

REQUEST FOR PROPOSALS

RESTAURANT AND FOOD SERVICE

- (A) HORTICULTURE BUILDING & TOYOTA EXHIBIT CENTER
- (B) INFIELD RESTAURANT
- (C) NEW YORK WINE BAR
- (D) NEW YORK BREW PUB

New York State Department of Agriculture and Markets

This Request for Proposals (RFP) is issued by the New York State Department of Agriculture and Markets (Department) to invite qualified proposers to submit proposals to: (A) operate the New York Café restaurant located in the Horticulture Building and provide mobile food and beverage service in the Toyota Exhibit Center; (B) operate the New York Grill restaurant located in the Infield; (C) operate the New York Wine Bar located in the International Building, and (D) operate the New York Brew Pub located in the International Building, each location is at the Empire Expo Center, home of the New York State Fair, in Syracuse (Town of Geddes, Onondaga County) New York.

You may submit a proposal for one or more of the locations; however, if you do, you must submit a separate proposal for each location. Location A is the New York Café in the Horticulture Building restaurant and the mobile food and beverage center in the Toyota Exhibit Center. Location B is the New York Grill at the Infield. Location C is the New York Wine Bar. Location D is the New York Brew Pub.

Proposals must be received in hand by the Department no later than 3:00 pm local time on June 25, 2010. Proposals shall be addressed to:

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

Submit an original and five (5) copies of your proposal for any location in a sealed envelope, or package. Mark "Location A" on your proposal for the New York Café in the Horticulture Building restaurant and Toyota Exhibit Center. Mark "Location B" on your proposal for the New York Grill at the Infield. Mark "Location C" on your proposal for the New York Wine Bar. Mark "Location D" on your proposal for the New York Brew Pub.

Proposals may not be submitted electronically, nor by fax. Your proposal for any Location will consist of two parts, Part I consisting of your license fee, and Part II consisting of your background and experience. Inquiries about this request shall be directed to Emma Graham, in writing at the above address, or via email to emma.graham@agmkt.state.ny.us and received no later than June 15, 2010. No telephone inquiries will be accepted. All questions and answers will be posted on the Department's website, www.agmkt.state.ny.us in the "Funding Opportunities" section. Answers will be posted as quickly as possible, but no later than June 17, 2010. 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.

The New York Café in the Horticulture Building, the mobile food service in the Toyota Exhibit Center and the New York Grill at the Infield provide varying levels of food service. The New York Wine Bar and New York Brew Pub in the International Building will provide beer, wine, New York cheese and other approved New York hors d'oeuvres.

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 – May 27, 2010
Mandatory Meeting – June 11, 2010
Last Date for Inquiries – June 15, 2010

Responses to Inquiries – June 17, 2010
Proposals Due – June 25, 2010
Selection Within 30 days

Mandatory Meeting and Tour of Facilities

All prospective Proposers must attend a meeting at the Empire Expo Center on June 11, 2010.

Proposals will not be accepted from any Proposer who does not attend the meeting.

A tour of each of the Locations is required of all Proposers and will be given at the conclusion of the mandatory meeting. Proposals will not be accepted from Proposers who do not examine the current facilities and equipment. Please call Geneanne Keegan-Smith, Concessions and Exhibits Manager at (315) 487-7711, Ext. 1212 to advise if you will attend the mandatory meeting and tour the locations.

Objective

The objective of this RFP is to retain a Proposer, or Proposers, to:

- A. (i) Operate the New York Café in the Horticulture Building.
(ii) Provide mobile food and beverage service in the Toyota Exhibit Center.
- B. Operate the New York Grill at the Infield.
- C. Operate the New York Wine Bar in the International Building.
- D. Operate the New York Brew Pub in the International Building.

Scope of License

Location A

New York Café in the Horticulture Building

During the Term of the License, the Licensee shall be the sole operator of the New York Café and provider of mobile food and beverage service in the Toyota Exhibit Center during all events held at the Empire Expo Center. The Licensee shall operate the New York Café during the annual New York State Fair and during every event held in the Horticulture Building.

Also, the Licensee shall provide mobile food and beverage service in the Toyota Exhibit Center during every event held in the Toyota Exhibit Center, but *shall not* operate the mobile service during the annual New York State Fair.

Restaurant operations shall include the sale of food, beverages and alcoholic beverages in the New York Café and the sale of food, beverages and alcoholic beverages from mobile carts provided by the Licensee in the Toyota Exhibit Center.

The food and beverage menus must be approved by the Department and unless otherwise authorized by the Department, utilize New York State produced food and beverage products.

The sale of novelties and souvenirs will be subject to “Novelties and Souvenirs”, below.

Location B

New York Grill at the Infield

During the Term of the License, the Licensee shall be the sole operator of the New York Grill at the Infield. The Licensee shall operate the New York Grill during the annual New York State Fair and may have the opportunity, as agreed upon by the Licensee and the Department, to operate the New York Grill during other events at the Empire Expo Center.

The food and beverage menus must be approved by the Department and unless otherwise authorized by the Department, utilize New York State produced food and beverage products.

The sale of novelties and souvenirs will be subject to “Novelties and Souvenirs”, below.

Location C

New York Wine Bar

During the Term of the License, the Licensee shall be the sole operator of the New York Wine Bar located in the International Building. The Licensee shall operate the New York Wine Bar during the annual New York State Fair and may have the opportunity to operate the New York Wine Bar during other events using the International Building.

The food and beverage menus must be approved by the Department. The New York Wine Bar shall sell only wine produced in New York State by a licensed winery or farm winery.

The sale of novelties and souvenirs will be subject to "Novelties and Souvenirs", below.

Location D

New York Brew Pub

During the Term of the License, the Licensee shall be the sole operator of the New York Brew Pub located in the International Building. The Licensee shall operate the New York Brew Pub during the annual New York State Fair and may have the opportunity to operate the New York Brew Pub during other events using the International Building.

The food and beverage menus must be approved by the Department. The New York Brew Pub shall sell only beer brewed and bottled in New York State.

The sale of novelties and souvenirs will be subject to "Novelties and Souvenirs", below.

Operation

Location A

New York Café in the Horticulture Building

The New York Café shall operate every day during the New York State Fair opening not later than 10:00 am and providing breakfast, lunch and dinner. At other times, the New York Café shall open for every event held at the Horticulture Building. The hours of operation shall be coordinated with the event promoters.

When operating, the mobile cart food and beverage service provided in the Toyota Exhibit Center, the hours of operation shall be coordinated with the event promoters.

Attached is a list of events using the Horticulture and Toyota Exhibit Center for 2009.

Location B

New York Grill at the Infield

The New York Grill shall operate every day during the annual New York State Fair, opening not later than 8:00 am and closing not earlier than 10:00 pm each day of the New York State Fair and provide breakfast, lunch and dinner.

Location C

New York Wine Bar

The New York Wine Bar shall operate every day during the annual New York State Fair, opening at 11:00 am and closing not later than 9:00 pm.

Location D

New York Brew Pub

The New York Brew Pub shall operate every day during the annual New York State Fair, opening at 11:00 am and closing not later than 9:00 pm.

Term

Location A

New York Café in the Horticulture Building

The Term of the License will begin on July 1, 2010 and end on May 31, 2014.

Location B

New York Grill at the Infield

The Term of the License will begin on July 1, 2010 and end on May 31, 2014.

Location C

New York Wine Bar

The Term of the License shall begin on July 1, 2010 and end on May 31, 2012.

Location D

New York Brew Pub

The Term of the License shall begin on July 1, 2010 and end on May 31, 2012.

Premises

Location A

New York Café in the Horticulture Building

The restaurant is located in the Horticulture Building and is owned by the Department. It has approximately 4800 square feet. The main floor is 3700 square feet, with 1300 square feet available for seating. Current seating capacity is approximately 150 persons. The second floor is approximately 700 square feet used for office and storage space. The restaurant is heated and air conditioned and restroom facilities are available in the Horticulture Building.

The current kitchen and food service equipment, tables, chairs and supplies are owned by the Department and will be available to the Licensee for use.

Municipal water, sewer, natural gas and electric services are made available to the Restaurant by the Department.

Toyota Exhibit Center

The mobile food and beverage service is located in the corner of the Toyota Exhibit Center. The approximate dimensions of the location is 25'Wx47'L. This area will allow for food service and seating, provided by the Licensee.

Water and electric services only are provided at the Toyota Exhibit Center. The fuel source for cooking must be electric.

Location B

New York Grill at the Infield

The restaurant structure is owned by the Department. The New York Grill is a one story cinder block structure, with dimensions of 90 feet x 34 feet. The storage, office, refrigeration and food preparation area is approximately 1,700 square feet. The interior seating area is approximately 1,360 square feet. Restroom facilities, with an

area of approximately 2,850 square feet, are attached to the structure, but are not accessible through the structure. The structure and restrooms are not heated.

The New York Grill has electrical service, bottled propane gas connections, municipal water and telephone connections made available by the Department. Propane service will be the responsibility of the Licensee.

A freezer owned by the Department is available. This location does not have food preparation and cooking equipment.

Location C

New York Wine Bar

The New York Wine Bar is located in the International Building and is approximately 1800 square feet. Electricity and hot and cold water are available at the location.

Location D

New York Brew Pub

The New York Brew Pub is located in the International Building and is approximately 1800 square feet. Electricity and hot and cold water are available at the location.

Operation and Maintenance

Each Licensee shall operate each Location in compliance with the New York State Sanitary Code, as administered and enforced by the Onondaga County Health Department and shall remain in full compliance at all times.

Each Licensee shall operate each location using its employees. Each Licensee's employees shall wear uniforms, which include the name of the restaurant, at all times. The uniforms may not include "T-shirts". Each Licensee shall be responsible for the cost of employee admissions and parking during the annual New York State Fair.

The Department shall provide trash removal. Each selected Licensee shall retain the services of a company authorized and licensed to dispose of cooking oils and grease.

Permits and Licenses

Each Licensee shall identify, obtain and maintain at its sole cost and expense, during the Term of the License, all federal, state and local licenses, permits and authorizations, including permits to sell alcoholic beverages, necessary for operation of the License.

Department Use of Location

The Department reserves the right to use any Location for governmental purposes. The Department shall be responsible for all costs and expenses associated with such use and shall be responsible for damage or loss to Licensee's equipment and property during such use.

Novelties and Souvenirs

Novelties and souvenirs may not be sold by any Licensee except as may be permitted in the sole discretion of the Department. Such sales, if permitted, shall be made only upon such terms and conditions as determined by the Department.

License Fee

The license fee offered for each location shall consist of two parts: (i) a fee based on a percentage of gross receipts from the sale of food and beverages, and (ii) a fee based upon a percentage of gross receipts from the sale of alcoholic beverages. Gross receipts shall be the total amount of money received, or realized by, or accruing to, each Licensee from the sales, for cash or credit, of food, beverages and alcoholic beverages made pursuant to the rights granted under the License. Alcoholic beverages shall include all non-alcoholic beverages subject to the Alcoholic Beverage Control Law of the State of New York.

Books and Records

Each Licensee shall maintain books and records covering its operation of the Restaurant under the Licensee; retain its books and records related to the Licensee's operations for a period of six (6) years and shall provide access to those books and records by the Department and the Comptroller of the State of New York, upon reasonable notice.

Transfer of Interest Prohibited

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

The License awarded from this Request presumes that each Licensee's ownership will not change during the Term of the License. In the event of change of ownership, or principals, of any Licensee, the License arising from this Request may be terminated by the Department without liability. No change in ownership or principals of any Licensee 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.

Sublicensing is not permitted.

Insurance - Liability

Each Licensee shall obtain and maintain at its sole cost and expense during the Term of the License, 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; coverage against liability arising from explosion, collapse and underground casualty; and liquor legal liability insurance. Such comprehensive general liability insurance shall have a combined single limit of not less than two million dollars (\$2,000,000.00) per occurrence. The Department shall be named as an additional insured on all policies of insurance provided and maintained by the Licensee.

Each Licensee shall obtain and maintain workers compensation insurance coverage as required by law.

Use of New York State Fair Name and Logo

Each Licensee may, with the prior permission of the Department, use the term "*New York State Fair*," the New York State Fair logo and the term "*Empire Expo Center*" in connection with Licensee's operation of the License. Such permission will not be unreasonably withheld and, when given, shall not be deemed blanket permission for the use of the names and logo. The Licensee shall make a prior written request to the Department for such permission not later than fifteen (15) days prior to such intended use, or within such time as is necessary for the Licensee to arrange for production and distribution of commercial and advertising materials.

Termination of License

Each License agreement arising from this Request for Proposals will include a provision allowing the Department to terminate the License for cause, or convenience, prior to expiration of the Term. If the License is terminated for convenience, the License will be reimbursed only for the undepreciated value of the capital improvements, renovations and equipment as of the date of such termination.

New York Law

The laws of the State of New York shall apply to the License and to all claims, actions and other proceedings arising out of the operation of the License.

Approvals

Each License agreement shall be effective only upon the approval of the Attorney General of the State of New York and the Comptroller of the State of New York.

Minimum Qualifications

For your proposal to be considered you must demonstrate that at the time you submit your proposal you:

- (i) are currently engaged in, and have been continuously engaged in for the five (5) consecutive calendar years immediately preceding submission of your proposal, retail dining food service, such as, but not limited to, a restaurant, a “fast-food” location(s) or a cafeteria-type operation, and
- (ii) during that period you have held a license or permit to sell alcoholic beverages, including beer, wine and liquor issued by the New York State Liquor Authority.

Proposal Contents

You may submit a proposal for each location in one envelope package, marked with your name and the location. Inside, place your proposal which must be submitted in three (3) separate parts. Each part must have the name of the Proposer and identify the location on the outside of the envelope or package.

1. On the front inner envelope put your name, the location and the words “Minimum Qualifications” on the outside. Inside the envelope place information which shows that you meet the “Minimum Qualifications” above.

2. On the second inner envelope put your name, the location and write the words "License Fee" on the outside and place the "License Fee" portion of your proposal inside.

For the Term of the proposed License, state the annual license fee to be paid to the Department expressed as a percentage of gross receipts received from (i) the sales of food and beverages, including juice and water, and (ii) the sales of alcoholic beverages. The license fee shall be based upon gross receipts, after the deduction of sales tax only.

3. On the third inner envelope, put your name, the location and write the word "Proposal" on the outside and place the "Technical Proposal" portion of your proposal inside. Your technical proposal must include:
 - a. A detailed written statement of your:
 1. Corporate/company history, background, structure, ownership and management philosophy;
 2. Background and experience of management and operating personnel, including resumes of all management and supervising personnel;
 3. Personnel policy, including alcohol/drugs and employee assistance; and dress, conduct and appearance policy/guidelines;
 4. Customer complaint policy;
 5. Policies concerning employee qualification and training;
 6. Policy on people with special needs.
 - b. A minimum of four (4) verifiable business references, one of which must be your principal banking organization, one of which must be your principal food supplier and one of which must be your principal beverage supplier, together with the name, address and telephone number of a contact person at each reference and your written authorization allowing your references to provide information about you to the Department.
 - c. Copies of your state and federal income tax returns or your audited or independently prepared financial statements for the last three (3) business years. This information will be received and maintained by the Department as confidential; the information will not be disclosed to anyone other than Department personnel on the selection committee.

- d. The name, address and telephone number and a written description of each location, including identification of the building owner and/or manager, and photographs of the exterior and interior of food service operations in New York State similar to that which you propose in which you have interest. If you currently provide food service for the benefit of a governmental entity, you must provide a copy of the current agreement between you and the governmental entity.
- e. A description of the method or methods of revenue accountability which you will use in the operation of this License.
- f. A proposed list of food, beverages and alcoholic beverages to be sold, including serving size and sale price.

Selection Process

The successful Proposer for each location will be selected based upon an evaluation of each Proposer’s technical proposal by a selection committee composed of Department officers and employees, and the evaluation of each Proposer’s license fee offered by the Department’s Division of Fiscal Management. The points awarded in the technical evaluation and license fee evaluation will be combined to determine the ranking of proposals. Proposals will be rated as follows:

- 1. Quality and responsiveness of the proposal (25 points).
- 2. Qualifications and experience of the Proposer (25 points). The points available will be awarded based upon the Proposer’s prior experience in operating a restaurant (12.50 points) and the Proposer’s prior experience in a similar food service operation (12.50 points).
- 3. License fee (50 points). The two-part license fee (See, *Proposal Contents*, above) is worth 25 points for each part. The Proposer offering the highest license fee in each part will receive 25 points. The remaining Proposers will be awarded points using this formula:

$$25 \times \frac{\text{Fee being evaluated}}{\text{Highest fee}}$$

The points awarded for each part of the fee will be combined resulting in the total license fee points awarded for each proposer.

Reservation of Rights

The Department reserves the right to:

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

Financial Award

This is a "best-value" procurement award. There will be no cost to the Department.

Standard Contract Provisions

The Standard Contract Provisions which are attached to this RFP 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 Proposer agrees to fully and accurately complete the Vendor Responsibility Questionnaire, (hereinafter the "Questionnaire"). The Proposer acknowledges that the Department's execution of the license will be contingent upon the Department's determination that the Proposer is responsible, and that the Department will be relying upon the Proposer's responses to the Questionnaire in making that determination. The Proposer agrees that if it is found by the Department that the Proposer's responses to the Questionnaire were intentionally false or intentionally incomplete, on such finding, the

Department may terminate the 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: Proposers are invited to file the Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at www.osc.state.ny.us/vendrep or go directly to the VendRep System online at <https://portal.osc.state.ny.us/wps/portal>. For direct VendRep System user assistance, the OSC Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email athelpdesk@osc.state.ny.us.

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, and contains standard clauses that are required in all State contracts. Appendix A will be a part of any license awarded under this RFP, and the successful Proposer 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 Proposer will be required to complete and sign, under penalty of perjury, the Contractor Certification Form ST-220-TD and the Contractor Certification to Covered Agency Form ST-220-CA. The Contractor Certification Forms are available from the Department of Tax and Finance web site at: http://www.tax.state.ny.us/forms/sales_cur_forms.htm#Other%20Sales%20Tax%20Forms.

The successful Proposer will be required to complete and submit the Contractor Certification Forms within three (3) business days from the date of the request. Failure to respond timely may render a Proposer non-responsive and

non-responsible. Proposers shall take the necessary steps to provide properly certified forms, within a timely manner, to ensure compliance with the law. You may call the Tax Department at 1-200-698-2931 for all questions regarding Tax Law §5-a, and relating to a company's registration status with the Tax Department. For additional information and frequently asked questions, please refer to the Department of Tax and Finance web site:

http://www.tax.state.ny.us/pdf/publications/sales/pub223_507.pdf

Minority & Women Owned 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. Proposers 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/proposer during the procurement process. (See Attachment 8 -- "Guidelines Regarding Permissible Contacts During a Procurement and the Prohibition of Inappropriate Lobbying Influence".) An offeror/proposer 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/proposer 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/proposer 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

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

Non-Collusive Bidding Certification

New York State requires that you certify under the penalty of perjury that your RFP 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 Proposer verbally, followed by a written confirmation. Each Proposer 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 Proposer has the right to a debriefing regarding the reasons their proposal was not selected for an award. An unsuccessful Proposer must request a debriefing within thirty (30) days from the date of the notification stating that their proposal has not been selected. To request a debriefing an unsuccessful Proposer should contact Emma Graham, Division of Fiscal Management, in writing or via e-mail at emma.graham@agmkt.state.ny.us.

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

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

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

Cost Liability

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

Acceptance of Proposal Content

The selected Proposer's proposal and this RFP will become part of any License awarded.

Assignment

The Licensee may not convey, assign or otherwise dispose of the License, or the Proposer'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 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.

May 25, 2010

New York State Department of
Agriculture and Markets
10B Airline Drive
Albany, New York 12235

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Horticulture Building 2009 Events

Event Name	Type	Estimated Attendance	Estimated Vendors/ Participants	Location	Date
CNY Brewfest	entertainment	4000	150	hort	01/31/2009
K Rock Halloween Havoc	entertainment	1500	50	hort	10/31/2009
Ashley McGraw	meeting	75	10	hort	11/17/2009
CNY Wine & Chocolate Festival	entertainment	3500	150	hort	11/28/2009
Collectorsfest	trade show	1200	110	hort	1/24/09-1/25/09
Meyers RV Sale	trade show	4000	170	hort	1/7/09-1/11/09
Francis House	fundraiser	2000	100	hort	10/12/09-10/15/09
Country Folk Art Show	trade show	7500	250	hort	10/16/09-10/18/09
Harvest Fest	trade show	3500	150	hort	11/13/09-11/15/09
Holiday Craft Spectacular	trade show	7000	250	hort	12/4/09-12/6/09
NY Farm Show	trade show	5000	200	hort	2/24/09-2/28/09
Mel Manasse Auction	trade show	750	10	hort	2/6/09-2/7/09
CNY Boat Show	trade show	7000	80	hort	2/9/09-2/16/09
Allman Antique Show	trade show	3000	300	hort	3/13/09-3/15/09
CNY RV Show	trade show	3500	150	hort	3/2/09-3/9/09
International Auto Showcase	trade show	5000	200	hort	3/27/09-3/29/09
Hard Hat Expo	trade show	1500	150	hort	3/9/09-3/12/09
Syracuse Nationals	trade show	5000	200	hort	7/13/09-7/19/09
Syracuse Feis	recreation	4000	1000	hort	9/18/09-9/19/09
NYS RV Show	trade show	5000	150	hort	9/24/09-9/28/09
NYS Police Chiefs	meeting	700	25	hort	04/21/2009
Country Folk Art Show	trade show	5000	210	hort	4/17/09-4/19/09
CNY Feis	recreation	2000	1000	hort	4/24/09-4/25/09
Cazenovia Equipment	trade show	75	1	hort	4/6/09-4/7/09

Toyota Exhibit Center 2009 Events

Event Name	Type	Estimated Attendance	Estimated Vendors/ Participants	Location	Date
Country Folk Art	trade show	5000	220	toyota	1/29/09-2/1/09
Alpaca Extravaganza	ag show	1600	250	toyota	10/22/09-10/25/09
Leatherstocking Dog Shows	dog show	5000	1000	toyota	11/11/09-11/15/09
CNY Train Fair	trade show	3500	250	toyota	11/7/09-11/8/09
NY Farm Show	trade show	6500	300	toyota	2/24/09-2/28/09
CNY Boat Show	trade show	8000	125	toyota	2/9/09-2/16/09
Home & Garden Show	trade show	12500	400	toyota	3/16/09-3/23/09
CNY RV Show	trade show	4000	250	toyota	3/2/09-3/9/09
Salt City Dog Shows	dog show	1000	100	toyota	3/25/09-3/29/09
Northeastern Alpaca Expo	ag show	500	300	toyota	4/30/09-5/3/09
Dairy Carousel	ag show	2000	850	toyota	4/6/09-4/11/09
NYS Breeders Horse Show Sec. 1	horse show	0	100	toyota	5/14/09-5/17/09
NYS Breeders Horse Show Sec. 2	horse show	0	100	toyota	5/21/09-5/25/09
Syracuse Nationals	trade show	500	20	toyota	7/13/09-7/18/09
Region 16 Arabian Horse Show	horse show	0	250	toyota	7/6/09-7/12/09
Empire State Quarter Horse Show	horse show	0	300	toyota	9/24/09-9/25/09