



# **REQUEST FOR PROPOSALS**

**for**

**Electronic Ticketing Services for the New York State Fair**

RFP #0292

RFP Issued: February 23, 2023

Proposals Due: March 28, 2023

**By:**

State of New York  
New York State Department of Agriculture and Markets  
Division of Agricultural Development  
10B Airline Drive  
Albany, NY 12235

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EXHIBIT 6: Insurance Requirements

EXHIBIT 7: Sample AGM Agreement

## **1 INTRODUCTION**

### **1.1 OVERVIEW**

This Request for Proposal (RFP) is issued by the New York State Department of Agriculture and Markets (AGM or Department) to invite qualified bidders to submit proposals to provide a turnkey Electronic Ticketing (eTicketing) system for the Great New York State Fair (Fair). The Fairgrounds are located at 581 State Fair Boulevard, Syracuse (Town of Geddes, Onondaga County) New York. The property is owned and operated by the New York State AGM.

The Fair is an annual multi-day event (currently 13 days) ending on Labor Day each year. The Fair attracted more than 878,000 patrons in 2022 and over 1.329 million patrons in 2019 (prior to the COVID-19 pandemic). Tickets for admission, parking, and RV camping to the Fair are sold in a number of different formats, prices, and venues. **Exhibit 1** is a chart that shows figures for tickets sold/issued for the 2022 Fair. **Exhibit 2** is a list of the eTicketing equipment provided at the 2022 Fair. During 2022, all of the admission, parking, and RV camping sales were sold/issued over the internet using a web based interface. In 2019, Midway ride tickets were also sold over the internet using a web based interface (see **Exhibit 1** for data).

A primary goal of the eTicketing system is to offer a first-class ticketing solution that is efficient and easy for all customers to use. A modern eTicketing system will enhance the overall ticketing process generally and should result in an increase in the number of admissions sold to the Fair and the surrounding parking and RV camping areas.

**Exhibit 3** to this RFP is a schematic diagram of the Fairgrounds showing its various gates and parking lots. The 2023 Fair will be thirteen (13) days and will commence on August 23, 2023 and end on September 4, 2023. The number of days of the Fair is subject to change during the Term of this Agreement.

### **1.2 RFP GOALS**

The purpose of the annual Great New York State Fair is to showcase all things New York and promote the State's agricultural offerings in a family-friendly environment. The objective of this RFP is to retain one contractor to provide a comprehensive, turnkey eTicketing system that would include, among other things, an eTicketing web based sales/distribution solution that will be accessible through the internet and is compatible with most major mobile devices, a point of sale (POS) system, mobile kiosks for purchasing admission tickets, a scanning or similar system to verify entry into the Fairgrounds and the surrounding parking and camping lots, marketing support to promote the Fair and a detailed reporting system that will deliver useful and relevant customer information to Fair management.

### **1.3 ELIGIBLE BIDDERS**

Any Proposer that meets the minimum qualifications set forth in **Section 3.3** of this RFP is eligible to submit a proposal.

### **1.4 TERM**

The contract resulting from this RFP will commence on or around May 1, 2023 and will end on October 31, 2027. The eTicketing system will be operational during the 2023, 2024, 2025, 2026, and 2027 Fairs.

## 1.5 RFP TIMELINE

The following timetable is established for this RFP and is subject to change. AGM may extend the due date for proposals by issuance of addenda to this RFP. Prior to submitting a proposal, respondents should check the NY State Contract Reporter website (<https://www.nyscr.ny.gov>) to confirm the issuance of addenda relating to the RFP schedule.

RFP Publication in Contract Reporter:	February 23, 2023
Deadline for Submission of Written Questions:	March 13, 2023 by 3:00 PM (local time)
Last Update of answers or issuance of RFP Addendum <a href="https://www.nyscr.ny.gov">https://www.nyscr.ny.gov</a> no later than:	March 20, 2023
Submission Deadline:	March 28, 2023 by 3:00 PM (local time)
Bid Opening:	March 29, 2023

AGM intends to make an award within thirty (30) days of the Bid Response due date. The contract will require approval from the Office of the Attorney General of the State of New York (AG) and the Office of the State Comptroller of the State of New York (OSC) before it becomes effective.

## 2 DESCRIPTION OF WORK TO BE PERFORMED

### 2.1 PREMISES

The New York State Fairgrounds is a 375 acre site that is home to the Great New York State Fair. The main mission and function of the Fair is to hold a multi-day exposition (currently 13 days) ending on Labor Day each year, identifying, promoting and showcasing the agricultural practices, history and traditions of the State. In addition to agricultural competitions, the Fair also hosts a 15-acre Midway and free music venues that feature multiple national and regional acts a day with the largest having a capacity of 30,000 people. There are approximately 600 vendors including 175 food vendors. The entrance to the Fair is currently available through eight (8) gates. Paid parking is also available in five (5) lots for approximately 20,000 vehicles as well as parking for approximately 625 overnight camping vehicles.

### 2.2 SCOPE OF WORK

The selected Contractor will be responsible for providing a turnkey eTicketing system in support of the Fair. This system must be independent of any other network that supports the Fair. During the Fair (currently 13 days), the selected Contractor must provide 24-hour emergency phone support and arrive on-site within thirty (30) minutes of notification, as well as adequate staff on-site during the Fair between the hours of 7:00 a.m. and 10:00 p.m.

The selected Contractor will be responsible for providing all aspects of ticketing for the Fair, including but not limited to advance, retail and day of ticket sales, production, verification, and accounting. The tickets will be used for admittance into the parking lots, entry gates, and RV camping spots. If requested by AGM, Midway ride tickets may also be sold using the eTicketing system. See **Exhibit 1** for a summary of the tickets sold/issued for the 2022 Fair. The selected Contractor will be required to provide unique barcodes and static barcodes for various ticket types and create separate custom links to direct authorized users to access tickets (See **Exhibit 1** for detail of tickets sold/issued at the 2022 Fair). The selected Contractor will also be responsible for generating QR codes for specific ticket types and creating templates for approval by the AGM that

demonstrate the layout of the tickets prior to production. Templates must be provided to AGM no later than fourteen (14) days from the date requested by AGM, unless otherwise agreed upon between both parties. Digital ticket(s) must be able to be displayed on a mobile device and support the ability for users to share tickets to multiple individuals after bulk purchase. The eTicketing system shall provide the ability for choosing a specific site for RV camping and provide the ability for choosing a specific site for daily RV camping including the ability to choose the same spot for multiple days.

The selected Contractor must provide all point of sale equipment for advance sale and all point of sale and scanning equipment for Fairtime in sufficient numbers to ensure that admission and parking at peak periods can be handled in an efficient manner and that adequate failover inventory is available and in working order. The point of sale equipment must provide the ability to operate off wired connections. The scanning equipment must provide the ability to operate off both wired and wireless connections. **Exhibit 2** is a list of the eTicketing equipment provided at the 2022 Fair. The Fair's internet provider expects an average available connection speed of approximately 10 Mbps for the wired connections. In addition, the selected Contractor must provide backup and recovery operations in the event of a system failure for any reason. The Fair will provide the selected Contractor with quantities of all equipment needed by June 1<sup>st</sup> each year.

It is important that information about the Fair reach a broad audience. At the same time it is the responsibility of the selected Contractor and the AGM to keep and maintain specific information about a customer confidential. The selected Contractor will be required to execute the Mutual Non-Disclosure Agreement. A Mutual Non-Disclosure Agreement is included in this RFP as **Exhibit 4**.

The selected Contractor will distribute Fair provided marketing materials for the promotion of ticket sales events through the selected Contractor's traditional and web advertising, social media sites, email lists and other marketing channels. This promotional support should be international in scope with the ability to tailor the promotions to local, regional and Canadian audiences as well.

The selected Contractor must provide a call center that is adequately staffed to provide assistance to purchasers who request assistance using the web based solution. It must be operational during ticket sales periods and daily during the Fair for a minimum of eight (8) hours per day during the hours of 10:00 a.m. and 6:00 p.m. EST, for a minimum of six (6) days per week, or as otherwise agreed upon between the parties.

The selected Contractor will also be required to provide a web based application which meets or exceeds the Information Security Requirements as outlined in **Exhibit 5**.

With the exception of ticket processing fees, all revenue received through the sale of tickets will be deposited daily into a New York State account identified by AGM, or as otherwise agreed upon between the two parties. Ticket processing fees may be deposited less frequently than daily or as otherwise agreed upon between the parties, provided the total amount of the daily sales is less than five hundred dollars (\$500.00). The selected Contractor will invoice AGM for its portion of the revenue no less than monthly, and as agreed to between the two parties.

In addition to the information required from the web based application, the selected Contractor will be required to provide AGM with reporting capability that allows for the standard as well as ad hoc reports including all the reporting capabilities referenced in **Section 3.5 (F)**.

The selected Contractor will be responsible for meeting all the requirements set forth in this Scope of Work as well as providing the following deliverables on or before the following dates:

- A fully operational eTicketing system to support early advance sale promotions and Fairtime sale of all tickets and promotions, including the web based sale of Fair tickets with full revenue and transaction reports available to the State Fair staff. This system must be available for use by the public within thirty (30) days from the execution of the Agreement or as otherwise agreed upon between the parties and must be operational for any advance sale promotions by May 1<sup>st</sup> each year thereafter during the Term of the Agreement or as otherwise agreed upon between the parties;
- A plan outlining the method of delivery, the customer and call center support system and how the selected Contractor will educate Fair staff on the use of all the components of the eTicketing system to be used within thirty (30) days from the execution of the Agreement and prior to any advance sale promotions during the term of the Agreement;
- All point of sale equipment necessary for advance sales (including advance sale retail outlets) by July 1<sup>st</sup> of each year. This information will be provided to the selected Contractor within thirty (30) days from the execution of the Agreement and by May 1<sup>st</sup> of each year or as otherwise agreed upon between the parties;
- All point of sale and scanning equipment necessary for the annual Fair must be delivered to the Fairgrounds five (5) days prior to the first day of each Fair held during the Term of the Agreement. This information will be provided by the Fair by June 1<sup>st</sup> each year or as otherwise agreed upon between the parties. All equipment must be secured and packaged after the conclusion of the Fair and placed in a secure location coordinated with the Department's Warehouse Manager for shipping;
- A training environment that will be fully ready for testing by Fair staff and others by August 1<sup>st</sup> of each year or as otherwise agreed upon between the parties;
- Ensuring that all the components of the eTicketing system (hardware, software, equipment, etc.) are fully operational at least two (2) days prior to the first day of each Fair held during the Term of this Agreement. This includes working with the Department's IT staff to ensure that all wired and wireless connections are operable. Staff should be on-site no later than four (4) full days prior to the start of the Fair each year. This may need to be earlier for the selected Contractor's first year providing ticketing services to the Fair.

### **2.3 AGM RESPONSIBILITIES**

AGM will be responsible for providing the following:

- All necessary power and internet connections. The internet connections may be wireless or wired depending on the location;
- Parking and admission credentials for the selected Contractor's employees performing work at the Fair;
- Office space with internet for the selected Contractor's employees performing work at the Fair;
- Storage space for the selected Contractor's equipment during the Fair; and
- Golf cart for use during the period the selected Contractor is present at the Fair.

### 3 PROPOSAL FORMAT, CONTENTS AND SUBMISSION

#### 3.1 SUBMISSION TIMELINE

All required documents must be received by AGM no later than 3:00 p.m. (local time) on March 28, 2023, in order to be considered. AGM reserves the right to request any missing information from those items marked with an asterisk (\*) on the Submission Documents Checklist. Bidder will have three (3) business days to provide any missing information requested by AGM for those items marked with an asterisk (\*) on the Submission Documents Checklist. All remaining forms and documents required to be completed after notification of selection is made shall be submitted to AGM by the selected contractor prior to execution of the contract.

Any questions concerning this RFP must be received by 3:00 p.m. (local time) on March 13, 2023. Questions must be submitted in writing via email to Amanda Shults or Ryan von Linden at [procurement.info@agriculture.ny.gov](mailto:procurement.info@agriculture.ny.gov). Please list “RFP0292 – Electronic Ticketing Services for the New York State Fair” in the subject line. Individual responses will not be provided. AGM will provide written responses to questions in the form of one or more addenda to the RFP which will be published on the NY State Contract Reporter website (<https://www.nyscr.ny.gov>) on or before March 20, 2023. Such official addenda are the only authorized method used to communicate substantive information, including the clarification or modification of the timeline, terms, or other requirements of this RFP.

All bidders are responsible for keeping informed of any revisions to this invitation. All questions and answers shall be incorporated into the RFP which will be part of the awarded contract. If you are unable to access the NY State Contract Reporter website, please contact Amanda Shults or Ryan von Linden at [procurement.info@agriculture.ny.gov](mailto:procurement.info@agriculture.ny.gov).

#### 3.2 SUBMISSION METHOD

Facsimiles or e-mailed copies are not acceptable. Materials received after the deadline may be returned unopened to the sender. **See Section 3.8–** Submission Documents, for information on completing a bid response.

Mail or hand-deliver a bid response in one package containing the following three (3) separately labeled and sealed envelopes:

**Envelope 1**, titled “**RFP #0292 Minimum Qualifications and Forms and Assurances**”

Original plus one (1) paper copy of (See **Section 6.1** Submission Documents):

- Cover Sheet and Submission Documents Checklist
- **Attachment 3** - Mandatory Contract Requirements Certification Form (Original Signatures)
- **Attachment 4** - Non-Collusive Bidding Certification (Original Signatures)
- **Attachment 5** - MacBride Nondiscrimination Certification Form (Original Signatures)
- **Attachment 6** - Procurement Lobbying Law Forms (Original Signatures)
- **Attachment 7** - Vendor Responsibility (Original Signatures)
- **Attachment 8** – Vendor Assurance No Conflict of Interest (Original Signatures)
- **Attachment 9** – Executive Order No. 177 (Original Signatures)
- **Attachment 10** - Substitute Form W-9, if SFS Vendor ID needed (Original Signatures)
- **Attachment 11** – Experience and Reference Form



**Envelope 2**, titled “**RFP #0292 Technical Proposal – Do Not Open**”

- Original plus four (4) paper copies of the completed Technical Proposal addressing the criteria set forth in **Section 3.5** of this RFP.
- An electronic version of the Technical Proposal in MS Word, on either a USB 2 or 3 compliant Flash Drive.
- Original plus four (4) paper copies of **Attachment 2** - Subcontracting Form

**Envelope 3**, titled “**RFP #0292 Bid Form/Cost Proposal – Do Not Open**”

- Original plus one (1) paper copy of **Attachment 1** - Bid Form (Original Signatures Hard Copy)
- One (1) electronic copy of **Attachment 1** – Bid Form. Electronic media shall be submitted on a USB 2 or 3 compliant Flash Drive and clearly labeled. The electronic version of the Bid Form must be sealed within the same envelope as the corresponding hard copies. In the event that there are any inconsistencies between the electronic submissions and the hard copy submissions, or between multiple hard copy submissions, the original, wet ink, hard copy will be deemed controlling by AGM when reviewing each Cost Proposal.

*Place the three (3) envelopes described above into one package and mail or hand-deliver to:*

New York State Department of Agriculture and Markets Fiscal Management  
10B Airline Drive  
Albany, New York 12235  
ATTN: Amanda Shults or Ryan von Linden (RFP #0292)

### **3.3 MINIMUM QUALIFICATIONS**

Proposers are advised that AGM’s intent is to ensure that only qualified, responsive and responsible Contractors enter into a contract to provide an eTicketing system as defined in this RFP. AGM considers the following qualifications as a pre-requisite in order to be considered a qualified Proposer for the purposes of this solicitation. To be considered:

- The Proposer must provide the name, title, address, telephone number and email address of at least two (2) verifiable references. References must be customers that the Proposer has provided an eTicketing system for capable of providing real time attendance reporting by ticket type within the last four (4) calendar years preceding submission of this bid for a fair, festival or equivalent event that lasted a minimum of two (2) consecutive days with a minimum of 100,000 attendees or more over the course of the event. The Proposer must include a list of such events, their locations, attendance, duration of the event, and samples of the real time attendance reports provided. For purposes of this RFP, real time eTicketing system attendance reporting/data provides real time actual attendance data collected and counted within 60 seconds of actual service activity. The New York State Fair cannot be used as a reference. Note that the Department will contact the references provided and the Proposer is solely responsible for the availability of the submitted references.

Please provide the above information using **Attachment 11 – Experience and Reference Form** of the Submission Documents to demonstrate the requisite experience. Any bidder who fails to meet any of these qualifications will be disqualified.

### 3.4 MANDATORY CONTRACT REQUIREMENTS

Each bidder must certify that:

- A. No other obligation or engagement, contractual or otherwise, will impact the selected contractor's ability to provide an eTicketing system and eTicketing services in accordance with this solicitation during the contract period.
- B. The selected contractor will have full control of all services provided pursuant to this engagement and assumes total responsibility for financial loss, accident, injury, or death that may occur as a result of the services provided. The selected Contractor will indemnify and hold harmless the State of New York, AGM, its officers and employees, from all claims, demands, damages, expenses, liability or obligation for damages, loss or injury to, or of, any person or property arising out of the acts of the selected Contractor, its agents, employees, and those acting for or on its behalf. Such indemnity shall not be limited by reasons of any insurance coverage provided.
- C. The selected Contractor agrees to meet or exceed the Information Security Requirements as outlined in **Exhibit 5**.
- D. The selected Contractor will obtain and maintain insurance policies that meet the requirements set forth in **Exhibit 6: Insurance Requirements**.
- E. The selected Contractor agrees to comply with "Appendix A, Standard Clauses for New York State Contracts," a copy of which is included in the sample New York State AGM contract attached to this RFP as **Exhibit 7**.

### 3.5 TECHNICAL PROPOSAL (Maximum score – 75 points)

See **Section 3.2--Submission Method** for information on packaging the proposal. The proposal should describe the bidder's approach to providing an eTicketing system and address each of the seven (7) Sections and all of the elements listed below. Proposals should include a title page with the RFP number and title, offeror's contact information, and a Table of Contents and narrative that follows the headers set forth in subsections A, B, C, D, E, F, and G.

#### A. Ticketing System - Overall Approach (Maximum score - 15 points)

The setup, availability, flexibility and ease of use of an eTicketing system are priorities for the AGM. For the requirements listed in Section 2.2, please provide:

- A description of the organizational structure of your Company and how that structure will meet all the aspects of the eTicketing system. Address how the Company will provide staffing during the annual Fair; develop and operate the system; account for all sales and manage reporting relationships with the Fair staff; fulfill the marketing and client relationship functions of a potential contract; and, who will serve as the primary client lead for a potential contract with the Fair;
- A description of how the Company plans to fulfill the requirements of the peak purchasing period both prior to and during the Fair. Please refer to **Exhibit 1** for the number of tickets sold/issued during the 2022 Fair. Also describe how your Company's eTicketing system will provide full compliance with the Payment Card Industry Data Security Standards (PCIDSS);
- A description of the company's call center that will provide assistance to purchasers who may require help using the web based solution that meets the requirements in Section 2.2;

- A description of whether the Company plans to provide all services in-house or whether the Company plans to use subcontractors in order to meet the requirements set forth in Section 2.2. If the Company plans to use subcontractors, describe the functions those subcontractors will perform and how the Company will qualify those subcontractors and manage them throughout a potential contract;
- A description of the Company's backup and recovery operations to provide the requirements set forth in Section 2.2;
- In the event of a system failure, for any reason, please provide how a website notice will be given, how the admissions gate, parking lots, RV camping, and kiosk operations will be maintained and how Fair management will be informed of the number and types of admissions sold and revenues accounted for in the event of such failure; and
- A description of the equipment to be provided to meet the requirements in Section 2.2 including quantities available for this engagement, year, make, model, and functionality. See **Exhibit 2** for a list of eTicketing equipment provided at the 2022 Fair. The Fair will provide the selected Contractor with quantities of all equipment needed by June 1<sup>st</sup> each year.

#### **B. Ticket Sales (Maximum score - 15 points)**

The Fair has multiple methods of purchasing tickets that must be fully accommodated in the eTicketing system. That functionality must be easy to use and provide critical information and reports back to Fair staff. Please describe how your Company's eTicketing system will provide the following features:

- The ability to purchase tickets online including the System's ability to accept all brands of credit cards. The System must integrate real time credit/debit card authorizations. Customers must also be able to purchase multiple items in one transaction;
- Provide static barcodes for use in admissions and accounting for attendees who are admitted to the Fair free of charge. See **Exhibit 1** for a list of the static barcodes provided for the 2022 Fair;
- Provide unique bar codes for all ticket types referenced in **Exhibit 1**, both in advance and at Fairtime;
- Provide separate custom links for the ticket types referenced in **Exhibit 1**.
- Generate ID badges and provide a printer with accessories as referenced in **Exhibit 1**.
- Support discounts, coupons, promotions and credits and account for their use when purchased either online or day of sales at the ticket booths and gate entrances;
- Provide a capacity plan for data collection of high volume scans;
- Provide multiple day passes with the proper controls to limit the number of tickets that can be used per day;
- Provide the ability for choosing a specific site for RV camping;
- Provide the ability for choosing a specific site for daily RV camping including the ability to choose the same spot for multiple days;
- Provide the ability for AGM to override ticket sale controls;
- Provide the ability to modify users' fees, if required;
- Print ticket and detailed receipts from purchasers' equipment in a standard format;
- Mail tickets using multiple delivery methods (standard U.S. first class postal rates must be applied when charged to the consumer);

- Track and account for admission, parking, and camping tickets separately in real time reporting that is readily available to Fair staff;
- Cancel full or partial sales and provide refunds or exchanges of tickets and create, track and manage credits and apply them seamlessly;
- Ability to store and issue one or more digital ticket(s) to display on mobile device;
- Support the ability for users to share tickets to multiple individuals after bulk purchase;
- Capacity to print a digital ticket from home;
- Ability to create QR codes.

### **C. Point Of Sales Ticketing (Maximum score - 15 points)**

The Fair also has ticketing services that are available to the public at various retail outlets and kiosks. The eTicketing system must be ready to accommodate advance and day of ticket sales as well as serve as the means of verifying admission, parking, and camping tickets. Please describe how your Company's eTicketing system will provide:

- A fully operational system no less than two (2) days prior to the first day of each Fair held during the Term of the Agreement, including installing, testing, troubleshooting and training of staff on the use of the system. This must include, as needed, ticket stock for the printing of tickets at the kiosks;
- Full support of all equipment referenced in Section 2.2 and in the selected Contractor's proposal no later than two (2) business days prior to the opening day of the Fair and continuing through the last day of the Fair. The hours of support would be from 7:00 am until 10:00 pm during the days of the Fair;
- For each ticket sales location terminals, printers and electrical connections in adequate number to provide for efficient processing transactions for up to three retailers with up to 13 locations;
- Remote kiosks for sale of advance tickets at retail outlets and day of sales at the admission gates;
- The ability to accept credit and debit card transactions;
- The ability to operate POS equipment off wired connections and the ability to operate scanning equipment off both wired and wireless connections;
- The ability to scan and verify tickets stored in mobile electronic devices (i.e., mobile phones, tablets, etc.) and printed e-tickets;
- The ability to control access at each parking entrance and gate admissions location that includes, at a minimum, handheld scanners for verifying the validity of the ticket presented in adequate numbers that ensure the efficiency of traffic flow at peak periods;
- Sufficient equipment to ensure an adequate level of redundancy; and,
- Ability for users to add a ticket to a digital Wallet (i.e., NYS Wallet, Apple Wallet, etc.)

### **D. Marketing Support (Maximum score - 5 points)**

It is essential that information about the Fair reach a broad audience. The selected Contractor must distribute Fair provided marketing materials for the promotion of ticket sales events through the selected Contractor's traditional and web advertising, social media sites, e-mail

lists and other marketing channels. Please describe how your Company's eTicketing system will provide the following:

- The ability to easily integrate on-sale events with social networking;
- Timely integration with the AGM advertising contractor by providing sales statistics including but not limited to, types of sales, numbers of tickets sold based on regional demographics;
- The ability to create special links, landing pages, web banners, "save the date" advertising and other sales driven tools for specific promotions of admission, parking, camping, ride bands and other items;
- A fully operational website available for advanced sales including sales promotions and marketing as well as during the days of the Fair;
- The ability to create customer email lists and labels from the selected Contractor maintained customer database with the ability to distinguish them based on event and/or event type. These lists should be easily accessed by AGM;
- The ability to include links and/or connections of interest, such as digital maps or links to the State Fair App, and making sure users are correctly redirected to the State Fair landing page; and,
- The ability to provide potential integrations with digital platforms and communications channels.

**E. Client Management (Maximum score - 5 points)**

The primary goal of the eTicketing System is to offer a first class solution that is efficient and easy for all customers to use. This System should enhance the overall customer experience. Please describe how your company's eTicketing system will provide the following:

- Data capture of all sales, admission, parking, and camping transactions;
- Tracking and look up of patrons and accounts using multiple methods of inquiry including, but not limited to, name, phone number, address, email, account number and event/ticket purchased;
- The ability to create and protect customer profiles that capture client data, purchase and inquiry histories and preferences; and,
- The ability to provide for the capture of client comments as well as call center inquiries and calls.

**F. Revenue Submission and Reporting (Maximum score - 15 points)**

The collection and submission of revenues is a critical component of the e-Ticketing system. Because the State Fair is operated by AGM, a New York State agency, revenue submission, collection, remittance and reporting must be accountable and fully transparent. Please describe how your company's eTicketing system will provide:

- The ability to collect information for all revenue by specific events, promotions, point of sales (website, retail outlets, etc.) as well as by credit card and cash;
- Data and reports that could be exported into various programs and spreadsheets;
- Reports specific to cashiers based on role authentications (logins and passwords);

- Administrative reports including daily sales, event sales, sales by ticket type, cashier reports and customer history reports;
- Real time attendance, parking and camping information broken down by location, type of ticket including but not limited to full price, discounted, multi-day, non-paid, and vendor etc.; and,
- Demographic information including reports which include attendees' addresses, standard reports, ad-hoc reports and customizable reports.

#### **G. Experience and Key Personnel (Maximum score - 5 points)**

The qualifications and prior experience of the bidder are of great importance to AGM. The Bidder should have direct, prior experience in the provision of eTicketing systems and operations. Please describe your Company's:

- Experience with eTicketing systems and their operations that are comparable in scale and scope to that of the New York State Fair. Include a detailed list of events which are similar to what is being requested in this Request for Proposal. The list should include the name of the fair or event, the physical address and its website as well as the number of electronic tickets issued (both paid and unpaid) for the event. Please also include the number of different tickets, special packages and offerings for each event;
- What distinguishes your company in the industry;
- The resumes of key personnel, partners and subcontractors you are proposing to meet the requirements set forth in Section 2.2. Please indicate the role that each staff person will play in a potential contract and his/her prior experience in fulfilling such a role.

#### **3.6 COST PROPOSAL (Maximum score – 25 points)**

The cost proposal must be submitted on “**Attachment 1 - Bid Form**” included in the Submission Documents. The Bid Form must not be altered in any way. Please refer to **Section 3.2-Submission Method** for information on how to package your proposal. Bidders who do not fully complete and submit the attached Bid Form may be disqualified.

Please follow the instructions in **Attachment 1** when completing your bid. Per the Bid Form Instructions tab on **Attachment 1 – Bid Form**, vendors should enter pricing in the highlighted green fields ONLY. All other fields are locked, and calculations are formula formatted to automatically calculate results of each vendor's bid. Unit prices shall be inclusive of all costs including but not limited to: direct and indirect costs, payroll, fringe benefits, equipment, supplies and materials, travel, administrative costs, reports, and overhead and profit. The selected Contractor will only be paid for the actual number of tickets sold/issued in accordance with the unit prices bid.

#### **3.7 CALCULATION OF THE SCORE FOR COSTS (Maximum score – 25 points)**

The cost proposal represents 25 points of the overall score and will be awarded pursuant to a formula. This calculation will be computed by Fiscal Management independently of the technical scoring by the evaluation committee. The submitted cost information will be awarded points, pursuant to a formula which awards 25 points to the bidder that offers the lowest grand total cost on the Bid Form. The remaining bids will be awarded points based on the calculation below that computes the relative difference between each bid and the lowest bid.

**Cost Score Calculation: Points = (lowest bid divided by the bid being evaluated) x cost points (25)**

### **3.8 SUBMISSION DOCUMENTS**

Bidders must submit all proposal submission documents required to be responsive for proposal evaluation by the bid response due date. The packet of submission documents is posted on the New York State Contract Reporter website at <https://www.nyscr.ny.gov>. The submission must include paper documents of the technical proposal, bid form cost proposal and required assurances and documentation.

Proposals should be prepared simply and economically, avoiding the use of elaborate promotional materials beyond what is required to provide a complete presentation. If supplemental materials are a necessary part of the proposal, the bidder should reference these materials in the technical proposal, identifying the document(s) and citing the appropriate section(s) and page(s) to be reviewed. Any proprietary material considered confidential by the bidder must be specifically so identified, and the basis for such confidentiality must be specifically set forth in the proposal. Be advised that AGM is subject to the Freedom of Information Act as codified in the New York State Public Officers Law.

## **4 EVALUATION CRITERIA AND METHOD OF AWARD**

### **4.1 CONSIDERATION**

For a bidder to be eligible for consideration, it must meet the Minimum Qualifications. To be awarded a contract, the bidder must certify that it will meet the Mandatory Contract Requirements.

### **4.2 CRITERIA FOR EVALUATING BIDS**

All complete proposals received by the deadline will be reviewed using the following criteria and ratings. A proposal will first be reviewed by AGM staff to ensure that the proposal is complete, and that the minimum qualifications have been met. AGM reserves the right to request any missing information from those items marked with an asterisk (\*) on the Submission Documents Checklist. Bidder will have three (3) business days to provide any missing information requested by AGM for those items marked with an asterisk (\*) on the Submission Documents Checklist.

#### **A. Technical Proposal**

A technical evaluation committee will review each Technical Proposal to determine compliance with the requirements described in this RFP. The technical component of all proposals shall be scored individually by each member of the committee using the point ranges assigned to each component within each criterion when assigning a whole number score for each of the criteria. The committee retains the right to determine whether any deviation from the requirements of the RFP is substantive in nature and may reject, in whole or in part, any and all proposals, and/or waive minor irregularities.

AGM may request written clarifications during evaluations. In the event written clarifications are necessary, the evaluation committee will meet to discuss clarifications and any disparate scores. The evaluation committee will be permitted to review its scoring and to make corrections based upon written clarifications, errors discovered and/or disparate scores.

The Technical Proposal represents 75 points of the overall score. All complete proposals received from eligible and qualified bidders will be evaluated.

## **B. Cost Proposal**

The Cost Evaluation will be conducted separately on all bids that are deemed to meet the minimum qualifications. The Bid Form provided must be used, and not altered in any way (See **Attachment 1** - Bid Form included in the Submission Documents packet).

The Cost Proposal represents 25 points of the overall score and points will be awarded pursuant to a formula referenced in **Section 3.7**. This calculation will be computed by Fiscal Management independently of the technical scoring committee.

<b>Technical Criteria (75%)</b>	
Technical Proposal	75 points
<b>Cost Criteria (25%)</b>	
Cost Proposal	25 points
<hr/>	
<b>Maximum Score</b>	<b>100 points</b>

### **4.3 METHOD OF AWARD**

AGM intends to make a single contract award to the eligible and qualified Bidder whose proposal results in the highest aggregate technical and cost score. AGM will compile the financial and technical scores and compute the composite score for each bidder and rank the Combined Technical and Cost Proposal scores accordingly. The composite score for each bidder will consist of an average of all technical scores (rounded to two decimal places) from the technical evaluators added to the score from the cost evaluation (rounded to two decimal places). In the case of a tie composite score, the bidder among the tied group with the highest cost score will be awarded the contract. In the event that multiple bidders have identical composite scores and identical cost scores, the winner will be determined by a coin toss.

## **5 CONSIDERATIONS RELATED TO THIS PROCUREMENT**

### **5.1 AGM'S RESERVATION OF RIGHTS**

AGM reserves the right to:

- Reject any or all proposals received with respect to this invitation;
- Withdraw the RFP at any time, at AGM's sole discretion or otherwise decline to award a contract from this invitation;
- Make an award in whole or in part;
- Require clarification from any bidder to assure a full understanding of the responsiveness to the requirements of the invitation;
- Disqualify any bidder whose conduct and/or bid response fails to conform to the requirements of the RFP;
- Use proposal information obtained through site visits, management interviews and the State's investigation of a bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to AGM's request for clarifying information in the course of evaluation and/or selection under the RFP;
- Waive or modify minor irregularities in bids received;
- Request additional information from bidders as deemed necessary to more fully evaluate bids or to obtain omitted required forms. Bidders will have three (3) business days to respond to the request;



- Prior to the bid opening, amend this solicitation after its release, with appropriate written notice posted on AGM's website to correct errors or oversights, or to supply additional information, as it becomes available;
- Prior to the bid opening, direct bidders to submit bid response modifications addressing subsequent RFP amendments;
- Change any of the scheduled dates;
- Eliminate any minimum or mandatory non-material specifications that cannot be complied with by all of the bidders;
- Waive any requirements that are not material;
- Make mathematical corrections in the event a mathematical error is discovered in computing the cost proposal (e.g., error in formula in excel spreadsheet);
- Conduct contract negotiations with the next responsible bidder, should AGM be unsuccessful in negotiating with the selected bidder; and
- Unless otherwise specified in the solicitation, every offer is firm and not revocable until the contract start date.

## **5.2 SUBCONTRACTING**

The Contractor agrees not to subcontract any of its services, unless as indicated in its proposal, without the prior written approval of AGM. Approval shall not be unreasonably withheld upon receipt of written request to subcontract.

The Contractor may arrange for a portion/s of its responsibilities under this Agreement to be subcontracted to qualified, responsible subcontractors, subject to approval of AGM. If the Contractor determines to subcontract a portion of the services, the subcontractors must be clearly identified and the nature and extent of its involvement in and/or proposed performance under this Agreement must be fully explained by the Contractor to AGM. As part of this explanation, the subcontractor must submit to AGM a completed Vendor Assurance of No Conflict of Interest or Detrimental Effect form, as required by the Contractor prior to execution of this Agreement.

The Contractor retains ultimate responsibility for all services performed under the Agreement. All subcontracts shall be in writing and shall contain provisions, which are functionally identical to, and consistent with, the provisions of this Agreement including, but not limited to, the body of the Agreement, Appendix A – Standard Clauses for New York State Contracts, and required proof of workers compensation and disability insurance.

Unless waived in writing by AGM, all subcontracts between the Contractor and subcontractors shall expressly name the State, through AGM, as the sole intended third party beneficiary of such subcontract. The Department of Agriculture & Markets reserves the right to review and approve or reject any subcontract, as well as any amendment to said subcontract(s), and this right shall not make AGM or the State a party to any subcontract or create any right, claim, or interest in the subcontractor or proposed subcontractor against AGM.

AGM reserves the right, at any time during the term of the Agreement, to verify that the written subcontract between the Contractor and subcontractors is in compliance with all of the provisions of this Section and any subcontract provisions contained in this Agreement.

The Contractor shall give AGM immediate notice in writing of the initiation of any legal action or suit which relates in any way to a subcontract with a subcontractor or which may affect the

performance of the Contractor's duties under the Agreement. Any subcontract shall not relieve the Contractor in any way of any responsibility, duty and/or obligation of the Agreement.

All subcontractors shall be required to complete and submit a Vendor Responsibility Questionnaire for subcontracts valued at \$100,000 or more over the term of the contract, or a Contractor Information Checklist for subcontracts valued at less than \$100,000 over the term of the contract, unless the subcontractor is an entity that is exempt from reporting by OSC (exempt entities can be found online at [http://www.osc.state.ny.us/vendrep/resources\\_docreq\\_agency.htm](http://www.osc.state.ny.us/vendrep/resources_docreq_agency.htm)).

### **5.3 PRICE ADJUSTMENT**

The unit prices agreed upon in the contract on the Bid Form may be increased up to the same percentage as the change in the U.S. city average, Consumer Price Index (All Items) for All Urban Consumers (CPI-U), not to exceed 3%, during the 12 calendar months ending April 30<sup>th</sup> of the previous contract year, as reported by the U.S. Department of Labor Bureau of Labor Statistics in the CPI Detailed Report. It shall be the responsibility of the Contractor to annually request a payment change based upon the CPI, not to exceed 3%, which may be granted at the sole discretion of the Department. Requests for changes must be submitted in writing 90 days prior to April 30<sup>th</sup> each year. Only one price adjustment per year will be granted at the sole discretion of the Department. The Department reserves the right to request a price decrease should the relevant index referenced herein decrease.

### **5.4 CONTRACTOR REQUIREMENTS AND PROCEDURES FOR PARTICIPATION BY NEW YORK STATE-CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN**

#### **NEW YORK STATE LAW**

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations AGM is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of AGM contracts.

#### **Business Participation Opportunities for MWBEs**

For purposes of this solicitation, AGM hereby establishes an overall goal of zero (0) percent for MWBE participation, zero (0) percent for New York State-certified Minority-owned Business Enterprise ("MBE") participation and zero (0) percent for New York State-certified Women-owned Business Enterprise ("WBE") participation (based on the current availability of MBEs and WBEs). A contractor ("Contractor") on any contract resulting from this procurement ("Contract") must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this Request for Proposals (RFP), the respondent agrees that AGM may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how AGM will evaluate a Contractor's "good faith efforts," refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the

achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the contract.

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFP, such finding constitutes a breach of contract and AGM may withhold payment as liquidated damages. Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting AGM’s MWBE Liaison at 518-457-4619 or [mwbe@agriculture.ny.gov](mailto:mwbe@agriculture.ny.gov). All MWBE Forms and Instructions are included in the Submission Documents.

Additionally, a respondent will be required to submit the following documents and information as evidence of compliance with the foregoing:

- (1) An MWBE Utilization Plan with their bid or proposal. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to AGM for review and approval. AGM will review the submitted MWBE Utilization Plan and advise the respondent of AGM acceptance or issue a notice of deficiency within 30 days of receipt.
- (2) If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting AGM, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by AGM to be inadequate, AGM shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

AGM may disqualify a respondent as being non-responsive under the following circumstances:

- If a respondent fails to submit an MWBE Utilization Plan;
- If a respondent fails to submit a written remedy to a notice of deficiency;
- If a respondent fails to submit a request for waiver; or
- If the Department determines that the respondent has failed to document good faith efforts.

The successful respondent will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to AGM but must be made no later than prior to the submission of a request for final payment on the Contract.

The successful respondent will be required to submit a quarterly M/WBE Contractor Compliance & Payment Report to the Department, by the 10th day following each end of quarter over the term

of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

### **Equal Employment Opportunity Requirements**

By submission of a bid or proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of Appendix A – Standard Clauses for All New York State Contracts including Clause 12 - Equal Employment Opportunities for Minorities and Women. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The respondent will be required to submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement, (See Submission Documents, Form MWBE EE01), to the Department with its bid or proposal.

If awarded a Contract, respondent shall submit a Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by AGM on a quarterly basis during the term of the Contract.

Pursuant to Executive Order #162, contractors and subcontractors will also be required to report the gross wages paid to each of their employees for the work performed by such employees on the contract utilizing the Workforce Utilization Report on a quarterly basis.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

**Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.**

### **5.5 PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED SERVICE-DISABLED VETERAN-OWNED BUSINESSES**

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"), thereby further integrating such businesses into New York State's economy. The Department

recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of Department contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders/Contractors are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the Agreement. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

For purposes of this procurement, the Department conducted a comprehensive search and determined that the Agreement does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, and suppliers to Contractor. Nevertheless, Bidder/Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Agreement for the provision of services and materials. The directory of New York State Certified SDVOBs can be viewed at: <https://ogs.ny.gov/veterans/>.

Bidder/Contractor is encouraged to contact the Office of General Services' Division of Service-Disabled Veteran's Business Development at 518-474-2015 or [VeteransDevelopment@ogs.ny.gov](mailto:VeteransDevelopment@ogs.ny.gov) to discuss methods of maximizing participation by SDVOBs on the Agreement.

## **5.6 NOTIFICATION OF AWARD**

AGM will notify the selected bidder verbally, followed by a written confirmation. Unsuccessful bidders will be notified in writing by AGM within ten (10) business days after the award.

## **5.7 DEBRIEFING PROCEDURES**

Pursuant to section 163(9)(c) of the State Finance Law, any unsuccessful Bidder may request a debriefing regarding the reasons that the Bid submitted by the Bidder was not selected for award. Requests for a debriefing must be made within fifteen (15) calendar days of notification by AGM that the Bid submitted by the Bidder was not selected for award. Requests should be submitted in writing to [procurement.info@agriculture.ny.gov](mailto:procurement.info@agriculture.ny.gov).

## **5.8 BID PROTEST PROCEDURES**

Bidders who receive a notice of non-award may protest the award decision subject to the following:

- A. The protest must be in writing and must contain specific factual and/or legal allegations setting forth the basis on which the protesting party challenges the contract award by AGM.
- B. The protest must be filed within ten (10) business days of receipt of a debriefing, or ten (10) business days of receipt of the notice of non-award, whichever is later. The protest letter must be filed with Amanda Shults at:

NYS Department of Agriculture and Markets  
Fiscal Management  
10B Airline Drive  
Albany, NY 12235  
Or via email: [procurement.info@agriculture.ny.gov](mailto:procurement.info@agriculture.ny.gov)

- C. Fiscal Management will convene a review team that will include at least one staff member from each of: AGM's Office of Counsel, AGM's Office of Fiscal Management, and AGM's Division of Agricultural Development. The review team will review and consider the merits of the protest and will decide whether the protest is approved or denied. Counsel's Office will provide the bidder with written notification of the review team's decision within fourteen (14)

business days of receipt of the protest. The original protest and decision will be filed with OSC when the contract procurement record is submitted for approval, and Fiscal Management will advise OSC that a protest was filed.

- D. Fiscal Management in consultation with Counsel's Office may summarily deny a protest that fails to contain specific factual or legal allegations, or where the protest only raises issues of law that have already been decided by the courts. An unsuccessful bidder may also protest the award by filing a protest, in writing, with the Office of the State Comptroller, Bureau of Contracts, 110 State Street, 11<sup>th</sup> Floor, Albany, New York 12236. More information on the Office of the State Comptroller's (OSC) Contract Award Protest Procedures can be found in OSC's Guide to Financial Operations (GFO), Chapter XI.17, available on the internet at <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>.

## **5.9 NEW YORK LAW**

The provisions of New York law shall apply to the contract and to all claims, actions and other proceedings arising out of the contract.

## **5.10 REQUIRED APPROVALS**

Any contract award resulting from this solicitation will be subject to the approval of the Office of the Attorney General of the State of New York and the Office of the State Comptroller of the State of New York.

## **5.11 VENDOR RESPONSIBILITY AND NYS VENDOR ID**

### **Prime Contractors:**

State law requires that the award of state contracts be made to responsible vendors. Before an award is made to a not-for-profit entity, a for-profit entity, a private college or university or a public entity not exempted by the Office of the State Comptroller, AGM must make an affirmative responsibility determination. The factors to be considered include: legal authority to do business in New York State; integrity; capacity- both organizational and financial; and previous performance. Before an award of \$100,000 or greater can be made to a covered entity, the entity will be required to complete and submit a Vendor Responsibility Questionnaire. Public Authorities, BOCES, public colleges and universities are some of the exempt entities. For a complete list, see: [http://www.osc.state.ny.us/vendrep/resources\\_docreq\\_agency.htm](http://www.osc.state.ny.us/vendrep/resources_docreq_agency.htm).

All bidders must fully and accurately complete the Vendor Responsibility Questionnaire (hereinafter the "Questionnaire"). All bidders acknowledge that AGM's execution of the Contract will be contingent upon AGM's determination that the bidder is responsible, and that AGM will be relying upon the bidder's responses to the Questionnaire in making that determination. If it is found by AGM that a bidder's responses to the Questionnaire were intentionally false or intentionally incomplete, AGM may terminate the contract by providing ten (10) days written notification to the contractor. In no case shall such termination of the contract by AGM be deemed a breach thereof, nor shall AGM be liable for any damages for lost profits or otherwise, which may be sustained by the contractor as a result of such termination.

**NOTE:** Bidders are encouraged to file the Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at <https://www.osc.state.ny.us/state-vendors/vendrep/vendrep-system> or go directly to the VendRep System online at <https://onlineservices.osc.state.ny.us/Enrollment/login?0>.

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the Office of the State Comptroller's Help Desk at 866-370-4672 or 518-408-4672 or by email at [ITServiceDesk@osc.ny.gov](mailto:ITServiceDesk@osc.ny.gov).

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep) or may contact the Department or the Office of the State Comptroller's Help Desk for a copy of the paper form.

Contractors awarded a contract valued at less than \$100,000 over the term of the Agreement shall complete and submit a Contractor Information Checklist.

#### **Subcontractors:**

For vendors using subcontractors, all subcontractors shall be required to complete and submit a Vendor Responsibility Questionnaire for subcontracts valued at \$100,000 or more over the term of the contract, or a Contractor Information Checklist for subcontracts valued at less than \$100,000 over the term of the contract, unless the subcontractor is an entity that is exempt from reporting by OSC (exempt entities can be found online at [http://www.osc.state.ny.us/vendrep/resources\\_docreq\\_agency.htm](http://www.osc.state.ny.us/vendrep/resources_docreq_agency.htm)).

**NOTE:** Bidders must acknowledge their method of filing their questionnaire by checking the appropriate box on the Response Sheet for Bids (Submission Documents).

### **5.12 COST LIABILITY**

The State of New York, AGM, and the Division of Agricultural Development assume no responsibility or liability for the costs incurred by the Bidders in preparing and submitting their bids in response to this solicitation.

### **5.13 FREEDOM OF INFORMATION**

The selected contractor's bid response and any contract resulting from this solicitation are subject to the provisions of Article 6 of New York State Public Officers Law, the Freedom of Information Law (NY FOIL). It is the responsibility of the Bidder to designate which components of the bid response are proprietary business information to be withheld from disclosure. A bidder may not designate its entire bid response as confidential, proprietary, or copyrighted.

### **5.14 PROCUREMENT LOBBYING LAW**

Pursuant to State Finance Law Sections 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between the Department of Agriculture and Markets and an offerer/bidder during the procurement process. (See Submission Documents Packet, **Attachment 6** -- "Guidelines Regarding Permissible Contacts During a Procurement and the Prohibition of Inappropriate Lobbying Influence"). An offerer/bidder is restricted from making contacts from the earliest written notice, advertisement or solicitation of the RFP through final award and approval of the Procurement Contract by AGM, and, if applicable, Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law Section 139-j(3)(a). Designated staff, as of the date hereof, are identified in this solicitation. AGM employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the offerer/bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and, in the event of two findings within a



four-year period, the offerer/bidder is debarred from obtaining governmental Procurement Contracts. Further information about these requirements can be found in AGM Guidelines, which are attached, and on the Office of General Services Website at <https://ogs.ny.gov/acpl/>

AGM has designated the following staff members to receive contacts pertaining to this Bid:

Amanda Shults or Ryan von Linden  
New York State Department of Agriculture and Markets  
Division of Fiscal Management  
10B Airline Drive  
Albany, New York 12235  
E-mail: [procurement.info@agriculture.ny.gov](mailto:procurement.info@agriculture.ny.gov)

## **6 REQUIRED ASSURANCES**

### **6.1 SUBMISSION DOCUMENTS**

The documents listed below are included in the Submission Documents section, which follows. All documents requiring signature must be signed by an authorized representative of the Bidding entity. Please review the terms and conditions. Certain documents will become part of the resulting contract that will be executed between the successful bidder and the New York State Department of Agriculture and Markets. Please refer to **Section 3.2**, “Submission Method” for more information on how to package your proposal:

- Bid Form/Cost Proposal (Signature Required Hard Copy - the form is included in the Submission Documents as **Attachment 1**)
- Subcontracting Form (the form is included in the Submission Documents as **Attachment 2**)
- Mandatory Requirements Certification Form (Signature Required - the form is included in the Submission Documents as **Attachment 3**)
- Non-Collusive Bidding Certification (Signature Required - the form is included in the Submission Documents as **Attachment 4**)
- MacBride Certification (Signature Required - the form is included in the Submission Documents as **Attachment 5**)
- Offerer Disclosure of Prior Non-Responsibility Determinations (Procurement Lobby Law Forms) (Signature Required - the form is included in the Submission Documents as **Attachment 6**)
- Vendor Responsibility (Signature Required - the form is included in the Submission Documents as **Attachment 7**)
- Vendor Assurance No Conflict of Interest (Signature Required – the form is included in the Submission Documents as **Attachment 8**)
- Executive Order No. 177 (Signature Required – the form is included in the Submission Documents as **Attachment 9**)
- Substitute W-9 Form to obtain SFS ID (Signature Required - Return if SFS Vendor ID is requested – the form is included in the Submission Documents as **Attachment 10**)
- Experience and Reference Form (the form is included in the Submission Documents as **Attachment 11**)



## 6.2 CONTRACT DOCUMENTS AND REQUIREMENTS

The successful bidder will be required to execute a written contract with AGM. A sample New York State Department of Agriculture and Market's contract is attached to this RFP as **Exhibit 7**. By submitting a bid, bidder agrees to be bound by all terms and conditions in AGM's contract including: **Appendix A** "Standard Clauses for New York State Contracts"; **Appendix D** "General Conditions for Agreements New York State Department of Agriculture and Markets;" **Appendix E** "Special Conditions for Agreements New York State Department of Agriculture and Markets; and **Appendix E-1** "MWBE Requirements and Procedures".

## 7 RECOMMENDED SUBMISSIONS

The following forms are not required to be submitted with the bid response, though each form will be required prior to contract execution. Bidders are encouraged to submit these forms in order to expedite contract execution if the bidder is awarded the contract.

### Workers' Compensation Coverage and Debarment

New York State Workers' Compensation Law (WCL) has specific coverage requirements for businesses contracting with New York State and additional requirements which provide for the debarment of vendors that violate certain sections of WCL. The WCL requires, and has required since introduction of the law in 1922, the heads of all municipal and State entities to ensure that businesses have appropriate workers' compensation and disability benefits insurance coverage *prior* to issuing any permits or licenses, or *prior* to entering into contracts.

Workers' compensation requirements are covered by WCL Section 57, while disability benefits are covered by WCL Section 220(8). The Workers' Compensation Benefits clause in Appendix A – "Standard Clauses for New York State Contracts" (January 2014). states that in accordance with Section 142 of the State Finance Law, a contract shall be void and of no force and effect unless the contractor provides and maintains coverage during the life of the contract for the benefit of such employees as are required to be covered by the provisions of the WCL.

Under provisions of the 2007 Workers' Compensation Reform Legislation (WCL Section 141-b), any person, or entity substantially owned by that person: subject to a final assessment of civil fines or penalties, subject to a stop-work order, or convicted of a misdemeanor for violation of Workers' Compensation laws Section 52 or 131, is barred from bidding on, or being awarded, any public work contract or subcontract with the State, any municipal corporation or public body for one year for each violation. The ban is five years for each felony conviction.

The Workers' Compensation Board has developed several forms to assist State contracting entities in ensuring that businesses have the appropriate workers' compensation and disability insurance coverage as required by Sections 57 and 220(8) of the WCL. ***Please note – an ACORD form is not acceptable proof of New York State workers' compensation or disability benefits insurance coverage.***

### Proof of Workers' Compensation Coverage

To comply with coverage provisions of the WCL, the Workers' Compensation Board requires that a business seeking to enter into a State contract submit appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity must obtain ONE of the following forms from the contractor and submit to OSC to prove the contractor has appropriate workers' compensation insurance coverage:

- **Form C-105.2** – Certificate of Workers’ Compensation Insurance issued by private insurance carriers, or **Form U-26.3** issued by the State Insurance Fund; or
- **Form SI-12**– Certificate of Workers’ Compensation Self-Insurance; or **Form GSI-105.2** Certificate of Participation in Workers’ Compensation Group Self-Insurance; or

#### **Proof of Disability Benefits Coverage**

To comply with coverage provisions of the WCL regarding disability benefits, the Workers’ Compensation Board requires that a business seeking to enter into a State contract must submit appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity must obtain ONE of the following forms from the contractor and submit to OSC to prove the contractor has appropriate disability benefits insurance coverage:

- **Form DB-120.1** - Certificate of Disability Benefits Insurance; or
- **Form DB-155**- Certificate of Disability Benefits Self-Insurance; or

**CE-200**– Certificate of Attestation of Exemption from New York State Workers’ Compensation and/or Disability Benefits Coverage.

ALL OF THE ABOVE REFERENCED FORMS, EXCEPT CE-200, SI-12 & DB-155 MUST NAME: New York State Department of Agriculture and Markets, Division of Agricultural Development, 10B Airline Drive, Albany, NY 12235 as the Entity Requesting Proof of Coverage (Entity being listed as the Certificate Holder).

For additional information regarding workers’ compensation and disability benefits requirements, please refer to the New York State Workers’ Compensation Board website at: [www.wcb.ny.gov](http://www.wcb.ny.gov). Alternatively, questions relating to either workers’ compensation or disability benefits coverage should be directed to the NYS Workers’ Compensation Board, Bureau of Compliance at (518) 486-6307.

#### **Sales and Compensating Use Tax Certification (Tax Law § 5-a)**

Tax Law § 5-a requires contractors awarded State contracts for commodities or services valued at more than \$100,000 over the full term of the contract to certify to the New York State Department of Taxation and Finance (“DTF”) that they are registered to collect New York State and local sales and compensating use taxes, if they made sales delivered by any means to locations within New York State of tangible personal property or taxable services having a cumulative value in excess of \$300,000, measured over a specific period of time. The registration requirement applies if the contractor made a cumulative total of more than \$300,000 in sales during the four completed sales tax quarters which immediately precede the sales tax quarter in with the certification is made. Sales tax quarters are June – August, September – November, December – February, and March – May. In addition, contractors must certify to DTF that each affiliate and subcontractor of such contractor exceeding such sales threshold during a specified period is registered to collect New York State and local sales and compensating use taxes. Licensees must also certify to the procuring State entity that they filed the certification with the DTF and that it is correct and complete.

The selected bidder must file a properly completed Form ST-220-CA (with OSC as the Contracting Agency within 48 hours of notification of selection for award) and Form ST-220-TD (with the DTF). These requirements must be met before a contract may take effect. Further information can be found

at the New York State Department of Taxation and Finance's website, available through this link: [www.tax.ny.gov/pdf/publications/sales/pub223.pdf](http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf). Forms are available through these links:

- ST-220 CA: [http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)
- ST-220 TD: [http://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)

**Please note that although these forms are not required as part of the bid submissions, AGM encourages bidders to include them with their bid submissions to expedite contract execution if the bidder is awarded the contract.**