

REQUEST FOR PROPOSALS

INTERNET SERVICE PROVIDER – INTERNET NETWORK SERVICE

New York State Department of Agriculture and Markets Empire Expo Center

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: (i) provide Internet service at the Empire Expo Center for use by Expo Center staff; (ii) provide an Internet network, wired and wireless, on the Expo Center grounds and in Expo Center facilities for paid use by vendors, exhibitors and visitors; (iii) provide, install, maintain, repair and replace as necessary all hardware, software, wiring and fiber optics to provide the services described in (i) and (ii) above.

Proposals must be received in hand by the Department no later than 3:00 pm local time on May 18, 2009. Proposals shall be addressed to:

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

Submit an original and three (3) copies of your proposal in a sealed envelope, or package, marked "Internet Service Provider/Internet Network Service - Empire Expo Center". Proposals may not be submitted electronically, nor by fax. Your proposal will consist of two parts, Part I consisting of your background, experience, and solution, and Part II consisting of your cost and revenue. Inquiries about this request shall be directed to Cindy Itzo, in writing at the above address, or via email to cindy.itzo@agmkt.state.ny.us and received no later than May 1, 2009. 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 May 4, 2009. The questions and answers, when posted, are part of this Request.

Addenda to the Request for Proposal

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 Empire Expo Center, in Syracuse, New York, is a 375 acre site which is home to the annual New York State Fair, a twelve day event ending on Labor Day each year. The State Fair

draws 850,000 – 950,000 persons.

The Empire Expo Center also hosts many other events year round, drawing approximately 500,000 to 750,000 persons in total.

Some Expo Center buildings also serve as an emergency/backup site for the Oswego County Emergency Management Office (radiological emergency), State Police Building/New York State Police (New York State Fair), Upstate Medical Center (emergency triage) and New York State Department of Agriculture and Markets (IT disaster recovery).

Objective

The objective of this RFP is to retain a proposer to:

- (i) provide a network design to make available public Internet access to all buildings on the New York State Fairgrounds, the Chevy Court area, the Grandstand, the Brown and Pink parking lots, the Youth Area and the Infield;
- (ii) provide wired Internet access 7x24x365 to the Administration Building and to other buildings as determined by the Department, the “State Network”;
- (iii) provide a wired and wireless Internet network for public use internet access 7x24x365 throughout the Expo Center grounds and within all Expo Center facilities, the “Expo Network”;
- (iv) provide, install, maintain, administer and respond to and replace as needed, all hardware, towers, wiring, fiber optics and electronics necessary to provide the services described in (ii) and (iii).

Scope of Services

I. Empire Expo Center Administration Building

A. Internet Service

Provide a separate dedicated internet connection for the “State Network” with a minimum 10 megabit network service, with increased capacity provided as determined by the Department in consultation with the proposer, terminating at a location on the State Fairgrounds designated by the Department in consultation with the provider. Department staff are responsible for connecting the “State Network”, providing firewall, spam filtering and content management.

B. Hardware

Provide, install, maintain, repair and replace as needed all hardware and software necessary to provide separate dedicated Internet service to the designated “State Network” termination.

II. Empire Expo Center Grounds and Facilities

A. Internet Service

Provide both wired and wireless Internet access in all buildings shown on the attached map, as prioritized by Department staff and the provider, and in the areas known as Chevy Court, Grandstand/Infield, Youth Area and the Brown and Pink parking lots, as shown on the attached map, the "Expo Network". These are public facilities similar to Internet cafes and libraries.

The cost for the use of such service shall be paid directly to the proposer by the user and the proposer shall be solely responsible for design, implementation, operation and maintenance of a program to receive, process and report on the use level and revenue received from the Expo Network.

Proposers are responsible for appropriately sizing this service to ensure a positive customer experience, based on the quantity of attendees noted in the Introduction to this RFP. Proposals must state the provider's throughput capability per simultaneous subscriber at the time of the turn-up as well as the maximum capabilities, without replacing hardware.

B. Hardware

Provide, install, maintain, repair and replace as needed, all hardware and software necessary to provide Internet service as described in "A" above.

III. Emergency Use

The Emergency Use facilities shall be considered to be part of the "State Network" and at all locations wired connectivity to the "State Network" must be provided.

A. Youth Building

The Youth Building is an emergency location for the Oswego County Emergency Management Office to implement radiological emergency response procedures. During an emergency and during two pre-determined drills each calendar year the building may house up to forty (40) wireless clients.

Connectivity and support are required twenty four (24) hours per day for each day for the duration of the emergency and for the duration of each drill.

B. State Police

The State Police building is used by the New York State Police during August and September each year in connection with their presence at the annual New York State Fair. At other times the State Police building may be used as an emergency command center.

Connectivity and support are required twenty four (24) hours per day for each day the State Police building is used and, connectivity must include a secure connection to New York State Police headquarters located in Albany, New York.

C. Infirmary

The Infirmary is used to provide emergency care during the annual New York State Fair and may also serve as an emergency triage location for Upstate Medical Center Hospital in the event of an emergency.

Connectivity and support, which must include high speed Internet access capable of transmitting and receiving high volume data which may include, but will not be limited to, digital x-rays, are required twenty four (24) hours per day for each day the Infirmary is used.

D. Administration Building – Disaster Recovery Site

The New York State Department of Agriculture and Markets will establish a disaster recovery site for its information technology functions in the Administration Building.

Connectivity and support are required twenty four (24) hours per day for each day the disaster recovery site is used.

IV. Service

A. “State Network”

1. An access point will be provided in the administration building for the purpose of connecting the “State Network” to the Internet. The minimum acceptable speed for this connection will be 10 megabit, which speed shall be increased at such times as determined by the Department in consultation with the proposer.
2. The selected proposer shall document the service level provided to the “State Network” and the provider shall provide on-site technical support, if necessary, within twenty (20) minutes after receipt of notification of a service outage upstream from the designated termination point.

B. “Expo Network”

1. The selected proposer shall design a network that provides service to all buildings, Chevy Court area, Grandstand, Brown parking lot, Pink Parking Lot, Youth Area and the In-field. The design will include all hardware and network connectivity devices identified. This design will be provided in response to the RFP in a preliminary form and may be modified in such manner as is mutually agreeable to the selected proposer and the Department.
2. The selected proposer shall document the service levels provided to “Expo Network” users with such service level subject to the approval of the Department and shall provide on-site technical support, if necessary, within twenty (20) minutes after receipt of notification of an “Expo Network” outage.

3. The selected proposer shall make available to all prospective users of the "Expo Network" network its User Policy detailing the acceptable uses and risks of accessing and using the "Expo Network".
4. The selected proposer will provide 24x7 on-site technical support commencing seven (7) calendar days prior to the opening of the annual State Fair and ending seven (7) calendar days after the close of the annual State Fair.

C. Both Networks

1. The selected proposer shall implement and maintain a trouble ticket tracking system which shall include, but shall not be limited to, the assignment of tracking numbers, an escalation procedure to be implemented where the agreed upon response time is exceeded and a local or "800" telephone number to contact the provider's trouble desk.
2. Access to the trouble ticket tracking system shall be made available to Department personnel.

V. Reports

The selected proposer shall generate and provide to the Department monthly and on-demand reports detailing "State Network" and "Expo Network" availability, bandwidth usage and trouble ticket status.

VI. Equipment

- A. The selected proposer shall own all cable, equipment and hardware which the selected proposer installs.
- B. There is currently installed at the Empire Expo Center some fiber optic cable, conduit and utility poles which are be available for use, HOWEVER, the Department expressly disclaims any knowledge and representation as to the integrity, continuity, condition and capacity of that cable and the selected proposer shall, at its own risk and expense determine the suitability of that cable for use in providing the services sought by this RFP and, should the selected proposer use that cable, the selected proposer shall be responsible for all maintenance and repair costs.

C. Installation

The Department will provide and install all interior and exterior conduit. The location, size and quantity of conduit will be determined in consultation with the selected proposer. The selected proposer shall be solely responsible for the cost of providing and installing all fiber optic cable, equipment and hardware. The Department will, to the extent available, provide adequate space for the installation of conduit, wiring, hardware and equipment.

D. Current Equipment/Configuration

Made part of this Request for Proposals are a map of existing conduit and utility poles and a map of the State Fairgrounds.

Please contact Cindy Itzo at cindy.itzo@agmkt.state.ny.us and the maps will be sent to you via overnight delivery.

FINANCIAL

This is a “best-value” procurement award. The award will be made to the proposer whose offer provides the Department with (i) (a) the lowest monthly internet access charge to be paid by the Department combined with (b) the lowest cost for access and use charged to users of the “Expo Network”, and (ii) the highest percentage of revenue received by the successful proposer from users of the “Expo Network” which percentage payment shall be paid monthly to the Department.

The selected proposer shall provide to the Department monthly, on or before the 15th day of the succeeding month, a verified statement listing each item of cost and expense incurred during the preceding month, in the provision of services under the agreement.

The selected proposer shall provide to the Department on or before the 15th day of the succeeding month, a verified statement listing the revenue received for use of the “Expo Network”.

The information required to be provided shall be transmitted electronically to the Department.

Contract Term

The contract awarded will be for a ten-year Term beginning on May 22, 2009 and ending on May 21, 2019. The contract may be renewed for one additional ten (10) year Term.

Mandatory Meeting

There will be a mandatory meeting for all prospective proposers to be held in the Wiles Room at the Administration Building, New York State Fairgrounds, 581 State Fair Boulevard, Syracuse, NY on April 29, 2009 at 11:00 a.m. At the meeting Department representatives will show prospective proposers current installations and operations and answer questions from proposers.

Proposals will not be accepted from proposers who do not attend the mandatory meeting.

Please email Mary Debonis at mary.debonis@agmkt.state.ny.us if you plan to attend the mandatory meeting.

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 Cindy Itzo in writing or by email at cindy.itzo@agmkt.state.ny.us.

Schedule

The Department reserves the right to change any of the dates. Any changes will be posted on the Department's website, www.agmkt.state.ny.us under "Funding Opportunities". Proposers are responsible for keeping informed of any changes in the schedule.

Event Dates

RFP Issued	April 20, 2009
Mandatory Meeting	April 29, 2009
Last Date for Inquiries	May 1, 2009
Responses to Inquiries	May 4, 2009
Proposals Due	May 18, 2009
Selection	Within 30 days
Installation completed	July 31, 2009

Proposal Submission

Sealed written proposals responding to this RFP must be received **in hand** by the Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235 by 3:00 p.m. local time May 18, 2009. Proposals must be addressed to Lucy Roberson, Director of Fiscal Management and shall be clearly marked "Internet Service Provider – Internet Network Service". An original and three (3) copies of the proposal shall be submitted. Within the sealed envelope, place two (2) separate sealed envelopes, one marked and containing your "Background, Experience and Solution", and one marked and containing your "Cost and Revenue".

Modification and Withdrawal of Proposals

All proposals, and all terms in proposals, shall be firm and not revocable for a period of sixty (60) days from the date proposals are due, unless withdrawn as provided below.

Modification of a proposal must be submitted in a sealed envelope clearly marked as "Modification to Internet Service Provider – Internet Network Service Proposal Submitted by [Proposer Name]." Modifications must be in writing, dated and signed by the person who signed the original proposal.

Withdrawal of a proposal must be submitted in a sealed envelope clearly marked as "Withdrawal of Internet Service Provider – Internet Network Service Proposal Submitted by [Proposer Name]". The withdrawal must be in writing, dated and signed by the person who signed the original proposal.

The modification or withdrawal of a proposal will not be effective unless received, **in hand**, by Lucy Roberson, the Director of Fiscal Management for the Department, or her designee, prior to the date and time for receipt of proposals. The Department is located at 10B Airline Drive in the Town of Colonie, Albany County, New York.

Late Proposals

Proposals received after 3:00 pm local time May 18, 2009 will be rejected and will be returned unopened to the proposer.

Selection of Proposal(s)

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

The Department reserves the right to:

- reject any or all proposals or parts of any proposal received with respect to this RFP;
- waive or modify:
 - (i) minor irregularities in proposals received;
 - (ii) minimum qualification for one or more proposers for demonstrated good cause;
- request that a proposer amend a proposal in the case of an error;
- request from a proposer additional information deemed necessary to more fully evaluate its proposal; and
- amend this RFP after its release, with appropriate written notice posted on the Department's website.

Proposal – Background, Experience and Solution

Submit in a separate sealed envelope marked:

Background, Experience and Solution [Proposer Name]

1. The name, address, telephone number, e-mail address and fax number of the proposer and the proposer's contact person.
2. An organizational chart of the proposer including all personnel the proposer will use to provide the requested services together with a brief description of each person's background and experience.
3. Company name, address, telephone number and contact name of the proposer's current similar clients, and a detailed description of the services the proposer provides to each client.
4. A list of clients for whom the proposer has provided the services sought by this RFP within the past three (3) years together with the name, or names, and contact information of client personnel familiar with the proposer's services.

5. The proposer's network design and solution, including guaranteed Internet speed and capacity, and ability to complete the installation before July 31, 2009.

Proposal – Cost and Revenue

Submit in a separate sealed envelope marked "Cost and Revenue", the cost proposal submission form portion of this RFP.

Evaluation Criteria and Procedure

The Background, Experience and Solution portion of your proposal will be evaluated by the Department. This portion is worth 70 points.

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

- Background and Experience (20 points total)
 - Does the proposer demonstrate the ability and have the experience to provide the requested services? (10 points total)
 - Do the proposer's references confirm the proposer's ability to provide the requested services? (10 points total)
- Completeness and adequacy of the solution (50 points)
 - Does the proposer have a design plan indicating locations for establishing wireless access points, coverage areas for those access points and wired switch locations with sufficient detail for the Department to install conduit for wire/fiber runs. (10 points)
 - Does the solution document how it provides adequate coverage of the fairgrounds for wired and wireless access at an acceptable speed? (15 points)
 - Does the proposed solution include satisfactory service levels and escalation procedures including an online system for problem tracking and reporting? (10 points)
 - Does the proposer's solution provide the requested services in the desired time frame? (15 points)

The Cost and Revenue portion of your proposal will be evaluated by the Department's Division of Fiscal Management. This portion is worth 30 points. Each component will be awarded points as follows:

- Cost/Revenue (30 points total)

- Cost (20 points) Revenue (10 points)
- (a) Monthly internet access charge to be paid by the Department. (10 points)
- (b) Cost per 24 hours to be charged to users of the **wireless** "Expo Network". (5 points)
- (c) Cost per 24 hours to be charged to users of the **wired** "Expo Network". Hook up (2 points)
Cost per day (3 points)
- (d) Percent of revenue to be paid to the Department. (10 points)

"Cost" shall be expressed as a lump sum figure to be paid monthly by the Department for the services sought by this Request for Proposals. Your monthly lump sum charge shall include ALL your costs for your provision of the services sought.

"Revenue" shall be expressed as a percentage. That percentage shall be applied to the total amount of revenue you receive, realize or shall be entitled to receive each month from users of the "Expo Network" to determine the amount of your monthly payment to the Department.

You must use the cost submission form included in this request for proposals.

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.

Standard Contract Provisions

The Standard Contract Provisions which are attached to this RFP will be part of the contract.

Please read and execute them where required, and return the Standard Provisions with your proposal.

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

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

The selected proposer will be required to complete and submit the Contractor Certification Forms within three (3) business days from the date of the request. Failure to respond timely may render a proposer non-responsive and non-responsible. Proposers shall take the necessary steps to provide properly certified forms, within a timely manner, to ensure compliance with the law. You may call the Tax Department at 1-800-698-2931 for all questions regarding Tax Law §5-a, and relating to a company's registration status with the Tax Department. For additional information and frequently asked questions, please refer to the Department of Tax and Finance web site: <http://www.tax.state.ny.us/pdf/publications/sales/pub223-507.pdf>.

Minority 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 Cindy Itzo, Assistant Director, Division of Fiscal Management, in writing or via e-mail at cindy.itzo@agmkt.state.ny.us.

Proposer: _____

Internet Service Provider – Internet Network Service
Cost Proposal Submission Form

This form must be completed. Only those proposals with a completed Cost Proposal Submission Form will be accepted for review. All other cost proposal formats will be disqualified.

Please note that the dollar amounts used in the examples are for demonstration of the mathematical calculation of points only and are not intended to suggest actual costs.

1. Enter the cost per day (24 hours) to be charged to users of the wireless “Expo Network”

Cost per day (24 hours) (5 points) \$.

The lowest price earns the most points.

Ex. The lowest bidder offers access at \$10.00 per day for up to 3 days. The bidder receives 5 points, or 100% of the points assigned to this category.

Another bidder offers \$13.00 per day. They are awarded 3 points. $[(\$10/\$13 = .76) \times 5] = 3.8$

2. Enter the costs for hook-up and per day (24 hours) to be charged to users of the wired “Expo Network”.

Hook-up (2 points) \$.
Cost per day (24 hours) (3 points) \$.

The lowest price earns the most points.

Calculation as above.

3. Enter the percent of revenues to be provided to the Department.

Percent of revenues (10 points)

The highest percentage earns the most points.

Calculation as above.

4. Monthly internet access to the Department.

Monthly fee for service (10 points) \$.

The lowest monthly cost earns the most points.

Calculation as above.

Date: _____

Signature
(Print Name Below)