term.

PLEASE NOTE: To be considered responsive, a Bidder will be required to provide responses that address all of the requirements of this IFB as part of its Bid.

For purposes of this IFB, the terms “shall”, “must” and “will” are used interchangeably when describing the requirements for a Bidder’s responsive Bid or the Contractor’s duties under the Contract to be entered into between the Department and the successful Bidder.

4.1 Definitions

Laboratory - a room equipped for scientific experiments, or research.

4.2 Bid Requirements

Vendor Staff

- During the term of the contract customer service personnel must be able to respond to inquiries from NYSDOH staff regarding the sale and use of the gases listed in Attachment B.
- When in a WC facility or on the WC grounds, the vendor’s delivery staff must at all times wear a uniform which displays the company name.
- The vendor’s delivery personnel will be provided WC ID badges at no charge to the vendor. The badges must be displayed on their person at all times when on WC grounds or in a WC facility and must not be displayed at any other time. The vendor is responsible for returning badges of personnel whose employment is terminated for any reason within 24 hours of termination to the Contract Manager.
- The WC reserves the right to reject any employee of the contractor at any time and require their immediate replacement with staff acceptable to the WC Contract Manager. The contractor will provide the qualifications and experience of the driver assigned to the contract for the WC Contract Manager’s review prior to the start of work.

Delivery, Return and Transition

- Vendor must have and use a barcode, or similar, tracking system for all cylinders delivered to and returned from the WC.
- All gas orders the vendor receives by 4:30PM must be delivered the next business day. The only exception is for liquid helium delivery. Liquid helium must be delivered within 72 hours of receipt of order.
- Gas cylinders deliveries will be made directly to the room specified and placed exactly as indicated by the WC laboratory staff.
- Gas cylinders must be rotated forward and delivered cylinders must be placed behind cylinders already on hand. The vendor’s delivery personnel shall not move cylinders attached to equipment.
- WC laboratory staff must sign for the delivery of each cylinder. Except in emergency cases, signatures should not be obtained from WC Receiving Unit staff. Two (2) copies of

signed delivery slips will be required for each delivery. One will be provided to the WC laboratory staff and the other to the designated person in the Receiving Unit at each facility.

- Empty and/or unwanted cylinders will be picked up by the contractor when full cylinders are delivered or upon request by the WC Contract Manager or designee.
- The transition period during which the previous vendor's cylinders will be in the WC facilities will be significant. The vendor awarded this contract will be responsible for moving the previous vendor's empty and/or unwanted cylinders from the laboratories/work areas and delivering them to and safely securing them in a designated staging area at each facility. This will be done each time the delivery person sees a cylinder marked as empty and whenever a request is received from the WC Contract Manager or designee.
- All deliveries will be Freight on Board ("F.O.B") destination.

Inventory

The vendor must provide the WC access to an electronic perpetual inventory.

- This inventory must include the date delivered, cylinder ID, building and room delivered to, gas description, and PO# purchased on.
- This inventory must be updated on a daily basis as cylinders are delivered and returned.
- This inventory must be downloadable into Microsoft Excel.

Compensation Structure

- The WC will not pay cylinder deposit, cylinder leasing, demurrage, or cylinder rental fees of any kind.
- The WC will not be responsible for any costs that are not specifically outlined in this contract.
- No additional charges, including fuel surcharges and hazardous material (HAZMAT) handling charges, cylinder recertification charges, etc. will be allowed during the entire contract period.
- The vendor will be solely responsible for cylinder management. The WC will not be monetarily or otherwise be responsible for any cylinder discrepancies during or after the conclusion of the contract period.
- The amount of each gas/gas type listed in the Attachment B column "Approximate Purchased Annually" is based on historical annual usage for a period of 2 years and does not represent a commitment or guarantee by DOH to purchase a specific quantity.

4.3 Product or Service Requirements

All products/gases and cylinders (including valves) must meet any and all current mandatory State and Federal regulatory guidelines.

Bidder must abide by all State and Federal laws regarding the transportation of all gases listed in Attachment B. The Bidder is responsible for obtaining all necessary licenses, permits, certifications, etc. required for the transportation and handling of the gasses listed in Attachment B.

4.4 Estimated Quantities and Delivery Requirements

Estimated Quantities:

The Wadsworth Center ("WC") purchases gas which requires delivery of approximately 1170 liquid gas cylinders, and 800 industrial, scientific and specialty gas cylinders annually. There are approximately 1,230 orders placed annually. There are approximately 700 cylinders on site total for all locations.

The volume/usage totals provided are based on the previous two (2) years purchasing and are meant to be representative of volumes/types purchased. The totals do not represent a commitment or guarantee to utilize a specific quantity of cylinders or the purchase of any specific quantity of industrial gas.

Cylinder Deposits and Rental Fees - The WC will not pay cylinder deposit or rental fees of any kind under this contract.

Delivery:

Deliveries will be accepted 8:00AM through 3:30PM., Monday through Friday, excluding New York State holidays. For the Biggs Laboratory location, delivery vehicles must be checked into the facility by 2:45PM.

Delivery Addresses and building specifics are:

Biggs Laboratory
Empire State Plaza, Dock J,
Albany, NY
500,000 gross sq.ft.*
730 rooms*

David Axelrod Institute
120 New Scotland Avenue
Albany, NY
240,000 gross sq.t.*
342 rooms*

Griffin Laboratory
5668 State Farm Road
Slingerlands, NY
86,700 gross sq.ft.*
95 rooms*

Life Sciences Innovation Building
150 New Scotland Ave.
Albany, NY
66,895 gross sq.ft.*
115 rooms*

* Square footage and number of rooms is approximated

The State Holidays are:

- New Year's Day (January 1)
- Martin Luther King's Birthday (3rd Monday in January)
- Lincoln's Birthday (February 12)
- Washington's Birthday (3rd Monday in February)
- Memorial Day (last Monday in May)
- Juneteenth (June 19)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Columbus Day (2nd Monday in October)
- Veteran's Day (November 11)
- Thanksgiving Day (4th Thursday in November)
- Christmas Day (December 25)

4.5 Security Requirements

Please note that site locations covered by this agreement have mandatory security policies and procedures which must be followed at all times. The Contractor will work with the WC Contract Manager or designee to obtain necessary clearances. The Contractor may be required to provide information such as, but not limited

to, the company name, the employee's name (as it appears on ID), valid driver license number, vehicle make, model and license plate, etc.

The Contractor will be required to follow the direction of the WC Contract Manager or designee, as well as the security personnel teams to ensure that the Contractor is compliant with all facility-specified security policies at all times.

4.6 Payment

Payment of invoices and/or vouchers submitted by the successful Bidder pursuant to the terms of the Contract entered into pursuant to this IFB by the Department shall be made in accordance with Article XI-A of the New York State Finance Law. Payment terms will be monthly based on product delivered. All deliveries will be F.O.B. destination.

Price Adjustment Clause

First year pricing will be based upon the pricing quoted in Attachment B, Cost Proposal Bid Form. Pricing adjustments for years two (2) through five (5) of the contract can be requested by the Contractor and will be determined by the previous year pricing plus or minus an adjustment of the lesser of three percent (3%) or the percent change in the Producer Price Index (PPI) for Chemicals and Allied Products, Industrial gases (WPU067903) as published by the United State Bureau of Labor Statistics, Washington, D.C., 20212 for the twelve (12) month period ending three (3) calendar months prior to the anniversary date for the preceding twelve-month period.

In no event shall more than one request for a price increase be considered during any single year period. Rate decreases are not capped and will be allowed at any time. Rate increases may not exceed three percent.

Requests for increase during years 2 through 5 must be submitted 60 days prior to the yearly anniversary of the approved contract start date.

4.7 Subcontracting

Bidder's may not propose the use of a subcontractor.

4.8 Contract Insurance Requirements

Prior to the start of work under this Contract, the Contractor shall procure, at its sole cost and expense, and shall maintain in force at all times during the term of this Contract, insurance of the types and in the amounts set forth in [Attachment 8](#), the New York State Department of Health Contract, Section IV.

4.9 Minority & Women-Owned Business Enterprise (M/WBE) Requirements

Pursuant to New York State Executive Law Article 15-A, the Department recognizes its obligation to promote opportunities for maximum feasible participation of **certified** minority-and woman-owned business enterprises and the employment of minority group members and women in the performance of DOH contracts.

Business Participation Opportunities for M/WBEs

For purposes of this IFB, DOH hereby establishes an overall goal of 0% for M/WBE participation, 0% for Minority-Owned Business Enterprises ("MBE") participation and 0% for Women-Owned Business Enterprises ("WBE"), based on the current availability of qualified MBEs and WBEs and

outreach efforts to certified MWBE firms. The successful Bidder who becomes the Contractor under the Contract entered into with the Department pursuant to this IFB must document good faith efforts to provide meaningful participation by M/WBEs as subcontractors or suppliers in the performance of the Contract consistent with the M/WBE participation goals established for this procurement, and Contractor must agree that DOH may withhold payment pending receipt of the required M/WBE documentation. For guidance on how DOH will determine “good faith efforts,” refer to 5 NYCRR §142.8.

The directory of New York State Certified M/WBEs can be viewed at:

<https://ny.newnycontracts.com>. The directory is found in the upper right-hand side of the webpage under “Search for Certified Firms” and accessed by clicking on the link entitled “MWBE Directory”. Engaging with firms found in the directory with like product(s) and/or service(s) is strongly encouraged, and all communication efforts and responses should be well documented to establish Contractor’s “good faith efforts”.

By submitting a Bid in response to this IFB, a Bidder agrees to complete an M/WBE Utilization Plan ([Attachment 5](#), Form #1) for this IFB. DOH will review the submitted M/WBE Utilization Plan. If the Plan is not accepted, DOH may issue a notice of deficiency. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days after Bidder’s receipt of such notice. DOH may disqualify a Bidder as being non-responsive to this IFB under the following circumstances:

- a) If a Bidder fails to submit a M/WBE Utilization Plan;
- b) If a Bidder fails to submit a written remedy to a notice of deficiency;
- c) If a Bidder fails to submit a request for waiver (if applicable); or
- d) If DOH determines that the Bidder has failed to document good-faith efforts to provide meaningful participation by M/WBEs under the Contract in accordance with the goals for this IFB established by the Department;

The Contractor will be required to attempt to utilize, in good faith, any MBE or WBE identified within its M/WBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to DOH but must be made no later than prior to the submission of a request for final payment on the Contract.

The Contractor will be required to submit a Contractor’s Quarterly M/WBE Contractor Compliance & Payment Report to the DOH, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the M/WBE goals of the Contract.

If the Contractor is found to have willfully and intentionally failed to comply with the M/WBE participation goals set forth in the Contract, such finding will constitute a breach of Contract and DOH may withhold payment from the Contractor as liquidated damages. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to M/WBEs had the Contractor achieved the contractual M/WBE goals; and (2) all sums actually paid to M/WBEs for work performed or materials supplied under the Contract.

A New York State certified Minority- and Women-Owned Businesses (M/WBE) may request that their firm’s contact information be included on a list of M/WBE firms interested in serving as a subcontractor for this procurement. The listing will be publicly posted on the Department’s website for reference by the bidding community. A firm requesting inclusion on this list should send contact information and a copy of its NYS M/WBE certification to insert a *BML or contact information*

before the Deadline for Questions as specified in [Section 1](#). (Calendar of Events). Nothing prohibits an M/WBE Vendor from proposing as a prime Contractor.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.)

5. ADMINISTRATIVE INFORMATION

The following administrative requirements, terms and information will apply to this IFB. Failure to comply fully with any of these requirements or terms, or this information, may result in disqualification of a Bidder's Bid.

5.1 Restricted Period

"Restricted Period" means the period of time (a) commencing with the earliest written notice, advertisement, or solicitation of this Invitation for Bids, soliciting a response from Bidders and intending to result in a procurement contract with DOH and (b) ending with the final Contract award and approval by the Office of the State Comptroller.

Pursuant to State Finance Law Sections 139-j and 139-k, the Department has identified a "Designated Contact" and a "Permissible Subject Matter Contact" on the Face Page of this IFB to whom all communications with regard to this procurement during the Restricted Period must be made.

During the Restricted Period of this IFB, any oral, written, or electronic communication between a potential Bidder and the Department, except communications between a potential Bidder and the Designated Contact or the Permissible Subject Matter Contact specified on the Cover Page of this IFB, under circumstances where a reasonable person would infer that the communication was intended to influence this procurement, is prohibited by law. The violation of the requirements described in this Section may be grounds for a determination that a Bidder is non-responsible and therefore ineligible for a contract award pursuant to this IFB. Two violations within four years of the rules against impermissible contacts during a "Restricted Period" may result in the violator being debarred from participating in all procurements by New York State agencies and authorities for a period of four years.

5.2 Questions

Potential Bidders may submit written questions and requests for clarification pertaining to this IFB between the issuance of this IFB and the deadline for the submission of written questions specified in [Section 1](#) (Calendar of Events). All questions and requests for clarification of this IFB should cite the relevant IFB, including the IFB number and title, ("IFB #20291 entitled "Purchase and Delivery of Scientific, Specialty, Liquid and Industrial Gases"), the section and paragraph number of this IFB or of the Attachment to this IFB to which the question relates, where applicable, and must be submitted via email to amgrp@health.ny.gov no later than the Deadline for Submission of Written Questions specified in [Section 1](#). (Calendar of Events). Questions received after the deadline **may not** be answered.

If a potential Bidder discovers any ambiguity, conflict, discrepancy, omission, or other apparent error in this IFB, the Bidder shall immediately notify DOH of such error in writing at amgrp@health.ny.gov and request that DOH clarify or modify the Terms of this IFB. If, prior to the deadline for the Submission of Bids, a Bidder fails to notify DOH of a known error or an error that

reasonably should have been known, the Bidder shall assume the risk of bidding notwithstanding such apparent ambiguity, conflict, discrepancy, omission or other error. If awarded the Contract pursuant to the terms of this IFB, the Bidder shall not be entitled to an amendment to the terms of the Contract to correct or clarify any such ambiguity, conflict, discrepancy, omission or other error nor to any additional compensation by reason of the error or its correction.

5.3 Right to Modify IFB

DOH reserves the right to modify any part of this IFB, including, but not limited to, the date and time by which Bids must be submitted and received by DOH, at any time prior to the Deadline for Submission of Bids specified in [Section 1](#). (Calendar of Events). Modifications to this IFB shall be made by the issuance of amendments and/or addenda, which will be posted to the DOH website.

5.4 DOH's Reserved Rights

The Department reserves the right to:

1. Reject any or all bids received in response to the IFB.
2. Withdraw the IFB at any time, at the Department's sole discretion.
3. Make an award under the IFB in whole or in part.
4. Disqualify any Bidder whose conduct and/or Bid fails to conform to the requirements of the IFB.
5. Seek clarifications and revisions of Bids.
6. 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 Department's or any other State agency's request for clarifying information in the course of evaluation and/or selection under the IFB.
7. Prior to the bid opening, amend the IFB specifications to correct errors or oversights, or to supply additional information, as it becomes available.
8. Prior to the bid opening, direct Bidders to submit bid modifications addressing subsequent IFB amendments.
9. Change any of the scheduled dates set forth in [Section 1](#). (Calendar of Events).
10. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective Bidders.
11. Waive any requirements that are not material.
12. Negotiate with the successful Bidder within the terms of the IFB, including the attachments and exhibits, if any, to this IFB, and any amendments or addenda to the IFB, and the Questions and Answers, if any, posted by the Department in accordance with [Section 5.2](#) (Questions), in the best interests of the State.
13. Conduct contract negotiations with the next responsible Bidder, should the Department be unsuccessful in negotiating with the selected Bidder.
14. Utilize any and all ideas submitted in the bids received.
15. Every offer made by a Bidder pursuant to the terms of the Bid it submits shall be firm and not revocable for a period of three hundred and sixty-five days (365) from the bid opening to the extent not inconsistent with Section 2-205 of the uniform commercial code. Subsequent to such three hundred and sixty- five days (365), any offer is subject to withdrawal communicated in a writing signed by the Bidder.
16. 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.

5.5 Freedom of Information Law (“FOIL”)

All Bids may be disclosed or used by the Department to the extent permitted by law. The Department may disclose a Bid to any person for the purpose of assisting in evaluating the Bid or for any other lawful purpose. All Bids will become State agency records, which will be available to the public in accordance with the New York State Freedom of Information Law. **Any portion of the Bid that a Bidder believes constitutes proprietary information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the Bid as specified in the paragraph immediately following this paragraph.** If the Department agrees with the proprietary claim, the designated portion of the Bidder’s Bid will be withheld from public disclosure. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any right to confidential handling of such material.

5.6 Debriefing

Once an award has been made, a Bidder may request a debriefing of their Bid. The debriefing will be limited solely to the Bidder’s own Bid and will not include any discussion of other bids. A Bidder’s request for a debriefing must be received by the Department no later than fifteen (15) business days after the date of the award notification to the successful Bidder or non-award announcement to the unsuccessful Bidder, depending upon whether the Bidder requesting the debriefing is the successful Bidder or an unsuccessful Bidder.

5.7 Protest Procedures

In the event an unsuccessful Bidder wishes to protest the award resulting from this IFB, the protesting Bidder must follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI Section 17 of the OSC’s Guide to Financial Operations, which is available on-line at: <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>

5.8 Piggybacking

New York State Finance Law Section 163(10)(e) (see, also, <https://ogs.ny.gov/procurement/piggybacking-using-other-existing-contracts-0>) allows the Commissioner of the NYS Office of General Services (OGS) to consent to the use of a Contract entered into pursuant to this IFB by other New York State Agencies, and other authorized purchasers, subject to conditions and the consent of the successful Bidder/Contractor.

6. BID FORMAT AND CONTENT

Bidders responding to this IFB must satisfy all requirements stated in this IFB. A Bidder must submit a complete Bid package. A Bid that is incomplete in any material respect must be rejected.

To expedite the review by the Department of the Bids submitted in response to this IFB, Bidders are requested to submit their Bids as summarized in [Attachment A](#), Bid Package Checklist. This separation of information will facilitate the review of the material requested. No information beyond that specifically requested is required, and Bidders are requested to keep their Bid submissions to the shortest length consistent with making a complete presentation of qualifications and a complete and concise response to each component of the IFB.

The Department will not be responsible for expenses incurred in preparing and submitting the Bid Packages. Such costs should not be included in the Bid.

6.1 Mandatory Bid Requirements

The purpose of the Mandatory Bid Requirements is to demonstrate the qualifications, competence, and capacity of the Bidder to provide the commodity or services sought to be procured by the Department pursuant to this IFB. The following outlines the required information to be provided by each **responsive** Bidder. The information requested must be provided in the prescribed format. Responses that do not follow the prescribed format will be eliminated from consideration. All responses included in a Bid submitted pursuant to this IFB by a Bidder are subject to verification for accuracy.

6.1.1 Mandatory Site Visit

Bidders must attend the Mandatory Site Visit and must attend and sign in at each location, this sign in log will be used to verify responsiveness to this requirement. ([Section 3.1](#)).

6.1.2 Bidder's Minimum Qualifications to Bid

A responsive Bidder must be able to meet all the requirements stated in [Section 3.2](#) of this IFB. The Bidder must submit documentation that provides sufficient evidence of meeting the minimum qualifications to bid. This documentation may be in any format needed to demonstrate how they meet those minimum qualifications.

- A minimum of three (3) years-experience providing delivery of gas cylinders directly into laboratory rooms of institutions of similar overall size to the Wadsworth Center.
- All delivery personnel must have a minimum of 6 months experience delivering scientific and industrial gases directly into laboratories. Dock delivery or delivery into a staging room or area does not qualify.

6.1.3 Bid Form

A responsive Bidder must submit a completed and signed [Attachment B – Bid Form](#). The Bid Form must comply with the format and content requirements as detailed in this IFB and in Attachment B. Failure to comply with the format and content requirements will result in disqualification.

The prices bid must cover the cost of furnishing all of the said products or services specified in this IFB, including, but not limited to, materials, equipment, profit and labor to the satisfaction of the Department and the performance of all work set forth in the specifications for this procurement set forth in this IFB and in the Contract to be awarded pursuant to this IFB to the successful Bidder.

Bidders must provide a price for all products in sizes and quantities exactly as listed in **Bid Form - Attachment B**. Bids which do not include a price for all products may be disqualified. Bids which add alternative products, quantities or sizes will be disqualified.

6.1.4 Bidder's Certified Statements

Complete, sign and submit [Attachment 7](#), "Bidder's Certified Statements", which includes information regarding the Bidder. [Attachment 7](#) must be signed by an individual authorized to bind the Bidder contractually. Please indicate the title or position that the signer holds with the Bidder.

Note: THE DEPARTMENT WILL REJECT AND FIND UNRESPONSIBLE ANY BID THAT CONTAINS AN INCOMPLETE, UNSIGNED OR IS MISSING [Attachment 7](#).

6.2 Other Bid Documents

6.2.1 Bidder's Disclosure of Prior Non-Responsibility Determinations

Submit a completed and signed [Attachment 1](#), "Bidder's Disclosure of Prior Non-Responsibility Determinations".

6.2.2 Vendor Responsibility Questionnaire

Complete, certify, and file a New York State Vendor Responsibility Questionnaire. The Department recommends that Bidders file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System Instructions at http://www.osc.state.ny.us/vendrep/info_vrsystem.htm or go directly to the VendRep System online at www.osc.state.ny.us/vendrep.

Bidders must provide their New York State Vendor Identification Number (Vendor ID) when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the Office of the State Comptroller (OSC)'s Help Desk at 866-370-4672 or 518-408-4672 or by email at ciohelpdesk@osc.state.ny.us.

Bidders opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website, www.osc.state.ny.us/vendrep, or may contact the OSC's Help Desk for a copy of the paper form. Bidder's should complete and submit the Vendor Responsibility Attestation, [Attachment 3](#).

6.2.3 Vendor Assurance of No Conflict of Interest or Detrimental Effect

Submit [Attachment 4](#), Vendor's Assurance of No Conflict of Interest or Detrimental Effect, which includes information regarding the Bidder, members, shareholders, parents, affiliates **and** subcontractors. [Attachment 4](#) must be signed by an individual authorized to bind the Bidder contractually.

6.2.4 EO 177 Prohibiting Contracts with Entities that Support Discrimination

Submit [Attachment 11](#), certifying that Bidder does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected status under the New York State Human Rights Law.

6.2.5 Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia

Submit [Attachment 12](#), certifying the status of the Bidder's business operations in Russia, if any, as mandated by Executive Order 16.

6.2.6 M/WBE Forms

Submit completed Form #1 and/or Form #2, Form #4 and Form #5 as directed in [Attachment 5](#), "New York State DOH M/WBE IFB Required Forms".

6.2.7 Encouraging Use of New York Businesses in Contract Performance

Submit [Attachment 6](#) "Encouraging Use of New York State Businesses in Contract Performance" to indicate which New York State Businesses, if any, the Bidder will use in the performance of the Contract to be awarded to the successful Bidder.

6.2.8 State Finance Law Consultant Disclosure Provisions

In accordance with New York State Finance Law Section 163(4)(g), State agencies must require all Contractors, including subcontractors, that provide consulting services for State purposes pursuant to a contract to submit an annual employment report for each such contract.

The successful bidder for procurements involving consultant services must complete a "State Consultant Services Form A, Contractor's Planned Employment from Contract Start Date through End of Contract Term" in order to be eligible for a contract.

The successful bidder must also agree to complete a "State Consultant Services Form B, Contractor's Annual Employment Report" for each state fiscal year included in the resulting contract. This report must be submitted annually to the Department of Health, the Office of the State Comptroller, and Department of Civil Service.

Submit State Consultant Services Form A: Contractor's Planned Employment and Form B: Contractor's Annual Employment Report, available at:
<http://www.osc.state.ny.us/agencies/forms/ac3271s.doc> and
<http://www.osc.state.ny.us/agencies/forms/ac3272s.doc>.

6.2.9 Sales and Compensating Use Tax Certification (Tax Law, § 5-a)

Section 5-a of the Tax Law, as amended, effective April 26, 2006, requires certain Contractors awarded state contracts for commodities, services and technology valued at more than \$100,000 to certify to the Department of Tax and Finance (DTF) that they are registered to collect New York State and local sales and compensating use taxes. The law applies to contracts where the total amount of such contractors' sales delivered into New York State are in excess of \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made, and with respect to any affiliates and subcontractors whose sales delivered into New York State exceeded \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made.

This law imposes upon certain contractors the obligation to certify whether or not the contractor, its affiliates, and its subcontractors are required to register to collect state sales and compensating use tax and contractors must certify to DTF that each affiliate and subcontractor exceeding such sales threshold is registered with DTF to collect New York State and local sales and compensating use taxes. The law prohibits the State Comptroller, or other approving agencies, from approving a contract awarded to an offeror meeting the registration requirements but who is not so registered in accordance with the law.

The successful Bidder must file a properly completed Form ST-220-CA with the Department of Health and Form ST-220-TD with the DTF. These requirements must be met before a contract may take effect. Further information can be found at the New York State Department of Taxation and Finance's website, available through this link:
<http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Submit these Forms, available through these links:

- ST-220 CA: http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf
- ST-220 TD: http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf

6.2.10 Freedom of Information Law – Bid Redactions

A Bidder must clearly and specifically identify any portion of their Bid that the Bidder believes constitutes proprietary information entitled to confidential handling as an exception to the Freedom of Information Law. See [Section 5.11](#), (Freedom of Information Law).

7. BID SUBMISSION

The table below outlines the requested format and volume for submission of each part. Bids should be submitted in all formats as prescribed below.

	Paper Submission
Bid Package	2 Originals 2 Copies

1. All hard copy bid materials should be printed on 8.5" x 11" white paper (single sided), be clearly page numbered on the bottom of each page with appropriate header and footer information and presented separately, in three-ring binders if necessary.
2. A type size of eleven (11) points or larger should be used.
3. The Bid submission should be submitted in a sealed envelope or box.
4. Where signatures are required, the Bids designated as originals should have a handwritten signature and be signed in [blue ink](#).
5. The Department discourages overly lengthy Bids. Therefore, marketing brochures, user manuals or other materials beyond that sufficient to present a complete Bid, are not desired and will not be reviewed or evaluated. Elaborate artwork or expensive paper is not necessary or desired. In order for the Department to evaluate bids fairly and completely, all Bids should follow the format described in this IFB and provide all requested information and no extraneous or additional information or material.
6. Audio and/or videotapes are not allowed. Any submitted audio or videotapes will be ignored by the evaluation team.
7. In the event that a discrepancy is found between the electronic and hardcopy Bid, the content of the original hardcopy #1 will prevail.

The complete bid must be received by the NYSDOH, no later than the Deadline for Submission of Bids specified in [Section 1.0](#), (Calendar of Events). Late bids will not be considered.

Bids should be submitted in a clearly labeled package, prepared in accordance with the requirements stated in this IFB. Mark the outside envelope of the Bid as "IFB #20291 Purchase and Delivery of Scientific, Specialty, Liquid and Industrial Gases".

Bids must be submitted, by U.S. Mail, by courier/delivery service (e.g., FedEx, UPS, etc.), or by hand as noted below, in a sealed package, to:

Department of Health
IFB # 20291 – Purchase and Delivery of Scientific, Specialty, Liquid and Industrial Gases
Attention: Robert Miller
New York State Department of Health
Wadsworth Center, Room B776
Empire State Plaza
Albany, NY 12237

Or by courier/delivery service (e.g., FedEx, UPS, etc.) to:
ATTN: Robert Miller
Biggs Laboratory
Wadsworth Center
New York State Department of Health
Dock J - P1 Level
Empire State Plaza
Albany, NY 12237

NOTE: Bidders should request a receipt containing the time and date received and the signature of the receiver for all hand-deliveries and ask that this information also be written on the package(s).

Submission of bids in a manner other than as described in these instructions (e.g., fax, electronic transmission) will not be accepted.

The complete Bid must be received by the Department no later than the Deadline for Submission of Bids specified in [Section 1.0](#) (Calendar of Events). Late bids will not be considered.

7.1 No Bid Form

A prospective Bidder choosing not to bid is requested to complete and submit the No-Bid form [Attachment 2](#), by the Deadline for Submission of Bids specified in [Section 1.0](#) (Calendar of Events). This information helps to enhance future mailing lists for the Department.

8. METHOD OF AWARD

At the discretion of the Department, all Bids may be rejected. The Department will award one contract as described in this IFB to the responsible and responsive Bidder who offers the lowest total bid price.

In the event of a tie, the tied bidders will be given the opportunity to provide their best and final bid price to the Department, and, after evaluation of these revised bids, the award will then be made to the lowest bidder.

8.1 General Information

Once a successful Bidder is selected, the Department will issue a Contract to the successful Bidder, substantially in the form of Attachment 8. In order to be considered responsible and responsive, the Bid must include all Invitation for Bid (IFB) required documents and meet the minimum qualifications as stated in the IFB.

Bidders may be requested by the Department to clarify the details of their Bid. Unless requested by the Department to do so, no Bidder will be allowed to alter its Bid after the Deadline for Submission of Proposals listed in [Section 1.0](#) (Calendar of Events).

8.2 Submission Review

The Department will examine all Bids that are received in a proper and timely manner. The Bid containing the lowest total price offered will be further evaluated to determine if it meets all bid submission requirements, as described in [Section 6.0](#) (Bid Format and Content) and [Section 7.0](#) (Bid Submission) for award. That process will be followed until an award is made.

8.3 Award Recommendation

The Evaluation Committee will submit a recommendation for award to the responsible and responsive Bidder with the lowest total bid.

The Department will notify the awarded Bidder and Bidders not awarded. The awarded Bidder will enter into a written Agreement substantially in accordance with the terms of [Attachment 8](#), DOH Agreement, to provide the required services or commodities as specified in this IFB. The resultant contract shall not be binding until fully executed and approved by the New York State Office of the Attorney General and the Office of the State Comptroller.

ATTACHMENTS

The following attachments are included in this IFB and are available via hyperlink or can be found at: <https://www.health.ny.gov/funding/forms/>.

1. [Bidder's Disclosure of Prior Non-Responsibility Determinations](#)
2. [No-Bid Form](#)
3. [Vendor Responsibility Attestation](#)
4. [Vendor Assurance of No Conflict of Interest or Detrimental Effect](#)
5. [Guide to New York State DOH M/WBE IFB Required Forms](#)
6. [Encouraging Use of New York Businesses in Contract Performance](#)
7. [Bidder's Certified Statements](#)
8. [DOH Agreement](#) (Standard Contract)
9. [References](#)
10. [Diversity Practices Questionnaire](#)
11. [Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination](#)
12. [Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia](#)

The following attachments are attached and included in this IFB:

- A. Bid Package Checklist
- B. Bid Form

ATTACHMENT A

BID PACKAGE CHECKLIST

Please reference [Section 7.0](#) for the appropriate format and quantities for proposal submission.

IFB #20291 – Purchase and Delivery of Scientific, Specialty, Liquid and Industrial Gases		
FOR THE MANDATORY BID REQUIREMENTS		
IFB §	REQUIREMENTS	INCLUDED
§ 6.1.1	Mandatory Site Visit	<input type="checkbox"/>
§ 6.1.2	Documentation of Bidder’s Eligibility	<input type="checkbox"/>
§ 6.1.3	Bid Form (Attachment B)	<input type="checkbox"/>
§ 6.1.4	Bidder’s Certified Statements (Attachment 7)	<input type="checkbox"/>
OTHER BID DOCUMENTS		
§ 6.2.1	Disclosure of Prior Non-Responsibility Determinations (Attachment 1)	<input type="checkbox"/>
§ 6.2.2	Vendor Responsibility Attestation (Attachment 3)	<input type="checkbox"/>
§ 6.2.3	Vendor Assurance of No Conflict of Interest or Detrimental Effect (Attachment 4)	<input type="checkbox"/>
§ 6.2.4	EO 177 Prohibiting Contracts with Entities that Support Discrimination (Attachment 11)	<input type="checkbox"/>
§ 6.2.5	EO 16 Prohibiting Contracts with Entities Conducting Business in Russia (Attachment 12)	<input type="checkbox"/>
§ 6.2.6	Attachment 5 - M/WBE Participation Requirements:	<input type="checkbox"/>
	Attachment 5 - Form 1	<input type="checkbox"/>
	Attachment 5 - Form 2 (If Applicable)	<input type="checkbox"/>
	Attachment 5 - Form 4	<input type="checkbox"/>
	Attachment 5 - Form 5 (If Applicable)	<input type="checkbox"/>
§ 6.2.7	Encouraging Use of New York Businesses (Attachment 6)	<input type="checkbox"/>
§ 6.2.8	State Finance Law Consultant Disclosure	<input type="checkbox"/>
§ 6.2.9	Sales and Compensating Use Tax Certification	<input type="checkbox"/>
§ 6.2.10	FOIL	<input type="checkbox"/>

ATTACHMENT B

BID FORM

The Cost Proposal Bid Form is provided in Excel format as a separate file on the Department's Grant/Funding Opportunities webpage for IFB #20291 found at <https://www.health.ny.gov/funding/>.

Contract Term 06/01/2024 - 05/31/2029				
ALL QUANTITIES ARE ESTIMATED; ACTUAL USAGE WILL VARY				
Company Name:				
PRODUCT	Cylinder Size/Type	Cylinder Cost	Approximate Purchased Anually	Total
LIQUID GASES				#VALUE!
liquified argon	LQ265		113	0.00
liquified helium	100 liter		6	0.00
liquified helium	60 liter		3	0.00
liquified nitrogen	LS-160		512	#VALUE!
liquified nitrogen	GP45		17	0.00
liquified nitrogen	XL230		148	0.00
liquified nitrogen	GP265		370	0.00
liquified nitrogen NF(Medical Grade)	LS-160		7	0.00
COMPRESSED GASES				0.00
2.0 air ultrazero	200 cu.ft.		10	0.00
5% CO2, balance O2, CGA 500	200 cu.ft.		1	0.00
5%CO2, 10%H, balance N2	200 cu.ft.		18	0.00
acetylene	MC		3	0.00
acetylene grade 2.6 AA	#5		2	0.00
acetylene HS ACB	B/40 cu.ft.		2	0.00
argoshield 25C	125 cu.ft.		1	0.00
argoshield 25C	92 cu.ft.		1	0.00
CO2 commercial grade	50 lbs		433	0.00
CO2, Syphon CPN, CGA 320	200 cu.ft		3	0.00
dry air	200 cu.ft.		1	0.00
helium 6.0, Research Grade	300 cu.ft.		1	0.00
HP argon	200 cu.ft.		5	0.00
HP argon, Prepurified, CGA 580	200 cu.ft.		4	0.00
HP nitrogen	200 cu.ft.		16	0.00
HP nitrogen, CGA 580	20 cu.ft.		16	0.00
nitrogen, dry	300 cu.ft.		78	0.00
oxygen	200 cu.ft.		8	0.00
oxygen	R/20 cu. Ft.		3	0.00
p-10	200 cu.ft.		6	0.00
p-5 (unanalyzed)	200 cu.ft.		1	0.00
Propane	20 lb,		2	0.00
UHP argon	200 cu.ft.		2	0.00
UHP helium	300 cu.ft.		90	0.00
UHP hydrogen	300 cu.ft.		7	0.00
UHP methane CGA 3560	300 cu.ft.		3	0.00
UHP nitrogen	300 cu.ft.		6	0.00
UHP nitrogen	200 cu.ft.		85	0.00
Estimated Total Bid for One Year				
Total Bid Year 1	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	#VALUE!

By signing this Cost Proposal Bid Form, bidder agrees that the prices above are binding for 365 days from the proposal bid c

Date: _____	_____	_____	_____
	Authorized Signature	_____	_____
		_____	_____
	Printed Name	_____	_____
		_____	_____
	Title	_____	_____