



2018-2019 Multi-Program Bulk Purchasing Solicitation

The New York State Weatherization Directors Association (NYSWDA) is soliciting bids for energy conservation and health and safety materials to be utilized in multi-programs throughout New York. The results of the bid will be eligible for use by New York State Homes and Community Renewals' (NYSHCR) Weatherization Assistance Program statewide, any and/or all New York State Energy Research and Development Authorities' (NYSERDA) low income residential programs. By working in cooperation, we expect a greater volume of sales.

The New York State Weatherization Directors Association (NYSWDA) is a 501(c) (3) nonprofit corporation whose members are Weatherization sub grantees representing every county in New York State. The New York State Weatherization Directors Association is committed to developing new opportunities in support of its membership, linking sound public policy with the concepts of energy conservation and economic self-sufficiency, resulting in safe, healthy, and affordable housing for low income families in New York State.

Background

This solicitation will assist Weatherization sub grantees in obtaining bulk purchase pricing benefits while maintaining the quality of materials used in weatherization services. The results of this bid also offer those participating in the NYSERDA programs, building owners, contractors and clients the opportunity to purchase a variety of energy-efficient materials for their properties at bulk rates and in bulk quantities.

New York Weatherization Assistance programs: Since the inception of the Program in 1977, more than 695,000 dwellings have been weatherized in New York. There are Weatherization Assistance programs throughout New York State in each of its 62 counties. The Weatherization Assistance Program provides energy conservation and health and safety measures to low-income households. The Program is sponsored by New York State Homes and Community Renewal's, Energy Services Bureau. The funding for this program is provided by the U.S. Department of Energy and the U.S. Department of Health and Human Services.

New York State Energy Research and Development Authority (NYSERDA) programs: NYSERDA's programs include the Assisted Multifamily Program, the Home Performance with ENERGY STAR[®] program (as well as the Assisted component), EmPower New YorkSM, the ENERGY STAR[®] Homes program.

**Hereafter, NYSWDA will be referred to as the Authorized Representative.
Agencies/Contractors/Owners will be referred to as the Purchasers.**

General Terms and Conditions

For this solicitation, Bulk Purchase is defined as a collection of goods of the same kind.

Please Note: Award of this bid does not guarantee sales.

Please be aware that the Weatherization Assistance Program agencies are responsible for their own orders and payments. This includes setting up individual payable accounts with the awarded vendors to establish lines of credit. The Weatherization Assistance Programs will be notified of pricing for all responsive and responsible bidders, but are not obligated to purchase from a particular bidder.

With NYSERDA programs, use of bid results may vary from one program to another. For instance, some programs may require contractors to utilize the bid results; others may only suggest or reference the bid results. Some programs may require selecting the lowest bid price per product category; other programs may allow use of a price range. These details cannot be known in advance for all NYSERDA programs and bidders must understand and accept the utilization of their bid results accordingly.

Bid proposals must be all inclusive and detailed in accordance with specifications. This solicitation is a request for competitive pricing and does not constitute an order.

The Authorized Representatives are not making any representations to the amount of business to be generated by participation in this Bulk Purchase Solicitation.

General Specifications

Quotations must be entered directly into BidSync, our web based electronic software package, and a HARD COPY PRINTED AND MAILED to NYSWDA. CONTACT BIDSYNC FOR TECHNICAL ASSISTANCE ONLY. NYSWDA's bid is complex and unusual by its nature. Our staff is best prepared to handle the questions you have.

Required paperwork for the bid **is not** to be fastened together by any means, and **pricing will only be accepted as printed from BidSync**. Any and all additional materials are always welcome; however, any required forms for this solicitation are not to be fastened together.

Late bids will only be accepted when the Authorized Representatives approves the request for an extension prior to the due date. Otherwise, late bids will not be considered.

Questions must be submitted in writing and received in our office no later than **February 16th, 2018**.

Bids must be received no later than: February 22nd, 2018 by 3:30pm

PUBLIC BID OPENING DIFFERS FROM DUE DATE, bid opening is: **February 23rd, 2018 at 11:00am**, at the NYSWDA location listed below.

Bids are to be submitted in a sealed envelope labeled **"Sealed Materials Bid"**.

Under no circumstance will a bid be accepted by e-mail or fax.

Bids to be mailed to:

**Lila Laguna – Purchasing Agent
NYSWDA
2 Charles Boulevard
Guilderland, New York 12084**

Omissions and Discrepancies - If a Bidder is in doubt as to the correct meaning of any part of the specifications or discover any omissions or discrepancies therein, the Bidder should notify NYSWDA. Additional information, when required, will be issued in the form of an addendum which will be sent to all Bidders via BidSync notification. Addendums will become part of the initial Bid Request.

Product Specifications - Bids must contain detailed descriptions of the products offered in addition to brochures, and other documentation to help the Authorized Representatives make an informed decision. Each product listed in BidSync will contain specific requirements for products. All fields will need to be completed. There will be a notes section where vendors can add relevant information. BidSync will accept multiple entries on each product if pricing for more than one manufacturer is bid. See BidSync Instructions for more information.

Vendors cannot substitute materials not listed in the bid.

Each Bidder **MUST** supply a written warranty on any applicable materials.

The Bidder shall deliver merchandise as bid (no substitutions). Any deviation must be cleared with NYSWDA.

In order to be considered a responsible, responsive bidder, a bidder must notify Lila Laguna, NYSWDA Representative if an agency issues a bid package to that bidder for any product included in the Weatherization Assistance Program Statewide Process.

Failure by the Bidder to comply with any part of this bid package will constitute a breach of contract and nullify the Bidders' position as our choice of vendor for the materials in question.

Warranty

The Bidder warrants to Purchaser that the product will be new and not refurbished.

The Bidder warrants to Purchaser that the product will be free from defects and will meet the product specifications stated.

Damaged or defective items, in the opinion of the Authorized Representatives/Purchasers, shall be replaced at no cost (including shipping) to the Authorized Representatives/Purchasers.

The Bidder agrees to provide a minimum one year product warranty on all products (unless otherwise specified). In the event that the manufacturer's warranty exceeds one year, the Bidder shall agree to provide material warranty on the product or component for that period.

Contract Term

Period - The contract shall be from April 1, 2018 through March 31, 2019. If necessary, a renewal option will be exercised at the Authorized Representatives discretion.

Price Protection

The price will be firm and fixed for the contract period unless notified 30 days in advance of price increase on company letterhead, mailed certified with a return receipt.

Vendor Performance

The vendor shall deliver merchandise as bid. Any deviation must be cleared with the NYSWDA.

Delivery/Shipments

Weatherization Assistance Program:

Firm prices shall be bid F.O.B. requesting purchaser's location(s) and include packaging, handling, shipping and delivery charges fully **PREPAID by the vendor**. Vendors may be required to deliver to several different locations with the requesting purchaser's area. Vendors are required to deliver commodities within a "reasonable" time frame. If such time frame is not able to be accommodated, agencies are to be notified immediately within a day of their purchase.

When appropriate, vendors are required to provide to the requesting purchasers a minimum of one day advance notice for delivery at an off-site location. Notification and deliveries are to be made during requesting purchaser's normal working hours**

**If there is a trailer charge, all prices must be stated up front.

NYSERDA Programs:

Firm prices shall be bid F.O.B including **handling, shipping and delivery charges** fully **PREPAID by the vendor**. Vendors will be expected to **drop-ship** directly to the building site. The vendor will be responsible for establishing a policy and/or a system for fill-in orders and returns. *(By fill-in orders, we mean if a vendor needs to order only a few pieces of a given item, e.g., radiator valves, after a larger order has already been placed.)* All participating vendors will be required to submit copies of orders, packing slips and invoices directly to the participating agencies at the time they are issued to building owners/contractors/clients.

Returned Goods Policy

All incorrect/damaged/unwanted goods within a reasonable time frame will be returned to the Vendor in an expeditious manner.

Returns on all incorrect/damaged items will be at the expense of **the vendor**. (Includes handling, shipping and delivery charges) There will be no restocking charge.

Execution of Contract/Rejection of Bids

Any agreement pertaining to this proposal shall be executory pending issuance of a Notice from the New York State Weatherization Directors Association.

The New York State Weatherization Directors may:

- Reject any/or all bids
- Re-bid within a contract year
- Waive or modify minor irregularities in proposal received after prior notification and concurrence of the Bidder
- Adapt all or any part of the Bid in selecting optimal product specifications

All Purchasers will be notified of responsive, responsible bidders. The bid results will be listed from low bidder to high and where applicable different grade of bids, and/or all approved vendors.

Remedies/Termination

In the event that either the vendor or purchaser fails to maintain or keep in force any of the terms and conditions of this document, the aggrieved party may notify the other party of such failure and demand that the same be remedied within 30 days. Should the defaulting party fail to remedy the same within the said period, the other party shall have the right to terminate by giving the other party 30 days' notice, certified, with return receipt.

Non-Discrimination/Equal Opportunity

Small and/or Minority or Women Owned Business

Efforts will be made by NYSWDA during the bid process to identify and encourage the participation of small businesses and/or MWBEs.

NYS MWBEs must be registered with the Empire State Development Corporation. NYSWDA strongly encourages out of state MWBEs to become certified with NYS as well. If your company is not currently certified, contact NYSWDA. We can help with this process.

A bidder qualifies as a small business, if it meets the definition of "small business" as established by the Small Business Administration (13CFR 121), by having average annual receipts for the last three fiscal years of less than four million dollars.

It is the responsibility of the bidder to indicate if the above mentioned applies.

Disclosure of Investigations

As seen in the Qualified Bidders Statement, bidders are required to disclose to NYSWDA any pending investigations.

Samples

Any samples requested as necessary for award decision must be furnished by Vendor as requested, free of any expense. This includes the Authorized Representatives and the Purchasers.

Sales Reports

NYSWDA relies on the regular sales reports from our vendors to properly analyze the effectiveness of our program. Providing these reports when requested by our staff is strongly encouraged.

Material Safety Data Sheets (MSDS)

Each bidder **must** supply a Material Safety Data Sheet (MSDS) or the newly formatted Safety Data Sheet (SDS) for any applicable material. **Vendors must provide literature that assures conformance with the required product specifications. If a vendor has the sheet in electronic format, the vendor may e-mail the sheet to llaguna@nyswda.org or upload it in BidSync with your offer.**