



# **INVITATION FOR BIDS**

**for**

# **PARKING MANAGEMENT SERVICES FOR THE NEW YORK STATE FAIR**

**IFB #0235**

IFB Issued: April 10, 2020  
Proposals Due: May 7, 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 #0235: PARKING MANAGEMENT SERVICES FOR THE  
NEW YORK STATE FAIR

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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 parking management services for the 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 (State Fair), an annual multi-day event ending on Labor Day each year. The site includes several parking lots (see **Exhibit 1** - NYS Fairgrounds Parking Map) that serve the Fairgrounds with the ability to park approximately 20,000 vehicles at any given time. This includes paid, non-paid and combination parking lots. The parking facilities have multiple entrances and exits that are in close proximity (within a quarter of a mile) to major interstates. Three of the largest lots are not contiguous to the Fairgrounds. See **Exhibit 2** for photographs of the lots, **Exhibit 3** for information on the number of vehicles parked at the 2018 - 2019 State Fairs, and **Exhibit 4** for the number of non-paid parking credentials that were issued for each lot for the 2018 - 2019 State Fairs.

The Fairgrounds underwent a major renovation and upgrade of their facilities. This included paving of the Orange Lot in 2018, the largest lot owned by AGM at the Fairgrounds which is used in conjunction with shows at the Lakeview Amphitheater. The improvements to the Orange Lot included new entrances and exits as well as striped parking for approximately 7,000 vehicles. Additionally, in 2018, AGM implemented the use of scannable admission and parking credentials for pre-paid parking in the Red, Blue, Purple and Gray lots. See **Exhibit 5** for a summary of the number of parking staff employed by AGM for the 2018 - 2019 State Fairs, their titles, assignment by parking lot, and the number of hours worked.

The current parking rate for vehicles is \$5.00 per day and the parking rate for motorcycles is \$3.00 per day.

The facility also includes three temporary RV parking areas (see **Exhibit 1** - NYS Fairgrounds Parking Map). There were approximately 449 RV parking spaces with associated services sold during the 2019 Fair, all of which were pre-sold. There were also 75 one-day, temporary RV parking spaces with no associated services sold throughout the Fair. These one-day, daily camping spaces are sold on-line prior to and during the State Fair. All daily camping is sold online.

**1.2 IFB GOAL**

The objective of this IFB is to retain one contractor to provide parking management services for the 2020 and 2021 State Fairs as further described below.

**1.3 TERM**

The contract resulting from this IFB will commence on June 1, 2020 and end on October 1, 2021.

**1.4 IFB TIMELINE**

Publication in Contract Reporter:	April 10, 2020
Deadline for Submission of Written Questions:	April 24, 2020 by 3:00 p.m. (local time)

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Last Update of answers or issuance of IFB Addendum <a href="http://www.agriculture.ny.gov/RFPS.html">http://www.agriculture.ny.gov/RFPS.html</a> no later than:	April 28, 2020
Submission Deadline:	May 7, 2020 by 3:00 p.m. (local time)
Bid Opening:	May 8, 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**

The New York State Fairgrounds is a 375-acre site that is home to the New York State Fair. The main mission and function of the Fair is to hold an exposition (currently 18 days) ending on Labor Day each year, identifying, promoting and showcasing the agricultural practices, history and traditions of the State. In addition to agricultural competitions, the Fair also hosts a 15-acre Midway and 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. The entrance to the Fair is currently available through eight (8) gates. Paid public parking is also available in six (6) lots for approximately 20,000 vehicles as well as parking for approximately 1,000 overnight camping vehicles. The Fair attracted over 1.3 million people in 2019.

**2.2 SCOPE OF WORK**

**2.2.1 Services Required**

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.

Specific services, equipment, and supplies to be provided by the selected contractor are outlined below. For all of the services listed below, the selected contractor must comply with all applicable federal and state laws and regulations.

**A. Pre-Fair Services**

- (1) Beginning upon execution and approval of a contract prior to the 2020 State Fair, and beginning approximately forty (40) weeks prior to the first day of the 2021 State Fair, the selected contractor shall (*estimated 14 hours including on-site and off-site services*):
  - Participate in planning meetings with Fair staff on-site or through conference calls approximately every six (6) weeks or as needed.

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(2) Beginning approximately twelve (12) weeks prior to the first day of the State Fair each year during the Term of the Agreement, the selected contractor shall (*estimated 1600 hours including on-site and off-site services*):

- Provide AGM a staffing and scheduling plan (“Staffing Plan”) outlining the proposed number of employees per title, the lots they will be assigned to, the shift hours and recommended rates of pay for each title. AGM shall have three (3) weeks to approve or make changes to the proposed Staffing Plan, in coordination with the selected vendor. The Staffing Plan should include adequate staffing for special days, weekends and days when there are concerts at the Lakeview Amphitheater. **Exhibit 5** is a summary of the number of parking staff employed by AGM for the 2018 - 2019 State Fairs, their titles, assignment by parking lot, and the number of hours worked for each title. **(NOTE: The 2018 - 2019 State Fairs were 13 days. It is anticipated that the 2020 State Fair will be 18 days).** **Exhibit 6** provides job descriptions for each parking employee title.
- Interview and recommend for hire a sufficient number of employees to perform the specified activities under the contract. The interview and recommendation process shall be completed no later than thirty (30) days prior to the first day of the State Fair each year during the Term of the Agreement. State Fair applications for parking employee positions are available via an online portal. The selected contractor will be given 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 1<sup>st</sup> each year. All prospective employees must complete an application in order to be considered for employment, including former State 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 parking 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 ensure adequate staffing of all parking lots to perform the scope of work under this contract. A final work schedule must be submitted to AGM at least three (3) weeks prior to the first day of the State Fair each year during the Term of the Agreement for approval. These employees will be managed by the selected contractor.
- Hold an informational meeting/training on-site prior to the first day of the State Fair with hired parking staff. The training should encompass, among other things, an overview of the parking lots and credentials accepted in each lot. Training should also include an emphasis on ensuring the accountability of tickets and money. In addition,

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this training should include, but not be limited to, the following aspects: customer service, safety (i.e. traffic safety and health such as avoiding sunburn and heat exhaustion as well as not using mobile devices while working), the prohibition of using drugs and alcohol, ethics (i.e. cannot accept gifts or trade parking passes for food or other services) and the criminality of stealing or attempting to steal parking or admission tickets or revenue as well as duty specific training and audit control procedures for all employees handling tickets and money. The selected contractor shall provide the Department with a training manual at least three (3) weeks prior to the first day of the Fair for approval.

- Meet with State Fair personnel, the State Police and the NYS Department of Transportation (DOT) to plan for the coordination of parking and traffic as needed.
  - Work with State Fair personnel, the State Police and the NYS Department of Transportation (DOT) to compile a list of supplies and equipment necessary for the setup and operation of the lots. This list must be submitted to AGM no later than eight (8) weeks prior to the first day of the State Fair each year during the Term of the Agreement.
  - Work with State Fair personnel and the State Police to complete a sign inventory and make a list of additional signage that is needed. This shall be completed no later than four (4) weeks prior to the first day of the State Fair each year during the Term of the Agreement.
  - Provide a list of the management team and contact numbers to the Director of the State Fair no later than two (2) weeks prior to the first day of the State Fair each year during the Term of the Agreement.
  - Work with AGM to complete marking of underground systems no later than three (3) weeks prior to the first day of the State Fair each year during the Term of the Agreement.
- (3) Beginning no later than August 1<sup>st</sup> each year and completed no later than one (1) week prior to the first day of the State Fair each year during the Term of the Agreement, the selected contractor shall (*estimated 160 hours to be provided on-site*):
- Prepare the parking lots to include the placement of parking barriers and barrels, demarcation lines in the parking lots, the roping off of lots and the installation of signage in and around the parking lots. Working with the State Police and DOT, coordinate and place signs, cones, barrels and other traffic assistance devices along Interstates 690 and 695 as well as ancillary roadways.
  - Coordinate, supervise, and track time worked by employees as they are brought onto AGM payroll. The employees will be employed by AGM and managed by the selected contractor. Time tracking includes the daily monitoring of the parking 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 is monitored by the Department.

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**B. Fair Services**

- (1) Beginning five (5) days prior to the first day of the State Fair each year during the Term of the Agreement the selected contractor shall:
  - Provide a minimum of one (1) manager on-site for every fifteen (15) employees hired by AGM between the hours of 6:00 a.m. and 10:00 p.m. The number of employees hired and processed by AGM as of the first day of the State Fair each year during the Term of the Agreement pursuant to the approved Staffing Plan referenced in section 2.2.1 A of the IFB will be the number used to determine the number of managers needed.
  - Provide 24/7 emergency on-call phone support and respond on-site within no more than thirty (30) minutes from receipt of the call.
  - Manage and oversee the Gray, Pink, and Red Lots during the vendor set-up period leading up to the first day of the State Fair each year. During this time, no parking fees are collected for the use of these lots. The hours for staffing these lots is from 6:00 a.m. – 10:00 p.m.
  - Manage and oversee Gate 6 or Gate 7, and the Black Lot during the vendor set-up period leading up to the first day of the State Fair each year. During this time, no parking fees are collected. The hours for staffing these areas must be 24 hours a day.
  - In conjunction with AGM staff, manage and oversee the Empire RV Park to include the processing and placement of pre-sold, pre-assigned RV spaces. Parking staff should be scheduled 24 hours a day until the start of the State Fair. After that, parking staff should be scheduled from 8:00 a.m. to 8:00 p.m. concluding on Labor Day. On the day of the RV move-in, additional parking staff will be needed to sight each camper in their assigned spot.
  - Place Variable Message Signage and similar signs and programming as needed and directed by AGM.
  - Coordinate, supervise, and track time worked by employees as they are brought onto AGM payroll. The employees will be employed by AGM and managed by the selected contractor. Time tracking includes the daily monitoring of the parking 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 is monitored by the Department.
  
- (2) Beginning on the first day of the State Fair and throughout the duration of the State Fair each year during the Term of the Agreement, the selected contractor shall:
  - Provide a minimum of one (1) manager on-site for every fifteen (15) employees hired by AGM between the hours of 6:00 a.m. and 10:00 p.m. The number of employees hired and processed by AGM as of the first day of the State Fair each year during the Term of the Agreement pursuant to the approved Staffing Plan referenced in section 2.2.1 A of the IFB will be the number used to determine the number of managers needed.
  - Provide 24/7 emergency on-call phone support and respond on-site within no more than thirty (30) minutes from receipt of the call.
  - Manage all parking lots, both paid and credentialed, on the Fairgrounds and adjacent to the grounds. This includes several separate lots that encompass the Pink, Brown, Red, Orange, Gray, Empire/Belle Isle RV, Willis Ave., and Black Lots (see **Exhibit 1** NYS Fairgrounds Parking Map).
  - Attend staff meetings daily or as determined by the Director of the State Fair.
  - Sell parking tickets at the Orange, Brown, Pink, Willis Ave., and Gray Lots.



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- Reconcile and assume responsibility for all funds collected until such funds are deposited with the State Fair Cashier's Office pursuant to the revenue procedures established by AGM. Deposits should be made multiple times each day with the State Fair Cashier's Office. A copy of the Department's revenue procedures will be provided to the selected contractor. Each morning provide a daily reconciliation and summary of the total ticket sales for each lot and return any unsold tickets to the State Fair's Cashier's Office.
- Ensure adequate staffing for all parking lots including supervisors, head cashiers, cashiers, and parking attendants. Vendors have the freedom to staff each lot as deemed necessary but must provide a 1 to 15 Manager to AGM staff ratio. The Vendor may split Manager responsibilities in whole or in part between lots where deemed necessary. This should provide the Vendor with the necessary latitude to respond to changing daily needs.
- Ensure optimal use of available parking spaces to handle the flow of incoming vehicles from both east and west bound traffic. Barriers will have to be moved as lots become full and staff will have to be moved among locations as needed.
- Ensure Gate 6 or Gate 7 and the Black Lot are staffed 24 hours a day beginning five (5) days prior to the first day of the State Fair and ending on the last day of the State Fair at 10:00 p.m. Schedule staffing for all other parking lots, at a minimum, from 6:00 a.m. to 10:00 p.m. Note that charging for parking during the State Fair ends thirty (30) minutes prior to the closing time of the State Fair.
- Provide patrolling of the lots to ensure that vehicles have proper credentials and coordinate the towing of vehicles which are unauthorized or do not have the proper credentials. The towing of these vehicles is a coordinated effort between the selected contractor, State Police and AGM. The selected contractor will be responsible for the collection of towing fees before releasing impounded vehicles.
- In coordination with the State Police, assist with the exiting of vehicles from the parking lots.
- Manage and supervise the operation of the Empire RV Park, Belle Isle RV Camping and the Daily Camping Area. Manage and oversee the parking staff responsible for checking in campers and supervising the camping areas to ensure compliance with rules and report any issues to security. Parking staff should be scheduled from 8:00 a.m. to 8:00 p.m. during the State Fair.
- Manage and oversee the operation of any ancillary lots that AGM may use in addition to the ones listed above. These lots would generally be located within 5 miles of the Fairgrounds and would be used for overflow parking (may include both paid and unpaid lots).
- Coordinate any vehicle/attendee issues (e.g. failed battery, keys locked in car, flat tires, etc.) with a towing or service company.
- Resolve any parking issues or concerns in coordination with the Fair's parking manager.
- Coordinate, supervise, and track time worked by employees as they are brought onto AGM payroll. The employees will be employed by AGM and managed by the selected contractor. Time tracking includes the daily monitoring of the parking 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 is monitored by the Department.

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**C. Post Fair Services**

- (1) Beginning the last day of the State Fair and completed within seven (7) days after the last day of the State Fair each year during the Term of the Agreement, the selected contractor shall (*estimated 200 hours including on-site and off-site services*):
  - Provide necessary information and paperwork to process the payroll of the parking staff in a format prescribed by AGM within seven (7) days after the last day of the State 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 charged to the selected contractor of up to \$250 per occurrence. The selected contractor must provide a list of all employees that failed to submit a signed timecard within the time period prescribed herein.
  - Provide a report documenting the number of staff assigned to each lot, their titles, and the number of hours worked for each title in each lot.
  - Remove signage and rope from parking areas to an area on the Fairgrounds prescribed by AGM. This should also include an inventory of the signage.
  - Provide financial and operational reports to AGM. This should include a breakdown by lot of the number of cars parked and the revenue collected as well as an after-action report highlighting any issues or concerns and improvements that can be made going forward.
  - Inventory and return all remaining tickets issued by the Fair's parking manager to the Fair's parking manager.
  - Meet with AGM and other stakeholders onsite for an after-action meeting to discuss improvements that can be made.

**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:
  - An adequate number of pick-up trucks or other comparable vehicles (and necessary fuel) for the Pre-Fair, Fair and Post Fair services to be provided pursuant to this IFB. These vehicles should have two-way communication. In the past, this has included two (2) pick-up trucks and two (2) trailers, but it is up to the bidder to determine the number they need to provide the services required in this IFB.
  - An adequate number of gators, all terrain golf cars or other comparable vehicles (and necessary fuel) that will allow access to various parking lots during the Pre-Fair, Fair and Post Fair. In the past, this has included nine (9) golf carts, but it is up to the bidder to determine the number they need to provide the required services in this IFB.
  - A trailer to be placed in an area approved by AGM to serve as the parking office during the Pre-Fair, Fair, and Post-Fair. The trailer should be equipped with a camera, security system and safe. The camera must be viewable by AGM security in their office. The trailer may remain at the Fairgrounds for the term of the contract. The trailer can be no larger than 12' x 60' and must be of newer quality and approved by AGM prior to being set up.

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- Two base stations and three radios to communicate with the State Police and the towing company.
- An adequate number of radios for communication with parking staff and State Fair staff. In the past this has included fifty (50) radios but it is up to the bidder to determine the number they need to provide the required services in this IFB.
- Computers and printers for, among other things, complying with various reporting requirements.
- Uniforms for all employees that should include, at a minimum, t-shirts and hats that are identifiable with the logo of the NYS Fair and the selected vendor. The selected vendor shall also provide employees dress code requirements including guidelines on how to dress for both comfort and professionalism (e.g. proper shoes, shorts/pants).
- Safety equipment including, but not limited to, safety vests, umbrellas, flashlights and batteries, bug spray, and basic first aid kits in each parking lot.
- Water for parking staff working in the lots.
- Miscellaneous tools and supplies including, but not limited to, wire cutters, hammers, staple guns and staples.
- Cash operating supplies including pocket cashier aprons, coin and cash wrappers, cash counting machines, calculators, and ticket counting machines.
- Office supplies including, but not limited to, pens, pencils, staplers and staples, pins, paper, scissors and copy machines.
- Internet access.

B. AGM will provide the following supplies and equipment:

- Admission and parking credentials for all scheduled staff. A list of the total number of staff must be provided to AGM thirty (30) days prior to the first day of the State Fair each year during the Term of the Agreement.
- Telephones for the office trailer with two dedicated phone extensions.
- Signage supplies and equipment including line striping gun, white rope, green stakes, white plastic chain, cable ties, duct tape, nails, bailing wire, paint brushes, cones/barrels, spray paint, solid metal posts, field marking paint, re-rod, bike racks, sand bags, and snap ties.
- Signage for the parking lots, roadways, and entrances/exits.
- Tickets, report forms, and receipt books for processing parking sales, temporary RV parking reservations and gate admissions.
- Striping of the Empire RV Park, Belle Isle RV Camping and the Daily Camping Area.
- Two computers and printers for processing payroll for AGM staff.
- A radio for parking staff assigned to the camping areas to communicate with AGM's parking manager, security manager, and property manager.
- Equipment needed for electronic ticketing and scanning as needed.

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**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 May 7, 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 April 24, 2020. Questions must be submitted in writing via email to Carrie Lindemann or Joyce Willi at [procurement.info@agriculture.ny.gov](mailto:procurement.info@agriculture.ny.gov). Please list "PARKING MANAGEMENT SERVICES FOR THE NEW YORK STATE FAIR IFB#0235" in the subject line.

A Question and Answer document will be posted to the Department website: [www.agriculture.ny.gov](http://www.agriculture.ny.gov) under "Funding Opportunities" no later than April 28, 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](http://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 Carrie Lindemann or Joyce Willi at [procurement.info@agriculture.ny.gov](mailto: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 four (4) separately labeled and sealed envelopes:**

**Envelope 1, titled "IFB #0235 Minimum Qualifications and Forms and Assurances."**

*Original plus one (1) paper copy* (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)

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- 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#0235 Bid Form/Cost Proposal – Do Not Open.”**

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

**Envelope 3, titled “IFB#0235 MWBE Forms – Do Not Open.”**

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

- Attachment 12 - MWBE Forms (Original Signatures)

**Envelope 4, titled “IFB#0235 SDVOB Forms – Do Not Open.”**

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

- Attachment 13 - SDVOB Forms (Original Signatures)

Place the four (4) 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#0235)

### **3.3 MINIMUM QUALIFICATIONS**

To be considered:

- 1) The Proposing Company and/or the members of the proposed management team must have a minimum of five (5) consecutive years of experience in providing the following in relation to the provision of parking management services:
  - (a) Administration, including interviewing and scheduling employees and handling radio dispatch;
  - (b) Revenue processing; and
  - (c) Managing a minimum of fifty (50) employees who are directly responsible for the planning, setting up and operation of parking services.

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.

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- 2) References: The Proposer must provide the name of at least three (3) events or venues that the Proposer has provided parking management services for within the last eighteen (18) months preceding submission of this bid which may include but is not limited to, a festival, fair, sporting event, race, concert or other event or venue that parked at least 1,500 cars using multiple lots. At least 2 of the 3 references provided must have charged for parking on-site. This can include parking management services provided directly for the event or venue or parking management services provided for other lots not owned by or affiliated with the event or venue but used to provide parking for the event or venue. The Proposer must provide the name and location of the event or venue, the date(s) parking management services were provided, the number of cars parked, the name, phone number and email of the event/venue promoter or operator or the owner/operator or manager of the parking lot(s), and indicate whether multiple lots were used and whether parking was charged on-site. Note that the Department will contact the references provided and the Proposer is solely responsible for the availability of the submitted references. Please provide the above information using **Attachment 11 – Experience and 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 parking 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 7** 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 8**.

### 3.5 BID FORM/COST PROPOSAL

All bids must be submitted on "**Attachment 1 - Bid Form**" included in the Submission Documents. The Bid Form must not be altered in any way. Please refer to **Section 3.2**, Submission Method, for information on how to package your proposal. Please follow the instructions in **Attachment 1** when completing your bid. Per instruction #2 on the Bid Form Instructions tab, on the "Parking Management Services" tab, enter bid prices in the highlighted (green) fields ONLY. All other fields are locked and calculations are formula formatted to automatically calculate results of each vendor's bid. The cost proposal will be evaluated on the following two items:

#### **Item 1 – Fair Services**

Item 1 is the flat fixed Management Fee *per manager per day* for providing parking management services during the State Fair each year of the contract as set forth in Section 2.2.1 B of the IFB. All other management fee formats will be disqualified. For purposes of this IFB, the Bidder must provide a minimum of one (1) manager on-site for every fifteen (15) employees hired by AGM.

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Vendor's bid rate *per manager per day* must include all costs and profit (includes but is not limited to: Direct & Indirect Costs, Payroll, Fringe Benefits, Supplies and Materials, Travel, Overhead and Profit). Vendor will only be paid for the actual number of managers needed based upon the actual number of employees hired by AGM each year and the 1:15 Manager to Employee ratio referenced above. The number of employees hired and processed by AGM as of the first day of the State Fair each year during the Term of the Agreement pursuant to the approved Staffing Plan referenced in section 2.2.1 A of the IFB will be the number used to determine the actual number of managers needed.

As noted in Section 2.2.1 B of the IFB, the Vendor has the freedom to staff each lot as deemed necessary but must provide a 1 to 15 Manager to Employee ratio. The Vendor may split manager responsibilities in whole or in part between lots where deemed necessary. This should provide the Vendor with the necessary latitude to respond to daily changing needs.

Vendor must provide a base bid and an overage bid for Item 1 each year based upon the estimated quantities for evaluation purposes on the Bid Form. The base bid will be weighted at 80%; the overage bid will be weighted at 20%.

#### **Item 2 – Pre-Fair and Post Fair Services**

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 - 1,774; Estimated Post Fair Hours – 200*).

Vendor's total fixed flat Management Fee for providing Pre-Fair and Post Fair Services each year must include all costs and profit (includes but is not limited to: Direct & Indirect Costs, Payroll, Fringe Benefits, Supplies and Materials, Travel, 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 award will be made to the lowest responsive and responsible bidder with the lowest "Grand Total Weighted Bid Price" for all items on the Bid Form. As noted in the "**Attachment 1 - Bid Form**" instruction tab, bidders should enter bid prices in the highlighted (green) fields ONLY; all other fields are locked and calculations are formula formatted to automatically calculate results of each vendor's bid.

In the event of a tie for the lowest "Grand Total Weighted Bid Price" for all items on the Bid Form, the bidder who is part of the tie with the lowest grand total weighted bid price for "Item 1 – Fair Services Base Bid" will be considered the winning bidder. In the event that multiple bidders have identical "Grand Total Weighted Bid Prices" for all items and identical grand total weighted bid prices for "Item 1 – Fair Services Base Bid", the bidder who is part of the tie with the lowest grand total cost for "Item 2 – Pre-Fair and Post Fair Services" will be considered the winning bidder. If multiple bidders have identical "Grand Total Weighted Bid Prices" for all items and identical grand total weighted bid prices for "Item 1 – Fair

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Services Base Bid” and identical grand total costs for “Item 2 – Pre-Fair and Post Fair Services”, the winner will be determined by a coin toss.

## 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
- 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



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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](http://www.osc.state.ny.us/vendrep/resources_docreq_agency.htm)).

**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**

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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](mailto:mwbe@agriculture.ny.gov). All MWBE Forms and Instructions are included in the Submission Documents.

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

- 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

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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 10<sup>th</sup> day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

**Equal Employment Opportunity Requirements**

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

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

If awarded a Contract, respondent shall submit a Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by 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.

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**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.

**I. Contract Goals**

- A. AGM hereby establishes an overall goal of 6% for SDVOB participation, based on the current availability of qualified SDVOBs. For purposes of providing meaningful participation by SDVOBs, the Bidder/Contractor should reference the directory of New York State Certified SDVOBs found at: [https://ogs.ny.gov/veterans/Docs/CertifiedNYS\\_SDVOB.pdf](https://ogs.ny.gov/veterans/Docs/CertifiedNYS_SDVOB.pdf). Questions regarding compliance with SDVOB participation goals should be directed to Carrie Lindemann at [Carrie.Lindemann@agriculture.ny.gov](mailto:Carrie.Lindemann@agriculture.ny.gov). Additionally, following Contract execution, Contractor is encouraged to contact the Office of General Services’ Division of Service-Disabled Veterans’ Business Development at 518-474-2015 or [VeteransDevelopment@ogs.ny.gov](mailto:VeteransDevelopment@ogs.ny.gov) to discuss additional methods of maximizing participation by SDVOBs on the Contract.
- B. Contractor must document “good faith efforts” to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the Contract (see clause IV below).

**II. SDVOB Utilization Plan**

- A. In accordance with 9 NYCRR § 252.2(i), Bidders are required to submit a completed SDVOB Utilization Plan on Form SDVOB 100 with their bid.
- B. The Utilization Plan shall list the SDVOBs that the Bidder intends to use to perform the Contract, a description of the work that the Bidder intends the SDVOB to perform to meet the goals on the Contract, the estimated dollar amounts to be paid to an SDVOB, or, if not known, an estimate of the percentage of Contract work the SDVOB will perform. By signing the Utilization Plan, the Bidder acknowledges that making false representations or providing information that shows a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, termination of a contract for cause, loss of eligibility to submit future bids, and/or withholding of payments. Any modifications or changes to the agreed participation by SDVOBs after the Contract award and during the term of the Contract must be reported on a revised SDVOB Utilization Plan and submitted to AGM.

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- C. AGM will review the submitted SDVOB Utilization Plan and advise the Bidder/Contractor of AGM acceptance or issue a notice of deficiency within 20 days of receipt.
- D. If a notice of deficiency is issued, Bidder/Contractor agrees that it shall respond to the notice of deficiency, within seven business days of receipt, by submitting to AGM a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by AGM to be inadequate, AGM shall notify the Bidder/Contractor and direct the Bidder/Contractor to submit, within five business days of notification by AGM, a request for a partial or total waiver of SDVOB participation goals on SDVOB 200. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.
- E. AGM may disqualify a Bidder's bid or proposal as being non-responsive under the following circumstances:
  - (a) If a Bidder fails to submit an SDVOB Utilization Plan;
  - (b) If a Bidder fails to submit a written remedy to a notice of deficiency;
  - (c) If a Bidder fails to submit a request for waiver; or
  - (d) If AGM determines that the Bidder has failed to document good faith efforts.
- F. If awarded a Contract, Contractor certifies that it will follow the submitted SDVOB Utilization Plan for the performance of SDVOBs on the Contract pursuant to the prescribed SDVOB contract goals set forth above.
- G. Contractor further agrees that a failure to use SDVOBs as agreed in the Utilization Plan shall constitute a material breach of the terms of the Contract. Upon the occurrence of such a material breach, AGM shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsibility.

**III. Request for Waiver**

- A. Prior to submission of a request for a partial or total waiver, Bidder/Contractor shall contact the SDVOB liaison at [Carrie.Lindemann@agriculture.ny.gov](mailto:Carrie.Lindemann@agriculture.ny.gov) for guidance.
- B. In accordance with 9 NYCRR § 252.2(m), a Bidder/Contractor that is able to document good faith efforts to meet the goal requirements, as set forth in clause IV below, may submit a request for a partial or total waiver on Form SDVOB 200, accompanied by supporting documentation. A Bidder may submit the request for waiver at the same time it submits its SDVOB Utilization Plan. If a request for waiver is submitted with the SDVOB Utilization Plan and is not accepted by AGM at that time, the provisions of clauses II (C), (D) & (E) will apply. If the documentation included with the Bidder's/Contractor's waiver request is complete, AGM shall evaluate the request and issue a written notice of acceptance or denial within 20 days of receipt.
- C. Contractor shall attempt to utilize, in good faith, the SDVOBs identified within its SDVOB Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract award may be made at any time during the term of the Contract to AGM, but must be made no later than prior to the submission of a request for final payment on the Contract.
- D. If AGM, upon review of the SDVOB Utilization Plan and Monthly SDVOB Compliance Report (SDVOB 101) determines that Contractor is failing or refusing to comply with the contract goals and

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no waiver has been issued in regards to such non-compliance, AGM may issue a notice of deficiency to the Contractor. The Contractor must respond to the notice of deficiency within seven business days of receipt. Such response may include a request for partial or total waiver of SDVOB contract goals.

Waiver requests should be sent at the time of bid submission.

#### **IV. Required Good Faith Efforts**

In accordance with 9 NYCRR § 252.2(n), Contractors must document their good faith efforts toward utilizing SDVOBs on the Contract. Evidence of required good faith efforts shall include, but not be limited to, the following:

- (1) Copies of solicitations to SDVOBs and any responses thereto.
- (2) Explanation of the specific reasons each SDVOB that responded to Bidders/Contractors' solicitation was not selected.
- (3) Dates of any pre-bid, pre-award or other meetings attended by Contractor, if any, scheduled by AGM with certified SDVOBs whom AGM determined were capable of fulfilling the SDVOB goals set in the Contract.
- (4) Information describing the specific steps undertaken to reasonably structure the Contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified SDVOBs.
- (5) Other information deemed relevant to the waiver request.

#### **V. Monthly SDVOB Contractor Compliance Report**

In accordance with 9 NYCRR § 252.2(q), Contractor is required to report Monthly SDVOB Contractor Compliance to AGM during the term of the Contract for the preceding month's activity, documenting progress made towards achieving the Contract SDVOB goals. This information must be submitted using form SDVOB 101 and should be completed by the Contractor and submitted to AGM, by the 10th day of each month during the term of the Contract, for the preceding month's activity to: Carrie Lindemann at [Carrie.Lindemann@agriculture.ny.gov](mailto:Carrie.Lindemann@agriculture.ny.gov).

#### **VI. Breach of Contract and Damages**

In accordance with 9 NYCRR § 252.2(s), any Contractor found to have willfully and intentionally failed to comply with the SDVOB participation goals set forth in the Contract, shall be found to have breached the contract and Contractor shall pay damages as set forth therein.

ALL FORMS ARE AVAILABLE AT: <https://ogs.ny.gov/veterans/>

#### **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

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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.

**5.7 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](mailto: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, 11<sup>th</sup> Floor, Albany, New York 12236. More information on the Office of the State Comptroller's (OSC) Contract Award Protest Procedures can be found in OSC's Guide to Financial Operations (GFO), Chapter XI.17, available on the internet at <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>.

**5.8 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.z

**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

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determination. The factors to be considered include: legal authority to do business in New York State; integrity; capacity- both organizational and financial; and previous performance. Before an award of \$100,000 or greater can be made to a covered entity, the entity will be required to complete and submit a Vendor Responsibility Questionnaire. Public Authorities, BOCES, public colleges and universities are some of the exempt entities. For a complete list, see:  
[http://www.osc.state.ny.us/vendrep/resources\\_docreq\\_agency.htm](http://www.osc.state.ny.us/vendrep/resources_docreq_agency.htm)

All bidders must fully and accurately complete the Vendor Responsibility Questionnaire (hereinafter the "Questionnaire"). All bidders acknowledge that 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](http://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](mailto: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](http://www.osc.state.ny.us/vendrep) or may contact the Department or the Office of the State Comptroller's Help Desk for a copy of the paper form.

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

**Subcontractors:**

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

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

**5.11 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



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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.

**5.13 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](mailto:procurement.info@agriculture.ny.gov)

**6. REQUIRED ASSURANCES**

**6.1 SUBMISSION DOCUMENTS**

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

- **Bid Form/Cost Proposal** (Signature Required Hard Copy Only - 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**)
- **SDVOB Documents** (the forms are included in the **Submission Documents as Attachment 13**)

**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 8**. 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](http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf). Forms are available through these links:

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

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