

What's So Special About Special Terms & Conditions?

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What's So Special About Special Terms & Conditions?

Which clause protects the contractor?



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What's So Special About Special Terms & Conditions?

Which clause protects the contractor?

- Price Escalation/De-Escalation
- Allows for price increases



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What's So Special About Special Terms & Conditions?

When and why would you use the Best and Final Offer (BAFO) clause?



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When and why would you use the Best and Final Offer (BAFO) clause?

- Only RFP's
- Not as matter of routine
- If negotiations could linger
 - State end date



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Why would you include the Certified Test Report clause in a solicitation and who would issue the certified test report?



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What's So Special About Special Terms & Conditions?

Why would you include the Certified Test Report clause in a solicitation and who would issue the certified test report?

- If Certified Test Report is the only way to determine whether bid meets specifications
- Bidder provides with bid



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What's So Special About Special Terms & Conditions?

Name the special term and condition (when used):

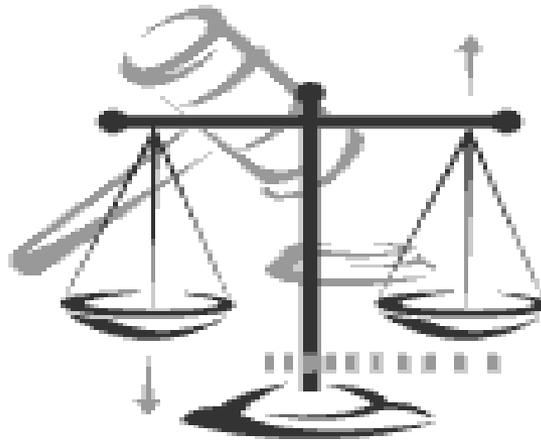
- **Substantial risk of 3rd party injuries/claims**
- **Must get authorization from either**
 - **Department of Treasury/Div Risk Management**
 - **Assistant Attorney General**



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What's So Special About Special Terms & Conditions?

- **Name the special term and condition (when used):**
 - Indemnification



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What's So Special About Special Terms & Conditions?

When are you required to include the Small Business Subcontracting Plan in a solicitation?



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When are you required to include the Small Business Subcontracting Plan in a solicitation?

- Solicitation > \$100,000 (if not set-aside)
- When Plan is condition of award
- Must fill in blank (state when evidence of compliance is due)
- File must include written determination if not used when required



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What's So Special About Special Terms & Conditions?

State Corporation Commission Identification

Number clause is required in which solicitations?



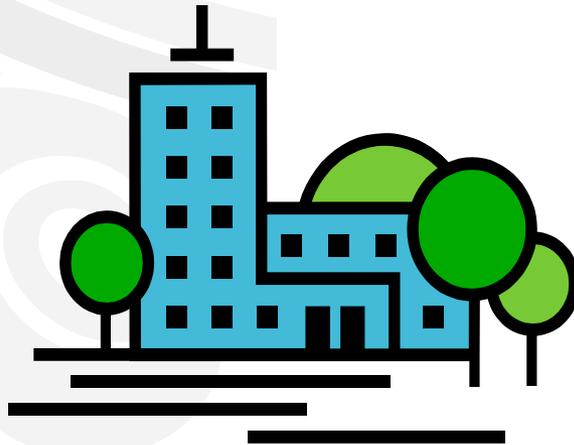
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State Corporation Commission Identification

Number clause is required in which solicitations?

- All Sealed Bidding solicitations
- All Competitive Negotiation solicitations



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When would you use the Prompt Payment Discounts term?

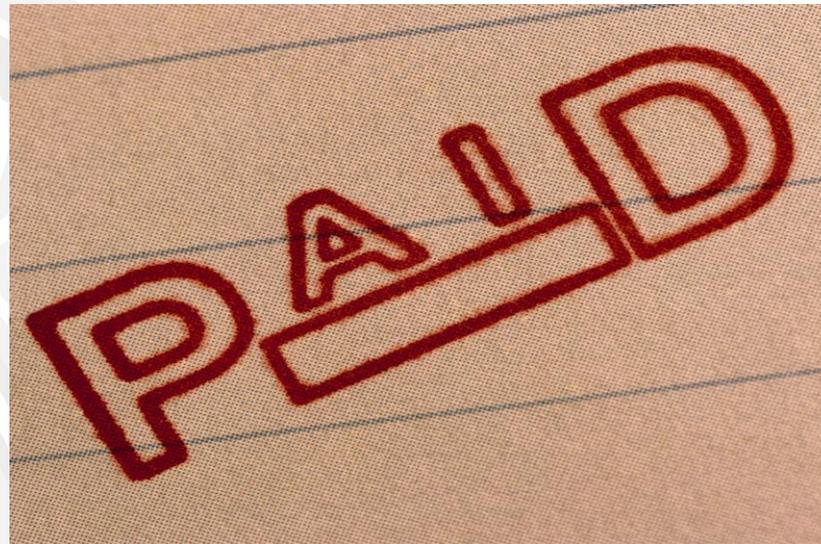


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When would you use the Prompt Payment Discounts term?

- When agency knows payments can be made within time frame specified



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What's So Special About Special Terms & Conditions?

When should you begin to include the E-Verify Program Special Term and Condition in your solicitations?



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What's So Special About Special Terms & Conditions?

When should you begin to include the E-Verify Program Special Term and Condition in your solicitations?

- In all services solicitations in excess of \$50,000 that you expect to award on or after December 1, 2013



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What's So Special About Special Terms & Conditions?

In what type of solicitation would it be appropriate to use the Indemnification Special Term and Condition?



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In what type of solicitation would it be appropriate to use the Indemnification Special Term and Condition?

- Snow removal
- Solicitations for procurements involving substantial risk of third party injuries/claims
- Note: Must be authorized by the Department of Treasury, Division of Risk Management or be directed by your Assistant Attorney General



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What's So Special About Special Terms & Conditions?

What events led to the new special term Emergency Event Pricing?



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What's So Special About Special Terms & Conditions?

What events led to the new special term Emergency Event Pricing?

- Hurricane Sandy
- Procurement Forum 2012



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