



INDUSTRIAL EXHIBIT AUTHORITY



STANDARD CONTRACT PROVISIONS

- A. Standard Clauses for New York State Contracts
- B. Non-Collusive Bidding Certification
- C. MacBride Fair Employment Principles
- D. Business Participation Opportunities for Certified Minorities and Women on State Contracts
- E. Vendor Responsibility Questionnaire
- F. Summary of Department and Authority Policy Regarding State Finance Law §§139-j and 139-k
- G. Vendor/Contractor Certification of Compliance Pursuant to State Finance Law §139-k, subd. 5
- H. Vendor/Contractor Affirmation of Understanding and Agreement Pursuant to State Finance Law §139-j, subd. 6. b.
- I. Contractor Certification Tax Law Section 5-a
- J. Contract Termination



INDUSTRIAL EXHIBIT AUTHORITY



Introduction

This attachment contains standard contract provisions which are required by New York law to be included in all agreements entered into by the Division of the State Fair of the New York State Department of Agriculture and Markets (Fair) and the Industrial Exhibit Authority (Authority).

If this attachment is part of an invitation for bids, request for proposals or solicitation of interest, it must be completed by you, signed and returned with your bid, proposal or expression of interest. If you do not submit the completed and signed attachment, your bid, proposal or expression may be determined to be “non-responsive” and your submission may not be considered.

If you are providing an agreement for the Fair and/or the Authority to sign, this attachment must be made part of that agreement and you must complete it, sign it and return it to the Fair and/or the Authority. If you do not, the Fair and/or the Authority may not enter into an agreement with you.

Each part of this attachment is briefly described below, *but* you must read each part to understand what it says and how it applies to you.

You must sign and date each part in the space provided.

Appendix A

Appendix A is prepared by the New York State Attorney General and includes provisions of New York law and policy which may affect your performance under the contract.

Read Appendix A and sign and date it on page A-5.

Non-Collusive Bidding Certification

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

Read the Non-Collusive Bidding Certification and sign and date it on page B-1.



INDUSTRIAL EXHIBIT AUTHORITY



MacBride Fair Employment Principles

New York requires that if you have business operations in Northern Ireland you will conduct those operations in compliance with MacBride Principles.

Read the MacBride Fair Employment Principles, answer the questions and sign and date it on page C-1.

Business Participation Opportunities for Certified Minorities and Women on State Contracts (MWBE)

The State of New York requires that parties to State contracts make an affirmative effort to involve certified minority and women owned businesses (MWBE) in those contracts. You must either show MWBE participation in the contract, or seek a waiver from of requirement from the Fair and/or Authority.

Read the MWBE notice and sign and date it on page D-2.

Vendor Responsibility

New York law requires that contracts be awarded to responsible contractors. Responsibility is determined by examining four general areas: does the contractor possess integrity; has the contractor acceptably performed other governmental contracts; is the contractor legally capable of performing the contract and is the contractor financially and organizationally capable of performing the contract? The vendor responsibility questionnaire is prepared by the State Comptroller's Office and information and questions in it are aimed at obtaining sufficient information so that a decision can be made about whether or not a contractor is responsible.

The vendor responsibility questionnaire applies to all contractors and includes a certification which you must sign before a notary that the information in the questionnaire is truthful, accurate and complete.

You must complete the questionnaire and sign the certification on the last page of the questionnaire.



INDUSTRIAL EXHIBIT AUTHORITY



Summary of Policy Regarding State Finance Law Section 139-j and 139-k

New York restricts contacts by vendors and contractors, during the procurement process, with the State agency or public authority which issued the invitation for bids, request for proposals or expression of interest.

A Summary of that policy is on page F-1.

Read the Summary and sign and date it on page F-1.

Vendor/Contractor Certification State Finance Law Section 139-k, subd. 5

State Finance Law §139-k requires that you disclose if you have, within the past four (4) years been found to be “not responsible” because you made inappropriate contacts with procurement issuers, or you provided them with false information.

That Section also requires that you certify your responses to those inquiries – which are in the Vendor/Contractor Responsibility Questionnaire – are complete, true and accurate.

Read the Certification and sign and date it on page G-2.

Vendor/Contractor Affirmation State Finance Law Section 139-j, subd. 6. b.

State Finance Law §139-j requires that a vendor/contractor affirmatively agree to comply with the lobbying (contact) restrictions applicable to the State procurement and contract process.

This means that during the process you may only contact the person designated by the Fair and/or Authority as the “Contact Person”.

Read the Affirmation and Agreement and sign and date it on page H-2.



INDUSTRIAL EXHIBIT AUTHORITY



Certification – Tax Law Section 5-a

If you meet certain thresholds, New York Tax Law §5-a requires that you register with the New York State Department of Taxation and Finance.

The thresholds are set out in Form ST-220 and its instructions on pages I-2 through I-7.

Read the form and complete it if you are covered. If you are not covered, place an “X” in the box in Part I.

Sign and date the form on page I-3 and complete the appropriate acknowledgment on page I-4.

Contract Termination

This provision authorizes the Fair and/or Authority to terminate its contract with you if any of the information you provided in the documents making up the Standard 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.

Read Contract Termination and sign and date page J-1.