

INVITATION FOR BIDS
DECORATIONS & DECORATING SERVICES
New York State Department of Agriculture and Markets

The New York State Department of Agriculture and Markets presents the annual New York State Fair at the State Fairgrounds in Syracuse, New York for a twelve day period ending on Labor Day. The State Fair is an agricultural fair, showcasing New York's agricultural industry through a variety of exhibits, demonstrations, amusements and competitions.

The purpose of this invitation is to retain a decorating company to provide decorations and decorating services during the annual New York State Fair for the Term of the contract. All decorations must be consistent with the State Fair's family oriented theme and provide a bright, cheerful and festive atmosphere for all patrons.

Bids must be received in hand by the Department no later than **3:00 pm** local time on April 30, 2010. Bids 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 bid. Bids may not be submitted electronically, nor by fax. Inquiries about this invitation 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 April 16, 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 April 20, 2010. The questions and answers, when posted, are part of this invitation.

Addenda to Invitation for Bids

Any revisions to this invitation will be posted on the Department's website, www.agmkt.state.ny.us under "Funding Opportunities". All bidders are responsible for keeping informed of any revisions to this invitation.

Schedule

Invitation Issued – April 5, 2010
Last Date for Inquiries – April 16, 2010

Responses to Inquiries – April 20, 2010
Bids Due – April 30, 2010
Selection within 30 days

Scope of Work

The work sought by this invitation shall be provided to/for the Department and shall consist of:

1. providing, installing, maintaining, including cleaning, and removing (a) bunting, (b) carpeting, (c) ceiling decoration, (d) pennants, (e) flags, (f) tables, (g) chairs, (h) coat racks, (i) drape, (j) seat dividers, (k) fans, (l) table linens, (m) staging, (n) weather drapes, (o) stage back drop, (p) stage skirting and (q) crowd control stanchions, as needed, in the buildings referred to in "2" below and at other locations throughout the Fairgrounds, and

2. providing, installing, maintaining and removing pipe and drape for approximately seven hundred (700) exhibit/concession spaces, each space approximately 10'x10', with an 8' back and 3' sides, in the buildings/spaces identified as the Center of Progress, Horticulture, Art & Home, International, Science & Industry and Flea Market.

All decorations, material and equipment furnished by the successful bidder shall be of good quality without visible damage or repair, clean and new, or equivalent condition, and shall be maintained in that condition, reasonable wear and tear excepted, from installation until removal. All decorations provided by the successful bidder shall be jointly inspected and inventoried by the bidder's representative and a representative of the Department upon entry to the Fairgrounds. The Department shall retain all signed and dated individual inventory sheets and no payment will be made for the provision of any item in excess of the total quantity of that item listed upon the inventory sheet. The successful bidder shall be physically present and "on-call" during the New York State Fair and shall respond to requests for decorations, decorating service, repair, replacement and cleaning within one (1) hour from receipt of the request.

The replacement cost of any item provided to the Department by the successful bidder which is damaged by the Department beyond the reasonable cost of repair, which shall mean that the cost of the repair is seventy-five (75%) or less than the replacement cost of the item, or any item not returned to the successful bidder, may be paid by the Department to the successful bidder *provided that* (i) the item has been specifically identified upon delivery on an inventory sheet provided by the successful bidder to the Department; (ii) the inventory sheet has been verified as accurate by a representative of the Department and bears the representative's dated signature (initials are not acceptable); (iii) the installed location of the damaged or missing item is noted in the inventory sheet, and (iv) the item is specifically identified by a Department representative as damaged or missing and the Department representative's dated signature is placed next to each item identified as damaged or missing. Any payment

made shall not exceed the actual cost of the replacement item which shall be of the same kind and quality as the damaged or missing item.

Term

The contract will be for a three (3) year Term beginning on July 1, 2010 and ending on June 30, 2013.

Schedule

The pipe and drape in all buildings/spaces, gate flags and other decorations and decorating, except bunting, tie downs, building flags and miscellaneous signs, shall be completed on or before August 1 of each calendar year during the Term of the contract. All remaining decorating shall be completed on or before August 10 of each calendar year during the Term of the contract.

Storage During State Fair

The Department will provide an outdoor location of an agreed upon size, conveniently located on the State Fairgrounds during each State Fair held during the Term of the contract. The successful bidder shall inform the Department within five (5) business days after notification of award of the space requested. The successful bidder is solely responsible for providing all storage facilities and for the cost of all utility connections, if any. The space provided shall be available not later than August 1 and shall be vacated by the successful bidder not later than September 10 in each calendar year during the Term of the contract.

Invoices & Payments

The Department will provide to the successful bidder a list of Department employees authorized to order decorations and request decorating services. The successful bidder must submit a signed copy of each order placed by an authorized Department employee with each invoice requesting payment for work performed under the contract. Any questions regarding billing should be directed to Martha Carpenter @ (315) 487-7711 Ext. 1215. Payment shall be made by the Department only after receipt and approval of itemized invoice(s) submitted by the successful bidder.

Payments for invoices submitted by the successful bidder shall only be rendered electronically unless payment by paper check is expressly authorized by the Department, in the Department's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The successful bidder shall comply with the State Comptroller's procedures to authorize electronic payments. Authorization forms are available at the State Comptroller's website at www.osc.state.ny.us/epay/index.htm, by email at epunit@osc.state.ny.us, or by telephone at 518-474-4032. The successful bidder acknowledges that it will not receive payment on any invoices submitted under this

Contract if it does not comply with the State Comptroller's electronic payment procedures, except where the Department has expressly authorized payment by paper check as set forth above.

Irrevocable Letter of Credit

The successful bidder will be required to provide an irrevocable letter of credit for the benefit of the Department in the amount of \$25,000.00 to become effective upon award of the contract. The letter of credit must cover the Term of the contract, to assure satisfactory performance of the contract.

Minimum Qualifications

1. A bidder shall demonstrate that the bidder is currently operating as a decorator and providing decorations and decorating services similar to those sought by this invitation and has done so continuously during the three (3) calendar years immediately preceding submission of its bid, and
2. A bidder shall demonstrate that it has billed and received payment for work the same as, or similar to, that sought by this invitation in the aggregate amount of \$75,000.00 in each year of the three (3) calendar years immediately preceding submission of its bid.
3. A bidder shall provide the name, address, contact person, telephone number for the three (3) most recent customers for which the bidder has provided decorations and decorating service, the dates and location where the bidder provided the decorations and decorating service and the amount of the billing to each customer. The Department reserves the right to contact any or all of those customers to verify the information the bidder provides and ask for positive and negative references.

Bid

All bids must be submitted on the "Bid Form" attached to this invitation. Bidders must provide a per-unit cost for each item.

For Group 1, Fairtime Decorations, submit the cost for each item. *Each bidder must submit a cost for every item.* Do not leave the cost of an item blank. If there is no cost for an item because the item is included with another item, for example, a 4' table with linen, put a \$0 in the "linen for 4' table" item.

For Group 2, Fairtime Pipe and Drape, submit the unit cost for one (1) complete booth, 10'x10' with an 8' high rear panel and two (2) 3' high side panels.

Award

The award will be made to a responsible bidder submitting the lowest aggregate cost determined by adding the per-unit cost offered in Group 1 to the sum of the per-unit cost offered in Group 2.

Reservation of Rights

The Department reserves the right to:

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

Notification of Award

The Department will notify the selected bidder verbally, followed by a written confirmation. Unsuccessful bidders 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 bidder has the right to a debriefing. An unsuccessful bidder must request a debriefing within thirty (30) days from the date of the notification of the Award. To request a debriefing an unsuccessful bidder should contact Emma Graham, Division of Fiscal Management, in writing or via e-mail at emma.graham@agmkt.state.ny.us.

An unsuccessful bidder 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 contract and to all claims, actions and other proceedings arising out of the contract.

Approvals

The contract 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 bidder shall fully and accurately complete the Vendor Responsibility Questionnaire, (hereinafter the "Questionnaire"). The bidder acknowledges that the Department's execution of the Contract will be contingent upon the Department's determination that the bidder is responsible, and that the Department will be relying upon the bidder's responses to the Questionnaire in making that determination. If it is found by the Department that the bidder'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: Bidders 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 contract awarded and the successful bidder 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 bidder 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 bidder 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 bidder non-responsive and non-responsible. Bidders 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 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. Bidders 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/bidder during the procurement process. (See Attachment 8 - "Guidelines Regarding Permissible Contacts During a Procurement and the Prohibition of Inappropriate Lobbying Influence".) An offeror/bidder 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, 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/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 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 bid 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

Bidders shall make no unsolicited contact with any Department or Division personnel regarding this Bid, except that Bidders 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 Bidders in preparing and submitting their bids in response to this Bid.

Freedom of Information

The selected Bidder's bid and any contract resulting from this Bid are subject to the provisions of New York's Freedom of Information Law, Public Officers Law, Article 6. The selected Bidder's financial and proprietary business information will be received and accepted as confidential information and not subject to disclosure.

REMAINDER OF PAGE INTENTIONALLY BLANK

New York State Department of Agriculture and Markets

BID SHEET**Decorations & Decorating Services - 2010**

All bids must be submitted on this sheet.

Group 1 – Fairtime Decorations

Item #	Description	Unit of Measure	Price Per Unit
Item #1	bunting - red, white & blue - 3'x5'	each	
Item #2	carpeting	sq foot	
Item #3	ceiling decorations - 48"h x 3'd stars/drape for ceiling of coliseum	each	
Item #4	ceiling decorations - pennants for ceiling of coliseum (120' section)	each	
Item #5	ceiling decorations - plastic pennant strings	100' section	
Item #6	chairs - folding plastic/metal	each	
Item #7	chairs - padded	each	
Item #8	cleaning & repairing - banners & flags	sq foot	
Item #9	coat racks - rolling	each	
Item #10	coat racks - stationary	each	
Item #11	coliseum box seat dividers	each	
Item #12	drape (including pipe) - 12'	feet	
Item #13	drape (including pipe) - 3'	feet	
Item #14	drape (including pipe) - 8'	feet	
Item #15	fans - pedestal	each	
Item #16	flags for gates/bleachers in individual colors of red, white & blue (including poles & brackets) - 2'x3'	each	
Item #17	flags for roof tops (including various sized poles & brackets)	each	
Item #18	hourly rate for misc services	per hour	
Item #19	linen - 120" round	each	
Item #20	linen - 90" round	each	
Item #21	linen for 4' table	each	
Item #22	linen for 6' table	each	
Item #23	linen for 8' table	each	
Item #24	stage - 4'x8' carpeted risers with removable toe rails	each	

Bidder _____

Signature _____

Item #	Description	Unit of Measure	Price Per Unit
Item #25	stage - 4'x8'x8' platforms w/ carpet	each	
Item #26	stage - portable with side steps and handrail - 40x24x24	each	
Item #27	stage - weather drapes for side wings to Talent Showcase	each	
Item #28	stage - weather drapes to protect sound equipment at Chevy Court	each	
Item #29	stage backdrop - 12'	feet	
Item #29	stage backdrop - 12' black velour	feet	
Item #30	stage backdrop - 8'	feet	
Item #31	stage backdrop - 8' black velour	feet	
Item #32	stage platforms - 18'x24'x24'	each	
Item #33	stage skirting 30"	each	
Item #34	stanchions - barriers with sign holders	each	
Item #35	stanchions - chrome	each	
Item #36	stanchions - crowd control rope	feet	
Item #37	table - 30"h cocktail	each	
Item #38	table - 4' draped	each	
Item #39	table - 40"h cocktail	each	
Item #40	table - 48" round	each	
Item #41	table - 4'x24" - plain for flower show	each	
Item #42	table - 6' draped	each	
Item #43	table - 8' draped	each	
Item #43	table - 8'x24" - plain for flower show	each	
Item #44	table - umbrella	each	
Item #45	table topped w/ white vinyl - 4'	each	
Item #46	table topped w/ white vinyl - 6'	each	
Item #47	table topped w/ white vinyl - 8'	each	

Total Cost

\$ _____

Group 2 – Fairtime Pipe and Drape

Price per booth for Fairtime pipe and drape

\$ _____

Bidder Name

Contact Name (print)

Signature

Date