

# INVITATION FOR BIDS

## GRANDSTAND STAGE WITH ROOF, VIDEO SCREEN TOWERS AND RELATED INSTALLATIONS

### New York State Department of Agriculture and Markets

This Invitation for Bids (IFB) is issued by the New York State Department of Agriculture and Markets (Department) to invite qualified bidders to submit a bid to provide a roofed stage and related installations for use by 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.

Bids must be received in hand by the Department no later than 3:00 pm local time on August 9, 2010. Bids 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 one (1) copy of your bid in a sealed envelope or package. Mark "Grandstand Stage" on your bid. Bids may not be submitted electronically or by fax. Your bid will be in two parts, Part I consisting of your minimum qualifications and Part II consisting of your cost.

Inquiries about this IFB shall be directed to Emma Graham, in writing at the above address, or via email to [emma.graham@agmkt.state.ny.us](mailto:emma.graham@agmkt.state.ny.us) and received no later than July 28, 2010. No telephone inquiries will be accepted. All questions and answers will be posted on the Department's website, [www.agmkt.state.ny.us](http://www.agmkt.state.ny.us) in the "Funding Opportunities" section. Answers will be posted as quickly as possible, but no later than July 30, 2010. The questions and answers, when posted, are part of this IFB.

#### **Addenda to the Invitation for Bids**

If it becomes necessary to revise any portion of the IFB, the revision will be posted on the Department's website, [www.agmkt.state.ny.us](http://www.agmkt.state.ny.us) under "Funding Opportunities". All bidders are responsible for keeping informed of any revisions to this IFB.

## **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 IFB. Boxing will not be presented at the grandstand in 2010.

The selected bidder will provide a roofed stage, video tower screen supports, sound wings, loading dock, wind wall, mixer platform, interpreter platform, raised seating platforms, front of stage barricade, security platform and barricade, tarping and scrim and other accessory structures at the grandstand for entertainment presented during the 2010-2014 annual New York State Fair.

## **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](http://www.agmkt.state.ny.us) under "Funding Opportunities". Bidders are responsible for keeping informed of any changes in the schedule.

### Event Dates

IFB Issued – July 16, 2010  
Last Date for Inquiries – July 28, 2010  
Responses to Inquiries – July 30, 2010  
Bids Due – August 9, 2010

## **Scope of Services and Equipment**

During the Term of the Contract, the selected bidder shall furnish all materials, services and supervision necessary to provide, install, maintain, disassemble and remove a stage and accessory structures, as described below and as shown on the attached plan, for use in the presentation of entertainment performances and events at the grandstand during the New York State Fair. The selected bidder shall furnish, complete and ready for use, not later than 12:00 pm on the day prior to the announced opening day of the New York State Fair and shall remove not later than twelve (12) hours after the close and load-out of the final performance using the stage at the grandstand, the following:

- A stage having a minimum size of sixty –four (64) feet wide, fifty-six (56) feet deep and three (3) feet six (6) inches high, with a smooth, level surface able to support a minimum of two hundred (200) pounds per square foot, two sets of stairs, one sixteen (16) foot ramp for dressing room access with hand rails, and
- Two loading docks, each able to simultaneously accommodate three (3) semi-trailers, ramped to the stage, each trailer height and at least fourteen (14) feet deep and twenty-eight (28) feet wide, and

- A roof with a size to completely cover the stage, having a minimum hanging capacity of eighty-five thousand (85,000) pounds, with hanging points approximately five (5) feet on center, each point having a maximum capacity of two thousand five hundred (2,500) pounds with a minimum trim height of forty (40) feet, and
- Sound wings having a minimum size of thirty-seven (37) feet wide, forty-eight (48) feet deep and three (3) feet six (6) inches high, completely decked with a ten (10) foot clear bay for equipment hanging, and
- Two video screen towers each to support a video screen approximately twenty (20) feet wide by fourteen (14) feet high, and
- Front of house mixing platform, and
- Interpreter platform having a minimum size of eight (8) feet long by eight (8) feet wide, including stairs and handrail, and
- Two two (2) level seating platforms, the first level having handicapped access, each platform at least forty (40) feet wide, thirty-five (35) feet deep. Level One to be at least forty-six (46) inches off the ground and Level Two to be at least twelve (12) inches higher than Level One. Platforms will have railings on all sides and a capacity of sixty (60) seats in three (3) rows of twenty (20) on Level One and a capacity of sixty (60) seats in three (3) rows of twenty (20) on Level Two, and
- Front of stage barricade, gridded sections with kick plate, approximately ninety-six (96) feet long, and
- Barricade security platform two (2) feet high, four (4) feet wide, ninety-six (96) feet long, and
- Wind wall, upstage, approximately seventy (70) feet wide, forty (40) feet high, and
- Rain protection, self draining, covering the stage, video and sound, front of house mix and wind wall, and
- Scrim for fronts of sounds wings, onstage sides of soundwings, stage backdrop, front of stage.

For your information, attached is a list of events at the grandstand during the 2007, 2008 and 2009 State Fair.

### **Department Provided**

The Department will furnish the following at no cost to the selected bidder:

- Forklifts, fuel and operators
- All lighting for assembly and removal

- Electrical power
- On-site electrician

### **Term**

The Term of the Agreement will be five (5) years beginning August 1, 2010 and ending on September 30, 2014

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 IFB may be extended for one (1) twelve (12) month period upon the mutual consent of the Department and the selected bidder, subject to the approval of the Attorney General and the Comptroller of the State of New York.

### **Permits and Licenses**

The selected bidder shall, at its sole cost and expense, identify and obtain all necessary federal, state and local approvals necessary to provide requested services.

### **Cost**

The cost used to evaluate your bid shall be the total amount you propose to charge for provision of above services and equipment for the annual New York State Fair to be held in 2010, 2011, 2012, 2013 and 2014.

### **Books and Records**

The selected bidder 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 bidder, in part, upon that bidder's particular and personal experience and ability to provide the services sought under this invitation for bids.

The Agreement awarded from this IFB presumes that the selected bidder's ownership will not change during the Term of the Agreement. In the event of change of ownership, or principals, of the selected bidder, the Agreement arising from this IFB may be terminated by the Department without liability. No change in ownership or principals of the selected bidder 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**

### **Liability and Workers Compensation**

The selected bidder 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.

### **Termination of Agreement**

The Agreement arising from this IFB 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 invitation for bids 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 bid to be evaluated, you must show that you meet the following minimum qualifications.

(1) Demonstrate that you have: (a) provided the services and equipment sought by this IFB for a minimum of five (5) 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) Provide drawings stamped by a professional engineer certifying the load bearing capacity of the structures you propose to provide and a written description of the structures, components and equipment you propose to provide in response to this invitation for bids.

(3) Provide a cover letter on your company stationary signed by a person authorized to act for you that he/she has fully read and understands the invitation for bids and, if awarded the agreement, will execute it and return it, together with related documentation, within fifteen (15) business days from receipt.

(4) Describe your organizational structure, identifying key management and supervisory personnel, together with their resumes.

(5) Provide the name of the entertainers, attractions and events for whom or which you have provided structures, services and equipment similar to those sought by this invitation for bids within the past three (3) consecutive years; pictures of your structures, and the name, address and telephone number of the venue where you provided your services. These references may be contacted.

(6) Provide three (3) 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 services and equipment similar to those sought by this invitation for bids within the past three (3) consecutive years. These references will be contacted.

### **Bid Contents**

Submit your bid in one envelope or package, marked with your name and the words "Grandstand Stage". Inside place your bid, which must be submitted in two (2) separate parts. Each part must have the name of the bidder 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 bid inside. Using the cost bid sheet attached to this IFB, for each New York State Fair to be held in 2010, 2011, 2012, 2013 and 2014, state the amount you will charge for the services and equipment sought by this IFB.

### **Award**

The award will be made to the qualified, responsible bidder submitting the lowest total cost and meeting the "Minimum Qualifications" set out above.

### **Reservation of Rights**

The Department reserves the right to:

- reject any or all bids received with respect to this invitation for bids;
- decline to award a contract from this invitation for bids;
- require clarification from any bidder to assure a full understanding of the responsiveness to the requirements of the invitation for bids;
- waive or modify minor irregularities in bids received;

- request from a bidder additional information deemed necessary to more fully evaluate its bid. A bidder will have three (3) business days to respond to the request, or may be disqualified;
- amend this invitation for bids after its release, with appropriate notice posted on the Department's website, and;
- negotiate with any or all bidders within the bid requirements, in the best interest of New York State.

### **Standard Contract Provisions**

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

### **NYS Standard Vendor Responsibility Questionnaire**

The Bidder agrees to fully and accurately complete the Vendor Responsibility Questionnaire, (hereinafter the "Questionnaire"). The Bidder acknowledges that the Department's execution of the license 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. The Bidder agrees that if it is found by the Department that the Bidder's responses to the Questionnaire were intentionally false or intentionally incomplete, on such finding, the Department may terminate the license by providing ten (10) days written notification to the Contractor. In no case shall such termination of the license 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 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](http://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](mailto:athelpdesk@osc.state.ny.us).

### **Appendix A**

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](http://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 license awarded under this IFB, and the successful Bidder will be responsible for complying with the terms and conditions contained therein.

## **Certification Pursuant to NYS 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 Bidder 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](http://www.tax.state.ny.us/forms/sales_cur_forms.htm#Other%20Sales%20Tax%20Forms).

The successful Bidder 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 Bidder non-responsive and non-responsible. Bidders 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](http://www.tax.state.ny.us/pdf/publications/sales/pub223_507.pdf)

## **Minority & Women Owned Business Equal Opportunities & Goals**

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

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

## **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. Bidders must sign the related



certification of non-discrimination at  
<http://www.ogs.state.ny.us/procurecounc/PDFdoc/nondiscrimination.pdf>.

### **Summary of Department's Policy Regarding State Finance Law Sections 139-J & 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 Bid:

Emma Graham  
Division of Fiscal Management  
Telephone: (518) 457-0864  
Fax: (518) 485-7750  
E-mail: [emma.graham@agmkt.state.ny.us](mailto:emma.graham@agmkt.state.ny.us)

Judy Giovannetti  
Division of Fiscal Management  
Telephone: (518) 457-6172  
Fax: (518) 485-7750  
E-mail: [judy.giovannetti@agmkt.state.ny.us](mailto:judy.giovannetti@agmkt.state.ny.us)

### **Non-Collusive Bidding Certification**

New York State requires that you certify under the penalty of perjury that your IFB or proposal price was arrived at independently.

## **License Termination**

This provision authorizes the Department to terminate its license with you if any of the information you provided in the documents making up the Standard Contract Provisions is intentionally incomplete or intentionally false. If contract termination is proposed, you will be notified and given an opportunity to explain why you believe the contract should not be terminated.

## **Notification of Award**

The Department will notify the selected Bidder verbally, followed by a written confirmation. Each Bidder whose proposal is not selected will be notified in writing by the Department within three business days after the award is made.

## **Debriefing - Protest**

Pursuant to section 163(9)(c) of the State Finance Law, an unsuccessful Bidder has the right to a debriefing regarding the reasons their proposal was not selected for an award. An unsuccessful Bidder 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 Bidder should contact Emma Graham, Division of Fiscal Management, in writing or via e-mail at [emma.graham@agmkt.state.ny.us](mailto:emma.graham@agmkt.state.ny.us).

An unsuccessful Bidder may 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.

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

Bidders shall make no unsolicited contact with any Department or Division personnel regarding this IFB, except that Bidders may contact Emma Graham in writing or by email at [emma.graham@agmkt.state.ny.us](mailto: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 Bidders in preparing and submitting their bids in response to this IFB.

## **Acceptance of Proposal Content**

The selected Bidder's proposal and this IFB will become part of any License awarded.

## **Assignment**

The Licensee may not convey, assign or otherwise dispose of the License, or the Bidder's right, title, or interest in the License, or its power to execute the license, 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 Licensee shall maintain all financial and accounting records and other documents relating to the License 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 license period and the period of any extension and for six (6) years from the expiration date of the License.

### **Freedom of Information**

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

July 16, 2010

State of New York  
Department of Agriculture and Markets  
10B Airline Drive  
Albany, NY

New York State Department of Agriculture and Markets

Grandstand Stage

Cost

2010 \_\_\_\_\_

2011 \_\_\_\_\_

2012 \_\_\_\_\_

2013 \_\_\_\_\_

2014 \_\_\_\_\_

**TOTAL** \_\_\_\_\_

Bidder Name: \_\_\_\_\_

Authorized Representative: \_\_\_\_\_  
(Signature, Print Name Below)

\_\_\_\_\_

Date: \_\_\_\_\_

New York State Fair  
Grandstand Performers

2009

<u>Date</u>	<u>Event</u>
August 27	Kelly Clarkson
August 28	Kenny Chesney
August 29	The Fray
August 30	Jeff Dunham
September 1	Colgate Showdown
September 2	Fight Night
September 3	Crew Fest
September 4	Big and Rich
September 5	Kid Rock

2008

<u>Date</u>	<u>Event</u>
August 21	Daughtry
August 22	Goo Goo Dolls
August 23	Journey
August 24	Def Leppard
August 25	Brooks and Dunn
August 26	Boston/Styx
August 27	Vanessa Hudgens
August 28	Toby Keith
August 29	Jonas Brothers
August 30	Orange County Choppers
August 31	Rascal Flatts

2007

<u>Date</u>	<u>Event</u>
August 23	Lynyrd Skynyrd
August 24	Poison & Ratt
August 25	Cheetah Girls
August 26	Carrie Underwood
August 27	Counting Crows & Hootie
August 28	Projekt Revolution
August 29	Hilary Duff
August 30	Hinder
September 1	Brad Paisley
September 2	American Idols