



INVITATION FOR BIDS

for

CLEANING MANAGEMENT SERVICES FOR VARIOUS BUILDINGS AT THE NEW YORK STATE FAIRGROUNDS

IFB #0233

IFB Issued: March 16, 2020
Proposals Due: April 17, 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 #0233: CLEANING MANAGEMENT SERVICES FOR VARIOUS BUILDINGS AT THE
NEW YORK STATE FAIRGROUNDS

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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 to submit proposals to provide cleaning management services for various buildings at the New York State Fairgrounds during the annual Great New York State Fair.

The Fairgrounds are located at 581 State Fair Boulevard, Syracuse (Town of Geddes, Onondaga County) New York. The property is a 375-acre site owned and operated by AGM which is home to the Great New York State Fair (Fair), an annual multi-day event ending on Labor Day each year.

The 2020 State Fair will be 18 days and will commence on Friday, August 21, 2020 and end on Monday, September 7, 2020.

1.2 IFB GOAL

The objective of this IFB is to retain one contractor to provide cleaning management services for various buildings at the New York State Fairgrounds during the 2020, 2021 and 2022 Fairs as further described below.

1.3 TERM

The contract resulting from this IFB will commence on June 1, 2020 and end on November 1, 2022.

1.4 IFB TIMELINE

Publication in Contract Reporter:	March 16, 2020
Deadline for Submission of Written Questions:	March 31, 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:	April 3, 2020
Submission Deadline:	April 17, 2020 by 3:00 p.m. (local time)
Bid Opening:	April 20, 2020

The Department intends to make an award within fifteen (15) 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 AND STAFFING PLAN

The New York State Fairgrounds is a 375-acre site that is home to the annual New York State Fair, which is a multi-day event that includes 600 vendors, a carnival and midway with over 60 rides, 23 national touring acts that are presented for free on Chevy Court and a strong presence from the agriculture and farming community. The Fair drew over 1.3 million visitors in 2019.

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The Fairgrounds has undergone a \$120 million renovation and expansion that included an expanded 15-acre Midway that features new rides and attractions, a 313-site RV park, a new 136,000 square foot Exposition Center, 15 acres of flexible park space, various parking and pedestrian safety improvements, and a 6-acre festival grounds adjacent to the RV Park.

For purposes of this engagement, the selected contractor will be responsible for providing cleaning management services for the following buildings located on the Fairgrounds (“Designated Buildings”). See **Exhibit 1** for a map of the Fairgrounds and **Exhibit 2** for diagrams and descriptions of the Designated Buildings requiring cleaning management services during the Fair.

- **Eatery Building**

The Eatery Building is approximately 16,000 square feet with seating for 750 people and a total capacity of 1,500. There are approximately 20 food and beverage vendors in this building during the Fair. This is a highly popular building and serves as the indoor food court of the Fair. The building has public restrooms (one men’s restroom with 7 stalls and 5 urinals; one women’s restroom with 7 stalls). Adjacent to the building is an outdoor seating area.

- **Dairy Products Building**

The Dairy Products Building is approximately 18,000 square feet with seating for 100 people and a total capacity of 1,600. There are approximately eight (8) vendors in this building during the Fair selling mainly dairy products and desserts. This building is also home to the Rainbow Milk Bar which sells over 400,000 cups of milk per Fair. The building has public restrooms (one men’s restroom with 3 stalls and 1 trough-style urinal; one women’s restroom with 7 stalls; one family/assist restroom with 2 single toilets; and, one employee/exhibitor restroom in the loading dock area with 2 single toilets not open to the public). Adjacent to the building is an outdoor seating area.

- **Taste NY Wine, Beer and Spirits Village**

The Taste NY Wine, Beer & Spirits Village is an outdoor venue located adjacent to the Dairy Products Building. It is approximately 15,000 square feet with seating for 150 and a total capacity of 1,000. During the Fair, there are approximately eighteen (18) vendors in this area selling wine, spirits and/or beer along with two (2) permanent food and beverage vendors.

- **Science and Industry Building**

The Science and Industry Building is approximately 18,000 square feet with a total capacity of 1,600. During the Fair, there are approximately thirty (30) vendors in this building offering mainly health and wellness related services and merchandise. The building has public restrooms (two men’s restrooms with 3 stalls and 1 trough-style urinal in each restroom; one women’s restroom with 12 stalls). Adjacent to the building is an outdoor seating area.

There should be approximately 50 employees (25 for each shift) hired for the Eatery Building and a total of approximately 50 employees (25 for each shift) hired for the Dairy Products Building, Science & Industry Building, and the Taste NY Wine, Beer & Spirits Village. The selected contractor should adhere to the following staffing plan (“Staffing Plan”):

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Staffing Plan

<i>Designated Building</i>	<i>Shift 1</i>	<i>Shift 2</i>	<i>Number of Employees on AGM Payroll Hired for Each Shift</i>	<i>Total Number of Employees on AGM Payroll Hired</i>	<i>Number of Managers On-site for Each Shift</i>	<i>Total Number of Managers On-site for Each Shift</i>
Eatery Building	7:30 a.m. – 3:30 p.m.	3:00 p.m. – 11:00 p.m.	25	50	1	1
Dairy Products Building; Science & Industry Building; and Taste NY Wine, Beer and Spirits Village	7:30 a.m. – 3:30 p.m.	3:00 p.m. – 11:00 p.m.	25	50	1 for the Dairy Products Building; and, 1 to manage <i>both</i> the Science & Industry Building and the Taste NY Wine, Beer and Spirits Village	2

2.2 SCOPE OF WORK

2.2.1 Services Required

During the term of the contract, the selected contractor will be required to begin providing services twelve (12) weeks prior to the first day of the Fair on a part-time basis. Services will conclude one week after the last day of the Fair. Specific services, equipment, and supplies to be provided are outlined below.

During the term of the contract, the selected contractor will be responsible for the management of the employees hired pursuant to the contract. The selected contractor’s management of employees shall include, but not be limited to, daily supervision of staff, scheduling of staff, handling personnel disputes between staff members, and disciplinary matters that may arise while working in their capacity under the contract. In the event that the selected contractor believes an employee on AGM’s payroll acted in a manner that should result in termination, the selected contractor shall bring the matter to the attention of the Department’s Human Resources Office (HR) to handle as deemed appropriate.

A. Pre-Fair Services

Beginning twelve (12) weeks prior to the first day of the Fair each year during the Term of the Agreement, the selected contractor shall (*estimated 175 hours including on-site and off-site services*):

- Interview and recommend for hire the requisite number of employees to perform cleaning services at the Designated Buildings during the Fair in accordance with the Staffing Plan set forth in Section 2.1 of this IFB. The interview and recommendation process shall be completed no later than thirty (30) days prior to the first day of the Fair each year during the term of the Agreement. State Fair applications for cleaning positions are available via an online portal. The selected contractor will be given

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access to the applications to review, print and select applicants to interview. Interviews should be conducted on-site during normal business hours and on weekends and evenings to accommodate applicants' schedules. The selected contractor may review applications as they are received and schedule interviews accordingly. The selected contractor must also conduct interviews on-site at the Job Fair to be held in July each year (For reference, the 2019 Job Fair was held Friday, July 12, 2019 from 2:00 p.m. – 7:00 p.m. and Saturday, July 13, 2019 from 9:00 a.m. – 1:00 p.m.; the 2020 Job Fair will be held Friday, July 10, 2020 and Saturday, July 11, 2020 – times to be determined). The online portal will be accessible to prospective applicants on or about April 1st each year. All prospective employees must complete an application in order to be considered for employment, including former Fair employees. The list of prospective employees to be hired and accompanying applications shall be submitted to the Department's Human Resources Office (HR) for processing. No applicant shall be considered approved for work until approved by HR. The selected contractor must be available via email and telephone to address any questions from HR regarding the selected contractor's recommended list of employees to be hired. Once all cleaning staff are approved by HR, the selected contractor must assist HR with employee processing on-site at dates and times designated by HR. The selected contractor shall maintain contact with HR to ensure all hired staff completes employee processing requirements prior to starting work.

- Schedule and assign employees to the Designated Buildings on the Fairgrounds to provide cleaning services in accordance with the Staffing Plan outlined in Section 2.1 of this IFB. A final work schedule must be submitted to AGM at least three (3) weeks prior to the first day of the Fair each year during the term of this Agreement for approval. These employees will be managed by the selected contractor.
- Meet with State Fair personnel and others to discuss coordination and logistics of the set-up and operation during the Fair.
- Provide a list of the management team and contact numbers to the Director of the Fair no later than three (3) weeks prior to the first day of the Fair each year during the term of this Agreement.

B. Fair Services

Beginning four (4) days prior to the first day of the Fair and throughout the duration of the Fair each year during the Term of the Agreement, the selected contractor shall:

- Coordinate, supervise, and track time worked by employees as they are brought on AGM payroll. The employees will be employed by AGM and managed by the selected contractor. Time tracking includes the daily monitoring of cleaning staff hours via the online payroll system used by the Department. All corrections, additions and changes to staff hours must be made on a daily basis and will be monitored by the Department.
- Hold an informational meeting/training on-site four (4) days prior to the first day of the Fair with hired cleaning staff. The training should encompass, among other things, an overview of the Designated Buildings on the Fairgrounds and cleaning services to be provided for this engagement, assigned work locations, sign-in areas, customer service and safety and health related issues (i.e. safety and health precautions when working in an outdoor environment such as how to avoid sunburn and heat exhaustion and safe use of cleaning products and maintaining restrooms in a safe and sanitary condition), the prohibition of using drugs and alcohol, ethics (i.e. cannot accept gifts or trade services for food or other items or services) and the criminality of stealing or attempting to steal and/or re-sell admission tickets, as well as duty specific training.

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- Provide 24/7 emergency on-call phone support and respond on-site within no more than thirty (30) minutes from receipt of the call.
- Schedule and manage staff for the cleaning of all Designated Buildings and outdoor adjacent seating areas beginning four (4) days prior to the start of the Fair and throughout the duration of the Fair in accordance with the Staffing Plan set forth in Section 2.1 of this IFB. Ensure that there are a sufficient number of male and female employees scheduled to provide continuous cleaning and valet services without closing the bathrooms. Cleaning staff services shall include, but not be limited to:
 - Monitor and stock cleaning and paper supplies in each Designated Building. Supplies must be signed out from the Fair's warehouse. Supplies are for use in public areas only and not for use by Fair vendors/concessionaires.
 - Monitor and empty trash cans and recycling containers;
 - Sweep and mop floors;
 - Clean and wipe down tables and chairs;
 - Monitor and clean public restrooms;
 - Clean interior and exterior entryways;
 - Pre-clean the Designated Buildings prior to opening and after closing each day;
 - Each night the Fair's sweeper will come through the buildings. Additional mopping will be required every morning to properly clean the Designated Buildings.
 - Monitor and remove litter and debris from the Designated Buildings and adjacent outdoor seating areas, remove garbage bags from receptacles, replace garbage bags in receptacles, and deposit removed garbage bags in dumpsters.
 - Monitor and remove cardboard and similar packaging materials and debris from vendor/exhibitor areas.
- Resolve any cleaning issues that arise in the Designated Buildings in coordination with the Fair's Property Manager.
- Attend daily staff meetings scheduled by the Director of the Fair.

C. Post Fair Services

Beginning the day after the last day of the Fair and completed within seven (7) days after the last day of the Fair each year during the Term of the Agreement, the selected contractor shall (*estimated 60 hours including on-site and off-site services*):

- Provide necessary information and paperwork to process the payroll of the cleaning staff in a format prescribed by AGM within seven (7) days after the last day of the Fair. This includes signed timecards with the correct hours for all employees. Timecards must be signed by the employee and the selected contractor. Any timecard that is turned in unsigned by either the employee or the selected contractor may result in a penalty of up to \$250 per occurrence.
- Provide operational reports to Fair management. This should, among other things, include an after-action report highlighting any issues or concerns and improvements that can be made going forward.
- Schedule and manage adequate staff to ensure that the Designated Buildings are cleaned within one (1) day after the last day of the Fair and all unused supplies are returned to the Fair's warehouse or designated location on the Fairgrounds.

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2.2.2 Supplies and Equipment

A. The selected contractor must provide all necessary equipment and supplies, other than those specifically provided by the Department, including:

- Office supplies including, but not limited to, pens, pencils, staplers and staples, pins, paper and scissors.
- Uniforms for all employees that should include, at a minimum, t-shirts that are identifiable with the logo of the NYS Fair and the selected vendor. The selected vendor shall also provide employees with requirements on how to dress for both comfort and professionalism (e.g. proper shoes, shorts/pants).

B. AGM will provide the following:

- Admission and parking credentials for all scheduled staff. A list of the total number of staff must be provided, annually, to AGM thirty (30) days prior to the first day of the Fair.
- All paper and cleaning products/supplies and cleaning equipment (See **Exhibit 3** for a list of supplies to be provided by AGM). All quantities will be determined by the Department. Receipt and pick up of all items must be completed by an authorized designee of the Contractor and obtained from the Fair's warehouse.
- Office space (one room) in the Science and Industry Building for use during Pre-Fair, Fair, and Post-Fair.
- Use of computers and printers in the Administration Building for processing payroll during Pre-Fair, Fair, and Post-Fair.

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 April 17, 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 March 31, 2020. Questions must be submitted in writing via email to Carrie Lindemann or Joyce Willi at procurement.info@agriculture.ny.gov. Please list "CLEANING MANAGEMENT SERVICES FOR VARIOUS BUILDINGS AT THE NYS FAIRGROUNDS IFB#0233" 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 April 3, 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

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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 Carrie Lindemann or Joyce Willi 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: Carrie Lindemann or Joyce Willi, 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 three (3) separately labeled and sealed envelopes:**

Envelope 1, titled "IFB #0233 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 References Form demonstrating proof of having met the Minimum Qualifications set forth in **Section 3.3** of this IFB.

Envelope 2, titled "IFB#0233 Bid Form/Cost Proposal – Do Not Open."

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

- Attachment 1 - Bid Form (Original Signatures)
- Attachment 2 - Subcontracting Form

Envelope 3, titled "IFB#0233 MWBE Forms – Do Not Open."

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

- Attachment 12 - MWBE Forms (Original Signatures)

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: Carrie Lindemann or Joyce Willi (IFB#0233)

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3.3 MINIMUM QUALIFICATIONS

To be considered:

- 1) The company and/or the members of the proposed management team must have a minimum of two (2) consecutive years of experience in providing the following in relation to the provision of cleaning management services:
 - a. Administration, including interviewing and scheduling employees.
 - b. Cleaning management including planning, setting up, managing and operating cleaning services.
 - c. Managing a minimum of twenty-five (25) employees for any festival, event or customer/engagement.

Please describe the requisite experience using **Attachment 11 – Experience and References Form** of the Submission Documents. The Proposer may attach resumes or company bios to supplement the information provided.

- 2) Provide the name, title, contact person, address, email, and telephone number for two (2) verifiable references. References must be persons or entities which have utilized the company’s cleaning management services within the last three (3) calendar years preceding submission of this bid which involved the management of at least twenty-five (25) employees. 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.

3.4 MANDATORY CONTRACT REQUIREMENTS

Each bidder must certify that:

- 1) No other obligation or engagement, contractual or otherwise, will impact the selected contractor’s ability to provide cleaning management services at the New York State Fairgrounds during the contract period.
- 2) The selected 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. The selected contractor shall also indemnify, defend and/or appear in any matters relating to complaints filed with any state or federal agency wherein the complaint alleges facts arising out of the acts of the selected contractor, its agents, servants, employees, those acting for or on its behalf, and those under its supervision. Such indemnity shall not be limited by reasons of any insurance coverage provided.
- 3) The selected contractor will obtain and maintain the insurance policies that meet the requirements set forth in **Exhibit 4** of this IFB.
- 4) 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 5**.

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3.5 BID FORM/COST PROPOSAL

All bids must be submitted on the “Bid Form” included in the Submission Documents section. The cost proposal will be evaluated on the following two items:

Item 1 – Fair Services (60 points)

Item 1 is the flat fixed Management Fee per manager for providing cleaning management services during the Fair each year of the contract as set forth in Section 2.2.1 B of the IFB pursuant to the Staffing Plan set forth in Section 2.1 of the IFB.

Vendor’s bid rate per manager must include all costs and profit (includes but is not limited to: Direct & Indirect Costs, Payroll, Fringe Benefits, Supplies and Materials, Travel, Administrative Costs, and Overhead and Profit).

Item 2 – Pre-Fair and Post Fair Services (40 points)

Item 2 is the total fixed flat Management Fee for providing Pre-Fair and Post Fair Services each year during the Term of the Agreement as set forth in Sections 2.2.1 A and 2.2.1 C of the IFB (*Estimated Pre-Fair Hours - 175; Estimated Post Fair Hours – 60*).

Vendor’s bid must include all costs and profit (includes but is not limited to: Direct & Indirect Costs, Payroll, Fringe Benefits, Supplies and Materials, Travel, Administrative Costs, and Overhead and Profit).

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 weighted factors: (1) the total flat fixed Management Fee per manager for providing cleaning management services during the Fair each year of the contract as set forth in Section 2.2.1 B of the IFB (Item 1); and (2) the total fixed flat Management Fee for providing Pre-Fair and Post Fair Services each year during the Term of the Agreement as set forth in Sections 2.2.1 A and 2.2.1 C of the IFB (Item 2).

4.2.1 ITEM 1 ASSESSMENT (60 points)

Up to 60 points will be awarded for Item 1. The total lowest flat fixed Management Fee per manager for providing cleaning management services during the Fair each year of the contract over the term of the contract under Item 1 will receive the full 60 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 60.

4.2.2 ITEM 2 ASSESSMENT (40 points)

Up to 40 points will be awarded for Item 2. The lowest total fixed flat Management Fee for providing Pre-Fair and Post Fair Services each year during the Term of the Agreement as set forth in Sections 2.2.1 A and 2.2.1 C of the IFB over the term of the contract under Item 2 will receive the full 40 points. All other

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bids under Item 2 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 40.

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 1 score will be considered the winning bidder. In the event that multiple bidders have the highest aggregate bid score and identical bids for Item 1, the winning bidder will be determined by coin flip.

5. CONSIDERATIONS RELATED TO THIS PROCUREMENT

5.1 DEPARTMENT'S RESERVATION OF RIGHTS

The Department reserves the right to:

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

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- Make all interpretations of the meaning and intent of the IFB and resulting contract and the Department's interpretation is final.

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 the Department. Approval shall not be unreasonably withheld upon receipt of written request to subcontract.

The Contractor agrees not to subcontract any of its management services. The only items that may be subcontracted for purposes of this solicitation are supplies and equipment referenced in Section 2.2.2 of this IFB. All subcontracting is subject to the prior written approval of the Department. If the Contractor determines to subcontract any supplies and equipment, the subcontractor(s) must be clearly identified and the nature and extent of the involvement in and/or proposed performance under the Contract 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 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).

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5.3 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 the Department 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 the Department contracts.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, the Department hereby establishes an overall goal of thirty (30) percent for MWBE participation, fifteen (15) percent for New York State-certified Minority-owned Business Enterprise (“MBE”) participation and fifteen (15) 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 Invitation for Bids (IFB), the respondent agrees that the Department may withhold payment pursuant to any Contract awarded as a result of this IFB pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how the Department 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 IFB, such finding constitutes a breach of contract and the Department 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 the Department’s MWBE Liaison at 518-457-4619 or 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:

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- A. 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 the Department for review and approval. The Department will review the submitted MWBE Utilization Plan and advise the respondent of the Department acceptance or issue a notice of deficiency within 30 days of receipt.
- B. 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 to the Department, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by the Department to be inadequate, the Department 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.

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

- A. If a respondent fails to submit an MWBE Utilization Plan;
- B. If a respondent fails to submit a written remedy to a notice of deficiency;
- C. If a respondent fails to submit a request for waiver; or
- D. 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 the Department, 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.

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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 the Department on a quarterly basis during the term of the Contract.

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 sub-contractors 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.

5.4 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. AGM 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 AGM 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 Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

For purposes of this procurement, AGM conducted a comprehensive search and determined that the Contract 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 Contract 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 to discuss methods of maximizing participation by SDVOBs on the Contract.

5.5 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.

5.6 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

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

5.7 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 Carrie Lindemann at:

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

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/>.

5.8 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.

5.9 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.

5.10 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;

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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 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).

5.11 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.

5.12 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

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proprietary business information to be withheld from disclosure. A bidder may not designate its entire bid response as confidential, proprietary or copyrighted.

5.13 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 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:

Carrie Lindemann or Joyce Willi
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**)

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- **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**)
- **MWBE/EEO Documents** (the forms are included in the **Submission Documents as Attachment 12**)

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 5**. By submitting a bid, bidder agrees to be bound by all terms and conditions in the Department’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;” 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

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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
- **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

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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:

- 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.