

ADVERTISING

New York State Department of Agriculture and Markets 2010 – 2014

1. INTRODUCTION

This Request for Proposals (RFP) is issued by the New York State Department of Agriculture and Markets (the Department) to invite qualified advertising agencies to submit a proposal to provide advertising, marketing, promotion and public relations' services for the annual New York State Fair and the Grandstand entertainment events at the State Fair, the Empire Expo Center, the Department, and New York State agriculture products.

Proposals must be received by the Department no later than **4:00 pm local time on Friday, October 23, 2009**. Proposals shall be addressed to:

Lucy Roberson
Director, Fiscal Management
New York State Department of
Agriculture and Markets
10B Airline Drive
Albany, New York 12235

All questions about this RFP must be submitted in writing (facsimile or e-mail will be accepted) to:

Emma Graham
Contracting Manager
NYS Department of Agriculture & Markets
E-mail: emma.graham@agmkt.state.ny.us
Fax: 518-485-7750

All questions must be submitted by **Monday, October 5, 2009**. Proposers should note that all clarifications are to be resolved prior to the submission of a proposal. A list of questions about the RFP and answers to those questions, as well as any addendums to the RFP, will be posted in the "Funding Opportunities" section of the Department's website, www.agmkt.state.ny.us by the close of business on **Wednesday, October 7, 2009**. If you are unable to access the website, please contact Ms. Emma Graham to arrange for alternate delivery. All questions and answers will become a formal addendum to this RFP. All Proposers are responsible for keeping informed of any revisions to this RFP.

Proposers shall make no unsolicited contact with any Department personnel regarding this RFP, except that Proposers may contact the contracting officer as set forth above. Please see the Summary of Department's Policy Regarding State Finance Law Sections 139-J and 139-K on page 16 of this RFP.

2. Needs Statement

The Department's mission is to foster a more competitive food and agriculture industry in New York State that benefits producers and consumers alike. It conducts programs for advertising, publicity and promotion to expand the demand for New York State food and agricultural products. The Department currently operates an advertising program, with a slogan and logo identified as the "Pride of New York." (See the Pride of New York website at www.agmkt.state.ny.us/AP/PrideOfNY/pride_index.html.) The Department incorporates the slogan and logo into multiple advertising media and allows New York State producers of agriculture products to place the Pride of New York logo on their product labels. The Department works closely with a number of Not-for-Profit organizations that promote various segments of the New York State Agriculture Industry, and those organizations are permitted to incorporate aspects of the Department's media campaign into their advertising. The Department also administers grants to farmers to fund advertising, in which the Department's advertising is included.

The Department protects the state's Agriculture Industry as well as the food security interests of New York State's 19.5 million residents. The Department provides the Agriculture Industry with a vast array of services, including testing livestock health, testing food for purity and compliance to safety regulations, assuring competitiveness in markets within and outside the state, offering guidance and training on environmental resource management, providing training to farm owners and workers, assisting in pest management, promoting state agriculture products, funding day care services for the children of migrant and other farm workers, and a range of other programs too numerous to describe here. We strongly recommend a visit to the Department's website at www.agmkt.state.ny.us for more information on the programs and services provided by the Department.

New York State is largely urban, with the majority of its citizens removed from any direct connection with farming. There is a perceived attitude of consumer complacency with regards to the security of their food supply. Consumers feel that so long as there is an abundant supply of food in grocery stores, there is no need to worry about the needs of farmers. This lack of connection is viewed as destructive to agriculture. Agriculture Industry leaders believe if consumers better understood where their food comes from, they would have a greater appreciation of, and offer increased support for, the Agriculture Industry. The current lack of attention given to agriculture by the news media, and thus the consumer, could lead to long term negative consequences for farming and the world food supply.

New York is a state with great soil and water, large consumer markets within a few hundred miles of our prime producing regions and exceptional people working at all levels to support our strong agricultural economy. We have more than 35,000 farm families working hard every day to produce food, fiber and renewable energy. Our State and its people flourish because of these businesses, which provide the foundation for more than \$25 billion to the State's economy each year. Agriculture remains as valuable today as ever and these accomplishments are a reflection of all that has been done to help grow New York agriculture and make sure that all New Yorkers have access to a safe, nutritious and affordable food supply.

New York growers and food manufacturers provide a rich and diverse array of quality fresh and processed products such as locally grown produce, syrups and sauces, cheese, honey, meats, pasta and baked goods.

The Department also operates the Empire Expo Center in Syracuse, New York, which is a 375 acre site with major enclosed and heated exhibit space, numerous outdoor facilities and a concert venue which can seat 17,000 persons. A total of nearly two million persons visit the Empire Expo Center each year. The Empire Expo Center is also the home of the annual New York State Fair, a twelve day event ending on Labor Day each year which draws approximately 950,000 persons. The annual State Fair is the showcase for the State's agriculture industry. The 2010 State Fair will take place starting on Thursday, August 26, and run through Labor Day, Monday, September 6, 2010. In addition to the annual New York State Fair, the Empire Expo Center hosts shows, exhibitions, sales and other events throughout the year. Please visit www.nysfair.org to see events currently being held and scheduled for the upcoming month.

The purpose of this RFP is to enter into a contract with a qualified Proposer to produce and provide messages and message products and to develop collateral items that inform the target populations that:

- a. The annual New York State Fair is an exciting and affordable entertainment destination appealing to all demographics.
- b. The Grandstand venue at the State Fair hosts nationally-known musical and comedy acts, motor sport events, athletic events, and various other entertainment.
- c. The Chevy Court venue at the State Fair hosts music, comedy, personal appearances, and other entertainment.
- d. The Empire Expo Center is a premier meeting, convention, and leisure destination.
- e. The Department of Agriculture & Markets is a diverse state agency that provides an assortment of programs and services.
- f. The State of New York has a robust agricultural community, which offers positive cultural and economic benefits to the State, as well as being the source of a safe and abundant food supply, serving as caretakers of the land and animals and delivering positive environmental benefits.
- g. New York State's Agriculture Products are of excellent quality; healthful, pure and locally available.

3. Goals

The goals of this RFP are to retain a Proposer to develop and implement an advertising, publicity and marketing program for the Department of Agriculture & Markets, New York State Agriculture products, the Empire Expo Center and the annual New York State Fair which will:

1. Increase attendance for the annual New York State Fair.
2. Increase ticket sales for the Grandstand entertainment events.
3. Maximize the use of the Empire Expo Center from show, conference and convention rentals.
4. Increase sales, locally, nationally and internationally, of New York State produce by branding it as healthful, locally produced, high quality, and good for the

- environment. Increase sales of New York State agriculture products by branding them as distinct and of excellent quality.
5. Increase awareness of the Department's programs, presenting a powerful and positive message.
 6. Increase awareness of the value of the Agriculture Industry.

Scope of Services

The selected agency shall provide advertising and marketing services including:

1. State Fair.
 - a. Promote and advertise the New York State Fair.
 - b. Work with State Fair and entertainment booking agent to promote acts.
 - c. Create the State Fair's annual slogan.
 - d. Design the State Fair's poster, flyers, programs and other materials.
 - e. Update and advise on changes to the State Fair's website, which may include a redesign.
 - f. Design a State Fair merchandise line.
 - g. Promote the State Fair's sponsorship recruitment package.
2. Empire Expo Center.
 - a. Prepare a client sales package.
 - b. Advise on interior building design and decoration.
 - c. Assist in event planning.
 - d. Advise on the cost benefit of adding a media center at the Empire Expo.
3. New York State agricultural products.
 - a. Evaluate and refine the approach and execution of the existing advertising program.
 - i. Evaluate the impact on consumers of existing "Pride of New York" advertising program.
 - ii. Evaluate the impact on consumers of the existing "Buy Local" advertising program.
 - iii. Create advertising concepts, including use or discontinuance of the "Pride of New York" slogan, as the selected proposer deems appropriate.
 - iv. Replace the "Our Pride is Inside" slogan.
 - b. Develop a partnership with the Department to develop and implement strategies to maximize its advertising dollars.
4. All Aspects of the Department's Mission.
 - a. Create a compelling advertising campaign that increases public awareness of and support for the work of the Department and the Agriculture Industry.
 - b. Work with the Department to develop an overall strategy to achieve the objectives described above in the most cost efficient manner.
 - c. Re-design the logo for the Department, including logos for its various programs, creating attractive, consistent, individual logos that accurately depict the mission of each program, while connecting back to the Department of Agriculture and Markets' logo.
 - d. Analyze local, regional and national research to recommend the best strategies and promotions.

- e. Conduct surveys of Fairgoers and consumers.
- f. Perform media production services including but not limited to creative concept, graphic design, photography, copywriting, printing, and production and post-production of film, video, radio, social, print and other media.
- g. Perform media buying services including but not limited to pre-buy analysis, planning, negotiating best rates and placements, tracking and post-buy analysis.
- h. Recommend public relations and publicity efforts to supplement paid advertising.
- i. Provide advice, counsel and assistance to the Department of Agriculture and Markets on matters pertaining to advertising and public relations.
- j. Provide tracking and post-buy analysis.
- k. Provide such other functions of a full service advertising agency, as may be reasonably necessary to accomplish the goals described above.

Contract Period

The contract awarded will be for a five-year period beginning **January 1, 2010 and ending December 31, 2014**. The Department may terminate the contract upon 90-days written notice, without cause.

Budget

Funding for the first year of the contract will be approximately **\$1,500,000**. Similar funding levels for subsequent years of the contract are anticipated.

Schedule

The following dates are for informational and planning purposes. The Department reserve the right to change any of the dates. Any changes will be posted on the Department’s website, www.agmkt.state.ny.us under “Funding Opportunities”. Proposers are responsible for keeping informed of any changes in the schedule.

<u>Event</u>	<u>Date</u>
RFP Issued	September 21, 2009
Mandatory Pre-Proposal Conference	October 1, 2009
Last Date for Inquiries	October 5, 2009
Responses to Inquiries	October 7, 2009
Proposals Due	October 23, 2009
Oral Presentations, approximate date	November 4, 2009
Selection, approximate date	November 6, 2009

Mandatory Pre-Proposal Conference

A pre-proposal conference will be held on **Thursday, October 1, 2009** at the Department headquarters at 10B Airline Drive, Albany, New York, 12235. The conference will begin at 2:00 PM. Proposals will only be accepted from Proposers who attend the pre-proposal

conference. Please RSVP if you are attending the pre-proposal conference by e-mailing Karen Dybas at karen.dybas@agmkt.state.ny.us and include the names of those attending the conference. Please limit your attendees to no more than two (2) people.

PROPOSAL

Minimum Qualifications

- 1) The Proposer must be authorized to do business in New York State.

If the Proposer is:

- a corporation or limited liability company formed under New York Law, submit a copy of your current New York Department of State registration.
 - a corporation or limited liability company formed under the laws of another state or a foreign jurisdiction, submit a copy of your current authorization to do business in New York.
 - a limited partnership or a limited liability partnership, submit a copy of your current New York Department of State registration.
 - a general partnership or individual doing business under an assumed name, submit a copy of your assumed name certificate stamped to show the date of filing with the clerk of the county in which you conduct business.
- 2) The Proposer must affirmatively certify that, as of the date of submission of its proposal, the Proposer is current on all tax liabilities to the State of New York, except those which the Proposer has formally challenged in an administrative or judicial forum.
 - 3) The Proposer must be a going concern with a minimum of five (5) years experience in the advertising industry. The Proposer must have the ability to perform the functions of a full advertising agency. A joint venture between two or more qualified Proposers is acceptable. For the purposes of this RFP, a full service advertising agency is defined as a company that provides the services described herein.
 - 4) The Proposer must provide, as part of the proposal, a letter from a Certified Public Accountant (CPA) stating that the Proposer has the economic resources to pay expenses, including staff and administrative expenses in advance of reimbursement from the State and that the Proposer has sufficient working capital, positive net worth, and has or can obtain a line of credit for the work described and proposed.
 - 5) The Proposer must supply a minimum of three (3) references that can substantiate the quality of the Proposer's work and service. References will be contacted.

Professional Services Component

Proposers shall submit the following information.

- (i) The name, address, telephone number, e-mail address and fax number of the Proposer and the Proposer's contact person.
- (ii) An organizational chart of the Proposer's agency showing all divisions, sections or units including executive, creative, public relations, media department, accounting and other programmatic functions.
- (iii) An organizational chart which shows all personnel who will be involved with the contract awarded from this RFP, and the percentage of their time expected to be devoted to the contract. Include the resume of each individual listed. Indicate which employee will be the lead on the project and who will be the day to day contact, and include their contact information.
- (iv) The Proposer's client list, including client company name, address, telephone number and contact name of the Proposer's current major clients. Include the length of the relationship with each client and detailed description of the services the Proposer provides to the client. The Proposer's clients may be contacted for references. The client list will be received and accepted as confidential information and shall not be subject to disclosure.
- (v) A written description of the Proposer, including company background; a detailed description of the Proposer's experience which the Proposer believes relevant to the Goals of this RFP and a detailed description of the Proposer's most cost-effective advertising campaign, the results it achieved and documentation, if any, substantiating the results.
- (vi) Samples from three (3) successful advertising campaigns, including one actual sample of previous work in each of the categories below, if available. At a minimum you must submit samples (tape, disc, dvd, flash drive, etc.) of radio, television and print advertising. Please label the samples.
 - a) Radio
 - b) Television
 - c) Print Advertising
 - d) Point-of-Sale Item
 - e) Brochure
 - f) Press Release
 - g) Marketing Plan

- h) Web Advertising and promotion
- (vii) A description of how the Proposer intends to meet the Goals (above) of this RFP and the means and methods to be used in meeting those Goals.
- (viii) Outline of the program proposed plans for the Department, agriculture products, the Empire Expo Center, the State Fair, and Grandstand Acts, including the timeline for completion of various components of the contract. The plan timeline should demonstrate that the Proposer will ramp up quickly after the contract is awarded, and reflect the needs of the annual State Fair which runs from August 26 to September 6 in 2010. Proposers should be ready and able to discuss preliminary creative ideas for the project in an oral presentation.
- (ix) A description of the Proposer's process and next steps, if and when the contract is secured.

Cost and Fee Component

Costs and fees must be presented by completing the enclosed Cost Sheet. This will facilitate the comparison of Proposers for the cost component of the overall score. Proposers who do not fully complete and submit the attached form may be disqualified.

Proposers may not alter the form. Estimated number of hours and the hourly rates should be single numbers, not a range of rates.

Total costs should be less than or equal to the \$1.5 million budget limit specified in this RFP.

In accordance with the attached Cost Sheet:

- 1) State the total estimated number of professional service hours expected to be spent in the provision of the services under the contract required to achieve the Goals of this RFP. Identify each professional by name and title, the hourly charge for such person inclusive of salary, benefits and the estimated number of hours associated with that name and title. Multiply and enter the number of hours times the hourly rate for the total cost.
- 2) State the total estimated number of non-professional service hours expected to be spent in the provision of the services under the contract required to achieve the Goals of this RFP. Identify each non-professional by name and title, the hourly charge for such person inclusive of salary, benefits and taxes and the estimated number of hours associated with that name and title. Multiply and enter the number of hours times the hourly rate for the total cost.
- 3) State the estimated budget for the purchase of media in this program.
- 4) State the commission, expressed as a percentage of the cost to be charged by the Proposer on media purchased by the Proposer in and on newspapers, periodicals, television, radio and billboards.
- 5) State the estimated budget for production costs in this program.

- 6) State the amount to be charged, expressed as a percentage of the cost, for production costs incurred for the Department by the Proposer for artwork, layouts, engravings, electrotypes, plastic plates, typography, mats, photostats, photo prints, photography, retouching, printing, mechanicals, transcriptions, storyboards and radio talent.
- 7) State the amount estimated to be charged for incidental expenses, including travel.

Calculation of the Score for Costs

The total combined cost for Professional Service hours plus Non-professional Service hours plus the total combined cost of commissions (the percentage of commission multiplied by the media and/or production budget) plus the cost of expenses will be worth twenty (20) points. The Proposer with the lowest combined cost will be awarded the full twenty (20) points. The remaining proposals will be awarded points using the following formula:

$$\text{Points} = \text{lowest cost} / \text{cost being evaluated} \times 20$$

An example of the calculation of points awarded for cost is included in the attached Cost Sheet.

Proposal Submission

Sealed written proposals responding to this RFP must be received by the Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235 by 4:00 p.m. local time **October 23, 2009**. Proposals must be addressed to Lucy Roberson, Director of Fiscal Management. An original and five copies of the proposal shall be submitted. Within the sealed envelope, place three (3) separate sealed envelopes, one marked and containing your "Minimum Qualifications", one marked and containing your "Professional Services Component", and one marked and containing your "Cost and Fee Component". Failure to follow the submission instructions may result in the rejection of the proposal. Proposers are solely responsible for insuring the timely delivery of their RFP response. Electronically submitted proposals (e.g. facsimile, e-mail) and proposals received after the deadline will not be accepted.

Proposal Content Checklist

1. Proposer's name, "Advertising Proposal – Minimum Qualifications" which includes the items identified under the Minimum Qualifications.
2. Proposer's name, "Advertising Proposal – Professional Services Component" which includes the items identified under the Professional Services Component. The following forms must also be present in the Professional Services Component.
 - a. An original non-collusive bid certification form, as required by Section 139-d of the State Finance Law, signed and notarized by the Proposer. The form can be found at www.ogs.state.ny.us/procurecounc/pdfdoc/noncollusive.pdf.
 - b. An original signed MacBride Stipulation form, pursuant to Chapter 807 of the Laws of 1992. The form can be found at <http://www.ogs.state.ny.us/procurecounc/PDFdoc/nondiscrimination.pdf>.

- c. An original Vendor Responsibility Questionnaire completed and signed by the Proposer. The form and more information can be found at www.osc.state.ny.us/vendrep.
 - d. An original signed Affirmation of Understanding and Agreement pursuant to State Finance Law § 139-j(3) and § 139-j(6), which can be found at www.agmkt.state.ny.us.
 - e. An original signed of the Certification of Compliance, pursuant to State Finance Law § 139-k(5) which can be found at www.agmkt.state.ny.us.
 - f. An original signed Form A – Consultant Disclosure pursuant to State Finance Law §163(4)(g). The form can be found at www.osc.state.ny.us/procurement/consultantdisclosure.doc.
 - g. Completed and signed Tax Forms ST-220-TD and ST-220-CA, pursuant to Tax Law Section 5-a. The forms can be found at http://www.tax.state.ny.us/forms/sales_cur_forms.htm#Other%20Sales%20Tax%20Forms.
 - h. Proof of Workers' Compensation and Disability Benefits Insurance, certified by your insurance carrier on forms C105.2 and DB120.1, respectively. For more information, please see www.wcb.state.ny.us.
3. Proposer's name, "Advertising Proposal – Cost Sheet" which includes the cost proposal form provided in this RFP. No alternative pricing forms will be accepted. Do not alter the format of the form provided.

Late Proposals

Late proposals will be rejected and will be returned unopened to the Proposer.

Oral Presentation

At the discretion of the Department, Proposers submitting the **three** highest ranked proposals may be asked to make an oral presentation, not to exceed one-half hour. The presentations will take place in Albany, New York on or about **Wednesday, November 4, 2009**. The Department reserves the right to select a Proposer without requiring an oral presentation.

Selection of Proposal(s)

Only qualified Proposers that have submitted complete information will be considered.

The Department reserves the right to:

- reject any or all proposals received with respect to this RFP;
- decline to award a contract from this RFP;
- require clarification from any Proposer to assure a full understanding of the responsiveness to the requirements of the RFP;
- waive or modify minor irregularities in proposals received;
- request from a Proposer additional information deemed necessary to more fully evaluate its proposal or absent required forms. Proposer's will have three (3) business days to respond to the request or be disqualified;
- amend this RFP after its release, with appropriate written notice posted on

- the Department's website, and;
- negotiate with any or all Proposers within the proposal requirements, in the best interest of New York State.

Evaluation Criteria

Qualifying proposals will be evaluated by comparing and ranking each proposal with respect to:

1. **Experience.** Degree of the Proposer's prior experience, including its client list and reference checks. Proposers must demonstrate that their experience will translate easily to our needs. Experience of the staff assigned to the project will be considered. (15 points)
2. **Capacity and Capability.** Proposers must demonstrate sufficient financial capacity and professional competence. The Proposer must have the economic resources to pay expenses in advance of reimbursement from the Department. (10 points)
3. **Ability to deliver results.** Proposers must demonstrate that their past work has delivered the demonstrable results requested by their clients, and whether goals were achieved or exceeded. (20 points)
4. **Creativity and Connection.** Proposers must present ideas, discuss the thought process that led to the main ideas, how the ideas will meet the Department's needs, and how the ideas will reach the target market. (35 points)
5. **Cost.** (20 points total)

Selection Procedure

The written Professional Services proposal will be evaluated and scored by a team of three Department staff. The cost sheets will be tallied to determine the cost score. Scores from the written Professional Services proposal will be combined with the scores from the cost sheets to identify the top qualifiers. Those qualifiers may be invited to make an oral presentation to the Department. The Professional Service proposal component of the proposal will then be re-scored based on the combination of the written and oral presentation. The revised score for the Professional Services component will be combined with the respective cost proposal score for the final score. The top qualifier will be awarded the contract.

Cost Liability

The State of New York and the Department assume no responsibility or liability for costs incurred by the Proposers in preparing and submitting their proposals and samples in response to this RFP, including costs associated with the oral presentation.

Acceptance of Proposal Content

The successful Proposer's proposal and this RFP will become part of any contract awarded.

Subcontracting

The Proposer may not convey, assign or otherwise dispose of the contract, or the Proposer's right, title, or interest in the contract, or its power to execute the contract, to any other person, company, corporation, or entity without the prior written consent and written approval of the Department.

In the event the Department approve the use of subcontractors in performance of this contract, the Proposer is not relieved of its responsibility and obligation to comply with the requirements of this RFP and the contract and the services of any subcontractor shall be billed to the Department at actual cost.

Accounting Records

The Proposer shall maintain all financial and accounting records and other documents relating to the contract in accordance with generally accepted accounting principles and all such records shall be made available, upon request, to the Department and the Office of the Comptroller of the State of New York, at all times during the contract period and any extension thereof, and for six (6) years from the expiration date of the contract.

The Proposer shall complete and maintain, in affidavit form, a record of each "trade" made and received, which shall identify the parties to the trade, the object of the trade and the value of each, the date the trade was agreed upon and the date the trade was effected.

Contract Continuity

Upon expiration of the contract of the original term of this contract, scheduled for December 31, 2014, if the Department and the Contractor fail to accept or agree to a contract extension for an additional period, the Contractor must continue to provide all services under the contract for a period of four (4) months, or until a new advertising contract is in place, whichever is sooner.

Estimates, Invoices and Payments

All contract expenditures must be pre-approved in writing by the First Deputy Commissioner of the Department, or his or her designee, based upon a written estimate provided by the Contractor prior to work beginning on a project. Payment shall be made by the Department within the time provided by the State Finance Law after receipt and approval of an itemized invoice submitted by the Contractor.

On-line Collaboration Tools

All Proposers must have the capability to conduct on-line collaboration with the Department. The Department must be provided with the ability to view work in progress, project status reports and other contract information electronically by visiting the Proposer's website, or server which provides a secure area for review of such work. The Proposer must also have the ability to communicate by e-mail and have the capacity to send files electronically for review, including progress reports and graphic files.

Freedom of Information

The Proposer's proposal and any contract resulting from this RFP is subject to the provisions of New York's Freedom of Information Law; Public Officers Law, Article 6. Proposer financial and proprietary business information will be received and accepted as confidential information and not subject to disclosure.

Ownership of Contract Work Product

The Department shall own all right, title and interest in and to any software, documentation, products, materials, advertising for television, radio, print, internet or other media, and deliverables which result from services rendered by Proposer to the Department under the contract. All materials produced for the Department related to this contract will be turned over to the Department at the termination of this contract at no additional cost to the Department.

Standard Contract Provisions

The Standard Contract Provisions which are attached to this RFP will be part of the contract. Please read and execute them where required and return the Standard Provisions with your proposal.

Certification Pursuant to New York State Tax Law Section 5-A

Pursuant to Tax Law Section 5-a, you are required to certify to the Tax Department that you are registered to collect New York State and local sales and compensating use taxes, if you made sales of tangible personal property, delivered by any means, to locations within New York State or you provided taxable services, having a cumulative value in excess of \$300,000 measured over a specified period. In addition, you must certify to the Tax Department that each affiliate and subcontractor exceeding such sales threshold during a specified period is registered to collect New York State and local sales and compensating use taxes. You must also certify to the procuring state agency that affiliates and subcontractors have filed a correct and complete certification with the Tax Department. The successful proposer will be required to complete and sign, under penalty of perjury, the Contractor Certification Form ST-220-TD and the Contractor Certification to Covered Agency Form ST-220-CA. The Contractor Certification Forms are available from the Department of Tax and Finance web site at: http://www.tax.state.ny.us/forms/sales_cur_forms.htm#Other%20Sales%20Tax%20Forms.

The successful proposer will be required to complete and submit the Contractor Certification Forms within three (3) business days from the date of the request. Failure to respond timely may render a proposer non-responsive and non-responsible. Proposers shall take the necessary steps to provide properly certified forms, within a timely manner, to ensure compliance with the law. You may call the Tax Department at 1-200-698-2931 for all questions regarding Tax Law §5-a, and relating to a company's registration status with the Tax Department. For additional information and frequently asked questions, please refer to the Department of Tax and Finance web site: http://www.tax.state.ny.us/pdf/publications/sales/pub223_507.pdf

Minority & Women Owned Businesses Equal Employment Opportunities & Goals

See Clause 12, Equal Employment Opportunities for Minorities and Women, in Appendix A. For this contract the Department and the Division have established the following goals:

- Minority business enterprises 1%
- Women owned business enterprises 1%

Notification of Award

The Department will notify the successful proposer verbally, followed by a written confirmation. Each proposer whose proposal is not selected will be notified in writing by the Department. Pursuant to section 163(9)(c) of the State Finance Law, an unsuccessful proposer has the right to a debriefing regarding the reasons their proposal was not selected for an award. An unsuccessful proposer must request a debriefing within thirty (30) days from the date of the notification stating that their proposal has not been selected. To request a debriefing an unsuccessful proposer should contact Ms. Emma Graham, Division of Fiscal Management, via e-mail at emma.graham@agmkt.state.ny.us.

A contract containing all terms and conditions and responsibilities of the successful proposer will be developed by the Department. Upon execution by the Proposer and the Department, it will be submitted for approval to the Office of the Attorney General of the State of New York and the Office of the Comptroller of the State of New York. Contract funds cannot be paid out until the contract is fully executed and approved. Typically, this may take from two to three months from the date of notification of selection. The Proposer will be paid on a reimbursement basis after the contract is fully executed.

The Department and the Office of the State Comptroller reserve the right to audit the selected Proposer's books and records relating to the performance of the plan of work during and up to six years after the completion of the plan of work.

Payment

Payment will be made on a reimbursement basis. Invoices for payment shall be submitted to the Department on a New York State Standard Voucher for services satisfactorily completed.

Travel Reimbursement

Costs for travel and associated meals and lodging for those assignments that requires such shall not exceed the prevailing maximum rates established by the Office of the State Comptroller, which correspond to the rates provided by the Federal Government to its employees. To access information related to travel, including the current reimbursement amounts, refer to the following website:

www.osc.state.ny.us/agencies/travel/reimbrate.htm.

Appendix A (Standard Clauses for All State Contracts)

Appendix A is posted on the website of the New York State Office of General Services at www.ogs.state.ny.us/procurecounc/PDFdoc/appendixa.pdf, and contains standard clauses that are required in all State contracts. Appendix A will be a part of any contract awarded under this RFP, and the successful Proposer will be responsible for complying with the terms and conditions contained therein.

Consultant Services Contractor's Employment Reports

Pursuant to New York State Finance Law Section 163(4)(g), state agencies must require all contractors, including subcontractors, that provide consulting services for State purposes pursuant to a contract to submit an annual employment report for each such contract, such report to include for each employment category within the contract: (i) the number of employees employed to provide services under the contract, (ii) the number of hours they work, and (iii) their total compensation under the contract. Consulting services are defined as analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal, or similar services.

The successful Proposer will be required to submit the attached Form A: "State Consultant Services Contractor's Planned Employment From Contract Start Date Through the End of the Contract Term" to the Department upon signing the contract. Form A can be accessed at www.osc.state.ny.us/procurement/consultantdisclosure.doc. In addition, the successful Proposer will be required to submit the attached Form B: "State Consultant Services Contractor's Annual Employment Report" to the Department, the Office of the State Comptroller and the Department of Civil Service on or before May 15th of each year of this Agreement. Such report shall include employment data for the most recently concluded State fiscal year (April 1-March 31).

MacBride Fair Employment Principles

Chapter 807 of the Laws of 1992 prohibits a State department from contracting for the supply of goods and services or construction with any contractor who does not agree to stipulate that it either has no business operations in Northern Ireland, or if it does have such business operations, it shall take lawful steps in good faith to conduct such operations in accordance with the MacBride Fair Employment Principles, if there is another contractor who will execute such stipulation and provide the goods and services or construction of comparable quality at a comparable price. Proposers must sign the related certification of non-discrimination at <http://www.ogs.state.ny.us/procurecounc/PDFdoc/nondiscrimination.pdf>.

NYS Standard Vendor Responsibility Questionnaire

The Proposer agrees to fully and accurately complete the Vendor Responsibility Questionnaire, (hereinafter the "Questionnaire"). The Proposer acknowledges that the Department's execution of the Contract will be contingent upon the Department's determination that the Proposer is responsible, and that the Department will be relying upon the Proposer's responses to the Questionnaire in making that determination. The Proposer agrees that if it is found by the Department that the Proposer's responses to the Questionnaire were intentionally false or intentionally incomplete, on such finding, 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: Proposers are invited 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>. For direct VendRep System user assistance, the OSC Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email athelpdesk@osc.state.ny.us.

Summary of Department's Policy Regarding State Finance Law Sections 139-J and 139-K

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 Attachment 8 -- "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 notice of intent to solicit bids/proposals 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 members to receive contacts pertaining to this RFP:

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Workers' Compensation and Disability Benefits Insurance

Pursuant to sections 57 and 220 of the State's Workers' Compensation Law, no State agency may enter into a contract with a vendor until the vendor produces proof that it has secured Workers' Compensation and Disability Benefits Insurance. Proposers must include, as part of their proposal, a C-105.2 form and a DB-120.1 form completed and certified by their insurance carrier, attesting to the existence of proper insurance coverage. The insurance coverage must be under the company name, federal employer identification number and policy number issued to the Proposer. New York State does not accept ACORD forms. Please see the Workers' Compensation Board's website at www.wcb.state.ny.us for more information.