

Alternate Format and Mailing Services (AFMS) IFB 2015

AMENDMENTS

Amendment to: Section Table of Contents, page 4 – The Table of Contents has been amended by adding Exhibit 6, and Exhibit 7, both are examples of Postscript Versions of Dynamic Notices.

Amendment to: Section 1.6.6 page 8

- **Section 1.6.6, page 8, Original:** Subcontracting of the printing, production and mailing functions is not permissible under the contract requirements with the exception of subcontracting for language translation. In all cases, the OTDA shall consider the selected Bidder for both Lots, to be the sole responsible entity with regard to all provisions of the contract resulting from this IFB.
- **Section 1.6.6 page 8, Amended:** Subcontracting of the printing, production and mailing functions is not permissible under the contract requirements with the exception of subcontracting for language translation. Certified MWBE language translation vendors can be found at the following link, <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>, by searching for ESD commodity code: ESD-I-0678. In all cases, the OTDA shall consider the selected Bidder for both Lots, to be the sole responsible entity with regard to all provisions of the contract resulting from this IFB.

Amendment to: Section 1.15.3.3, page 11 - Section 1.15.3.3, has been amended as below to remove the references to “4:00 P.M.” and replace them with “3:00 P.M.”

- **Section 1.15.3.3, page 11, Original:** The emailed bid or hardcopy original and copies of the Bid must be received by the OTDA on or before the close of business (4:00 P.M.) on the Bid Due Date as noted in section 1.12.4 of this IFB. Any bidder’s Bid made in response to this IFB not received by 4:00 P.M. on the closing date for receipt of Bids may not be considered responsive and will not be accepted, unless the OTDA, in its sole discretion, determines that no material prejudice will occur if such Bid is accepted.
- **Section 1.15.3.3, page 11, Amended:** The emailed bid or hardcopy original and copies of the Bid must be received by the OTDA on or before the close of business (3:00 P.M.) on the Bid Due Date as noted in section 1.12.4 of this IFB. Any bidder’s Bid made in response to this IFB not received by 3:00 P.M on the closing date for receipt of Bids may not be considered responsive and will not be accepted, unless the OTDA, in its sole discretion, determines that no material prejudice will occur if such Bid is accepted.

Amendment to: Section 2.1.5, page 14 – Section 2.1.5, has been amended as below to remove the reference to “New York State Printing and Public Documents Law”

- **Section 2.1.5, page 14, Original:** The purpose of this IFB is to establish one contract in accordance with the New York State Finance Law, New York State Printing and Public Documents Law, United States Postal Services Law regulations, New York State Social Services Law and Data Exchange or Internet laws, with one vendor for the provision of:
- **Section 2.1.5, page 14, Amended:** The purpose of this IFB is to establish one contract in accordance with the New York State Finance Law, United States Postal Services Law regulations, New York State Social Services Law and Data Exchange or Internet laws, with one vendor for the provision of:

Amendment to: Section 2.15, page 26 – Section 2.15, has been amended, as below, to remove the reference to “Printing Services”

- **Section 2.15, page 26, Original:** Minority and Women-Owned Business Enterprise (M/WBE) and Equal Employment Opportunity (EEO) Participation Requirements

New York State Executive Law §§ 310–318, (Article 15-A: Participation by Minority Group Members and Women with Respect To State Contracts -- hereinafter “the Statute”), was enacted to promote equality of employment and economic opportunities for minority group members and women in State contracting activities. The New York State Office of Temporary and Disability Assistance (OTDA) fully supports the efforts of the State of New York to promote Equal Employment Opportunity (EEO) for all persons and to promote equality of economic opportunity for minority group members and women who own business enterprises.

OTDA has developed compliance requirements, forms and procedures to ensure that (i) all contractors as defined under § 310 (3) (to include those who submit bids/proposals in an effort to be selected for contract award as well as those successful bidders/proposers with whom OTDA enters into State Contracts, as defined in § 310 (13) [hereinafter “Contractors”], as well as proposed or actual “Subcontractors”, as defined in § 310 (14) shall comply with requirements to ensure Equal Employment Opportunities for Minority Group Members and Women, and, (ii) there are meaningful participation opportunities for certified minority or women-owned business enterprises (M/WBEs) in the OTDA procurement process. Contractors participating in and/or selected for procurement opportunities with OTDA shall fulfill their obligations to comply with applicable Federal, State and Local requirements concerning Equal Employment Opportunity and opportunities for Minority and Women Business Enterprises, including but not limited to the Statute and its implementing regulations as promulgated by the New York State Division of Minority and Women's Business Development (DMWBD) and set forth at 5 NYCRR Parts 140-144). (Please refer to Appendix Z, attached and incorporated by reference herein, for the specific EEO/MWBE requirements and associated forms required by this procurement.) These forms are to be submitted without change to OTDA goals specified in the IFB or contract. Copies of the required OTDA Forms are identified in this Appendix and available on OTDA's Internet site at <http://otda.ny.gov/contracts/mwbe/forms.asp>.

It is important to note that in addition to direct sub-contracting on State contracts, contractors can also utilize a number of other vendors in support of their overall operations. Using NYS Certified MWBEs (link to Directory of NYS Certified MWBEs, <http://www.esd.ny.gov/MWBE.html>) as providers of these second tier services can be counted in satisfaction of the goals. The following are examples of indirect services that you may want to consider for compliance with MWBE subcontracting participation requirements: Accounting Services, Advertising, Building Maintenance, Car Rental, Cleaning Supplies, Copying, Electrical Services, Furniture, Heating and Cooling, Janitorial Services, Office Supplies, Pest Control, Printing Services, Publishing, Rubbish Removal, Security, Shredding Services, Tax Preparation, Technical Writing, Training, Travel Services, etc.

- **Section 2.15, page 26, Amended:** Minority and Women-Owned Business Enterprise (M/WBE) and Equal Employment Opportunity (EEO) Participation Requirements

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Amendment to: Section 3.1.21, page 38 - Section 3.1.21, Has been amended as follows.

- **Section 3.1.21, page 38, Original:** Reproduction – shall mean the process of using an electronic print file to generate pre-existing documents from that file.
- **Section 3.1.21, page 38, Amended:** Reproduction shall mean the process of manipulating an electronic print file to convert and reformat pre-existing documents from that file into Alternate Formats.

Amendment to: Section 3.10.7, page 58 - Section 3.10.7, has been amended as follows.

- **Section 3.10.7, page 58, Original:** The Contractor must conduct periodic and documented testing of a representative sample of documents processed for alternate format Dynamic Notices to determine the quality of the final product, and move immediately to adjust or repair equipment as needed, or address envelope and/or shipping container sizing. Any problems delaying processing or requiring re-prints or duplication of Audio or Data CDs of selected documents must be reported to the OTDA Contract Manager. Re-prints or duplication of Audio or Data CDs will be at the contractor's expense and should not be billed to the OTDA.
- **Section 3.10.7, page 58, Amended:** The Contractor must conduct periodic and documented testing of a representative sample of documents processed for alternate format Dynamic Notices to determine the quality of the final product, and move immediately to adjust or repair equipment as needed, or address envelope and/or shipping container sizing. Upon completion documentation of such testing shall be provided to the OTDA, in an agreeable format, for the OTDA to review. Any problems delaying processing or requiring re-prints or duplication of Audio or Data CDs of selected documents must be reported to the OTDA Contract Manager. Re-prints or duplication of Audio or Data CDs will be at the contractor's expense and should not be billed to the OTDA.

Amendment to: Section 4, Article 18, Termination of Agreement. Paragraph 4.

- **Section 4 Article 18 Termination of Agreement, Paragraph 4. Original:** All or any part of this Agreement may be terminated by OTDA for cause upon the failure of the Contractor to comply with the terms and conditions of this Agreement, including the attachments hereto, provided that OTDA shall give the Contractor written notice via registered or certified mail, return receipt requested, or shall deliver same by hand - receiving the Contractor's receipt therefore, such written notice to specify the Contractor's failure and the termination of this Agreement. Termination shall be effective 10 business days from receipt of such notice, established by the receipt returned to OTDA, unless the Contractor, in the opinion of OTDA, has cured said failure.
- **Section 4 Article 18 Termination of Agreement, Paragraph 4. Amended:** All or any part of this Agreement may be terminated by the OTDA for cause upon the failure of the contractor to comply with the terms and conditions of this Agreement, including the attachments hereto. In the event that the Contractor is in breach of its obligations under this Agreement other than case of willful violation, the OTDA shall give the Contractor written notice specifying Contractor's failure and a 10 calendar day period to submit a mutually agreeable corrective action plan. The corrective action plan shall define the scope and timeline of the cure. If the OTDA reasonably determines that the failure to comply is a) a willful violation or b) presents a danger to the health, safety, or welfare of the employees, agents, or citizens of the State, the OTDA may terminate the Agreement immediately upon notice to the Contractor. The Contractor agrees to incur no new obligations nor to claim any expenses made after receipt of notification of termination. Termination for cause shall create a liability upon the Contractor for legal damages.

Amendment to: Appendix C Bid Submission Checklist. Appendix C Bid Submission Checklist has been amended to add the following.

IFB Reference	Item	Bidder's Response
Section 4, General	Confirm that the Bidder agrees to comply with the requirements, specifications, terms and conditions stated throughout this IFB.	

Bidders shall use the amended Version of Appendix C Bid Submission Checklist which is available at, <http://otda.ny.gov/contracts/2015/AFMS/>