

REQUEST FOR PROPOSALS

CIRCUS ENTERTAINMENT

New York State Department of Agriculture and Markets

This Request for Proposal (RFP) is issued by the Department of Agriculture and Markets of the State of New York (Department) seeking proposals for circus entertainment during the annual New York State Fair held at the New York State Fairgrounds (Onondaga County), Syracuse, New York.

Proposals must be received in hand by the Department no later than **3:00pm** local time on February 6, 2012. Proposals must be addressed to:

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

Submit an original and five (5) copies of your proposal in a sealed envelope or package. Mark "Circus Entertainment" on your proposal. Proposals may not be submitted electronically or by fax. Your proposal must be in three parts, Part 1 marked "Minimum Qualifications", Part 2 marked "Technical Proposal" and Part 3 marked "Cost".

Inquiries about this RFP shall be directed to Emma Graham, in writing at the above address, or via email to emma.graham@agriculture.ny.gov and received no later than January 27, 2012. 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 January 30, 2012. The questions and answers, when posted, are part of this RFP.

Schedule

The Department reserves the right to change any of the below scheduled event 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 on any changes in the schedule:

Event Dates

RFP Issued – January 16, 2012
Last Date for Inquiries – January 27, 2012
Responses to Inquiries – January 30, 2012
Proposals Due – February 6, 2012

Selection Within 30 Days

Objective

The objective of the RFP is obtaining a multi-act, multi-show big top circus for performances on each day of the twelve days of the New York State Fair. The dates of the 2012 Fair are August 23, 2012 to September 3, 2012.

Proposer Provided Services

During the Term of the Agreement, the circus entertainment provider shall:

1. Deliver, furnish and produce a complete circus performance which:
 - a. Shall be presented in at least one ring with three shows daily with performance times to be determined by the Department;
 - b. Each performance shall be a minimum of forty-five (45) minutes;
 - c. Feature a minimum of seven (7) acts in each performance, including thrill acts, acrobatic displays, animal acts, comedy routines and feature attractions.
 - d. Provide competent and experienced personnel and attractive costumes for presentation of the circus.
2. Provide all transportation to and from the show location, together with all equipment rigging including, but not limited to special circus ring lights, ring curbs, electrical cables and panels and all other items needed for the presentation of the circus.
3. Dismantle and remove all rigging, equipment, tents and other items within forty-eight (48) hours after the final performance of the circus.
4. Provide a modern, attractive and well maintained tent capable of providing for the presentation of the circus acts and seating for at least 850 spectators.
5. Provide a modern stereo sound system that shall provide superior performance and coverage for at least 850 spectators during the circus acts.
6. Provide a designated liaison for coordination with Department staff.

7. Provide photographs and press material for all acts.

Permits and Licenses

The selected provider shall, at its sole cost and expense, identify, obtain and maintain all necessary federal, state and local permits necessary to provide and present the circus performance.

Novelties and Souvenirs

Novelties and souvenirs may be sold by the selected provider. The selected provider must submit a list of items proposed to be sold and suggested pricing for approval by the Department.

The Department Provided Services

During the Term of the Agreement, the Department shall provide:

1. A level space consisting of asphalt, grass or a combination of both, of approximately 40,000 square feet for the set up and operation of the circus.
2. Electric service and water service.
3. Trash service.
4. Manure and bedding removal.
5. Parking for all vehicles and trailers used in the transportation and set up of the circus.
6. Up to 8 – 3.25 cubic feet bags of shavings per day and sawdust as needed for the animal area.
7. The site not less than seven (7) days prior to the opening day of the State Fair.

Minimum Qualifications

You must meet the following minimum qualifications in order to submit a proposal:

1. You must currently be in the business of providing multi-act, multi-show big top circus entertainment at fairs, festivals or similar venues with daily attendance of at least 15,000 people.

2. You must document, subject to verification, that in the immediately preceding five (5) consecutive years you have provided and operated a multi-act, multi-show big top circus.
3. The provision of circus entertainment must be a major focus of your business operation.
4. Your circus must include at least one act using animals and one thrill or high wire act.

Term

This Agreement shall begin on August 16, 2012 and end on September 5, 2012.

Liability Insurance

The selected proposer shall secure from a company licensed to do business in New York State general public liability insurance in the minimum amount of \$1,000,000.00 per occurrence single limit bodily injury and property damage. The People of the State of New York and the New York State Department of Agriculture and Markets shall be named as additional insureds.

Proposal Contents

All proposals (original and five copies) shall be submitted in one sealed envelope or package clearly marked "Circus Entertainment". Inside the sealed envelope or package submit separate sealed envelopes or packages marked "Minimum Qualifications", "Technical Proposal" and "Fee".

- A. In the envelope marked "Minimum Qualifications" provide documentation or other information showing that:
 1. You are currently in the business of providing multi-act, multi-show big top circus entertainment at fairs, festivals or similar venues with daily attendance of at least 15,000 people
 2. You have in the immediately preceding five (5) consecutive years provided and operated a multi-act, multi-show big top circus. Include a list of all fairs and festivals where you provided circus entertainment during the period, the venue name and capacity including location and average attendance and the name(s), address(es) and telephone numbers of the contact persons at each venue. The Department may contact the persons you identify as your references.
 3. The provision of a circus as entertainment is a major focus of your business operation.

4. A detailed description, including the name, address and contact information of at least one animal act which you may provide.
- B. In accordance with items 1 through 8 under “Proposer Provided Services”, in the envelope marked “Technical Proposal” submit the following:
1. A written statement describing the circus you propose to present and a list and detailed description of each act to be presented during each performance and a proposed performance program showing the time allocated to each act and a drawing and written description of your proposed layout, including pictures of your seating, sound and tent and the dimensions of the tent.
 2. Promotional and informational material including written material and DVD’s of at least six (6) shows you provided within the last 12 months. The DVD’s shall include the dates of the shows included on the DVD.
 3. A detailed list and photographs of all of the acts that will be performed as part of the circus being proposed, or if unavailable, a detailed list and photographs of the acts you presented during 2011.
- C. In the envelope marked “Fee”, submit the fee which you will charge to provide the services requested.

Selection Process

Selection will result from an evaluation by a selection committee composed of officers of the Department. Proposals will be evaluated on technical content (70 points) and fee offered (30 points).

- A. The technical portion of your proposal will be evaluated and a tentative score determined. Items 1 through 3 in your technical proposal are worth seventy (70) points, distributed as follows:
1. The detail, comprehensiveness and clarity of your written statement explaining the circus you propose to present, the variety and appeal of your list and detailed description of each act to be presented during each performance; your proposed performance program showing the time allocated to each act and your drawing and written description of your proposed layout, including pictures of seating, sound system and tent size. (35 points)
 2. Your promotional and informational material that must include written material and DVD’s of at least six (6) shows you provided within the last 12 months. (25 points)
 3. Your references. (10 points)

B. The fee portion of your proposal will be worth thirty (30) points awarded using the formula below.

$$30 \times \frac{\text{Fee being evaluated}}{\text{Lowest fee}}$$

Reservation of Rights

The Department reserves the right to:

- Reject any or all proposals received with respect to this request;
- Decline to award a contract from this request;
- Require clarification from any proposer to assure a full understanding of the responsiveness to the requirements of the request;
- Waive or modify minor irregularities in proposals received;
- Request from a proposer additional information deemed necessary to more fully evaluate its proposal or absent required forms. Proposers will have three (3) business days to respond to the request;
- Amend this request after its release, with appropriate written notice posted on the Department's website, and;
- Negotiate with any or all proposers within the request requirements, in the best interest of New York State.

Notification of Award

The Department will notify the selected proposer verbally, followed by a written confirmation. Unsuccessful proposers will be notified in writing by the Department within ten business days after the award.

Debriefing – Protest

Pursuant to section 163(9)(c) of the State Finance Law, an unsuccessful proposer has the right to a debriefing. An unsuccessful proposer must request a debriefing within thirty (30) days from the date of the notification of the award. To request a debriefing an unsuccessful proposer should contact Emma Graham, Division of Fiscal Management, in writing or via e-mail at emma.graham@agriculture.ny.gov .

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.

New York Law

The provisions of New York law shall apply to the Agreement and to all claims, actions and other proceedings arising out of the Agreement.

Approvals

The Agreement shall be subject to the approval of the Attorney General of the State of New York and the Comptroller of the State of New York.

NYS Standard Vendor Responsibility Questionnaire

The proposer shall fully and accurately complete the Vendor Responsibility Questionnaire, (hereinafter the "Questionnaire"). The proposer acknowledges that the Department's execution of the Contract 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. 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 contract by providing ten (10) days written notification to the contractor. In no case shall such termination of the contract 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 <http://www.osc.state.ny.us/vendrep> or go directly to the VendRep System online at <https://portal.osc.state.ny.us/wps/portal>. For direct VendRep System user assistance, the OSC Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email ciohelpdesk@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 contract awarded 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.ny.gov/pdf/publications/sales/pub223.pdf>

Minority & Women Owned Business Equal Opportunities & 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%

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 - "Guidelines Regarding Permissible Contacts During 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/bids 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, is identified in this solicitation. Department employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the offeror/bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four year period, the offeror/bidder is debarred from obtaining governmental Procurement Contracts. Further information about these requirements can be found in the Department's Guidelines, which are attached, and on the Office of General Services Website at

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

The Department has designated the following staff members to receive contacts pertaining to this request:

Emma Graham
Division of Fiscal Management
Telephone: (518) 457-0864
Fax: (518) 485-7750
E-mail: emma.graham@agriculture.ny.gov

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

Non-Collusive Bidding Certification

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

Contract Termination

This provision authorizes the Department to terminate its contract 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.

Workers' Compensation & Disability Benefits Insurance

Pursuant to sections 57 and 220 of the State's Workers' Compensation Law, no State agency may enter into a contract with a vendor until the vendor produces proof that it has secured Workers' Compensation and Disability Benefits Insurance. Bidders must include, as part of their bid, a C-105.2 form and a DB-120.1 form completed and certified by their insurance carrier, attesting to the existence of proper insurance coverage. The insurance coverage must be under the company name, federal employer identification number and policy number issued to the Bidder. New York State does not accept ACORD forms. Please see the Workers' Compensation Board's website at www.wcb.state.ny.us for more information.

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 proposer may contact Emma Graham in writing or by email at emma.graham@agriculture.ny.gov.

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 request.

Freedom of Information

The selected proposer's proposal and any contract resulting from this request are 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.

CIRCUS ENTERTAINMENT
New York State Department of Agriculture and Markets

Cost Sheet

Fee to provide circus entertainment during the 2012
New York State Fair \$ _____

Proposer Name (Company) _____

Contact Name (Print) _____

Signature _____

Date _____