



**Agriculture
and Markets**

INVITATION FOR BIDS

for

**RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER
MACHINE (ATM)/CASH DISPENSING UNITS AT THE NEW YORK
STATE FAIRGROUNDS**

IFB #0222

IFB Issued: January 30, 2020

Proposals Due: March 4, 2020

By:

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

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE
(ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

TABLE OF CONTENTS

1. INTRODUCTION	1
1.1 OVERVIEW	1
1.2 IFB GOAL	1
1.3 TERM	2
1.4 IFB TIMELINE	2
2. DESCRIPTION OF WORK TO BE PERFORMED	2
2.1 PREMISES	2
2.2 SCOPE OF WORK	3
2.2.1 QUANTITIES AND LOCATIONS	3
2.2.2 ATM/CASH DISPENSING UNIT SPECIFICATIONS	4
2.2.3 ATM/CASH DISPENSING UNIT INSPECTION, MAINTENANCE AND REPAIR	5
2.2.4 REPORTS TO THE DEPARTMENT	5
2.2.5 PHONE OR INTERNET SERVICE	5
2.2.6 DEPARTMENT PROVIDED	5
3. PROPOSAL FORMAT, CONTENTS AND SUBMISSION	6
3.1 SUBMISSION TIMELINE	6
3.2 SUBMISSION METHOD	6
3.3 MINIMUM QUALIFICATIONS	7
3.4 MANDATORY CONTRACT REQUIREMENTS	8
3.5 BID FORM	8
4. EVALUATION	9
4.1 CONSIDERATION	9
4.2 DETERMINATION OF BID AWARD	9
4.2.1 ITEM 1 ASSESSMENT (50%)	9
4.2.2 ITEM 2 ASSESSMENT (50%)	9
4.2.3 DETERMINATION OF HIGHEST BID SCORE	9
4.2.4 BIDDING EXAMPLE	9
5. CONSIDERATIONS RELATED TO THIS PROCUREMENT	10
5.1 INSPECTION AND INVENTORY	10

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE
(ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

5.2 DEPARTMENT’S RESERVATION OF RIGHTS.....	10
5.3 SUBCONTRACTING	11
5.4 NOTIFICATION OF AWARD	12
5.5 DEBRIEFING PROCEDURES.....	12
5.6 BID PROTEST PROCEDURES	12
5.7 NEW YORK LAW	13
5.8 REQUIRED APPROVALS	13
5.9 VENDOR RESPONSIBILITY AND NYS VENDOR ID	13
5.10 COST LIABILITY	14
5.11 FREEDOM OF INFORMATION	14
5.12 PROCUREMENT LOBBYING LAW.....	14
6. REQUIRED ASSURANCES	15
6.1 SUBMISSION DOCUMENTS	15
6.2 CONTRACT DOCUMENTS AND REQUIREMENTS.....	15
7. RECOMMENDED SUBMISSIONS	16

EXHIBITS

EXHIBIT 1 – MAP OF NEW YORK STATE FAIRGROUNDS WITH 2019 ATM LOCATIONS

EXHIBIT 2 – 2018-2019 EVENTS, ESTIMATED ATTENDANCE, NUMBER OF MACHINES AND TRANSACTIONS AT THE NEW YORK STATE FAIR

EXHIBIT 3 – INSURANCE REQUIREMENTS

EXHIBIT 4 – SAMPLE NYS AGM CONTRACT



1. INTRODUCTION

1.1 OVERVIEW

This Invitation for Bids (IFB) is issued by the New York State Department of Agriculture and Markets (“AGM” or “the Department”) to invite qualified bidders (“Respondents”) to submit proposals to provide rental, operation, and service of automatic teller machine (ATM)/cash dispensing units at the New York State Fairgrounds. The recipient of the contract award from this IFB (“Contractor”) shall be the sole provider of these services during the annual State Fair, commencing with the 2020 State Fair.

The New York State Fairgrounds is a 375-acre site that is home to the annual New York State Fair as well as many non-Fair events during the year. The New York State Department of Agriculture and Markets (the Department) owns and manages the New York State Fairgrounds in the Town of Geddes, Onondaga County, New York (the Fairgrounds). The mission of the annual State Fair is to hold a multi-day exposition 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 State Fair also hosts a 15-acre Midway and two free music venues that hosts multiple national touring acts each day and can hold more than 30,000 and 15,000 people respectively. There are approximately 600 vendors, including 200 food vendors. The 2020 State Fair will be held August 21, 2020 through September 7, 2020.

Bidders should note that the number of 2020 Fair days will increase by five additional days from 2019, making it an 18-day event beginning in 2020.

The Fairgrounds also operates year-round (“non-Fair”), offering several outstanding venues. In 2019, the Fairgrounds hosted approximately 300 non-Fair events encompassing over one thousand event-days and drawing more than 1.1 million visitors. A wide variety of non-Fair events benefit from the Fairgrounds’ expansive buildings, open space, central location and convenient highway access. Current non-Fair events include the Syracuse Nationals car show, music festivals, equestrian competitions, RV rallies, consumer shows, community events and corporate and organization meetings. The Department has prioritized growing the number and scale of non-Fair events hosted at the Fairgrounds. A list of upcoming events scheduled to be held at the Fairgrounds is located at: <https://nysfairgrounds.ny.gov/events>.

The Department is seeking bids from federally or state regulated financial institutions or independent sales/service organizations (ISOs) affiliated with or sponsored by a federally or state regulated financial institution, to provide, install, operate, maintain and service automatic teller machines (ATMs) or cash dispensing units at various locations on the Fairgrounds. Over the last four years, average attendance at the State Fair has been 1,221,197 visitors per year, with 1,329,275 in 2019. In each of the last two years, there were more than 40,000 ATM transactions during the previous two 13-day State Fairs (approximately 41,140 transactions in 2018 and 46,442 transactions in 2019). Other events on the Fairgrounds during the last two years have accounted for a total of 11,700 additional ATM transactions.

The Department provides these figures for informational purposes only. They are estimates, and the Department makes no representation as to their accuracy or predictive relevance.

1.2 IFB GOAL

The objective of this IFB is to retain a federally or state regulated financial institution or independent sales/service organization (ISO) affiliated with or sponsored by a federally or state regulated financial institution, to provide, install, operate, maintain and service automatic teller machines (ATMs) or cash dispensing units at various locations on the Fairgrounds.

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE
(ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

1.3 TERM

The contract resulting from this IFB will be for a five (5) year term. The contract will begin on August 1, 2020 and end on July 31, 2025.

1.4 IFB TIMELINE

Publication in Contract Reporter:	January 30, 2020
Deadline for Submission of Written Questions:	February 14, 2020 by 3:00 p.m. (Local Time)
Last Update of answers or issuance of IFB Addendum http://www.agriculture.ny.gov/RFPS.html no later than:	February 20, 2020
Submission Deadline:	March 4, 2020 by 3:00 p.m. (Local Time)
Bid Opening:	March 5, 2020

The Department 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 annual New York State Fair and other year-round events. The mission of the annual State Fair is to hold a multi-day exposition 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 State Fair also hosts a 15-acre Midway and a free music venue that hosts two national touring acts a day and can hold over 30,000 people. There are approximately 600 vendors including 200 food vendors. Entrance to the State Fair is currently available through eight (8) gates. Paid parking is also available for approximately 20,000 vehicles as well as parking for approximately 1,000 overnight camping vehicles.

The Fairgrounds also operates year-round (“non-Fair”) offering several outstanding venues. In 2019, the Fairgrounds hosted approximately 300 non-Fair events encompassing over one thousand event-days. A wide variety of non-Fair events benefit from the Fairgrounds’ expansive buildings, open space, central location and convenient highway access. Current non-Fair events include equestrian competitions, RV rallies, consumer shows, community events and corporate and organization meetings. In 2019, non-fair events drew more than 1.1 million people, up more than 3% from 2018, which was the previous record year.

In the past five years, the Fairgrounds has undergone an extensive renovation, which includes the construction of a new 136,000 square foot Exposition Center. Completed in August 2018, this facility is the largest Exposition Center north of New York City between Boston and Cleveland and is uniquely situated to attract events not previously accommodated by existing regional facilities, such as large car

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE
(ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

shows, major equestrian competitions, motocross races and other large-scale traveling events not currently visiting the region.

2.2 SCOPE OF WORK

The selected contractor will have the exclusive right and obligation to provide, install, operate, maintain and service ATMs or cash dispensing units at the Fairgrounds for the contract period. At the termination of the contract period, the selected contractor shall remove all ATMs/cash dispensing units from the Fairgrounds.

The fees bid by the selected contractor under **Section 3.5** shall be firm throughout the contract period and shall apply to all ATMs/cash dispensing units provided by the selected contractor, regardless of the event or total number of ATMs/cash dispensing units provided.

2.2.1 QUANTITIES AND LOCATIONS

A. Year-Round Locations

Five (5) permanent ATM or cash dispensing units shall be placed on the Fairgrounds at precise locations determined by the Department. Four (4) units shall be placed indoors and one (1) outdoors.

B. Annual State Fair Locations

At least forty (40) additional ATMs or cash dispensing units shall be placed at locations around the Fairgrounds during the annual State Fair, a multi-day event ending on Labor Day each year. ATM locations during the 2019 Fair are depicted in **Exhibit 1**. **Exhibit 1** is for informational purposes only and locations on the Fairgrounds may be changed at the Department's sole discretion. The 2020 State Fair will be held August 21, 2020 through September 7, 2020.

The ATM/cash dispensing unit locations will be determined by the Department, provided that the selected contractor may object to locations considered unsafe or technologically infeasible, in which case the selected contractor will be responsible for finding an alternative location as close as possible to the Department's initial choice. Refusal to provide the required number of ATMs or cash dispensing units will be considered a breach of contract and will result in the loss of the selected contractor's right to provide ATMs or cash dispensing units and related services. The Department reserves the right to request up to five (5) additional temporary ATMs or cash dispensing units at the State Fair.

The selected contractor shall install the temporary ATMs or cash dispensing units at least three (3) days before the opening day of the State Fair during each calendar year and remove the temporary ATMs or cash dispensing units no later than one (1) day after the close of the State Fair each year.

A list of events, including the State Fair, from August 2018 through August 2019 on the NYS Fairgrounds, estimated attendance figures, number of machines, and number of transactions per month, is attached as **Exhibit 2** to this IFB. **Exhibit 2** is for informational purposes only.

Please note that the data provided in **Exhibit 2** represents results from a 13-day State Fair; beginning in 2020, the number of days of the annual event will increase by five (5) additional days for a total of eighteen (18) days. As detailed in **Exhibit 2**, there were 46,442 ATM transactions during the 2019 State Fair. Based on this data, bidders should consider an additional five (5) days added to the annual State Fair could potentially result in an additional 3,572 State Fair daily transactions, for a total potential increase of 17,860 State Fair transactions each year of the contract.

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE
(ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

C. Non-Fair Event Locations

The selected contractor shall provide, install, operate and maintain such temporary ATMs or cash dispensing units as may be requested by the Department during other non-Fair events. The Syracuse Nationals Car Show, held in July each year, will require no more than ten (10) temporary ATMs or cash dispensing units (in addition to the five year-round units located on the Fairgrounds). All other regularly scheduled events should require no more than four (4) ATMs or cash dispensing units (in addition to the five year-round units located on the Fairgrounds). If a special event requiring more than four temporary (4) ATMs or cash dispensing units is scheduled during the contract term, the Department will provide the selected contractor with at least 30 days' notice of the number of ATMs or cash dispensing units required. In no event will the Department require the selected contractor to provide more than ten (10) temporary ATMs or cash dispensing units at a non-Fair event.

The locations of ATMs or cash dispensing units will be determined by the Department, provided that the selected contractor may object to a location considered unsafe or technologically infeasible, in which case the selected contractor will be responsible for finding an alternative location as close as possible to the Department's initial choice. Refusal to install any ATMs or cash dispensing units at an event will be considered a breach of contract and will result in the loss of the selected contractor's right to provide ATMs or cash dispensing units and related services.

A list of non-Fair events held from August 2018 through August 2019 on the NYS Fairgrounds, estimated attendance figures, number of machines, and number of transactions per month, is attached as **Exhibit 2** to this IFB. **Exhibit 2** is for informational purposes only and events may be added or discontinued at the Department's sole discretion. The Department reserves the right to modify the number of ATMs or cash dispensing units requested at each event, within the estimated ranges described in this section.

2.2.2 ATM/CASH DISPENSING UNIT SPECIFICATIONS

The selected contractor will be responsible for ensuring that each ATM or cash dispensing unit it provides, including replacement ATMs or cash dispensing units, if necessary, shall meet the following specifications and conditions:

- For the annual State Fair, all required ATMs or cash dispensing units shall be installed at least three (3) days prior to the event. The selected contractor may install additional ATMs or cash dispensing units upon written approval from the Department.
- For non-Fair events, all required ATMs or cash dispensing units shall be installed at least one (1) day prior to the event. The selected contractor may install additional ATMs or cash dispensing units upon written approval from the Department.
- Each ATM or cash dispensing unit shall bear a seal of approval from the Underwriters Laboratories, Inc. or shall bear the seal of approval from a Nationally Recognized Testing Laboratory (NRTL) recognized by the United States Occupational Safety and Health Administration (OSHA).
- Each ATM or cash dispensing unit shall comply with the Federal Americans with Disabilities Act, the Human Rights Law of the State of New York, and all other federal, state and local laws and regulations.
- Each ATM or cash dispensing unit shall clearly display, on its face:
 - operating instructions; and
 - a toll-free telephone number to report malfunctions
- Each ATM or cash dispensing unit shall clearly disclose operator transaction fees.

DEPARTMENT OF AGRICULTURE AND MARKETS

IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE (ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

- Each ATM or cash dispensing unit shall provide each customer with a printed receipt of the customer's transaction, unless the customer elects not to receive a printed receipt.
- Each permanent ATM or cash dispensing unit shall have a video camera that shall record all activity occurring within a minimum of three feet in front of the ATM or cash dispensing unit. The selected contractor shall ensure that the video is retained for a period of at least forty-five (45) days.
- Each ATM or cash dispensing unit provided shall have access to multiple major national, state, and regional interbank networks (Visa, Star, Plus, Pulse, etc.).
- All signage posted on or around each ATM or cash dispensing unit must be approved in writing by the Department.
- All equipment shall be clean and in good working order, properly registered pursuant to New York State law, and insured pursuant to the insurance requirements set forth in **Exhibit 3 - Insurance Requirements**. All operators shall be properly licensed pursuant to local, state and federal laws and regulations.

2.2.3 ATM/CASH DISPENSING UNIT INSPECTION, MAINTENANCE AND REPAIR

The selected contractor shall be responsible for inspecting, maintaining and repairing all of its ATMs or cash dispensing units. At a minimum, the contractor shall physically inspect all ATMs or cash dispensing units once daily during each State Fair held during the Term of the Agreement, and once weekly during the non-Fair. The physical inspection shall ensure that each ATM or cash dispensing unit is in good working order, clean, sufficiently stocked with cash, and free of unauthorized devices such as skimmers, card traps or unauthorized cameras.

The selected contractor shall maintain a 24-hour, toll-free number where customers may report malfunctioning or otherwise inoperable ATMs or cash dispensing units. The selected contractor shall respond to such reports and return inoperable ATMs or cash dispensing units to service or provide a replacement ATM or cash dispensing unit within one hour from receiving notification during the State Fair, and within two (2) hours from receiving notification during non-Fair events.

This obligation includes responding to reports that an ATM or cash dispensing unit has been depleted of cash.

2.2.4 REPORTS TO THE DEPARTMENT

The selected contractor will be responsible for providing a monthly report to the Department on or before the fifteenth (15th) day of each month. The report must include:

- 1) The number of transactions per day for each ATM or cash dispensing unit identified by location
- 2) The type of transaction
- 3) The fee charged for each transaction
- 4) A detailed description, including dates and times, of any time an ATM or cash dispensing unit became unavailable for service due to a malfunction or depletion of cash, the date and time it was returned to service, replaced or, if depleted of cash, when it was restored to service.

2.2.5 PHONE OR INTERNET SERVICE

The selected contractor shall be solely responsible for ensuring that all ATMs or cash dispensing units are connected to necessary telephone or internet services, and for paying all connected service charges and fees.

2.2.6 DEPARTMENT PROVIDED

The Department shall provide:

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE
(ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

- 1) Electrical service to each ATM or cash dispensing location and will pay all associated service charges and fees (no extension cords are permitted to connect machines to power source).
- 2) Admission and parking credentials when necessary for employees of the selected contractor to access the Fairgrounds for working purposes only.

3. PROPOSAL FORMAT, CONTENTS AND SUBMISSION

3.1 SUBMISSION TIMELINE

All bid submission documents required to be responsive for bid evaluation must be received by the Department no later than 3:00 PM (Local Time) on March 4, 2020 in order to be considered. The Department 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 the Department 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 the Department by the selected contractor prior to execution of the contract.

Any questions concerning this IFB must be received by 3:00 PM (Local Time) on February 14, 2020. Questions must be submitted in writing via email to Joyce Willi or Carrie Lindemann at procurement.info@agriculture.ny.gov. Please list "RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE (ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS IFB#0222" in the subject line.

A Question and Answer document will be posted to the Department website: www.agriculture.ny.gov under "Funding Opportunities" no later than February 20, 2020. No individual written responses will be provided.

Any revisions to this invitation will be posted on the Department's website, www.agriculture.ny.gov under "Funding Opportunities". All bidders are responsible for keeping informed of any revisions to this invitation. All questions and answers shall be incorporated into the IFB which will be part of the awarded contract. If you are unable to access the Department's website, please contact Joyce Willi or Carrie Lindemann at procurement.info@agriculture.ny.gov to arrange for alternate delivery, or at the following mailing address: New York State Department of Agriculture and Markets, Fiscal Department, Attn: Joyce Willi or Carrie Lindemann, 10B Airline Drive, Albany, New York, 12235.

3.2 SUBMISSION METHOD

Facsimiles or e-mailed copies are not acceptable. Materials received after the deadline shall be returned unopened to the sender. See **Section 6.1**, Submission Documents, for information on completing a bid response.

Mail or hand-deliver a bid response in **one package containing the following two (2) separately labeled and sealed envelopes:**

Envelope 1, titled "IFB #0222 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)

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE
(ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

- **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 References Form demonstrating proof of having met the Minimum Qualifications set forth in **Section 3.3** of this IFB.

Envelope 2, titled “IFB #0222 Bid Form/Cost Proposal – Do Not Open.”

- Original plus one (1) paper copy of Attachment 1 - Bid Form (Original Signatures)
- Original plus one (1) paper copy of Attachment 2 - Subcontracting Form

Place the two (2) 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: Joyce Willi or Carrie Lindemann (IFB#0222)

3.3 MINIMUM QUALIFICATIONS

Bidders are advised that AGM’s intent is to ensure that only qualified, responsive and responsible contractors enter into a contract to provide rental, operation, and service of ATM or cash dispensing units at the New York State Fairgrounds during the contract period. AGM considers the following qualifications a pre-requisite in order to be considered a qualified Bidder for the purposes of this solicitation.

To be considered, each bidder shall:

- 1) **Affiliation.** The bidder must certify that the bidder is a financial institution or independent service/sales organization (ISO) affiliated with or sponsored by a financial institution that is subject to regulation by the United States Treasury’s Office of the Comptroller of Currency, the Federal Reserve System’s Bureau of Consumer Financial Protection, or the New York State Department of Financial Services.
- 2) **Experience and References.**
 - a. The bidder must certify that the bidder has been in the business of providing ATMs or cash dispensing units and related services continuously for the previous thirty-six (36) months preceding submission of this bid.
 - b. The bidder must have experience providing rental, operation and service of ATM or cash dispensing units similar in scope to this solicitation for at least three (3) events or venues within the last thirty-six (36) months preceding submission of this bid. At least one of the three events or venues referenced must include the rental of at least fifteen (15) ATMs or cash dispensing units along with associated operation and service for a period of at least three (3) consecutive days. The Bidder must provide the name of the event or venue, and a description of the services provided including dates. In addition, the bidder must provide the name, address, phone number and email for a contact person for each of the

DEPARTMENT OF AGRICULTURE AND MARKETS

IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE (ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

events/venues listed. Note that the Department will contact the references to verify the information provided; the Bidder is solely responsible for the availability of the submitted references. Please provide the above information using **Attachment 11** – Experience and References Form of the Submission Documents.

- 3) **Equipment and Rental Units.** The bidder must certify that, by the contract start date, the bidder owns or has access to ATM machines or cash dispensing units that meet the ATM/Cash Dispensing Unit Specifications in **Section 2.2.2** of this IFB and the quantity of ATMs or cash dispensing units required pursuant to **Section 2.2.1** of this IFB.

3.4 MANDATORY CONTRACT REQUIREMENTS

Each bidder must certify that, if selected, the bidder will meet the following requirements:

- 1) No other obligation or engagement, contractual or otherwise, will in any way impact the selected contractor's ability to provide ATMs or cash dispensing units and associated services at the New York State Fairgrounds during the contract period.
- 2) The selected contractor will have full control of the ATMs or cash dispensing units and associated services and assumes total responsibility for financial loss, accident, injury, or death that may occur as a result of the services provided. The contractor will indemnify and hold harmless the State of New York, the Department, 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, servants, employees, and those acting for or on its behalf. Such indemnity shall not be limited by reasons of any insurance coverage provided.
- 3) The bidder certifies that it is a financial institution or independent service/sales organization (ISO) affiliated with or sponsored by a financial institution that is subject to regulation by the United States Treasury's Office of the Comptroller of Currency, the Federal Reserve System's Bureau of Consumer Financial Protection, or the New York State Department of Financial Services.
- 4) The bidder certifies that the bidder has been in the business of providing ATMs or cash dispensing units and related services continuously for the previous thirty-six (36) months preceding submission of this bid.
- 5) The bidder certifies that, by the contract start date, the bidder owns or has access to ATM machines or cash dispensing units that meet the ATM/Cash Dispensing Unit Specifications in **Section 2.2.2** of this IFB and the quantity of ATMs or cash dispensing units required pursuant to **Section 2.2.1** of this IFB.
- 6) The selected contractor will obtain and maintain the insurance policies that meet the requirements set forth in **Exhibit 3** of this IFB.
- 7) 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 IFB as **Exhibit 4**.

3.5 BID FORM

All bids must be submitted on the "Bid Form" included in the Submission Documents section. Bidders will be evaluated on two items:

- **Item 1** is the fee that the bidder will charge users for each transaction at each ATM or cash dispensing unit.
- **Item 2** is the amount that the bidder will pay the Department for each transaction at each ATM or cash dispensing unit.

DEPARTMENT OF AGRICULTURE AND MARKETS
 IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE
 (ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

4. EVALUATION

4.1 CONSIDERATION

For a bidder to be eligible for consideration, it must meet the Minimum Qualifications. For the bid response to be evaluated, the bidder must certify that it will meet the Mandatory Contract Requirements.

4.2 DETERMINATION OF BID AWARD

The contract will be awarded to the bidder that receives the highest number of points (highest bid score) pursuant to **Section 4.2.1** and **4.2.2** based on the following two equally weighted factors: (1) the amount that the selected contractor will charge visitors to the State Fairgrounds for each ATM/cash dispensing unit transaction (**Item 1**); and (2) the amount that the selected contractor will pay the State of New York for each ATM/cash dispensing unit transaction (**Item 2**).

4.2.1 ITEM 1 ASSESSMENT (50%)

Up to 50 points will be awarded for **Item 1** (the fee that the bidder will charge customers for each transaction). The lowest per transaction fee under **Item 1** will receive the full 50 points. All other bids under **Item 1** will receive points based on the lowest bid. The number of points will be determined by dividing the lowest bid by the bid being evaluated, rounding the resulting decimal to two places, and multiplying that decimal by 50. Please see **Section 4.2.4** for bidding example.

4.2.2 ITEM 2 ASSESSMENT (50%)

Up to 50 points will be awarded for **Item 2** (the amount that the bidder will pay the Department for each transaction). The highest per transaction fee under **Item 2** will receive the full 50 points. All other bids under **Item 2** will receive points based on the highest bid. The number of points will be determined by dividing the bid being evaluated by the highest bid, rounding the resulting decimal to two places, and multiplying that decimal by 50. Please see **Section 4.2.4** for bidding example.

4.2.3 DETERMINATION OF HIGHEST BID SCORE

The bid score will be determined by adding the points awarded under the **Item 1** assessment to the points awarded under the **Item 2** assessment. The bidder with the highest aggregate bid score will be considered the winning bidder. In the event of a tie for highest aggregate score, the bidder who is part of the tie with the highest **Item 2** score will be considered the winning bidder. In the event that multiple bidders have the highest aggregate bid score and identical bids, the winning bidder will be determined by coin flip.

4.2.4 BIDDING EXAMPLE

The following example is provided for illustrative purposes only. To the extent that the bidding example is inconsistent with the description of the Evaluation Method provided above, the description above controls.

Bids Received:

Bidder	Item 1	Item 2
A	\$3.50	\$1
B	\$3.50	\$1.50
C	\$2.50	\$1
D	\$2	\$.50

DEPARTMENT OF AGRICULTURE AND MARKETS
 IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE
 (ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

Item 1 Assessment:

Bidder	Item 1	Point Multiplier	Times 50	Points Awarded
A	3.50	$2/3.50=.57$	$.57*50=28.5$	28.5
B	3.50	$2/3.50=.57$	$.57*50=28.5$	28.5
C	2.50	$2/2.50=.8$	$.8*50=40$	40
D	2	-- (lowest bid)	-- (lowest bid)	50

Item 2 Assessment:

Bidder	Item 2	Point Multiplier	Times 50	Points Awarded
A	\$1	$1/1.50=.67$	$.67*50=33.5$	33.5
B	\$1.50	-- (highest bid)	-- (highest bid)	50
C	\$1	$1/1.50=.67$	$.67*50=33.5$	33.5
D	\$.50	$.50/1.50=.33$	$.33*50=16.5$	16.5

Determination of Winning Bidder:

Bidder	Item 1 Assessment	Item 2 Assessment	Total Aggregate Points
A	28.5	33.5	62
B	28.5	50	78.5
C	40	33.5	73.5
D	50	16.5	66.5

Accordingly, Bidder B has the highest Total Aggregate Points and is the winning bidder.

5. CONSIDERATIONS RELATED TO THIS PROCUREMENT

5.1 INSPECTION AND INVENTORY

All ATMs/cash dispensing units provided by the successful bidder shall be jointly inspected and inventoried by the bidder's representative and a representative of the Department upon installation. The vendor must schedule inspection and installation with the Department's designated contract manager in advance.

5.2 DEPARTMENT'S RESERVATION OF RIGHTS

The Department reserves the right to:

- Reject any or all proposals received in response to the IFB;

DEPARTMENT OF AGRICULTURE AND MARKETS

IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE (ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

- Withdraw the IFB at any time, at the agency's sole discretion;
- Make an award under the IFB in whole or in part;
- Disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the IFB;
- Seek clarifications and revisions of proposals;
- 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 the agency's request for clarifying information in the course of evaluation and/or selection under the IFB;
- Prior to the *bid opening*, amend the IFB specifications to correct errors or oversights, or to supply additional information, as it becomes available;
- Prior to the bid opening, direct bidders to submit proposal modifications addressing subsequent IFB amendments;
- Change any of the scheduled dates;
- Eliminate any mandatory, non-material specifications that cannot be complied with by all of the bidders;
- Waive any requirements that are not material;
- Negotiate with the successful bidder within the scope of the IFB in the best interests of the State;
- Conduct contract negotiations with the next responsible bidder, should the agency be unsuccessful in negotiating with the selected bidder;
- Utilize any and all ideas submitted in the proposals received;
- Unless otherwise specified in the solicitation, every offer is firm and not revocable until the contract start date (August 1, 2020);
- Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements of the solicitation; and
- Make all interpretations of the meaning and intent of the IFB and resulting contract and the Department's interpretation is final.

5.3 SUBCONTRACTING

The Contractor agrees not to subcontract any of its services, unless as indicated in its proposal, without the prior written approval of the Department. 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 the Department. 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 the Department. As part of this explanation, the subcontractor must submit to the Department 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

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE
(ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

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 the Department, all subcontracts between the Contractor and subcontractors shall expressly name the State, through the Department, as the sole intended third party beneficiary of such subcontract. The Department 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 the Department or the State a party to any subcontract or create any right, claim, or interest in the subcontractor or proposed subcontractor against the Department.

The Department 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 the Department 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).

5.4 NOTIFICATION OF AWARD

The Department will notify the selected bidder in writing. Unsuccessful bidders will be notified in writing by the Department within ten business days after the award.

5.5 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 the AGM that the Bid submitted by the Bidder was not selected for award. Requests should be submitted in writing to a designated contact identified in the Solicitation.

5.6 BID PROTEST PROCEDURES

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

1. 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 the Department
2. The protest must be filed within ten (10) business days 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 Joyce Willi at:

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

DEPARTMENT OF AGRICULTURE AND MARKETS

IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE (ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

3. Fiscal Management will convene a review team that will include at least one staff member from each of the Department's Counsel's Office, Fiscal and the Program Division. 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, and Fiscal Management will advise OSC that a protest was filed.
4. 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, 11th 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/>.

5.7 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.

5.8 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.

5.9 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, the Department 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

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

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE
(ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

System Instructions available at www.osc.state.ny.us/vendrep or go directly to the VendRep System online at <https://portal.osc.state.ny.us/wps/portal>.

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 ciohelpdesk@osc.state.ny.us.

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website 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).

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

5.10 COST LIABILITY

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

5.11 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.

5.12 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 offeror/bidder during the procurement process. (*See Submission Documents* Attachment 6 -- "Guidelines Regarding Permissible Contacts During a Procurement and the Prohibition of Inappropriate Lobbying Influence"). An offeror/bidder is restricted from making contacts from the earliest written notice, advertisement or solicitation of the IFB through final award and approval of the Procurement Contract by the Department, 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. Department employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the offeror/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 offeror/bidder is debarred from obtaining governmental Procurement

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE
(ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

Contracts. Further information about these requirements can be found in the Department's Guidelines, which are attached, and on the Office of General Services Website at <http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html>

The Department has designated the following staff member(s) to receive contacts pertaining to this Bid:

Joyce Willi or Carrie Lindemann
New York State Department of Agriculture & Markets
Division of Fiscal Management
10B Airline Drive
Albany, New York 12235
E-mail: 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 - 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 References 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 the Department. A sample New York State Department of Agriculture and Market's contract is attached to this IFB as **Exhibit 4**. By submitting a bid, bidder agrees to be bound by all terms and conditions in the Department's contract

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE
(ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

including: Appendix A “Standard Clauses for New York State Contracts”; Appendix D “General Conditions for Agreements New York State Department of Agriculture and Markets;” and Appendix E “Special Conditions for Agreements New York State Department of Agriculture and Markets.”

7. RECOMMENDED SUBMISSIONS

The following forms are not required to be submitted with the bid response. Nevertheless, 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 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.

Proof of Coverage Requirements

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

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE
(ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

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

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 the New York State Fair, 581 State Fair Boulevard, Syracuse, NY 13209 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:

<http://www.wcb.ny.gov/content/main/Employers/busPermits.jsp>. 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. Contractors 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. Forms are available through these links:

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0222: RENTAL, OPERATION, AND SERVICE OF AUTOMATIC TELLER MACHINE
(ATM)/CASH DISPENSING UNITS AT THE NEW YORK STATE FAIRGROUNDS

- ST-220 CA: 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

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