

Invitation for Bid

Laboratory Testing of Gasoline and Diesel Fuel and Related Support

for

The New York State Petroleum Quality Program

IFB Issued: June 23, 2003

Mandatory Pre-proposal Conference Registration: July 3, 2003

Mandatory Pre-Proposal Conference: July 8, 2003

Proposal Due: July 22, 2003

By

State of New York
Bureau of Weights and Measures
Department of Agriculture and Markets
1 Winners Circle
Albany, NY 12235
(518) 457-3146



STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS

Invitation for Bid
PETROLEUM PRODUCT QUALITY ASSURANCE PROGRAM

BID SUBMISSION REQUIREMENTS

Each bidder must attend a pre-proposal conference and submit a bid package consisting of four (4) copies of the proposal and one (1) copy each of the Quality Manual, the Audited Financial Statement, the non-collusive bidding certification, and McBride stipulation. Packages **MUST BE RECEIVED** in the Department's Albany Office not later than 4:00 P.M. EST on Tuesday, July 22, 2003. Proposals received after the scheduled date and time will not be accepted. To ensure that each bid is handled correctly upon receipt and remains unopened until that date, bidders shall clearly mark each package of materials submitted with the following: **"Petroleum Quality IFB."** This marking may appear either on the shipping container or on a secured package inside the shipping container. Proposal packages shipped or mailed shall be addressed to:

Petroleum Quality IFB
Lucy Roberson, Director
Division of Fiscal Management
NYS Department of Agriculture and Markets
One Winners Circle, Capital Plaza
Albany, New York 12235

Packages may be hand delivered to the receptionist in the Department's Offices at Two Winners Circle, Albany, NY. This is the same location as the pre-proposal conference. Proposals will not be accepted via FAX or email.

Proposals will not be accepted from bidders affiliated with petroleum product producers, refiners, dealers, marketers or any entity subject to the control of any such person.

QUESTIONS CONCERNING THE IFB

Prospective bidders with questions concerning this IFB should present those questions in writing to:

Ross Andersen, Director
Bureau of Weights and Measures
NYS Department of Agriculture and Markets
1 Winners Circle
Albany, New York 12235
FAX: (518) 457-5693
Email: ross.andersen@agmkt.state.ny.us

All questions shall be submitted in writing (facsimile or e-mail will be accepted) to Mr. Andersen by 4:30 P.M. EST Thursday, July 10, 2003. Bidders should note that all clarifications are to be resolved prior to the submission of a proposal. A list of questions about the IFB, answers to those questions (including questions from the pre-proposal conference), as well as any addenda to the IFB, will be posted in the "Funding Opportunities" section of the Department's website, www.agmkt.state.ny.us, along with the electronic version of this IFB. Questions and responses will be posted on the website by July 14, 2003. If you are unable to access the website, please contact Mr. Andersen to arrange for alternate delivery. All questions and answers shall be incorporated into this IFB as a formal addendum.

MANDATORY PRE-PROPOSAL CONFERENCE

The Department will hold a mandatory pre-proposal conference at 1:00 PM EST on Tuesday, July 8, 2003, in the Hearing Room of the Department of Agriculture and Markets, 2 Winners Circle, Albany, NY. The purpose of this conference is to brief bidders on the present program and answer questions that interested parties may have regarding the IFB.

Proposals will only be accepted from firms that register for and attend this conference. Questions and answers from this conference will be posted on the Department's website by July 14, 2003.

Potential bidders shall notify the Department, at least two (2) business days before the conference (4:30 PM on Thursday, July 3, 2003), of intent to attend by mailing or Faxing the attached form as instructed. This notification will permit the Department to prepare handout materials for all participants.

Proposals will only be accepted from vendors that attended this conference.

BACKGROUND AND PURPOSE

The New York State Department of Agriculture and Markets is soliciting bids for the laboratory testing of petroleum products, and associated support, to continue a Petroleum Product Quality Assurance Program pursuant to Agriculture and Markets Law Article 16 sections 192-a and 192-c. The program has been in operation since 1991. Under this program, the Department regulates petroleum products kept, offered or exposed for sale within New York State. The test results are also used to provide data on Clean Air compliance to the Department of Environmental Conservation (DEC) under the terms of a Memorandum of Understanding.

The Department is seeking bids for an initial 12-month contract slated to begin no sooner than October 1, 2003. Any contract awarded will contain a provision authorizing renewal or extensions of the contract at the Department's option for up to two, additional 12-month periods. Any contract negotiated will include a cancellation clause for failure to perform according to standards set forth in the Invitation for Bid (IFB). A sample contract will be provided at the mandatory pre-proposal conference. The initial contract and subsequent renewals are contingent on availability of funding, and approval of the Department, the Attorney General's Office and the Office of the State Comptroller.

At the end of any negotiated contract term, if a replacement contract has not yet been approved in accordance with state law, any contract awarded hereunder may be extended unilaterally by the State, upon notice to the contractor, at the same terms and conditions, including all contracts prices, for a period of one month. Additionally, this extension may be for a period of up to three months with the concurrence of the contractor. However, any extension will terminate immediately upon approval of the replacement contract except where a period for transition of contractors has been previously provided for.

Provided funding is available, the Department plans to continue its testing program at approximately the same sampling levels as fiscal year 2002/2003. The main focus of the Department's current program is motor fuels, e.g. gasoline and diesel fuel. The projected workload for gasoline includes approximately 13,900 samples from retail stations and 7,200 samples from distribution terminals. The projected workload for diesel fuel includes approximately 1,200 samples from retail stations and 1,000 samples from distribution terminals. The Department may alter the sampling levels at any time during the contract period at its discretion.

The contractor will collect the samples from Department and municipal inspectors at designated sites on major highways around the State. The municipalities include 57 counties and six cities (63 total). After collection the contractor must analyze the gasoline samples using one of two test protocols and the diesel fuel using one test protocol. In addition, the Department may request retests of octane on gasoline samples and follow-up tests for cetane number (performed on the original sample).

Each sample submitted to the contractor will be identified by sample number, product name (gasoline or diesel fuel), inspector ID, and jurisdiction ID. No other information regarding the sample will be provided to the contractor. There will be no phase in period and the contractor is expected to provide the services requested in all details on the start date of the contract.

The Department will devise procedures in cooperation with the contractor to designate which standard protocol will be performed on any given sample. The analysis must be completed and the results reported in a format acceptable to the Department within three business days following receipt of the sample. The contractor must report the test results of all samples to the Department electronically and provide formal written reports on request. In addition, the test results from retail samples must be reported to the municipality taking the sample via FAX or other means.

Subcontracting of any portion of the services required by this IFB shall not be permitted without the expressed prior written approval of the Department. Bidders wishing to use subcontractors must include, as part of their proposal, a complete description of the proposed subcontractor, its key personnel, its location, the services it will provide, and its qualifications to provide such services. In addition, any subcontractor providing laboratory services must meet all the qualifications listed in this IFB and must provide documentation of its quality management system and its internal and external control programs to demonstrate ability to perform the services required.

SAMPLE COLLECTION

The contractor shall provide collection services to pick up the samples from the municipal and Department officials throughout the State. Collection sites will be assigned by the Department at locations convenient to the following major highways: I-90, I-87, I-88, I-81, I-495, Route 17(I86), etc. The Department, in cooperation with the contractor, will prepare monthly pickup schedules. The courier will not be asked to collect more than 1,000 lb of gasoline on any pickup. The contractor must establish and provide evidence of sample integrity, from the time of sample pickup until completion of the test at the laboratory.

The contractor shall provide and deliver replacement fuel sampling equipment meeting ASTM D 4057 and/or Federal EPA requirements (e.g. 40 CFR 80 Appendix D) to the municipal and Department officials. This will include not more than 25 brass, nozzle extender tubes for RVP sampling to replace equipment that is lost or damaged during the term of the contract. Deliveries may be made as part of the sample collection service, directly to the municipal or Department officials.

The contractor shall provide suitable, DOT approved, one gallon sample containers to the municipal and Department officials for collection and transport of all gasoline and diesel fuel samples. Suitable 4 fl oz containers shall be provided for fuel oil samples. These containers may be new, or may be reusable, provided the contractor guarantees there will be no sample contamination with reuse. The used sample containers remain the property of the contractor. Deliveries may be made as part of the sample collection service, directly to the municipal or Department officials.

The contractor shall provide appropriate sample security seals to provide evidence of sample tampering in a form acceptable to the Department. Deliveries may be made as part of the sample collection service, directly to the municipal or Department officials. The contractor shall also provide suitable, serially numbered, identification tags to uniquely identify each sample. The Department shall specify the range of identification numbers to be used. Deliveries of ID tags shall be made to the Department of Agriculture and Markets, Bureau of Weights & Measures, 1 Winners Circle, Albany, New York 12235.

TEST PROTOCOLS

GASOLINE - Each sample of gasoline will be designated for testing for octane or for octane and other parameters using the protocols below. The Department may request retests on selected samples for octane using Protocol 1. These retests are performed on the original sample.

Protocol 1: Gas Octane

<u>Description</u>	<u>Test Method</u>
Research Octane Number	ASTM D 2699
Motor Octane Number	ASTM D 2700
Anti-knock Index (R+M)/2 Octane	ASTM D 4814 (average of above tests)

Protocol 2: Gas Full (Octane and Other Parameters)

<u>Description</u>	<u>Test Method</u>
Research Octane Number	ASTM D 2699
Motor Octane Number	ASTM D 2700
Anti-knock Index (R+M)/2 Octane	ASTM D 4814 (average of above tests)
Distillation	ASTM D 86
Driveability Index	ASTM D 4814 (calculated from Distillation data)
Sulfur	ASTM D 2622
Benzene	ASTM D 3606
Oxygenates	ASTM D 4815* or GC-OFID
Vapor Pressure	ASTM D 5190 or D 5191
API Gravity	ASTM D 4052 or D 1298

*This method also requires measurement of relative density of the gasoline by ASTM D4052 or D1298. The contractor must maintain correlation of this method to the GC-OFID method or, in the future, demonstrate accuracy using performance based quality assurance programs under development by EPA per 40 CFR 80.46.

DIESEL FUELS - Each sample of diesel fuel will be tested using the standard tests listed below. The Department may request separate follow-up tests on selected samples for cetane number or LTFT. These follow-up tests are performed on the original sample.

Protocol: Diesel Fuel

<u>Description</u>	<u>Test Method</u>
Flash Point	ASTM D 93
Distillation	ASTM D 86
API Gravity	ASTM D 287 or D 1298
Cetane Index	ASTM D 976
Aromatics	ASTM D 1319
Cloud Point	ASTM D 2500
Sulfur	ASTM D 2622

Protocol: Diesel Fuel - Cetane Number

<u>Description</u>	<u>Test Method</u>
Cetane Number	ASTM D 613

Protocol: Diesel Fuel - LTFT (P/F at a specified temperature)

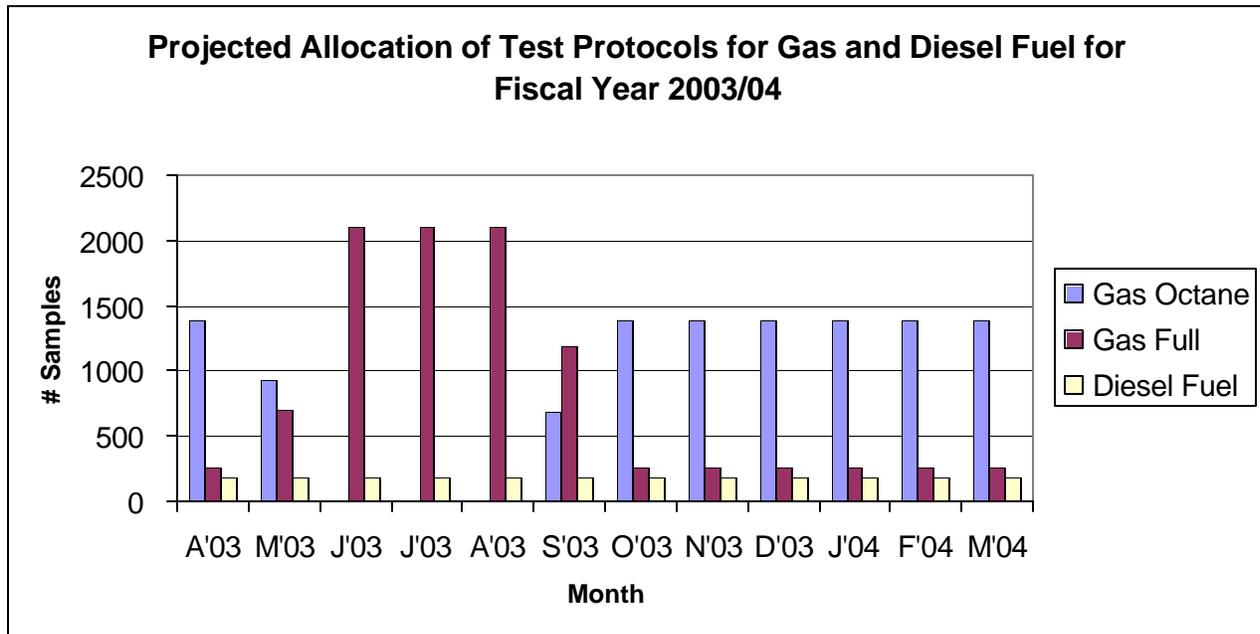
<u>Description</u>	<u>Test Method</u>
Low Temperature Flow Test	ASTM D 4539

Protocol: Fuel Oils – (sulfur only)

<u>Description</u>	<u>Test Method</u>
Sulfur	ASTM D 2622

The Department may modify at any time any test protocol or portion thereof. If such modification results in a different cost to the contractor, such differences shall be resolved through negotiation between the contractor and the Department and shall be reflected in the price paid for the tests.

The contractor must continue to participate in external control programs (round robins) for the duration of the contract. For each such program, the contractor shall provide analysis of their performance for each measurement parameter on a quarterly basis. This shall be in the form of a list that includes the round robin coordinator, the date of the test and whether the results were within acceptable limits. The contractor shall identify any out-of-control values and provide a description of the corrective actions taken.



The total number of samples projected for each protocol as depicted in the above chart is 11,100 gas octane, 10,000 gas full, and 2,200 diesel fuel. The ratio of gas octane to gas full protocols varies with seasonal requirements and environmental control periods as indicated in the chart. The number of retests for octane and follow-up tests for cetane number will be dependent on failure rates. Octane retests are not expected to be above 500 per year and cetane number follow-up tests are not expected to be over 100 per year. The fuel oil sulfur tests are part of a research project with the DEC to establish baseline data and no more than 200 samples are anticipated each year.

DATA COMPILATION AND TRANSMISSION

The contractor shall maintain records of all tests performed under this contract, including copies of log books, printed reports from the instruments, and electronic media to support any enforcement action by the Department or municipal officials. These shall be maintained for a term as described in Appendix A.

The contractor shall report the results to the Department for each sample in an acceptable electronic format not later than three (3) business days after the contractor receives the samples. The contractor shall report results of retests and follow-up tests requested by the Department, not later than three (3) business days after the contractor receives the request.

The contractor shall incorporate the test results in an ASCII text file (format information to be provided at the pre-proposal conference) for transmission to the Department. The contractor shall send the ASCII text files containing the results to the Department via email to wmdata@agmkt.state.ny.us. The contractor shall not be considered tardy in transmission of data if the Department's email connection is inaccessible.

The contractor shall also provide test results to each municipality for samples taken by the municipality, and for any retests of these samples requested by the Department. In most cases the transmission will be by FAX. Where the municipality has no FAX capability the results shall be sent by first class mail. Mailing addresses for the 63 jurisdictions, phone and FAX numbers, and email addresses where available will be provided prior to the start of testing. The Department wishes to explore the possibility of changing the method of transmission of municipal data during the term of the contract. This could mean using email where supported by the municipality and would be mutually agreed to by the parties. Transmission could be in the form of an ASCII text file like the one sent to the Department or as a word processing document.

The contractor shall provide official, signed reports of the test results to the Department for those specific samples requested by the Department (generally for failures) within seven (7) business days of the request.

DISPOSITION OF SAMPLES

All samples shall be retained for nine (9) business days following the transmission of test results to the Department. After notification by the Department, non-conforming samples shall be preserved by the contractor for a period of ninety (90) days, and after further notification, for such additional time as may be required by the Department.

The remaining portion of conforming samples (and non-conforming samples after being held for the required periods) shall become the property of the contractor. Any cost savings from use of the remaining product shall be factored into the price of the tests.

WITNESSES

The contractor shall make responsible personnel available, as necessary, to municipalities and the Department to serve as witnesses in connection with enforcement actions. Costs for this service shall be negotiated with the contractor and shall be paid by the Department. Incidences requiring witnesses are rare since most enforcement actions are settled through negotiated civil proceedings.

INVOICING AND PAYMENTS

The contractor shall submit vouchers to the Department for payment using paper forms provided. The contractor shall also provide supporting documentation for each voucher, in a format mutually agreed upon, and submitted as a delimited ASCII text file sent to the same email address as the data. The Department will verify the amounts for each voucher against data in its database.

KEY EVENTS/DATES

IFB Issued	June 23, 2003
Deadline to Register for Pre-proposal Conference	July 3, 2003
Mandatory Pre-Proposal Conference	July 8, 2003
Deadline for Questions	July 10, 2003
Last update of answers or issuance of IFB Addendum	July 14, 2003
Submission Deadline	July 22, 2003

QUALIFICATIONS

The Department is seeking proposals from experienced companies with the personnel, facilities, and organization to meet the demands of a contract of the size and scope presented above. Bidders shall comply with the laws of the State of New York and shall possess or obtain any required licenses, permits or authorizations.

The Department will only consider bidders (and any proposed subcontractors) who meet the following qualifications:

1. The bidder and all of its affiliates/subsidiaries are independent and not affiliated or under the control of petroleum product producers, refiners, dealers, marketers or any entity subject to the control of any such person. There is no known current or future conflict of interest on the part of the bidder or affiliates/subsidiaries should they be awarded this contract.
2. The bidder is experienced in the performance of the tests on gasoline and diesel fuel to meet the demands of the Department's program.
3. The bidder has a quality management system (for example, following ISO 9000 or other quality standards) in-place and subject to review by the Department.
4. The bidder is registered and in good standing with the US Environmental Protection Agency to test Reformulated Gasoline (RFG) and have had at least 12 months experience testing RFG parameters.
5. The bidder has continuously participated in external control programs in the twelve (12) months immediately preceding submission of the proposal. This shall include "round robins" to demonstrate ability to perform the tests requested within applicable control limits. This must include gasoline octane and RFG parameters such as vapor pressure, benzene and sulfur.

PROPOSAL FORMAT

The bidder is solely responsible for the content and completeness of the proposal. The Department may request clarification from the bidder regarding items in the proposal. However, the Department is under no obligation to solicit information missing from the proposal.

PROPOSAL - Each copy of the proposal shall be organized in the following format (submit four (4) copies).

SECTION I: TECHNICAL PROPOSAL

1. Qualifications of Bidder

- 1.1. Independence – Provide a signed and dated declaration, on company letterhead, that certifies compliance with the following two conditions. First, that your company, and any affiliates/subsidiaries, is/are independent of petroleum product producers, refiners, distributors, dealers, marketers or any entity subject to the control of any such person. Second, that your company, and any affiliates/subsidiaries, is/are not involved in other relationships that may pose a conflict of interest in conducting independent testing and analyses and/or any other services associated with this offering.
- 1.2. Experience/Performance History – Provide a description of your company's experience in performing the types of activities required to satisfy the Department's needs (e.g. testing large numbers of gasoline and diesel fuel samples). Include company names and contacts for at least three clients for whom you have provided a significant amount of testing services. Please indicate the relative size and scope of the work done for each such company. The Department reserves the right to contact any or all of the clients listed to verify information provided.
- 1.3. Quality Assurance – Provide a copy of your company's Quality Manual describing the management commitment, policies, and procedures to be used to ensure the quality of services provided.
- 1.4. Laboratory Accreditation – Provide copies of current EPA registration to test for RFG parameters and other registrations as applicable. Failure to provide a copy of the EPA registration to test for RFG will result in disqualification.
- 1.5. Experience Testing for RFG Parameters – Provide a description of your company's RFG testing experience, including names and contacts for companies for whom you have provided testing

services. This may include the same references used in item 1.2. The Department reserves the right to contact any or all of the clients listed to verify information provided.

- 1.6. Participation in Round Robin Evaluations – Provide a list of Round Robins in which you have participated over the last twelve months, organized in a table using the following format. If a particular round robin evaluates multiple parameters, please list each parameter separately. For each sample result that was identified as out-of-control, provide the date of the test and a brief description of the corrective action taken on a separate sheet.

Sample Format for Round Robin Evaluations

Organization	Parameter	# samples in last 12 months	# out-of-control results
Atlantic Regional	Research Octane	4	0
Atlantic Regional	Motor Octane	4	0

- 1.7. Facilities and Equipment – Provide a description of the facilities that will be used to satisfy the Department’s needs and a brief description of the work shifts to be employed. If certain tests are to be conducted at an alternate site under the corporate control of the bidder, the bidder shall be clearly note this in the proposal. The bidder shall supply information required in items 1.1, 1.2, 1.3, 1.6, and 1.7 for the alternate site and items 1.4 and 1.5 if they are applicable to work to be assigned to the alternate site. Also provide a list of laboratory test equipment that will be used to conduct the tests including the number of units that will be employed.

Sample Format for Laboratory Equipment List

#	Equipment Type	ASTM Test #
2	Research Octane Engine	D2699
2	Motor Octane Engine	D2700
4	Vapor Pressure	D5191
etc		

- 1.8. Subcontracting – If the bidder intends to subcontract tests to an outside source this shall be clearly noted in the proposal, subject to approval by the Department. To qualify a subcontractor, the bidder shall supply information required in items 1.1, 1.2, 1.3, 1.6 and 1.7 for the subcontractor and items 1.4 and 1.5 if they are applicable to work to be assigned to the subcontractor. For example, if the subcontractor is not doing RFG tests, they need not comply with items 1.5 and 1.6.

SECTION II: FINANCIAL PROPOSAL - (Prices Quoted on Proposal Sheets pages 13-15)

The proposal shall set forth the cost of each sample tested on the accompanying forms. The costs shall be presented on a per sample basis and shall include all costs associated with the collection, transportation, testing, data management, and reporting. The per-sample costs should reflect any cost savings from the disposition of useful product.

OTHER REQUIRED DOCUMENTS (submit only one copy of each)

1. Audited Financial Statement - The bidder shall provide one copy of its most recent audited financial statement.
2. Signed and notarized Non-collusive Bidding Certification (attached).
3. McBride Fair Employment Principles – The bidder shall certify that it either has no business operations in Northern Ireland, or if it does have such business operations, it shall take lawful steps in good faith to conduct such operations in accordance with the MacBride Fair Employment Principles.

All business information obtained by the Department as part of a proposal (e.g. financial statement and quality manual), shall be received as trade secrets under Section 87 of the New York Public Officers Law.

DECISION CRITERIA

The Department will evaluate the Proposals. If deemed to be in the best interest of the Department and the State, a contract will be awarded to the single, qualified bidder whose proposal represents lowest total cost to the Department for all tests.

Note: The Department reserves the right to reject all proposals and to seek new proposals, if it is determined that it is in the best interest of the Department and the State.

The evaluation of the proposals shall be done in stages as follows:

Stage 1. Evaluation of the Bidder Qualifications - (Qualitative Screen)

The Department will screen each proposal qualitatively at this stage to eliminate from contention any bidder that fails to meet qualification requirements using the criteria below. A “NO” response by the evaluation team to any of the evaluation standards below will result in disqualification of the bidder. This does not apply to the questions with “No*”option, provided the follow-up question is evaluated as “Yes”.

ÿ Yes	ÿ No	1.1. The bidder has certified that their company, and any of its subsidiaries, is/are not owned by or affiliated with petroleum product producers, refiners, distributors, dealers, marketers or any entity subject to the control of any such person.
ÿ Yes	ÿ No	The bidder has certified that their company, and any of its subsidiaries, is/are not involved in any other relationship that may pose a conflict of interest in conducting independent testing and analysis and/or any other aspect of the scope of services associated with this offering.
ÿ Yes	ÿ No	1.2 A list of at least three clients was provided.
ÿ Yes	ÿ No	The bidder has experience in providing the services required to satisfy the IFB. The Department reserves the right to contact the references to verify that the bidder did perform services for the clients, and performed those services in a timely manner consistent with current industry practices and established procedures e.g. ASTM standards.
ÿ Yes	ÿ No	1.3 The Bidder has a Quality System in place.
		Although strict compliance with an established standard like ISO 9000 is not required, the Department will demand that the Quality System have the following critical elements:
ÿ Yes	ÿ No	<ul style="list-style-type: none"> ▪ The Quality System applies to the parameters and tests requested in Scope of Services in this IFB.
ÿ Yes	ÿ No	<ul style="list-style-type: none"> ▪ The Quality System declares the Company’s commitment to provide high quality services.
ÿ Yes	ÿ No	<ul style="list-style-type: none"> ▪ The Quality System lists Personnel responsible for the implementing and maintaining the Quality System and lists their specific responsibilities.
ÿ Yes	ÿ No	<ul style="list-style-type: none"> ▪ The Quality System includes annual review of the quality system, audit of actual conformance, and procedures to handle complaints and take corrective actions when non-compliance is detected.

<input type="checkbox"/> Yes <input type="checkbox"/> No	<ul style="list-style-type: none"> ▪ ▪ The Quality System includes/references documented procedures for calibrating the test equipment, handling and storing samples, performing the appropriate tests, maintaining records of the tests, and reporting the results.
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	1.4 The bidder provided documentation that it is currently registered with the EPA to test RFG.
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	1.5 A list of RFG clients was provided , and The bidder has at least 12 months experience performing such tests
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	1.6 The bidder has participated in Round Robin evaluations over the last twelve months for various parameters. The summary provided must include at a minimum: <ul style="list-style-type: none"> ▪ gasoline octane (both research and motor octane) ▪ vapor pressure ▪ gasoline sulfur content (Not applicable if 1.4 and 1.5 are checked N/A) ▪ gasoline benzene content (Not applicable if 1.4 and 1.5 are checked N/A)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	1.7 The bidder has provided a list of laboratory sites that will be used. The bidder has provided a list of test equipment to be used that includes all the parameters requested and associated test equipment required to perform those specific tests. For alternative sites of subcontractors this only applies to the specific tests they will perform. Proposed sites, other than the primary laboratory, are under the corporate control of the bidder. And Alternative proposed sites, comply with the applicable requirements (see attached checklist)
<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	1.8 Subcontracting – The bidder proposed to subcontract some tests? If Yes is checked above, is the subcontracting declared in the proposal, and If yes is checked above, does the subcontractor meet the minimum qualifications for the specific tests it will perform (see attached checklist)

As noted above, the Department may request clarification from the bidder regarding items in the proposal. However, the Department is under no obligation to solicit information missing from the proposal.

Stage 2. Evaluation of Financial Proposal

Proposals that pass the qualitative screen of Stage 1 will be evaluated on the basis of lowest total cost to the Department.

The low bidder will be determined using total projected contract costs for the three potential contract years specified at the sample levels described in the “Test Protocols” section. A copy of the spreadsheet used to calculate the total cost will be provided at the pre-proposal conference.

Stage 3. Optional Site Visits

Before award of a contract, the Department may opt to make a site visit(s) to the bidder(s) of choice. The site visits may include, but are not limited to, meeting with the bidder’s senior staff, and

observing and verifying the bidder's capabilities as described in the proposal. If the Department determines that the bidder included statements that were misleading or inaccurate pertaining to significant aspects of the proposal, the bidder may be disqualified.

**State of New York
Petroleum Product Quality Assurance Program**

**Registration for Pre-proposal Conference
To be held Tuesday, July 8, 2003**

Submit Registration Form by 4:30 PM on Thursday, July 3, 2003

Official Contact	
Company Name	
Street Address	
City, State Zip	
Phone Number	
FAX Number	
Email Address	
Other Attendees	

Form must be received by 4:30 PM Friday June 27, 2003

FAX to: Ross Andersen @ Bureau of Weights and Measures (518) 457-5693

**Mail to: Ross Andersen, Director
Bureau of Weights and Measures
NYS Department of Agriculture and Markets
1 Winners Circle
Albany, NY 12235**

A FAX confirmation of receipt will be returned to sender. If you do not receive a confirmation within 1 business day, please call (518) 457-3146.

**State of New York
Petroleum Product Quality Assurance Program**

Financial Proposal for Initial Contract Year 2003/04

Company: _____ Contact: _____
 Address: _____ Phone: _____

Gasoline Tests

Gas Octane (Octane Only)	
Number of Samples	\$ per Sample
1 to 2,500	
2,501 to 7,500	
Over 7,500	

Gas Full (Octane and Other Parameters)	
Number of Samples	\$ per Sample
1 to 2,000	
2,001 to 6,000	
Over 6,000	

Diesel Fuel Tests

Diesel Fuel	
Number of Samples	\$ per Sample
1 to 900	
901 to 1,500	
Over 1,500	

Diesel Fuel - Cetane Number	
Number of Samples	\$ per Sample
1 to 200	
Over 200	

Fuel Oil Sulfur	\$ per Sample
Up to 200	

Diesel Fuel – LTFT (P/F one temp)	
Number of Samples	\$ per Sample
Up to 100	

**State of New York
Petroleum Product Quality Assurance Program**

Financial Proposal for Second Contract Year 2004/05

Company: _____ Contact: _____
 Address: _____ Phone: _____

Gasoline Tests

Gas Octane (Octane Only)	
Number of Samples	\$ per Sample
1 to 2,500	
2,501 to 7,500	
Over 7,500	

Gas Full (Octane and Other Parameters)	
Number of Samples	\$ per Sample
1 to 2,000	
2,001 to 6,000	
Over 6,000	

Diesel Fuel Tests

Diesel Fuel	
Number of Samples	\$ per Sample
1 to 900	
901 to 1,500	
Over 1,500	

Diesel Fuel - Cetane Number	
Number of Samples	\$ per Sample
1 to 200	
Over 200	

Fuel Oil Sulfur	\$ per Sample
Up to 200	

Diesel Fuel – LTFT (P/F one temp)	
Number of Samples	\$ per Sample
Up to 100	

**State of New York
Petroleum Product Quality Assurance Program**

Financial Proposal for Third Contract Year 2005/06

Company: _____ Contact: _____
 Address: _____ Phone: _____

Gasoline Tests

Gas Octane (Octane Only)	
Number of Samples	\$ per Sample
1 to 2,500	
2,501 to 7,500	
Over 7,500	

Gas Full (Octane and Other Parameters)	
Number of Samples	\$ per Sample
1 to 2,000	
2,001 to 6,000	
Over 6,000	

Diesel Fuel Tests

Diesel Fuel	
Number of Samples	\$ per Sample
1 to 900	
901 to 1,500	
Over 1,500	

Diesel Fuel - Cetane Number	
Number of Samples	\$ per Sample
1 to 200	
Over 200	

Fuel Oil Sulfur	\$ per Sample
Up to 200	

Diesel Fuel – LTFT (P/F one temp)	
Number of Samples	\$ per Sample
Up to 100	

APPENDIX A

Appendix A, which is posted on the Department's website at www.agmkt.state.ny.us, contains standard clauses required in all State contracts. Appendix A will be a part of any contract awarded under this IFB, and the successful contractor will be responsible for complying with the terms and conditions contained therein.

WORKER'S COMPENSATION AND DISABILITY INSURANCE REQUIREMENTS

The Worker's Compensation Law requires that before a New York State Agency may enter into any contract, the contractor must submit proof that he or she has obtained the required worker's compensation and disability benefits coverage, or that he or she is not required to provide coverage.

If you are selected as the successful bidder, before we can contract with you, you must provide us with the necessary proof of coverage completed by your insurance carrier and/or the Worker's Compensation Board on a form approved by the Worker's Compensation Board.

MINORITY AND WOMEN BUSINESS ENTERPRISES

The Department of Agriculture and Markets recognizes the need to take affirmative action to insure that Minority and Women business enterprises and minority and women employees are given the opportunity to participate in providing goods and services sought by the Department. This opportunity for full participation in our free enterprise system by traditionally, socially and economically disadvantaged persons is essential to obtain social and economic equality and improve the functioning of the State economy. Accordingly, it is the policy of the Department to foster and promote the full participation of such individuals and business firms in the Department's contracting program.

The bidder, by bidding on this contract, acknowledges his or her understanding and support for the social policy herein stated and pledges to fully cooperate with the State of New York in the implementation of this policy, and further to exert a good faith effort to solicit and obtain the participation of such individuals and firms as subcontractors, suppliers, and employees on this contract.

For this contract the Department has established the following goals:

Minority business enterprises	1%
Women owned business enterprises	1%

MACBRIDE FAIR EMPLOYMENT PRINCIPLES

Chapter 807 of the Laws of 1992 prohibits a State department from contracting for the supply of goods and services or construction with any contractor who does not agree to stipulate that it either has no business operations in Northern Ireland, or if it does have such business operations, it shall take lawful steps in good faith to conduct such operations in accordance with the MacBride Fair Employment Principles, if there is another contractor who will execute such stipulation and provide the goods and services or construction of comparable quality at a comparable price.

**NON-COLLUSIVE BIDDING CERTIFICATION REQUIRED BY
SECTION 139-D OF THE STATE FINANCE LAW**

BY SUBMISSION OF THIS BID, ANY BIDDER AND EACH PERSON SIGNING ON BEHALF OF ANY BIDDER CERTIFIES, AND IN THE CASE OF A JOINT BID, EACH PARTY THERETO CERTIFIES AS TO ITS OWN ORGANIZATION, UNDER PENALTY OF PERJURY, THAT TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF:

[1] The prices in this bid have been arrived at independently, without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other Bidder or with any competitor;

[2] Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other Bidder or to any competitor; and

[3] No attempt has been made or will be made by the Bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A BID SHALL NOT BE CONSIDERED FOR AWARD NOR SHALL ANY AWARD BE MADE WHERE [1], [2], AND [3] ABOVE HAVE NOT BEEN COMPLIED WITH; PROVIDED HOWEVER, THAT IF IN ANY CASE THE BIDDER(S) CANNOT MAKE THE FOREGOING CERTIFICATION, THE BIDDER(S) SHALL SO STATE AND SHALL FURNISH BELOW A SIGNED STATEMENT WHICH SETS FORTH IN DETAIL THE REASONS THEREFORE.

[AFFIX ADDENDUM TO THIS PAGE IF SPACE IS REQUIRED FOR STATEMENT.]

Signature _____

Name (Typed) _____

Company Position _____

Company Name _____

Date Signed _____

Sworn to before me this

_____ **day of** _____, **2003**

Notary Public

Signature _____

Name (Typed) _____

Company Position _____

Company Name _____

Date Signed _____

Sworn to before me this

_____ **day of** _____, **2003**

Notary Public