



ESSEX COUNTY OFFICE OF THE MANAGER

7551 Court Street · P.O. Box 217 · Elizabethtown, New York 12932
Telephone (518) 873-3332 · Fax (518) 873-3339

Michael Mascarenas
County Manager

Linda M. Wolf
Purchasing Agent

TO: All Bidders

FROM: Linda Wolf, CPA, Purchasing Agent

DATE: June 2, 2023

SUBJECT: Addendum #2 MEDIC CAR SUPPLIES

This Addendum, issued to bid document holders of record, indicates changes to the bid documents for the *Medic Car Supplies Bid Opening June 7, 2023.*

PLEASE SEE THE FOLLOWING QUESTIONS AND ANSWERS:

1. This IFB has a Supplier Participation of 30% Minority Business Enterprises (MWBE) and 6% Service-Disabled Veteran-Owned Businesses (SDVOBs). Are there suppliers you're currently working with to meet these goals?

We do not have direct MWBE/SDVOB vendors for this service, but selected bidders must additionally comply with these requirements.

2. Can the County confirm what qualifies as meaningful participation with the MWBE and SDVOBS?
 - a. We've reviewed the current list of MWBE and SDVOBS vendors list and it looks like the number of vendors that can provide wholesale distribution of medical devices is limited.
 - b. Historically, the MWBE and SDVOBS vendors we've talked to have been unwilling to take possession of the product and then ship such product to the County. Rather, such entities would prefer to only process invoices or orders. We do not believe such a structure (i.e. only processing invoices or orders) meets the spirit of the County's requirement.

Refer to NYS Articles 15-A & 17-B on how vendors are able to receive credits/meaningful participation on MWBE/SDVOB goals. Generally speaking, 'meaningful opportunity' is assessed as ensuring that for each scope of work/biddable item that there is/was an effort made to solicit an MWBE/SDVOB firm to participate.

3. In reviewing the item list provided for the bid opportunity, we don't believe it would be possible to meet the goal given the product mix. Some of the items included in the bid would require either certification or special licensing to move the products. Given the level of complexities that are required to distribute medical supplies nationally, would the County consider removing this requirement?
 - a. Pharmaceutical fluids & specialty medical devices/legend devices require licensing and secured facilities to ship and store the products.
 - b. Given the high number of items included that would be ineligible to move via an MWBE partner, would the County be willing to remove the requirements or change this to a "best-effort" goal?

MWBE and SDVOB goals are State Law; Essex County cannot "modify" this requirement. Refer to NYS Article 15-A & 17-B.

4. If the County's requirements remain unchanged, would you be willing to extend the bid by 4-6 weeks to allow time to find and vet potential partners to meet the City's and vendor's requirements?

Historically, Essex County has not had a problem with addressing these MWBE/SDVOB requirements, there is no justification to extend the bid for these reasons.

5. If the MWBE and SDVOB requirement cannot be removed, would the County be willing to accept multiple bid submissions from the same distributor? One meeting the participation requirement and one without.

Please refer to the documents in the solicitation for bid response structure.

6. Can the County provide the estimated annual spend for this contract? Will the contract value be guaranteed to ensure the awarded vendor meets the mandatory participation goals?

Consumption rate for medical supplies varies year to year; thus, there can be no "guarantee" for any contract value. MWBE/SDVOB goals are based on a percentage, not a fixed value; thus, total contract value is irrelevant.

7. If the County does not purchase the proper blend of products to ensure compliance with the MWBE and SDVOBS participation goals, would the awarded vendor be alleviated of any responsibility for not meeting the required percentage?

Essex County cannot and will not influence compliance with Articles 15-A & 17-B; refer to the solicitation for language pertaining to Waivers.

8. Can the County clarify the structure intended to be utilized by the awarded vendors and MWBE and SDVOBS partners?
- a. Would the County expect to see a single invoice for orders that flow through the awarded vendor or the MWBE partners?

Per standard invoicing practices as cited in the solicitation, 'Essex County Procurement Policy', all selected bidders that become vendors shall submit one invoice from their firm, with any subconsultant participation shown on that invoice vs subs invoicing the County directly.

- b. Would the MWBE and SDVOBS Partners be invoiced directly for the items used to meet the participation goals?

See response from 8.a. above

- c. Would the County be agreeable to separate ordering and invoices for each partner?

See response from 8.a. above

9. How would tracking for the awarded vendor and MWBE partners be tracked to ensure the County's goals are being met?

% participation is established upon awarded bid and contract execution; continued tracking is conducted from subsequent invoicing and resulting contract value.

10. Would the Awarded Vendor be liable for penalties if the goals are missed due to the MWBE and SDVOBS partner(s)?

The awarded bidder will be required to demonstrate continued engagement with any MWBE/SDVOB subs announced in the originating bid documents; if a bidder claims a certain % of MWBE/SDVOB participation and

then continues to not demonstrate adherence to those goals throughout contract delivery, then the vendor contract could be cancelled and the next responsible bidder could be selected for award.

11. Can the County confirm what licensing and/or security protocols they would expect the awarded vendor, and MWBE partners to use for the storage and shipment of products?

This varies by product and is not defined by Essex County; see manufacturer product specifications and regulatory licensing/handling guidelines for each product type in the solicitation.

12. Would exceptions be considered when evaluating proposals?

Any exceptions would only be conducted in accordance with procedures outlined in the solicitation.

13. Items 355387 "Micro Drip Set (60 gtt)" and G4500OK "Maxi Trauma Kit Orange Kit" have been discontinued with no equivalent replacement items. Are these items not being used by the county and can be removed?

We are still using Micro Drip Sets and it cannot be removed. The Maxi Trauma Kit can be removed.

14. We find the "BEST PRICE OFFER" number 43 to be restrictive of competitive pricing. Can this be removed?

Yes.

15. If we cannot accommodate terms within this contract will the county consider exception requests included with our submission?

Historically, this service has not been subject to exceptional impediments from any previously selected vendors by Essex County; as such, there are no known exceptions that would be granted.

END OF ADDENDUM # 2