

REQUEST FOR PROPOSALS

CATERING AT GRANDSTAND

New York State Department of Agriculture and Markets

This Request for Proposals (RFP) is issued by the New York State Department of Agriculture and Markets (Department) to invite qualified proposers to submit a proposal to provide catering and related services for performers, attractions and events providing entertainment at the grandstand during the New York State Fair in 2010, 2011, 2012, 2013 and 2014 held at the New York State Fairgrounds, in Syracuse (Town of Geddes, Onondaga County) New York.

Proposals must be received in hand by the Department no later than 3:00 pm local time on April 9, 2010. 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

Submit an original and three (3) copies of your proposal in a sealed envelope or package. Mark "Catering at Grandstand" on your proposal. Proposals may not be submitted electronically or by fax. Your proposal will be in three parts, Part I consisting of your minimum qualifications, Part II consisting of your cost, and Part III consisting of your background, experience and technical submission.

Inquiries about this RFP shall be directed to Emma Graham, in writing at the above address, or via email to emma.graham@agmkt.state.ny.us and received no later than March 22, 2010. No telephone inquiries will be accepted. All questions and answers will be posted on the Department's website, www.agmkt.state.ny.us in the "Funding Opportunities" section. Answers will be posted as quickly as possible, but no later than March 26, 2010. The questions and answers, when posted, are part of this RFP.

Addenda to the Request for Proposals

If it becomes necessary to revise any portion of the RFP, the revision will be posted on the Department's website, www.agmkt.state.ny.us under "Funding Opportunities". All proposers are responsible for keeping informed of any revisions to this RFP.

Introduction

The annual New York State Fair is a twelve day event ending on Labor Day each year. The State Fair draws 850,000 – 950,000 persons.

Paid admission entertainment is presented at the 17,000 seat grandstand. During 2009, seven musical and comedy events, one boxing event and one talent show were presented at the grandstand. A list of these events is attached to this RFP. Boxing will not be presented at the grandstand in 2010.

The selected proposer will provide catering and other services for each grandstand entertainment event and related services in coordination with the grandstand production manager who is separately retained by the Department.

Schedule

The Department reserves the right to change any of the following event 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.

Event Dates

RFP Issued – March 8, 2010
Last Date for Inquiries – March 22, 2010
Responses to Inquiries – March 26, 2010
Proposals Due – April 9, 2010
Selection Within 30 days

Objective

The objective of this RFP is to retain a provider to furnish catering and related services for performers, attractions and events presented at the grandstand during the New York State Fair in 2010, 2011, 2012, 2013 and 2014.

Scope of Services

During the Term of the Contract, the provider shall furnish all food and beverage, including beer, wine and wine products using, to the extent possible, New York produced beer, wine and wine products and food and beverage service, required by any performer, attraction or event presented at the grandstand during the New York State Fair held in 2010, 2011, 2012, 2013 and 2014. The provider shall not be required to, nor shall provide, any alcohol, liquor or spirits, as those terms are defined in New York's Alcoholic Beverage Control Law. Food and beverage shall be provided in performer dressing rooms and vehicles, and in a designated dining area or areas, at such times as may be requested by the performer, attraction or event. Food and beverage service shall be appropriate for the food and beverage served, ranging from self-service buffet to plated and served sit-down meals. All food and beverages shall be made available and served at the temperature appropriate for the food or beverage, e.g. warm or hot foods shall be made available or served warm or hot, and maintained at the appropriate temperature in

warming dishes or pots; iced beverages shall be served cold and maintained on ice. Dinner, plated and served sit-down, or buffet, shall be served on porcelain dinnerware, or equivalent, with silverware and linen. All other food and beverage may be served only on recyclable paper products, including drink containers, and recycled and recyclable utensils must be used. All food shall be finally prepared on-site and, to the greatest extent possible, shall be fresh, nutritious, appetizing and presented in a visually pleasing manner.

The provider shall also clean and re-set each location where the provider furnishes food. Clean-up includes the removal of trash and recyclable waste to locations and containers provided by the Department.

All of the provider's personnel shall be neat, clean and presentable and shall be clearly identified by a uniform, i.e. dark pants, light colored shirts/blouses, insignia/name tags. Utilization of personnel who have successfully completed the National Restaurant Association's servsafe program is encouraged.

The provider shall be available on days and at times when catering service is required. For example, a "day" may require the provision of service for a period of sixteen (16) or more hours, beginning with breakfast and ending with the provision of "after show" food and beverages. The hours will depend upon the requests of the performer, attraction or event and will be coordinated with the grandstand production manager. The provider shall make available, unless otherwise directed, for each performer, attraction or event, a hot and a cold breakfast, a lunch which includes hot and cold entrees, including vegetables, salads, sandwiches and wraps, two soups, condiments and dessert, and dinner, which includes salad, hot vegetables, hot starches (rice, potatoes, noodles), entrees including, at request, a choice of one or more of beef, pork, poultry, seafood and pasta and dessert. Provider prepared vegetarian meals shall be available, upon request, for lunch and dinner. Dressing room and "after show" food may include cheese, deli and fruit platters, sandwiches and pizza.

Although unlikely, the provider may be required to break-down and re-set operations if a performer, attraction or event provides catering and its catering operations cannot be accommodated other than at the provider's grandstand location. If so, the provider will be reimbursed a flat fee for break-down and re-set.

Attached is a list of events at the grandstand and the catering cost for each event during the 2007, 2008 and 2009 State Fair.

Department Provided

The Department will furnish the following at no cost to the provider:

- Enclosed dining area 40'x50', including tables and chairs
- Enclosed prep/clean-up area 13'x17', including counter space and sinks
- Two (2) twenty (20) amp 120 volt currents
- Furnishings, including tables and chairs, in dressing rooms

Term

The Term of the Agreement will be five (5) years beginning July 1, 2010 and ending on June 30, 2015.

If, prior to the expiration of this Agreement, the Department is unable to timely secure the services set forth in this Agreement through the then applicable New York State procurement process, the Agreement arising from the RFP may be extended upon the mutual consent of the Department and the provider, subject to the approval of the Attorney General and the Comptroller of the State of New York.

Permits and Licenses

The selected provider shall, at its sole cost and expense, identify and obtain all necessary federal, state and local approvals, including, but not limited to, health department approvals and alcoholic beverage authority approval, necessary to provide requested services.

Cost

The cost used to evaluate your proposal shall be the total amount the provider proposes to charge for (a) one hot breakfast, plus (b) one cold breakfast, plus (c) one hot lunch, plus (d) one cold lunch, plus (e) one plated sit-down dinner, plus (f) one vegetable deli tray for 20-25 persons, plus (g) one cheese deli tray for 20-25 persons, plus (h) one fruit tray for 20-25 persons.

The provider will be reimbursed for the cost of bottled beverages, i.e., soda, water, juice, wine, beer, at actual cost plus ten (10) percent.

The provider will be reimbursed for the cost of "after show" food and beverages at actual cost plus ten (10) percent.

Books and Records

The provider shall maintain books and records covering its operations under this Agreement; retain those books and records for a period of six (6) years and shall provide access to those books and records by the Department and the State Comptroller, upon reasonable notice.

Transfer of Interest Prohibited

The Department will select the provider, in part, upon that provider's particular and personal experience and ability to provide the services sought under this Request for Proposals.

The Agreement awarded from this RFP presumes that the provider's ownership will not change during the Term of the Agreement. In the event of change of ownership, or principals, of the provider, the Agreement arising from this RFP may be terminated by the Department without liability. No change in ownership or principals of the provider shall be made or become effective unless the Department is notified, in writing, of the

change not less than ninety (90) days before the proposed change and approves such proposed change in writing.

Insurance

A. Liability and Workers Compensation

The provider shall obtain and maintain at its sole cost and expense during the Term of the Agreement, comprehensive general liability insurance including coverage for premises - operations liability; liability for acts of independent contractors and others; products - completed operations liability; blanket contractual liability; liability for the operation of owned, non-owned and hired motor vehicles and coverage against liability arising from explosion, collapse and underground casualty. Such comprehensive general liability insurance shall have a combined single limit of not less than five million dollars (\$5,000,000.00) per occurrence.

B. Liquor Legal Liability

The provider shall furnish a liquor legal liability policy in the amount of \$5,000,000.00.

All policies shall name the State of New York and the New York State Department of Agriculture and Markets as additional insured.

Termination of Agreement

The Agreement arising from this RFP will include a provision allowing the Department to terminate the Agreement for cause, or convenience, prior to expiration of the Term.

New York Law

The laws of the State of New York shall apply to the Agreement arising from this RFP and to all claims, actions and other proceedings arising out of the Agreement.

Approvals

The Agreement shall be effective only upon the approval of the Attorney General of the State of New York and the Comptroller of the State of New York.

Minimum Qualifications

For your proposal to be evaluated, you must show that you meet the following minimum qualifications.

(1) You must show that you have: (a) provided the catering services sought by this RFP for a minimum of three (3) consecutive years, including 2007, 2008 and 2009 to (b) performers, attractions and events at least equivalent to those performers, attractions and events which were presented at the grandstand in each of the above years. Please refer to the attached list of performers, attractions and events.

(2) You must show that you currently have, or within the past three consecutive years have had, a license, permit or other authorization from the New York State Liquor Authority, to sell alcoholic beverages in New York.

Proposal Contents

Submit your proposal in one envelope or package, marked with your name and the words "Catering at Grandstand". Inside place your proposal, which must be submitted in three (3) separate parts. Each part must have the name of the proposer on the outside of the envelope or package.

1. On the first inner envelope place your name and write the words "Minimum Qualifications" and place documentation showing that you meet the minimum qualifications set out above.
2. On the second inner envelope put your name and write the words "Cost" on the outside and place the "Cost" portion of your proposal inside. Using the cost proposal sheet attached to this RFP, for each New York State Fair to be held in 2010, 2011, 2012, 2013 and 2014, state the amount you will charge for the meals and trays listed.
3. On the third inner envelope, put your name and write the word "Technical Proposal" on the outside and place the technical proposal portion of your proposal inside. Your technical proposal must include:
 - A. A cover letter on your company stationary signed by a person authorized to act for the proposer that he/she has fully read and understands the RFP and, if awarded the agreement, will execute it and return it, together with related documentation, within fifteen (15) business days from receipt.
 - B. A history of your organization describing your organizational structure, identifying key management and supervisory personnel, together with their resumes.
 - C. Identify the name of the entertainers, attractions and events for whom or which you have provided catering services within the past three (3) consecutive years and the name, address and telephone number of the venue where you provided your services and describe, in detail, the services you provided.
 - D. Five (5) letters of reference, not including the New York State Department of Agriculture and Markets, from venues, agents, producers, entertainers, attractions or events, where you have provided catering services within the past three (3) consecutive years.
 - E. Sample menus identifying the foods available for each meal/tray listed on the "Cost" sheet, a description of how that food may be served, i.e. buffet, sit-down served, and any specialties you can provide.

Selection Process

This is a “best value” procurement; your cost will not be the sole basis upon which the selection will be made, it will be only 20% of your score. Because of the unique nature of the services sought by the RFP and the need to protect the New York State Fair’s established reputation as a desirable venue for performers, attractions and events presented during the State Fair, your experience, capacity, references and proposed menus will receive the same weight as your cost in the evaluation of your proposal.

The successful proposer will be selected based upon an evaluation of each proposer’s technical proposal by a selection committee composed of Department officers and employees, and the evaluation of each proposer’s cost by the Department’s Division of Fiscal Management. The points awarded in the technical evaluation and cost evaluation will be combined to determine the ranking of proposals.

Proposals will be rated as follows:

Your cost is worth 20 points. The proposer offering the lowest cost will receive 20 points. The remaining proposers’ cost will be awarded points as follows:

$$\frac{20 \times \text{cost being evaluated}}{\text{Lowest cost}}$$

Your *experience* is worth 20 points and will be evaluated based upon the number of consecutive years you have provided the services sought by this RFP for performers, attractions and events performing at the grandstand.

Your *capacity* is worth 20 points and will be evaluated based your available equipment and facilities; the experience, length of employment and resumes of your principal officers and employers and your demonstrated ability to provide the requested services over a “consecutive day” period.

Your *references* are worth 20 points and will be evaluated upon how recently and how often you have provided the requested services to the reference and the reference’s characterization of your services.

Your *menu* is worth 20 points and will be evaluated on the variety of choices of food offered for each meal, and for example, whether the choices are “cooked-to-order” or “carved-to-order” where appropriate, specialties offered and the ability to meet special nutritional needs and requests.

Reservation of Rights

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. Proposer's will have three (3) business days to respond to the request, or may be disqualified;
- amend this RFP after its release, with appropriate 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.

Notification of Award – Debriefing - Protest

Each proposer will be advised by letter within three business days after the award is made.

An unsuccessful proposer may request a debriefing, provided for by Section 163, subd. 9(c) of the State Finance Law, by contacting Emma Graham at emma.graham@agmkt.state.ny.us within five business days from receipt of notification of award.

An unsuccessful proposer may protest the award by filing a protest, in writing, with the Office of the State Comptroller, Bureau of Contracts, 110 State Street, 11th Floor, Albany, New York 12236.

Restrictions on Communications with Department of Agriculture and Markets and Division of the State Fair Staff

Proposers shall make no unsolicited contact with any Department or Division personnel regarding this RFP, except that proposers may contact Emma Graham in writing or by email at emma.graham@agmkt.state.ny.us.

Cost Liability

The State of New York, the Department and the Division assume no responsibility or liability for costs incurred by the proposers in preparing and submitting their proposals in response to this RFP.

Acceptance of Proposal Content

The selected proposer's proposal and this RFP will become part of any contract awarded.

Assignment

The selected 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 and the Division.

Accounting Records

The selected 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, the Division and the Comptroller of the State of New York, at all reasonable times during the contract period and the period of any extension and for six (6) years from the expiration date of the contract.

Freedom of Information

The selected 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. The selected proposer's financial and proprietary business information will be received and accepted as confidential information and not subject to disclosure.

Minority and Women Owned Businesses Equal Employment Opportunities and 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 selected 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 Emma Graham, Division of Fiscal Management, in writing or via e-mail at emma.graham@agmkt.state.ny.us.

March 8, 2010

State of New York
Department of Agriculture and Markets
Albany, NY

New York State Department of Agriculture and Markets

Catering at Grandstand

Cost Submission

Cost Per Serving Each Year

<u>Meal/Food One Serving</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Hot Breakfast	_____	_____	_____	_____	_____
Cold Breakfast	_____	_____	_____	_____	_____
Hot Lunch	_____	_____	_____	_____	_____
Cold Lunch	_____	_____	_____	_____	_____
Dinner	_____	_____	_____	_____	_____
Vegetable Tray	_____	_____	_____	_____	_____
Cheese Tray	_____	_____	_____	_____	_____
Fruit Tray	_____	_____	_____	_____	_____
TOTAL	_____	_____	_____	_____	_____

Each year is worth 4 points; the lowest total amount for each year will receive 4 points. The remaining proposers' cost for that year will be awarded points as follows:

$$\frac{4 \times \text{cost being evaluated}}{\text{lowest cost}}$$

The calculation will be done for each year and the points determined for each year will be totaled for the proposer's "Cost" score.

State your break-down and re-set cost here _____.
This cost will not be used in evaluating your proposal because it will be "passed through" to the performer, attraction or event requiring that your break-down and re-set.

New York State Fair Catering Costs - 2007

<u>Date</u>	<u>Event</u>	<u>Amount</u>
23-Aug-07	Lynyrd Skynyrd	5,844.25
24-Aug-07	Poision & Ratt	5,544.25
25-Aug-07	Cheetah Girls	3,199.50
26-Aug-07	Carrie Underwood	3,858.75
27-Aug-07	Counting Crows & Hootie	4,817.25
28-Aug-07	Projekt Revolution	16,218.75
29-Aug-07	Hillary Duff	4,623.50
30-Aug-07	Hinder	5,920.75
31-Aug-07	Kenny Chesney	8,392.00
01-Sep-07	Brad Paisley	5,774.25
02-Sep-07	American Idols	6,325.75

New York State Fair Catering Costs - 2008

Date	Event	Amount
21-Aug-08	Daughtry	5,829.75
22-Aug-08	Goo Goo Dolls	5,160.50
23-Aug-08	Journey	14,987.75
24-Aug-08	Def Leppard	8,942.15
25-Aug-08	Brooks and Dunn	15,513.75
26-Aug-08	Boston/Styx	8,690.50
27-Aug-08	Vanessa Hudgen	5,603.75
28-Aug-08	Toby Keith	7,364.75
29-Aug-08	Jonas Brothers	1,750.00
30-Aug-08	Orange Country Choppers	5,981.00
31-Aug-08	Rascal Flatts	1,550.00

New York State Fair Catering Costs - 2009

<u>Date</u>	<u>Event</u>	<u>Amount</u>
27-Aug-09	Kelly Clarkson	6,726.00
28-Aug-09	Kenny Chesney	12,672.75
29-Aug-09	The Fray	4,766.25
30-Aug-09	Jeff Dunham	1,248.50
01-Sep-09	Colgate Showdown	525.00
02-Sep-09	Fight Night	2,753.75
03-Sep-09	Crew Fest	15,263.50
04-Sep-09	Big and Rich	7,079.50
05-Sep-09	Kid Rock	8,324.25