

New York State Department of Agriculture and Markets

IFB#0150 LABORATORY TESTING OF GASOLINE AND DIESEL FUEL

SUBMISSION DOCUMENTS - REVISED

CONTENTS

Checklist for Bid Response and Minimum Qualifications (Complete Bidder Section)

Attachment 1: Bid Form

Attachment 2: Minimum Qualifications Requirements Certification Form (Signature Required)

Attachment 3: Non-Collusive Bidding Certification Form (Signature Required)

Attachment 4: MacBride Nondiscrimination Certification Form (Signature Required)

Attachment 5: Procurement Lobbying Law Forms (Return pages 4-7 – Signature Required)

Attachment 6: Vendor Responsibility (Signature Required)

Attachment 7: Substitute W-9 Form to obtain SFS Vendor ID (Return if ID needed -Signature Required)

Form A: State Consultant Services Contractor's Planned Employment From Contract Start Date Through the End of the Contract Term

New York State Department of Agriculture and Markets

IFB#0150: LABORATORY TESTING OF GASOLINE AND DIESEL FUEL

SUBMISSION DOCUMENTS CHECKLIST

To be completed by Bidder	BID RESPONSE ITEM	FOR AGR USE ONLY Minimum Qualifications
	The following forms and documentation must be submitted at the time of bid submission.	
<input type="checkbox"/>	Attachment 1 – Bid Form	<input type="checkbox"/>
	The following forms and documentation are required elements of a bid. While bidders are <u>strongly encouraged</u> to submit these with the bid response, Bidders will be allowed five (5) business days after the response <u>due date</u> to provide the missing items.	
<input type="checkbox"/>	Attachment 2 – Minimum Qualifications and Mandatory Requirements Certification Form	<input type="checkbox"/>
<input type="checkbox"/>	Attachment 3 – Non-Collusive Bidding Certification	<input type="checkbox"/>
<input type="checkbox"/>	Attachment 4 – MacBride Nondiscrimination Certification	<input type="checkbox"/>
<input type="checkbox"/>	Attachment 5 – Procurement Lobby Law Forms	<input type="checkbox"/>
<input type="checkbox"/>	Attachment 6 – Vendor Responsibility	<input type="checkbox"/>
<input type="checkbox"/> <i>RETURN IF SFS VENDOR ID IS REQUESTED</i>	Attachment 7 – Substitute W-9 Form to obtain SFS ID	<i>Not a requirement</i>
	The following forms are not required until notification of selection is made, however bidders are <u>strongly encouraged</u> to submit the following forms with the bid response.	
<input type="checkbox"/>	Form A – Consultant Disclosure	<input type="checkbox"/>
Website:	<i>Sales and Compensating Use Tax Documentation ST-220 CA: http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf ST-220 TD: http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf</i>	<input type="checkbox"/>
<input type="checkbox"/>	ST-220 CA, Sales and Compensating Use Tax Certification	<input type="checkbox"/>
Website:	<i>Worker's Compensation Documentation http://www.wcb.ny.gov/content/main/Employers/busPermits.jsp</i>	
<input type="checkbox"/>	Form C-105.2 – Certificate of Workers' Compensation Insurance issued by private insurance carriers, or Form U-26.3 issued by the State Insurance Fund; OR	<input type="checkbox"/>
<input type="checkbox"/>	Form SI-12 – Certificate of Workers' Compensation Self-Insurance; or Form GSI-105.2 Certificate of Participation in Workers' Compensation Group Self-Insurance; OR	<input type="checkbox"/>
<input type="checkbox"/>	CE-200 Certificate of Attestation for New York Entities with No Employees and certain out of State Entities, that New York State Worker's compensation and/or Disability Benefits Insurance is not required OR	<input type="checkbox"/>
Website:	<i>Disability Benefits Coverage http://www.wcb.ny.gov/content/main/Employers/busPermits.jsp</i>	

<input type="checkbox"/>	Form DB-120.1 - Certificate of Disability Benefits Insurance; OR	<input type="checkbox"/>
<input type="checkbox"/>	Form DB-155 - Certificate of Disability Benefits Self-Insurance; OR	<input type="checkbox"/>
<input type="checkbox"/>	CE-200 – Certificate of Attestation of Exemption from New York State Workers’ Compensation and/or Disability Benefits Coverage.	<input type="checkbox"/>

ATTACHMENT 1 – BID FORM

**State of New York
Petroleum Product Quality Assurance Program**

Financial Proposal for Initial Contract Year 1 (5/1/17 – 4/30/18)

Company:		Contact:	
Address:		Phone:	
E-mail		Fax:	

Protocol: Gas Octane	
Number of Samples	\$ per Sample
1 to 2,500	
2,501 to 5,000	
Over 5,000	

Protocol: Gas Full	
Number of Samples	\$ per Sample
1 to 2,000	
2,001 to 3,500	
Over 3,500	

Protocol: Diesel Fuel	
Number of Samples	\$ per Sample
1 to 900	
901 to 1,500	
Over 1,500	

Protocol: Diesel Fuel - Cetane Number	
Number of Samples	\$ per Sample
1 to 200	
Over 200	

Protocol: Diesel Fuel CFPP	
Number of Samples	\$ per Sample
Up to 100	
Over 100	

Protocol: Fuel Oils (Sulfur only)	
Number of Samples	\$ per Sample
Up to 200	
Over 200	

Protocol: Ethanol	
Number of Samples	\$ per Sample
Up to 300	
Over 300	

Protocol: Bio-Diesel (B100)	
Number of Samples	\$ per Sample
Up to 300	
Over 300	

Protocol: Add-on – Hand Blending	
Number of Samples	\$ per Sample
Up to 1,300	
Over 1,300	

Protocol: Add-on - Gas Full Upgrade	
Number of Samples	\$ per Sample
Up to 200	
Over 200	

**State of New York
Petroleum Product Quality Assurance Program**

Financial Proposal for Second Contract Year 2 (5/1/18 – 4/30/19)

Company:		Contact:	
Address:		Phone:	
E-mail		Fax:	

Protocol: Gas Octane	
Number of Samples	\$ per Sample
1 to 2,500	
2,501 to 5,000	
Over 5,000	

Protocol: Gas Full	
Number of Samples	\$ per Sample
1 to 2,000	
2,001 to 3,500	
Over 3,500	

Protocol: Diesel Fuel	
Number of Samples	\$ per Sample
1 to 900	
901 to 1,500	
Over 1,500	

Protocol: Diesel Fuel - Cetane Number	
Number of Samples	\$ per Sample
1 to 200	
Over 200	

Protocol: Diesel Fuel CFPP	
Number of Samples	\$ per Sample
Up to 100	
Over 100	

Protocol: Fuel Oils (Sulfur only)	
Number of Samples	\$ per Sample
Up to 200	
Over 200	

Protocol: Ethanol	
Number of Samples	\$ per Sample
Up to 300	
Over 300	

Protocol: Bio-Diesel (B100)	
Number of Samples	\$ per Sample
Up to 300	
Over 300	

Protocol: Add-on – Hand Blending	
Number of Samples	\$ per Sample
Up to 1,300	
Over 1,300	

Protocol: Add-on - Gas Full Upgrade	
Number of Samples	\$ per Sample
Up to 200	
Over 200	

**State of New York
Petroleum Product Quality Assurance Program**

Financial Proposal for Third Contract Year 3 (5/1/19 – 4/30/20)

Company:		Contact:	
Address:		Phone:	
E-mail		Fax:	

Protocol: Gas Octane	
Number of Samples	\$ per Sample
1 to 2,500	
2,501 to 5,000	
Over 5,000	

Protocol: Gas Full	
Number of Samples	\$ per Sample
1 to 2,000	
2,001 to 3,500	
Over 3,500	

Protocol: Diesel Fuel	
Number of Samples	\$ per Sample
1 to 900	
901 to 1,500	
Over 1,500	

Protocol: Diesel Fuel - Cetane Number	
Number of Samples	\$ per Sample
1 to 200	
Over 200	

Protocol: Diesel Fuel CFPP	
Number of Samples	\$ per Sample
Up to 100	
Over 100	

Protocol: Fuel Oils (Sulfur only)	
Number of Samples	\$ per Sample
Up to 200	
Over 200	

Protocol: Ethanol	
Number of Samples	\$ per Sample
Up to 300	
Over 300	

Protocol: Bio-Diesel (B100)	
Number of Samples	\$ per Sample
Up to 300	
Over 300	

Protocol: Add-on – Hand Blending	
Number of Samples	\$ per Sample
Up to 1,300	
Over 1,300	

Protocol: Add-on - Gas Full Upgrade	
Number of Samples	\$ per Sample
Up to 200	
Over 200	

**State of New York
Petroleum Product Quality Assurance Program**

Financial Proposal for Fourth Contract Year 4 (5/1/20 – 4/30/21)

Company:		Contact:	
Address:		Phone:	
E-mail		Fax:	

Protocol: Gas Octane	
Number of Samples	\$ per Sample
1 to 2,500	
2,501 to 5,000	
Over 5,000	

Protocol: Gas Full	
Number of Samples	\$ per Sample
1 to 2,000	
2,001 to 3,500	
Over 3,500	

Protocol: Diesel Fuel	
Number of Samples	\$ per Sample
1 to 900	
901 to 1,500	
Over 1,500	

Protocol: Diesel Fuel - Cetane Number	
Number of Samples	\$ per Sample
1 to 200	
Over 200	

Protocol: Diesel Fuel CFPP	
Number of Samples	\$ per Sample
Up to 100	
Over 100	

Protocol: Fuel Oils (Sulfur only)	
Number of Samples	\$ per Sample
Up to 200	
Over 200	

Protocol: Ethanol	
Number of Samples	\$ per Sample
Up to 300	
Over 300	

Protocol: Bio-Diesel (B100)	
Number of Samples	\$ per Sample
Up to 300	
Over 300	

Protocol: Add-on – Hand Blending	
Number of Samples	\$ per Sample
Up to 1,300	
Over 1,300	

Protocol: Add-on - Gas Full Upgrade	
Number of Samples	\$ per Sample
Up to 200	
Over 200	

**State of New York
Petroleum Product Quality Assurance Program**

Financial Proposal for Fifth Contract Year 5 (5/1/21 – 4/30/22)

Company:		Contact:	
Address:		Phone:	
E-mail		Fax:	

Protocol: Gas Octane	
Number of Samples	\$ per Sample
1 to 2,500	
2,501 to 5,000	
Over 5,000	

Protocol: Gas Full	
Number of Samples	\$ per Sample
1 to 2,000	
2,001 to 3,500	
Over 3,500	

Protocol: Diesel Fuel	
Number of Samples	\$ per Sample
1 to 900	
901 to 1,500	
Over 1,500	

Protocol: Diesel Fuel - Cetane Number	
Number of Samples	\$ per Sample
1 to 200	
Over 200	

Protocol: Diesel Fuel CFPP	
Number of Samples	\$ per Sample
Up to 100	
Over 100	

Protocol: Fuel Oils (Sulfur only)	
Number of Samples	\$ per Sample
Up to 200	
Over 200	

Protocol: Ethanol	
Number of Samples	\$ per Sample
Up to 300	
Over 300	

Protocol: Bio-Diesel (B100)	
Number of Samples	\$ per Sample
Up to 300	
Over 300	

Protocol: Add-on – Hand Blending	
Number of Samples	\$ per Sample
Up to 1,300	
Over 1,300	

Protocol: Add-on - Gas Full Upgrade	
Number of Samples	\$ per Sample
Up to 200	
Over 200	

New York State Department of Agriculture and Markets

ATTACHMENT 2 – MINIMUM QUALIFICATIONS AND MANDATORY CONTRACT REQUIREMENTS
CERTIFICATION

By signing below, the undersigned certifies it will meet all of the requirements listed below:

Minimum Laboratory Qualifications

The bidder certifies that:

1. The bidder and all of its affiliates/subsidiaries are independent and not affiliated or under the control of petroleum product producers, refiners, dealers, marketers or any entity subject to the control of any such person. There is no known current or future conflict of interest on the part of the bidder or affiliates/subsidiaries should they be awarded this contract.
2. The bidder is experienced in the performance of the tests on gasoline and diesel fuel to meet the demands of the Department's program.
3. The bidder has a quality management system (for example, following ISO 9000 or other quality standards) in-place and subject to review by the Department.
4. The bidder is registered and in good standing with the US Environmental Protection Agency to test Reformulated Gasoline (RFG) and has had at least twelve (12) months experience testing RFG parameters.
5. The bidder has continuously participated in external control programs in the twelve (12) months immediately preceding submission of the proposal. This shall include "proficiency tests" to demonstrate ability to perform the tests requested within applicable control limits. This must include gasoline octane and RFG parameters such as vapor pressure, benzene and sulfur.

Please see Appendix 3 for proposal formatting requirements.

Mandatory Contract Requirements

The bidder certifies that, if selected, it will meet the following requirements:

1. The selected Contractor will have full control of services provided pursuant to this engagement and assumes total responsibility for financial loss, accident, injury, or death that may occur as a result of the services provided. The selected Contractor will indemnify and hold harmless the State of New York, the Department, its officers and employees, from all claims, demands, damages, expenses, liability or obligation for damages, loss or injury to, or of, any person or property arising out of the acts of the selected Contractor, its agents, servants, employees, and those acting for or on its behalf. Such indemnity shall not be limited by reasons of any insurance coverage provided.
2. The selected Contractor will obtain and maintain the following policies, or equivalent, from an insurance company authorized to do business in the State of New York:
 - Commercial General Liability Insurance with a limit of not less than \$1,000,000 each occurrence. Such insurance shall be written on the ISO occurrence form CG 00 01, or a substitute form providing equivalent coverages, with no modification to the

contractual liability coverage provided therein. Coverages shall include liability arising from premises operations, independent contractors, products-completed operations, broad form property damage, personal & advertising injury, cross liability coverage, liability assumed in a contract (including the tort liability of another assumed in a contract). If such insurance contains an aggregate limit, it shall apply separately to each location.

- The above policy shall be accompanied by additional insured endorsement (Acord 101) naming the New York State Department of Agriculture and Markets as an additional insured.
 - Worker’s Compensation and Disability Insurance – Statutory limits.
3. The selected Contractor agrees to comply with “Appendix A, Standard Clauses for New York State Contracts,” a copy of which is attached to this IFB as Appendix 2.

Bid Responses that do not include the signed Minimum Qualifications and Mandatory Contract Requirements Certification Form or fail to comply with all of the Mandatory Requirements may be disqualified and removed from further consideration.

Bidder Signature _____ **Date** _____

Printed Name _____ **Title** _____

Company Name _____

Company Address _____



ATTACHMENT 3

**NON-COLLUSIVE BIDDING CERTIFICATION REQUIRED BY
SECTION 139-D OF THE STATE FINANCE LAW**

BY SUBMISSION OF THIS BID, ANY BIDDER AND EACH PERSON SIGNING ON BEHALF OF ANY BIDDER CERTIFIES, AND IN THE CASE OF A JOINT BID, EACH PARTY THERETO CERTIFIES AS TO ITS OWN ORGANIZATION, UNDER PENALTY OF PERJURY, THAT TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF:

[1] The prices in this bid have been arrived at independently, without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other Bidder or with any competitor;

[2] Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other Bidder or to any competitor; and

[3] No attempt has been made or will be made by the Bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A BID SHALL NOT BE CONSIDERED FOR AWARD NOR SHALL ANY AWARD BE MADE WHERE [1], [2], AND [3] ABOVE HAVE NOT BEEN COMPLIED WITH; PROVIDED HOWEVER, THAT IF IN ANY CASE THE BIDDER(S) CANNOT MAKE THE FOREGOING CERTIFICATION, THE BIDDER(S) SHALL SO STATE AND SHALL FURNISH BELOW A SIGNED STATEMENT WHICH SETS FORTH IN DETAIL THE REASONS THEREFORE.

[AFFIX ADDENDUM TO THIS PAGE IF SPACE IS REQUIRED FOR STATEMENT.]



**Agriculture
and Markets**

Bureau of Weights & Measures
10B Airline Drive.
Albany, NY 12235
518-457-3146 P
518-457-2552 F

**Non-Collusive Bidding Certification
Required by
State Finance Law §139-D**

Signature _____

Name (Typed) _____

Company Position _____

Company Name _____

Date Signed _____

Sworn to before me this

_____ day of _____, 20__

Notary Public

Signature _____

Name (Typed) _____

Company Position _____

Company Name _____

Date Signed _____

Sworn to before me this

_____ day of _____, 20__

Notary Public



**ATTACHMENT 4
COMPLETE AND RETURN WITH BID RESPONSE**

**"NONDISCRIMINATION IN EMPLOYMENT IN NORTHERN IRELAND:
MacBRIDE FAIR EMPLOYMENT PRINCIPLES"**

In accordance with Chapter 807 of the laws of 1992 the bidder, by submission of this bid, certifies that it or any individual or legal entity in which the bidder holds a 10% or greater ownership, or any individual or legal entity that holds a 10% or greater ownership in the bidder, either:

(Answer Yes or No to one or both of the following, as applicable)

1. Has business operations in Northern Ireland:

_____ Yes _____ No

If yes:

2. Shall take lawful steps in good faith to conduct any business operations they have in Northern Ireland in accordance with the MacBride Fair Employment Principles relating to nondiscrimination in employment and freedom of workplace opportunity regarding such operations in Northern Ireland, and shall permit independent monitoring of compliance with such principles.

_____ Yes _____ No

Company Name:
Printed Name and Title of Authorized Representative:
Signature:
Date:
Proposal:
Commodity:



ATTACHMENT 5 – PROCUREMENT LOBBYING LAW FORMS

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 (A&M) and an Offeror/bidder during the procurement process. 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 A&M, 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, is/are identified in this solicitation. A&M 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>.



Chapter 1 of the Laws of 2005, as amended by Chapter 596 of the Laws of 2005 (collectively referred to as the “Lobbying Law”), makes major changes to the Legislative Law and State Finance Law relative to lobbying on government procurements. More specifically, the Lobbying Law creates two new sections in the State Finance Law: Section 139-j addresses the disclosure on “contacts” during the procurement process; and Section 139-k addresses the disclosure of contacts and the responsibility of Offerors¹ during the procurement process. The Lobbying Law applies to all procurements initiated on or after January 1, 2006. In this regard, a procurement means a contract or agreement involving an annual expenditure in excess of \$15,000 for a commodity, service, technology, public work, or construction; purchase, sale or lease of real property; or revenue contract.

In conformity with the Lobbying Law, during a procurement’s restricted period² the only Department employee(s) that the Offeror may “Contact” is/are the Department designated contact person(s) for that procurement. In this regard, “Contact” means any oral, written or electronic communication under circumstances where a reasonable person would infer that the communication was intended to influence a procurement. Exceptions to this rule include:

- submission of a written proposal in response to an RFP, IFB or any other solicitation method;
- submission of written questions as part of an RFP, IFB or other solicitation method where all written questions and written responses will be provided to all Offerors;
- participation in a pre-proposal or pre-bid conference scheduled as part of an RFP, IFB or other solicitation process;
- written complaints by an Offeror that the Department designated contact for a procurement fails to respond in a timely manner;
- negotiations with the Department following tentative award;
- contacts between designated Department staff and Offeror to request the review of a contract award; and
- communications with the Department regarding an appeal, protest or other review of a procurement, participation in an administrative or judicial proceeding regarding a procurement and complaints regarding a procurement made to the Attorney General, Inspector General, District Attorney, or State Comptroller.

An Offeror shall not, under any circumstances, attempt to influence a Department procurement in a way that violates or attempts to violate: Public Officers Law Section 73(5), relating to gifts intended to influence; or Public Officers Law Section 74, relating to the code of ethics for employees of state agencies.

An Offeror who contacts the Department regarding a procurement during the restricted period must be prepared to provide the following information: name, address, telephone number, place of principal employment and occupation of the person or organization making the contact, and whether the person/organization making the contact is the Offeror or is retained, employed or designated by or on behalf of the Offeror to appear before or contact the Department about the procurement. The Department’s Report of Contact Form is attached as Form 1.

¹ An Offeror is an individual or entity, or any employee, agent or consultant or person acting on behalf of such individual or entity, that contacts the Department about a procurement during the restricted period.

² The period of time commencing with the earliest written notice, advertisement or solicitation of a Request for Proposals “RFP”, Invitation for Bids “IFB”, solicitation of proposals or any other method for soliciting responses from Offerors intending to result in a procurement contract by the Department, and ending with the final contract award and approval by the Department, and OSC (if required).



An Offeror that submits a proposal, bid or other response to a Department RFP, IFB or other solicitation method must:

- Affirm that it understands and agrees to comply with these guidelines regarding permissible contacts during a procurement and the prohibition of inappropriate lobbying influence. (The Department’s Affirmation of Understanding and Agreement is attached as Form 2.);
- Certify that all information provided to the Department with respect to the Lobbying Law is complete, true, and accurate. (The Department’s Certification of Compliance is attached as Form 3.);
- Disclose whether any governmental entity has, within the prior four years, found the Offeror non-responsible due to a violation of the Lobbying Law or the intentional provision of false or incomplete information. (Included in the Vendor Responsibility Questionnaire.)

Further, all Department procurement contracts will contain a provision authorizing the Department to terminate the contract in the event such Certification of Compliance is found to be intentionally false or incomplete.

Any alleged violations of the Department’s guidelines or the Lobbying Law regarding permissible contacts during a procurement and the prohibition of inappropriate lobbying influence will be reported to the Department’s Ethics Officer for investigation. If there is sufficient evidence to indicate the allegation may be true, the Department shall give the Offeror reasonable notice that an investigation is ongoing and an opportunity to be heard in response to the allegation. At the Department’s discretion, the opportunity to be heard may be provided either by giving the Offeror the opportunity to meet with the Department staff conducting the investigation or by convening a hearing before an impartial hearing officer at the Department’s Albany office. In either case, a written report including findings, conclusions, and a recommended decision will be forwarded to the Commissioner or his or her designee for review and a final determination. A determination that an Offeror has knowingly and willfully committed such a violation may result in a finding that the Offeror and its subsidiaries are non-responsible and therefore ineligible for award of the procurement contract. A second determination of non-responsibility for such a violation within four years of the first such determination may render the Offeror and its subsidiaries ineligible to submit a bid or proposal or be awarded a procurement contract for four (4) years from the date of the second determination. The Department will notify the New York State Office of General Services (“OGS”) of any determinations of non-responsibility or debarments due to violations of the Lobbying Law.

If you require further guidance on the new Lobbying Law, you are encouraged to visit the Advisory Council on Procurement Lobbying website at

<http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html> where Frequently Asked Questions “FAQ’s” adopted by the Council have been posted.



Instructions:

New York State Finance Law (SFL) §139-k(5) require that every contract award subject to the provisions of SFL §§139-k or 139-j shall contain a certification by the Offeror that all information provided to Agriculture and Markets with respect to SFL §139-k is complete, true and accurate.

At the time an Offer or Bid is submitted to Agriculture and Markets, the Offeror/Bidder must provide the following certification that the information it has and will provide to Agriculture and Markets pursuant to SFL §139-k is complete, true and accurate including, but not limited to, disclosures of findings of non-responsibility made within the previous four years by any State governmental entity where such finding of non-responsibility was due to a violation of SFL §139-j or due to the intentional provision of false or incomplete information to a State governmental entity.

Offeror Certification

I certify that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

Name of
Offeror:

By:

(Signature)

Name:

Title:

Address:

Date:



COMPLETE AND RETURN WITH BID RESPONSE

Instructions:

Pursuant to State Finance Law §§139-j and 139-k, this solicitation imposes certain procurement lobbying limitations. Offerors are restricted from making contacts during the procurement’s “Restricted Period” (from the issuance of the solicitation document until the date of the contract’s final approval by the State Comptroller) to other than designated staff, unless the contact falls within certain statutory exceptions (“permissible contacts”). Agriculture and Markets’ employees are required to obtain certain information from Offerors and others whenever there is a contact about the procurement during the Restricted Period, and are required to make a determination of the Offeror’s responsibility that addresses the Offeror’s compliance with the statutes’ requirements. Findings of non-responsibility result in rejection of contract award, and if an Offeror is subject to two non-responsibility findings within four years the Offeror also will be determined ineligible to submit a proposal on or be awarded a contract for four years from the date of the second non-responsibility finding. Further information about these requirements can be found at:

<http://www.ogs.state.ny.us/aboutOGS/regulations/defaultAdvisoryCouncil.html>.

As a prerequisite for participating in this procurement, an Offeror must provide the following Affirmation of Understanding and Agreement to comply with these procurement lobbying restrictions in accordance with State Finance Law §§139-j and 139-k.

Offeror Affirmation and Agreement

The Offeror affirms that it understands the procurement lobbying requirements set forth in State Finance Law §§139-j and 139-k, and agrees to comply with the Agriculture and Markets’ procedures regarding permissible Contacts as required thereby.

Name of
Offeror:

By:

(Signature)

Name:

Title:

Address:

Date:



PAGE 6

Offeror Disclosure of Prior Non-Responsibility Determinations

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

Address: _____

Name and Title of Person Submitting this Form: _____

Contract Procurement Number: _____

Date: _____

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):

No Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):

No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle):

No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity: _____

Date of Finding of Non-responsibility: _____

Basis of Finding of Non-Responsibility: _____



(Add additional pages as necessary)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle):

No Yes

6. If yes, please provide details below.

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

(Add additional pages as necessary)

Offerer certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By: _____ Date: _____
Signature

Name: _____

Title: _____

New York State Department of Agriculture and Markets
RFP#0150 LABORATORY TESTING OF GASOLINE AND DIESEL FUEL

ATTACHMENT 6

VENDOR RESPONSIBILITY

Vendor Name:	
Vendor SFS ID#	(Note: If you do not have an SFS # complete and submit the Substitute W-9 Form)

Bidder Information—Please Complete This Section		
Please complete the following. Responses must be legible. By signing, you indicate your express authority to sign on behalf of yourself, or your company or other entity and full knowledge and acceptance of the terms and conditions of the bid. You also certify that you understand and agree to comply with the procedures of the Department relative to permissible contacts as required by State Finance Law §139-j (3) and §139-j (6) (b).		
<u>Legal Name of Company Bidding</u>	<u>Address:</u>	
<u>Employer's Federal Tax ID Number</u>		
Check one of the following:		
<input type="checkbox"/> I certify that my organization has filed its Vendor Responsibility Questionnaire online via the New York State VendRep System and that the current questionnaire was certified within the past six months.		
<input type="checkbox"/> I am including a completed paper copy of the Vendor Responsibility Questionnaire with the bid proposal.		
<input type="checkbox"/> My entity is exempt based on the OSC listing.		
<input type="checkbox"/> My proposal is less than \$100,000, therefore I am attaching a completed Contractor Information Checklist.		
<input type="checkbox"/> Other, explanation:		
Bidder's Signature	<i>Date</i>	<i>E-mail</i>
	<i>Phone</i>	<i>Fax</i>
Print Name as Signed and Title		

The Department reserves the right to request any additional information deemed necessary to properly review bids.

**New York State
Department of Agriculture & Markets
Division of Fiscal Management
10B Airline Drive
Albany, NY 12235**

CONTRACTOR INFORMATION CHECKLIST

CONTRACT NO. _____

Organization's Official Name			
d/b/a			
Address		City	
Contact Person	Title	State	Zip Code
Contact Person's Telephone		Contact Person's EMail Address	NYS Vendor ID Number
Contact Person's Fax		Organization's Federal ID, Individual's Social Security Number or Municipal Code (1)(2)*	

SELECT ONLY ONE OF THE FOLLOWING

- | | |
|--|--|
| <input type="checkbox"/> Governmental or Quasi-governmental Agency | <input type="checkbox"/> Limited Liability Company |
| <input type="checkbox"/> New York Business Corporation | <input type="checkbox"/> Partnership |
| <input type="checkbox"/> Out of State Business Corporation | <input type="checkbox"/> Individual |
| <input type="checkbox"/> Not-for-profit Organization (4)* | |

COMPLETE ONLY THOSE BLOCKS BELOW WHICH ARE APPLICABLE

1. Date of Incorporation	2. County	3. State of Incorporation
4. Authorized to do business in New York State <input type="checkbox"/> Yes <input type="checkbox"/> No		5. Charities Bureau Registration or Identification Number
6. If a not-for-profit organization, are you registered and up to date in filing annual reports with the Charities Bureau pursuant to NYEPTL §8-1.4 and New York Executive Law Article 7-A? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, answer number 7.		7. Exempt <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, answer number 8.
8. Reason for Exemption (from exemption determination letter)		
9. Are you registered in the NYS Grants Gateway? <input type="checkbox"/> Yes <input type="checkbox"/> No (All vendors must register) If a not-for-profit organization, are you prequalified in the NYS Grants Gateway? <input type="checkbox"/> Yes <input type="checkbox"/> No (All not for profits must pre-qualify). For further information on registration and pre-qualification, go to: www.grantsreform.ny.gov		
10. Please give Organization M/WBE percentage goal _____% See MWBE website: http://www.esd.ny.gov/MWBE.html for further information		

Name of Contractor

Print Name

Signature

Title

Date

***SEE FOLLOWING PAGE FOR AN EXPLANATION OF FOOTNOTES**

1. Disclosure of your federal social security or federal identification number by you is mandatory pursuant to New York State Tax Law Section 5(2). The principal purpose for which this information is collected is to enable the Department of Taxation and Finance to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the Tax Law administered by the Commissioner of Taxation and Finance for administering the Tax Law and for any other purpose authorized by the Tax Law.
2. If you are a county, city, town or village government, or a school district, community college, BOCES or VEEB, you must provide your 12-digit municipality code in the space provided.
3. Not-for-profit organizations must either:

a) insert their Charities Bureau Registration Number in Section 5 of the Contractor Information Checklist,

or

b) insert their Charities Bureau Identification Number in Section 5 of the Contractor Information Checklist and the category of exemption in Section 8 of the Contractor Information Checklist. The Charities Bureau Identification Number and category of exemption is listed on the exemption determination letter provided by the Charities Bureau to organizations that qualify for an exemption.

To determine if your organization is subject to the registration and reporting requirements of the Estates, Powers and Trusts Law (EPTL) Section 8-1.4 and/or the New York Executive Law Article 7-A, or to obtain an exemption determination letter, please contact the Charities Bureau at:

NYS Attorney General
Charities Bureau Registration Section
120 Broadway
New York, NY 10271
email: charities.bureau@oag.state.ny.us
phone: (212) 416-8401

The statutes governing registration with the Attorney General's Charities Bureau, forms and instructions for registration and annual financial reporting, categories of exemptions and other information of interest to not-for-profit organizations may be found at: www.oag.state.ny.us/charities/charities.html.

Your failure to provide any of the requested information may result in your contract not being processed.

4. Please go to www.grantsreform.gov for registration and pre-qualification into the NYS Grants Procurement Gateway.

ATTACHMENT 7

**NEW YORK STATE OFFICE OF THE STATE COMPTROLLER
SUBSTITUTE FORM W-9:
REQUEST FOR TAXPAYER IDENTIFICATION NUMBER & CERTIFICATION**

TYPE OR PRINT INFORMATION NEATLY. PLEASE REFER TO INSTRUCTIONS FOR MORE INFORMATION.

Part I: Payee/Vendor/Organization Information

AGENCY ID:

1. Legal Business Name:

2. If you use a DBA, please list below:

3. Entity Type (Check one only):

Sole Proprietor Partnership Limited Liability Co. Business Corporation Unincorporated Association/Business Federal Government

State Government Public Authority Local Government School District Fire District Other _____

Part II: Taxpayer Identification Number (TIN) & Taxpayer Identification Type

1. Enter your TIN here: (DO NOT USE DASHES)

--	--	--	--	--	--	--	--	--	--

2. Taxpayer Identification Type (check appropriate box):

Employer ID No. (EIN) Social Security No. (SSN) Individual Taxpayer ID No. (ITIN) N/A (Non-United States Business Entity)

Part III: Address

1. Physical Address:

Number, Street, and Apartment or Suite Number

City, State, and Nine Digit Zip Code or Country

2. Remittance Address:

Number, Street, and Apartment or Suite Number

City, State, and Nine Digit Zip Code or Country

Part IV: Certification of CEO or Properly Authorized Individual

Under penalties of perjury, I certify that I am the CEO or properly authorized individual and that the number shown on this form is my correct Taxpayer Identification Number (TIN).

Sign Here:

Signature

Date

Print Name

Phone Number

Email Address

Part V: Contact Information - Individual Authorized to Represent the Payee/Vendor/Organization

Contact Person: _____
(Print Name)

Title: _____

Contact's Email Address: _____

Phone Number: (_____) _____

Part VI: Survey of Future Payment Methods

Please indicate all methods of payment acceptable to your organization:

Electronic

Check

VISA

ATTACHMENT 7

NYS Office of the State Comptroller Instructions for Completing NYSED Substitute W-9

New York State must obtain your correct Taxpayer Identification Number (TIN) to report income paid to you or your organization. NYS Office of the State Comptroller uses the Substitute Form W-9 to obtain certification of your TIN in order to ensure accuracy of information contained in its payee/vendor database and to avoid backup withholding³. We ask for the information on the Substitute Form W-9 to carry out the Internal Revenue laws of the United States. You are required to give us the information.

Any payee/vendor who wishes to do business with New York State must complete the Substitute Form W-9. Substitute Form W-9 is the only acceptable documentation. We will not accept IRS Form W-9.

Part I: Vendor Information

1. **Legal Business Name:** For individuals, enter the name of the person who will do business with NYS as it appears on the Social Security card or other required Federal tax documents. An organization should enter the name shown on its charter or other legal documents that created the organization. Do not abbreviate names.
2. **DBA (Doing Business As):** Enter your DBA name, if applicable.
3. **Entity Type:** Mark the Entity Type doing business with New York State.

Part II: Taxpayer Identification Number (TIN) and Taxpayer Identification Type

1. **Taxpayer Identification Number:** Enter your nine-digit Social Security Number, Individual Taxpayer Identification Number (ITIN)⁴ or Employer Identification Number.
2. **Taxpayer Identification Type:** Mark the type of identification number provided.

³ According to IRS Regulations, OSC must withhold 28% of all payments if a payee/vendor fails to provide OSC its certified TIN. The Substitute Form W-9 certifies a payee/vendor's TIN.

⁴ An ITIN is a nine-digit number used by the United States Internal Revenue Service for individuals not eligible to obtain a Social Security Number, but are required to file income taxes. To obtain an ITIN, submit a completed W-7 to the IRS. The IRS will notify you in writing within 4 to 6 weeks about your ITIN status. In order to do business with New York State, **you must submit IRS Form W-8** along with our Substitute

Part III: Address

1. **Physical Address:** List the location of where your business is physically located.
2. **Remittance Address:** List the location where payments should be delivered.

Part IV: Exemption from Backup Withholding and Certification

Generally, reportable payments made by New York State are subject to Backup Withholding. Exemption from Backup Withholding applies to government and non-United State Business Entities⁵. Please sign, date, provide the preparer's name, telephone and email address. Please sign, date and print the authorized individual's name, telephone and email address. The preparer should be employed by your organization.

Part V: Contact Information

Please provide the contact information for an individual who is authorized to make legal and financial decisions for your organization. An email address will facilitate communication and access to Vendor Self Service.

Form W-9 showing your ITIN. IRS Form W-8 certifies your foreign status. To obtain IRS Forms W-7 and W-8, call 1-800-829-3676 or visit the IRS website at www.irs.gov.

⁵ In order to do business with New York State, **you must submit IRS Form W-8** along with our Substitute Form W-9. IRS Form W-8 certifies your foreign status and exempts you from United States information return reporting and backup withholding rules. To obtain IRS Form W-8, call 1-800-829-3676 or visit the IRS website at www.irs.gov.

FORM A

CONSULTANT SERVICES CONTRACTOR'S EMPLOYMENT REPORTS

Contractor shall complete the attached Form A: "State Consultant Services Contractor's Planned Employment From Contract Start Date Through the End of the Contract Term".

Instructions for Completing Form A

- **Employment Category:** the specific occupation(s), as listed in the O*NET occupational classification system, which best describe the employees providing services under the contract. (Note: Access the O*NET database, which is available through the United States Department of Labor's Employment and Training Administration, on-line at online.onetcenter.org to find a list of occupations.)
- **Number of Employees:** the total number of employees in the employment category that will be employed to provide services under the contract during the Report Period, including part time employees and employees of subcontractors.
- **Number of hours to be worked:** the total number of hours to be worked during the Report Period by the employees in the employment category.
- **Amount payable under the Contract:** the total amount payable by the State to the State contractor under the contract, for work by the employees in the employment category, for services provided during the Report Period.

Submit one copy of Form A to:

NYS Department of Agriculture & Markets
Division Fiscal Management
10B Airline Drive
Albany, NY 12235

