

New York State Department of Agriculture and Markets

INVITATION FOR BIDS

MANURE REMOVAL AND DISPOSAL

New York State Fairgrounds

The New York State Department of Agriculture and Markets (Department) operates the New York State Fairgrounds and presents the annual New York State Fair at the State Fairgrounds in Syracuse, New York for a twelve day period ending on Labor Day each calendar year.

The purpose of this invitation is to retain a contractor to remove and dispose of all manure and bedding throughout each calendar year and during each State Fair during the Term of the contract from collection locations on the New York State Fairgrounds. Approximately ninety percent (90%) of the material removed is bedding, including sawdust, wood shavings, bark, hay and straw, and ten percent (10%) is manure.

Bids must be received in hand by the Department no later than **3:00 pm** local time on **January 12, 2012**. 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 one (1) copy of your bid. Bids may not be submitted electronically, or by fax. Inquiries about this invitation 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 December 30, 2011. No telephone inquiries will be accepted. All questions and answers will be posted on the Department's website, www.agriculture.ny.gov in the "Funding Opportunities" section. Answers will be posted as quickly as possible, but no later than January 5, 2012. 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.agriculture.ny.gov under "Funding Opportunities". All bidders are responsible for keeping informed of any revisions to this invitation.

Bid Schedule

Invitation Issued – December 16, 2011
Last Date for Inquiries – December 30, 2011
Responses to Inquiries – January 5, 2012
Bids Due – January 12, 2012
Selection within 30 days

Scope of Services

A. Year-round

1. Remove and dispose of bedding and manure from established collection locations adjacent to the following buildings:

- Dairy cattle building
- Horse exhibit buildings
- Swine/goat/llama building
- Beef pole barn
- Sheep pole barn
- Poultry building
- Horse show pole barn area
- Race horse stable area

2. Remove and dispose of manure and bedding from temporary collection locations.

3. Provide bunks (temporary retaining walls) at the swine barn and the 4-H area.

4. Manure and bedding shall be removed from the race horse stable area a minimum of once a week throughout the Term of the contract. During the period November through March, stable facilities are generally occupied by approximately 50 horses.

5. During the period from mid-April through mid-August and September through October or November manure and bedding must be removed weekly from collection sites outside the horse exhibit buildings. The Department will remove manure from the buildings on Monday and Tuesday and place it in collection sites. The contractor must remove and dispose of manure and bedding from the collection sites on Tuesday and Wednesday. The contractor must adhere to this schedule and will not be reminded or called on a weekly basis.

Historically, approximately 15,000 to 18,000 yards in total has been removed during a calendar year from the above locations.

B. Fairtime

Exhibitor Animal Locations:

During the State Fair, the contractor shall remove manure and bedding from the Fairgrounds every night, between the hours of 10 p.m. and 6 a.m. Removal will begin the night before the Fair opens and will continue for thirteen (13) nights. Each night approximately 300 to 400 yards of manure and bedding must be removed except on the sixth night of the Fair when approximately 1,500 yards of manure and bedding shall be removed from outside the Dairy Cattle Barn, which removal must be completed between the hours of 10 p.m. and midnight. Also on the sixth night, approximately 700 yards of manure and bedding must be removed from locations outside the Horse, Beef, Sheep and Goat Barns. Removal from these locations must be complete by 6:00 am the following day. Immediately following the annual Fair, approximately 2,200 yards of manure and bedding must be removed from the Fairgrounds within forty eight (48) hours.

Entertainment Animal Locations:

The contractor shall furnish soiled bedding/manure dumpsters (each 20-30 yd. capacity) two days before the Fair opens and continuing until one day after the Fair closes to the Circus and the Petting Zoo. The dumpsters must be removed, emptied and replaced by the contractor as needed.

C. All loads must be covered with a tarp prior to leaving the Fairgrounds.

Site Inspection

It will be the responsibility of each bidder to examine the Fairgrounds to determine the services involved. To arrange for a site visit please call Joan Kerr at (315) 487-7711, ext. 1201.

Services to be Provided

1. Equipment

The contractor shall furnish all labor and equipment necessary for the provision of services under this contract. Trained personnel shall operate equipment at all times.

Required Equipment:

Minimum of four (4) 50 yd. dump trucks/trailers (or equivalent)
Minimum of one (1) front-end loader
Shovels, manure forks, brooms and other tools necessary to complete the required work under the contract.

All equipment must be currently registered and licensed as required and insured.

2. Permits

The bidder shall, at the bidder's own expense, obtain the necessary licenses, permits or authorizations from any federal, state, county and local agency or jurisdiction regulating the collection, transport and disposal of manure and bedding.

If the selected bidder does not have all necessary permits at the time of submission of the bid, any award will be contingent upon the bidder obtaining the permit(s) within sixty (60) days from award.

3. Disposal Site

The manure and bedding must be disposed of at a site properly permitted by federal, state and local authorities. A bidder proposing to dispose of manure and bedding at a site not owned or controlled by the bidder shall identify that site, or sites, in its bid. All bids must include a description of the proposed disposal site and proof that the site(s) may accept manure and bedding. The bidder is responsible for and shall pay any and all costs for use of a disposal site.

Cost Renegotiation

The services to be provided under the contract include the removal of manure and bedding from the racing stables, which house approximately 50 horses from November through March. The contract will contain a provision providing for renegotiation of the contractor's bid price if use of the racing stables is discontinued for the November through March period.

Payment

Payment will be made to the contractor upon receipt of a quarterly invoice, listing the number of loads and identifying the removal location of manure and bedding removed during the quarter. Payment shall be the following percentages of the contract cost for each calendar year of the Term:

10% on March 31st
40% on June 30th
40% on August 31st
10% on December 31st

Payment for invoices submitted by the contractor 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 contractor 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 contractor 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.

Performance Bond/Letter of Credit

The contractor shall provide a performance bond in the amount of twenty thousand dollars (\$20,000.00) guaranteeing performance of the contract.

Term

The contract shall be for a Term of three (3) years beginning in January, 2012 and ending on December 31, 2014.

Insurance

The contractor shall secure from a company licensed to do business in New York State public liability insurance in the amount of \$1,000,000.00 per occurrence single limit bodily injury and property damage. The New York State Department of Agriculture and Markets must be named as additional insured. The certificate of insurance must be provided to the Department within five (5) business days from notification of award.

Minimum Qualifications

1. Each bidder shall submit a list of the motorized equipment and vehicles intended to be used to provide the services required under the contract, including proof of ownership/lease, valid registration, if required, and insurance.
2. Each bidder shall demonstrate that the bidder holds, or has applied for, a solid waste transporter permit issued by the New York State Department of Environmental Conservation.
3. Each bidder shall demonstrate that the bidder owns and operates, or has arranged for disposal of bedding and manure at a disposal site permitted or exempted by the New York State Department of Environmental Conservation or an equivalent regulatory entity if disposal occurs outside New York State.
4. Each bidder shall demonstrate that the performance bond will be provided if the bidder is awarded the contract.
5. Each bidder shall provide the name, address, contact person, telephone number for the three (3) most recent customers for which the bidder has provided similar services, the dates and location where the bidder provided such service and the amount of the billing to each customer. The Department reserves the right to contact any or all 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 and set forth the cost to remove and dispose of all manure and bedding for each year of the three (3) year Term of the contract.

Taxes

The Department of Agriculture and Markets, is exempt from all federal state and local taxes.

Award

The award will be made to a qualified, responsible bidder submitting the lowest bid.

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 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 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 contact Emma Graham, Division of Fiscal Management, in writing or via e-mail at emma.graham@agriculture.ny.gov.

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, (“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 New York State 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 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.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 has 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 attached certification of non-discrimination.

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. 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 on the Office of General Services Website at <http://ogs.ny.gov/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. The non-collusive bid certification is attached and must be executed and returned with your bid.

Contract Termination

The contract will contain a provision which authorizes the Department to terminate the contract 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 and the Department assume no responsibility or liability for costs incurred by bidders in preparing and submitting their bids in response to this invitation for bids.

Freedom of Information

The selected bidder's bid and any contract resulting from this invitation for bids are subject to the provisions of New York's Freedom of Information Law, Public Officers Law, Article 6.

**Offeror's Affirmation of Understanding and Agreement
Pursuant to State Finance Law §139-j(3) and §139-j(6)**

Instructions:

Pursuant to State Finance Law §§139-j and 139-k, this solicitation imposes certain procurement lobbying limitations. Offerors are restricted from making contacts during the procurement's "Restricted Period" (from the issuance of the solicitation document until the date of the contract's final approval by the State Comptroller) to other than designated staff, unless the contact falls within certain statutory exceptions ("permissible contacts"). Agriculture and Markets' employees are required to obtain certain information from Offerors and others whenever there is a contact about the procurement during the Restricted Period, and are required to make a determination of the Offeror's responsibility that addresses the Offeror's compliance with the statutes' requirements. Findings of non-responsibility result in rejection of contract award, and if an Offeror is subject to two non-responsibility findings within four years the Offeror also will be determined ineligible to submit a bid on or be awarded a contract for four years from the date of the second non-responsibility finding. Further information about these requirements can be found at:

<http://ogs.ny.gov/Aboutogs/regulations/defaultAdvisoryCouncil.html>. As a prerequisite for participating in this procurement, an Offeror must provide the following Affirmation of Understanding and Agreement to comply with these procurement lobbying restrictions in accordance with State Finance Law §§139-j and 139-k.

Offeror Affirmation and Agreement

The Offeror affirms that it understands the procurement lobbying requirements set forth in State Finance Law §§139-j and 139-k, and agrees to comply with the Agriculture and Markets' procedures regarding permissible Contacts as required thereby.

Name of Offeror: _____

By: _____
(Signature)

Name: _____

Title: _____

Address: _____

Date: _____

Offerer Disclosure of Prior Non-Responsibility Determinations

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

Address:

Name and Title of Person Submitting this Form:

Contract Procurement Number:

Date:

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):

No Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):

No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle):

No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity: _____

Date of Finding of Non-responsibility: _____

Basis of Finding of Non-Responsibility: _____

(Add additional pages as necessary)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle):

No Yes

6. If yes, please provide details below.

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

(Add additional pages as necessary)

Offerer certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By: _____ Date: _____

Signature

Name: _____

Title: _____

**Offeror's Certification of Compliance
Pursuant to State Finance Law §139-k(5)**

Instructions:

New York State Finance Law (SFL) §139-k(5) require that every contract award subject to the provisions of SFL §§139-k or 139-j shall contain a certification by the Offeror that all information provided to Agriculture and Markets with respect to SFL §139-k is complete, true and accurate.

At the time an Offer or Bid is submitted to Agriculture and Markets, the Offeror/Bidder must provide the following certification that the information it has and will provide to Agriculture and Markets pursuant to SFL §139-k is complete, true and accurate including, but not limited to, disclosures of findings of non-responsibility made within the previous four years by any State governmental entity where such finding of non-responsibility was due to a violation of SFL §139-j or due to the intentional provision of false or incomplete information to a State governmental entity.

Offeror Certification

I certify that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

Name of Offeror: _____

By: _____
(Signature)

Name: _____

Title: _____

Address: _____

Guidelines Regarding Permissible Contacts During a Procurement and the Prohibition of Inappropriate Lobbying Influence

Chapter 1 of the Laws of 2005, as amended by Chapter 596 of the Laws of 2005 (collectively referred to as the “Lobbying Law”), makes major changes to the Legislative Law and State Finance Law relative to lobbying on government procurements. More specifically, the Lobbying Law creates two new sections in the State Finance Law: Section 139-j addresses the disclosure on “contacts” during the procurement process; and Section 139-k addresses the disclosure of contacts and the responsibility of Offerors¹ during the procurement process. The Lobbying Law applies to all procurements initiated on or after January 1, 2006. In this regard, a procurement means a contract or agreement involving an annual expenditure in excess of \$15,000 for a commodity, service, technology, public work, or construction; purchase, sale or lease of real property; or revenue contract.

In conformity with the Lobbying Law, during a procurement’s restricted period² the only Department employee(s) that the Offeror may “Contact” is/are the Department designated contact person(s) for that procurement. In this regard, “Contact” means any oral, written or electronic communication under circumstances where a reasonable person would infer that the communication was intended to influence a procurement. Exceptions to this rule include:

- submission of a written bid in response to an RFP, IFB or any other solicitation method;
- submission of written questions as part of an RFP, IFB or other solicitation method where all written questions and written responses will be provided to all Offerors;
- participation in a pre-bid or pre-bid conference scheduled as part of an RFP, IFB or other solicitation process;
- written complaints by an Offeror that the Department designated contact for a procurement fails to respond in a timely manner;
- negotiations with the Department following tentative award;
- contacts between designated Department staff and Offeror to request the review of a contract award; and
- communications with the Department regarding an appeal, protest or other review of a procurement, participation in an administrative or judicial proceeding regarding a procurement and complaints regarding a procurement made to the Attorney General, Inspector General, District Attorney, or State Comptroller.

¹ An Offeror is an individual or entity, or any employee, agent or consultant or person acting on behalf of such individual or entity, that contacts the Department about a procurement during the restricted period.

² The period of time commencing with the earliest written notice, advertisement or solicitation of a Request for Bids “RFP”, Invitation for Bids “IFB”, solicitation of bids or any other method for soliciting responses from Offerors intending to result in a procurement contract by the Department, and ending with the final contract award and approval by the Department, and OSC (if required).

An Offeror shall not, under any circumstances, attempt to influence a Department procurement in a way that violates or attempts to violate: Public Officers Law Section 73(5), relating to gifts intended to influence; or Public Officers Law Section 74, relating to the code of ethics for employees of state agencies.

An Offeror who contacts the Department regarding a procurement during the restricted period must be prepared to provide the following information: name, address, telephone number, place of principal employment and occupation of the person or organization making the contact, and whether the person/organization making the contact is the Offeror or is retained, employed or designated by or on behalf of the Offeror to appear before or contact the Department about the procurement. The Department's Report of Contact Form is attached as Form 1.

An Offeror that submits a bid, bid or other response to a Department RFP, IFB or other solicitation method must:

- Affirm that it understands and agrees to comply with these guidelines regarding permissible contacts during a procurement and the prohibition of inappropriate lobbying influence. (The Department's Affirmation of Understanding and Agreement is attached as Form 2.);
- Certify that all information provided to the Department with respect to the Lobbying Law is complete, true, and accurate. (The Department's Certification of Compliance is attached as Form 3.);
- Disclose whether any governmental entity has, within the prior four years, found the Offeror non-responsible due to a violation of the Lobbying Law or the intentional provision of false or incomplete information. (Included in the Vendor Responsibility Questionnaire.)

Further, all Department procurement contracts will contain a provision authorizing the Department to terminate the contract in the event such Certification of Compliance is found to be intentionally false or incomplete.

Any alleged violations of the Department's guidelines or the Lobbying Law regarding permissible contacts during a procurement and the prohibition of inappropriate lobbying influence will be reported to the Department's Ethics Officer for investigation. If there is sufficient evidence to indicate the allegation may be true, the Department shall give the Offeror reasonable notice that an investigation is ongoing and an opportunity to be heard in response to the allegation. At the Department's discretion, the opportunity to be heard may be provided either by giving the Offeror the opportunity to meet with the Department staff conducting the investigation or by convening a hearing before an impartial hearing officer at the Department's Albany office. In either case, a written report including findings, conclusions, and a recommended decision will be forwarded to the Commissioner or his or her designee for review and a final determination. A determination that an Offeror has knowingly and willfully committed such a violation may result in a finding that the Offeror and its subsidiaries are non-responsible and therefore ineligible for award of the procurement contract. A second determination of non-responsibility for such a violation within four years of the first such determination may

render the Offeror and its subsidiaries ineligible to submit a bid or bid or be awarded a procurement contract for four (4) years from the date of the second determination. The Department will notify the New York State Office of General Services (“OGS”) of any determinations of non-responsibility or debarments due to violations of the Lobbying Law.

If you require further guidance on the new Lobbying Law, you are encouraged to visit the Advisory Council on Procurement Lobbying website at: <http://ogs.ny.gov/Aboutogs/regulations/defaultAdvisoryCouncil.html> where Frequently Asked Questions “FAQ’s” adopted by the Council have been posted.

**NON-COLLUSIVE BIDDING CERTIFICATION REQUIRED BY
SECTION 139-d OF THE STATE FINANCE LAW**

BY SUBMISSION OF THIS BID, ANY BIDDER AND EACH PERSON SIGNING ON BEHALF OF ANY BIDDER CERTIFIES, AND IN THE CASE OF A JOINT BID, EACH PARTY THERETO CERTIFIES AS TO ITS OWN ORGANIZATION, UNDER PENALTY OF PERJURY, THAT TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF:

[1] The prices in this bid have been arrived at independently, without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other Bidder or with any competitor;

[2] Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other Bidder or to any competitor; and

[3] No attempt has been made or will be made by the Bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A BID SHALL NOT BE CONSIDERED FOR AWARD NOR SHALL ANY AWARD BE MADE WHERE [1], [2], AND [3] ABOVE HAVE NOT BEEN COMPLIED WITH; PROVIDED HOWEVER, THAT IF IN ANY CASE THE BIDDER(S) CANNOT MAKE THE FOREGOING CERTIFICATION, THE BIDDER(S) SHALL SO STATE AND SHALL FURNISH BELOW A SIGNED STATEMENT WHICH SETS FORTH IN DETAIL THE REASONS THEREFORE.

[AFFIX ADDENDUM TO THIS PAGE IF SPACE IS REQUIRED FOR STATEMENT.]

Signature _____

Name (Typed) _____

Company Position _____

Company Name _____

Date Signed _____

Sworn to before me this

_____ day of _____, 2011

Notary Public

Signature _____

Name (Typed) _____

Company Position _____

Company Name _____

Date Signed _____

Sworn to before me this

_____ day of _____, 2011

Notary Public

MACBRIDE FAIR EMPLOYMENT PRINCIPLES

STIPULATION

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.

PLEASE READ AND INITIAL EITHER STATEMENT #1 OR STATEMENT #2. DO NOT INITIAL BOTH STATEMENTS.

_____ 1. The Contractor, and any individual or legal entity in which the Contractor holds a 10% or greater ownership interest and any individual or legal entity that holds a 10% or greater ownership interest in the Contractor has no business operations in Northern Ireland.

_____ 2. The Contractor, and any individual or legal entity in which the Contractor holds a 10% or greater ownership interest and any individual or legal entity that holds a 10% or greater ownership interest in the Contractor shall take lawful steps in good faith to conduct any business operations they have in Northern Ireland in accordance with the MacBride Fair Employment Principles and shall permit the independent monitoring of their compliance with such principles.

Dated:

New York State Department of Agriculture and Markets

Bid Sheet

**MANURE AND BEDDING REMOVAL AND DISPOSAL
NEW YORK STATE FAIRGROUNDS**

Cost of providing the services set forth in the Invitation for Bids:

\$ _____ 2012

\$ _____ 2013

\$ _____ 2014

Total Bid Amount \$ _____

Signature

Name (please print)

Company

Date