

INVITATION FOR BIDS

for

RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES FOR THE NEW YORK STATE FAIR

IFB #0156

IFB Issued: April 10, 2017
Proposals Due: May 2, 2017

By:

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

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

Table of Contents

| | | |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 1. | INTRODUCTION | 4 |
| 1.1 | OVERVIEW..... | 4 |
| 1.2 | IFB GOAL..... | 4 |
| 1.3 | TERM..... | 4 |
| 1.4 | IFB TIMELINE | 4 |
| 2. | DESCRIPTION OF WORK TO BE PERFORMED | 5 |
| 2.1 | PREMISES | 5 |
| 2.2 | SCOPE OF WORK | 5 |
| 2.2.1 | SERVICES REQUIRED | 5 |
| 2.2.2 | EQUIPMENT AND SUPPLIES | 7 |
| 3. | BID SUBMISSION | 8 |
| 3.1 | SUBMISSION TIMELINE | 8 |
| 3.2 | SUBMISSION METHOD..... | 8 |
| 3.3 | MINIMUM QUALIFICATIONS..... | 9 |
| 3.4 | MANDATORY CONTRACT REQUIREMENTS..... | 10 |
| 3.5 | BID FORM..... | 11 |
| 4. | EVALUATION | 11 |
| 4.1 | CONSIDERATION..... | 11 |
| 4.2 | DETERMINATION OF BID AWARD | 11 |
| 5. | CONSIDERATIONS RELATED TO THIS PROCUREMENT..... | 11 |
| 5.1 | DEPARTMENT’S RESERVATION OF RIGHTS | 11 |
| 5.2 | SUBCONTRACTING..... | 11 |
| 5.3 | CONTRACTOR REQUIREMENTS AND PRODEDURES FOR PARTICIPATION BY NEW YORK STATE-CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WORMEN | 13 |
| 5.4 | NOTIFICATION OF AWARD..... | 15 |
| 5.5 | DEBRIEFING PROCEDURES | 16 |
| 5.6 | BID PROTEST PROCEDURES | 16 |
| 5.7 | NEW YORK LAW..... | 16 |
| 5.8 | REQUIRED APPROVALS..... | 16 |
| 5.9 | VENDOR RESPONSIBILITY AND NYS VENDOR ID | 16 |

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

| | | |
|------|-------------------------------------------|----|
| 5.10 | COST LIABILITY | 17 |
| 5.11 | FREEDOM OF INFORMATION..... | 18 |
| 5.12 | PROCUREMENT LOBBYING LAW..... | 18 |
| 6. | REQUIRED ASSURANCES..... | 19 |
| 6.1 | SUBMISSION DOCUMENTS | 19 |
| 6.2 | CONTRACT DOCUMENTS AND REQUIREMENTS | 20 |
| 7. | RECOMMENDED SUBMISSIONS..... | 20 |

EXHIBIT 1 – MAP OF THE FAIRGROUNDS AND ITS PARKING LOTS

EXHIBIT 2 - LIST OF OUTDOOR RESTROOMS AND SHOWERS ONSITE

EXHIBIT 3 – JOB DESCRIPTIONS AND SCOPE OF WORK FOR RESTROOM AND GROUNDS
CLEANING STAFF HIRED BY THE DEPARTMENT

EXHIBIT 4 – LIST OF CLEANING SUPPLIES PROVIDED BY AGM

EXHIBIT 5 – SAMPLE NYS AGM CONTRACT

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

1. INTRODUCTION

1.1 OVERVIEW

This Invitation for Bids (IFB) is issued by the New York State Department of Agriculture and Markets (“AGM” or “the Department”) to invite qualified bidders to submit proposals to provide restroom and grounds cleaning management services for the Great New York State Fair.

The Fairgrounds are located at 581 State Fair Boulevard, Syracuse (Town of Geddes, Onondaga County) New York. The property is a 375-acre site owned and operated by AGM which is home to the Great New York State Fair (Fair), an annual multi-day event ending on Labor Day each year (historically a 12-day event). The Fairgrounds includes 61 outdoor restrooms (30 men’s and 31 women’s restrooms), and 14 showers. Exhibit 1 is a map of the Fairgrounds and its parking lots and Exhibit 2 is a list of the outdoor restrooms and showers onsite.

The 2017 Fair will be 13 days and will commence on Wednesday, August 23, 2017 and end on Monday, September 4, 2017.

1.2 IFB GOAL

The objective of this IFB is to retain one contractor to provide restroom and grounds management services for the 2017, 2018, 2019, 2020 and 2021 State Fairs as further described below.

1.3 TERM

The contract resulting from this IFB will be for a five (5) year term. The contract will begin on May 15, 2017 and end on May 14, 2021.

1.4 IFB TIMELINE

| | |
|----------------------------------------------------|---------------------------------------------|
| Publication in Contract Reporter | April 10, 2017 |
| Deadline for Submission of Written Questions | April 19, 2017 by 3:00 p.m. (local time) |
| Last update of answers or issuance of IFB Addendum | April 21, 2017 |
| Submission Deadline | May 2, 2017 by 3:00 p.m. (local time) |
| Bid Opening (tentative) | May 3, 2017 |

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

The Department intends to make an award within thirty (30) days of the Bid Response due date. The contract will require approval from the Office of the Attorney General of the State of New York (AG) and the Office of the State Comptroller of the State of New York (OSC) before it becomes effective.

2. DESCRIPTION OF WORK TO BE PERFORMED

2.1 PREMISES

The New York State Fairgrounds is a 375-acre site that is home to the annual New York State Fair. The main mission and function of the Fair is to hold a multi-day exposition ending on Labor Day each year, promoting and showcasing the agricultural practices, history and traditions of the State while providing a clean, pleasant experience for all its guests.

2.2 SCOPE OF WORK

2.2.1 Services Required:

During the term of the contract, the selected contractor will be required to begin providing services twelve (12) weeks prior to the first day of the Fair on a part-time basis. Services will conclude one week after the last day of the Fair. Specific services, equipment, and supplies to be provided are outlined below.

- 1) Pre-Fair services to begin twelve (12) weeks prior to the first day of the Fair (time frame for the first year may vary depending on the award date of the contract)
 - A. Interview and recommend for hiring a sufficient number of employees to perform the specified activities under the contract. The interview and recommendation process shall be completed no later than July 15th of each year.
 - B. Coordinate, supervise, and track time worked by employees as they are brought onto the payroll. The employees will be employed by AGM and managed by the selected contractor. Your charge for the interviewing, supervision, time and attendance audit shall be included in your management fee.

For information purposes only, listed below are the number of employees hired by the Department, their titles, pay rates and the total number of hours worked for the 2016 State Fair.

| Position Title | Total # of Employees | Hourly Rate | Total # of Hours per Title |
|-----------------------|-----------------------------|--------------------|-----------------------------------|
| Restroom Staff | 106 | \$10.98 | 6,875 |
| Grounds Staff | 196 | \$10.98 | 12,110 |

- C. Schedule and assign employees to ensure adequate staffing of restrooms and grounds cleaning staff to perform the scope of work under this contract. These employees will be managed by the selected contractor. Exhibit 3 summarizes the job descriptions and scope of work for restroom and grounds cleaning staff.

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

- D. Train employees prior to the first day of the Fair. This training should include, but not be limited to, the following aspects: customer service, time and attendance procedures, safety (i.e. health safety such as avoiding sunburn and heat exhaustion), the prohibition of using drugs and alcohol, ethics (i.e. cannot accept gifts or tips) and, duty specific training and audit control procedures for all employees handling supplies and equipment.
 - E. Hold an informational meeting with employees that encompasses, among other things, an overview of the layout of the grounds and the locations of the restrooms.
 - F. Meet with State Fair personnel upon request to review the layout of the grounds, placement of dumpsters and trash receptacles, locations to be power washed, locations of the restrooms, and discuss minimum staffing needs to perform the work set forth in Exhibit 3.
 - G. Meet with State Fair personnel to complete a cleaning supplies inventory list. This shall be completed no later than July 15th each year. All supplies must be picked up at the Fair's warehouse for the initial set-up and when storage trailers run low.
 - I. Provide a list of the management team and contact numbers to the Director of the Fair no later than August 1st each year.
- 2) Pre-Fair services to begin four (4) days prior to the first day of the Fair (in addition to any other pre-Fair services already noted) (time frame for the first year may vary depending on the award date of the contract)
- A. Schedule and manage cleaning of select showers and bathrooms beginning four (4) days prior to the start of the Fair. The cleaning should take place between the hours of 12:00 a.m. and 6:00 a.m. Schedule cleaning of the following showers beginning four (4) days prior to the start of the Fair: Main Horse Barn, Belle Isle, RV Park Showers 1-3, Gate 11, and Pink Lot.
- 3) Pre-Fair services to begin three (3) days prior to the start of the Fair
- A. Schedule and manage staff to begin cleaning all restrooms three (3) days prior to the start of the Fair. This can be a roaming crew continually monitoring each of the restrooms between the hours of 8:00 a.m. and 6:00 p.m. each day.
 - B. Schedule and manage grounds cleaning staff to remove litter and debris from the grounds, roadways, camping areas and parking areas on the Fairgrounds, remove garbage bags from receptacles, replace garbage bags in receptacles, and deposit removed garbage bags in dumpsters. During the Pre-Fair, day time cleaning of the grounds shall be scheduled to begin no later than 9:00 a.m. During the Fair, day time cleaning of the grounds shall begin no later than 6:30 a.m.
- 4) Services to begin on the day prior to the first day of the Fair throughout the duration of each Fair
- A. Schedule and ensure the restrooms are fully staffed between the hours of 7:00 a.m. and 11:00 p.m. Ensure adequate restroom cleaning staff are scheduled to perform the scope of work set forth in Exhibit 3. Ensure that there are a sufficient number of male and female employees scheduled to provide continuous cleaning and valet services without closing the bathrooms.
 - B. Schedule and ensure adequate staffing of the grounds to perform the scope of work set forth in Exhibit 3.
 - C. During each day of the Fair ensure at least two (2) BioHazard employees are scheduled per shift; one assigned to grounds staff and one assigned to restroom staff. It is the contractor's responsibility to provide all safety gear and equipment for this position.
 - D. Resolve any restroom or grounds cleaning issues in coordination with the Fair's Maintenance Supervisor.

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

- E. Attend daily staff meetings set up by the Director of the Fair.
- 5) Post Fair Services to begin the day after the last day of the Fair.
- A. Provide necessary information and paperwork to process the payroll of the grounds and restroom cleaning staff. Completed payrolls will be due no later than within four (4) days after the conclusion of the Fair.
 - B. Provide operational reports as requested to Fair management.
 - D. Schedule adequate staff to ensure all restrooms and showers are cleaned the day after the last day of the Fair and all unused supplies are returned to the Fair's warehouse within four (4) days after the last day of the Fair.

2.2.2 Supplies and Equipment

- 1) The selected contractor must provide all necessary equipment and supplies, other than those specifically provided by the Department, including:
- A. Up to 8 gators, all terrain golf carts or other comparable vehicles that will allow access around the Fairgrounds.
 - B. A trailer(s) and storage unit(s) to serve as an office during the pre-Fair and Fair. The contractor will be responsible for all services (i.e. internet, pumping of trailer etc.). The size, set-up, and placement of the trailer(s) and storage unit(s) must be coordinated with State Fair staff.
 - C. Fax and copy machine.
 - D. Safety equipment including biohazard supplies.
 - E. Office supplies including, but not limited to, pens, pencils, staplers and staples, pins, paper and scissors.
- 2) AGM will provide the following:
- A. Admission and parking credentials for all scheduled staff. A list of the total number of staff must be provided to AGM by July 15th each year.
 - B. All paper and cleaning products/supplies and cleaning equipment (See Exhibit 4 for a list of cleaning supplies to be provided by AGM). All quantities will be determined by the Department. Receipt and pick up of all items must be completed by an authorized designee of the Contractor and obtained from the Fair's warehouse.
 - C. A location(s) on the Fairgrounds for placement of contractor's trailer(s)/office unit (up to two 12' x 20' spaces), and storage unit(s) (up to two 10' x 20' spaces). Final location to be determined by AGM.
 - D. Parking spaces for vehicles used for trash removal.
 - E. One truck and driver for each night of the Fair between the hours of midnight and 7:00 a.m. to collect trash and transport trash to designated locations.
 - F. Computers and printers for processing payroll.
 - G. One truck and driver for the designated days after the conclusion of the Fair to collect trash and transport trash to designated locations.

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

3. BID SUBMISSION

3.1 SUBMISSION TIMELINE

All bid submission documents required to be responsive for bid evaluation must be received by the Department no later than 3:00 PM (local time) on May 2, 2017 in order to be considered. The Department reserves the right to request any missing information from those items marked with an asterisk (*) on the Submission Documents Checklist. Bidder will have three (3) business days to provide any missing information requested by the Department for those items marked with an asterisk (*) on the Submission Documents Checklist. All remaining forms and documents required to be completed after notification of selection is made shall be submitted to the Department by the selected contractor prior to execution of the contract.

Any questions concerning this IFB must be received by 3:00 PM (local time) on April 19, 2017. Questions must be submitted in writing via email to Judy Giovannetti at procurement.info@agriculture.ny.gov. Please list "RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES IFB#0156" in the subject line.

A Question and Answer document will be posted to the Department website: www.agriculture.ny.gov under "Funding Opportunities" no later than April 21, 2017. No individual written responses will be provided.

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. All questions and answers shall be incorporated into the IFB which will be part of the awarded contract. If you are unable to access the Department's website, please contact Judy Giovannetti at procurement.info@agriculture.ny.gov to arrange for alternate delivery, or at the following mailing address: New York State Department of Agriculture and Markets, Fiscal Department, Attn: Judy Giovannetti, 10B Airline Drive, Albany, New York, 12235.

3.2 SUBMISSION METHOD

Facsimiles or e-mailed copies are not acceptable. Materials received after the due date/time shall be returned unopened to the sender. See Section 6.1, Submission Documents, for information on completing a bid response.

Mail or hand deliver a bid response in **one package containing the following three (3) separately labeled envelopes:**

Envelope 1 - Minimum Qualifications and Forms and Assurances:

- Mail original plus two (2) paper copies of the Minimum Qualifications in a separate envelope labeled "IFB #0156 Minimum Qualifications and Forms and Assurances - Do Not Open" and include all required documentation to demonstrate that the Proposer meets the Minimum Qualifications set forth in Section 3.3 of this IFB including:
 - **Provide a resume for each member of the team that will be assigned to this engagement that demonstrates the requisite experience (See Section 3.3 Minimum Qualification 1)**
 - **Attachment 9-References Form (See Section 3.3. Minimum Qualification 2)**

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

- All Forms and Assurances located in the Submission Documents packet (which follows the Exhibits), original plus one (1) copy, including original signatures, where necessary.
 - Cover Sheet and Submission Documents Checklist
 - Attachment 2 - Mandatory Contract Requirements Certification Form (Original Signatures)
 - Attachment 3 - Non-Collusive Bidding Certification (Original Signatures)
 - Attachment 4 - MacBride Nondiscrimination Certification Form (Original Signatures)
 - Attachment 5 - Procurement Lobbying Law Forms (Original Signatures)
 - Attachment 6 - Vendor Responsibility (Original Signatures)
 - Attachment 7 – Vendor Assurance No Conflict of Interest (Original Signatures)
 - Attachment 8 - Substitute Form W-9, if SFS Vendor ID needed (Original Signatures)

Envelope 2 – Bid Form:

- Mail original plus two (2) paper copies of the completed Bid Form in a separate envelope labeled “IFB #0156 Bid Form - Do Not Open” and include the following outlined below:
 - Attachment 1 - Bid Form and Subcontracting Form (Original Signatures)

Envelope 3 – MWBE/EEO Documents:

- Mail original plus one (1) paper copy of the completed MWBE/EEO Documents in a separate envelope labeled “IFB #0156 MWBE/EEO Documents - Do Not Open” and include the following outlined below:

-Attachment 10 – MWBE/EEO Documents (Original Signatures)

To the following address:

New York State Department of Agriculture and Markets
Fiscal Management
10B Airline Drive
Albany, New York 12235
ATTN: Judy Giovannetti, IFB#0156

3.3 MINIMUM QUALIFICATIONS

To be considered:

- 1) The company and/or the members of the proposed management team must have a minimum of two (2) consecutive years of experience in providing the following in relation to the provision of cleaning management services:
 - a. Administration, including interviewing and scheduling employees.
 - b. Cleaning management including planning, setting up, managing and operating cleaning services.
 - c. Managing a minimum of one hundred (100) employees for any festival, event or customer/engagement.

Provide a resume for each member of the team that will be assigned to this engagement that demonstrates the requisite experience in the above categories.

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

- 2) Provide the name, title, contact person, address, and telephone number for two (2) verifiable references. References must be persons or entities which have utilized the company's cleaning management services within the past two (2) calendar years which involved the management of at least one hundred (100) employees. (See Submission Documents Attachment 9, References Form). Note: the Department will contact the references provided and the bidder is solely responsible for the availability of the submitted references.

3.4 MANDATORY CONTRACT REQUIREMENTS

Each bidder must certify that, if selected, the bidder will meet the following requirements:

- 1) No other obligation or engagement, contractual or otherwise, will impact the selected contractor's ability to provide restroom and grounds management services at the New York State Fairgrounds during the contract period.
- 2) The selected contractor will have full control of the personnel and supplies/equipment provided and associated services and assumes total responsibility for financial loss, accident, injury, or death that may occur as a result of the supplies/equipment and services provided. The contractor will indemnify and hold harmless the State of New York, the Department, its officers and employees, from all claims, demands, damages, expenses, liability or obligation for damages, loss or injury to, or of, any person or property arising out of the acts of the selected contractor, its agents, servants, employees, and those acting for or on its behalf. Such indemnity shall not be limited by reasons of any insurance coverage provided.
- 3) The selected contractor will obtain and maintain the following policies from an insurance company authorized to do business in the State of New York:
 - Commercial General Liability Insurance with a limit of not less than \$1,000,000 each occurrence. Such insurance shall be written on the ISO occurrence form CG 00 01, or a substitute form providing equivalent coverages, with no modification to the contractual liability coverage provided therein. Coverages shall include liability arising from premises operations, independent contractors, products-completed operations, broad form property damage, personal & advertising injury, cross liability coverage, liability assumed in a contract (including the tort liability of another assumed in a contract) and explosion, collapse & underground coverage. If such insurance contains an aggregate limit, it shall apply separately on a per location or per project basis.
 - Comprehensive Business Automobile Liability Insurance with a limit of not less than \$1,000,000 each accident. Such insurance shall cover liability arising out of any automobile, including owned, leased, hired and non-owned automobiles.
 - Worker's Compensation and Disability Insurance – Statutory limits.
- 4) The selected contractor agrees to comply with "Appendix A, Standard Clauses for New York State Contracts," a copy of which is included in the sample New York State AGM contract attached to this IFB as Exhibit 5.

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

3.5 BID FORM

All bids must be submitted on the “Bid Form” included in the Submission Documents section. Submit the total annual flat management fee for providing the scope of services, equipment and supplies set forth in this IFB.

4. EVALUATION

4.1 CONSIDERATION

For a bidder to be eligible for consideration, it must meet the Minimum Qualifications. For the bid response to be evaluated, the bidder must certify that it will meet the Mandatory Contract Requirements.

4.2 DETERMINATION OF BID AWARD

The contract will be awarded to the lowest responsible bidder with the lowest total management fee for all five (5) years of the Agreement.

5. CONSIDERATIONS RELATED TO THIS PROCUREMENT

5.1 DEPARTMENT’S RESERVATION OF RIGHTS

The Department reserves the right to:

- Reject any or all proposals received in response to the IFB;
- Withdraw the IFB at any time, at the agency’s sole discretion;
- Make an award under the IFB in whole or in part;
- Disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the IFB;
- Seek clarifications and revisions of proposals.
- Use proposal information obtained through site visits, management interviews and the State’s investigation of a bidder’s qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to the agency’s request for clarifying information in the course of evaluation and/or selection under the IFB;
- Prior to the *bid opening*, amend the IFB specifications to correct errors or oversights, or to supply additional information, as it becomes available;
- Prior to the bid opening, direct bidders to submit proposal modifications addressing subsequent IFB amendments;
- Change any of the scheduled dates;
- Eliminate any mandatory, non-material specifications that cannot be complied with by all of the bidders;
- Waive any requirements that are not material;
- Negotiate with the successful bidder within the scope of the IFB in the best interests of the State;
- Conduct contract negotiations with the next responsible bidder, should the agency be unsuccessful in negotiating with the selected bidder;
- Utilize any and all ideas submitted in the proposals received;

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

- Unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of 180 days from the bid opening; and,
- Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements of the solicitation.
- Make all interpretations of the meaning and intent of the IFB and resulting contract and the Department's interpretation is final.

5.2 SUBCONTRACTING

The Department reserves the right to prohibit subcontracting in the Solicitation or Contract. The Department also reserves the right to reject any proposed Subcontractor or supplier for bona fide business reasons, including, but not limited to: the company failed to solicit New York State certified minority- and women-owned business enterprises as required in prior Department Contracts; the fact that such Subcontractor or supplier is on the New York State Department of Labor's list of companies with which New York State cannot do business; the Department's determination that the company is not qualified or is not responsible; or the fact that the company has previously provided unsatisfactory work or services.

The Contractor agrees not to subcontract any of its management services. The only items that may be subcontracted for purposes of this solicitation are supplies and equipment referenced in Section 2.2.2 of this IFB. All subcontracting is subject to the prior written approval of the Department. If the Contractor determines to subcontract any supplies and equipment, the subcontractor(s) must be clearly identified and the nature and extent of the involvement in and/or proposed performance under the Contract must be fully explained by the Contractor to the Department. As part of this explanation, the Subcontractor must submit to the Department a completed Vendor Assurance of No Conflict of Interest or Detrimental Effect form (see Submission Documents Attachment 7), as required by the Contractor prior to execution of this Contract.

The Contractor retains ultimate responsibility for all services performed under the Contract.

All subcontracts shall be in writing and shall contain provisions, which are functionally identical to, and consistent with, the provisions of the Contract including, but not limited to, the body of the Contract, Appendix A – Standard Clauses for New York State Contracts and Appendix B – Budget. Unless waived in writing by the Department, all subcontracts between the Contractor and subcontractors shall expressly name the State, through the Department, as sole intended third party beneficiary of such subcontract. The Department reserves the right to review and approve or reject any subcontract, as well as any amendment to said subcontract(s), and this right shall not make the Department or the State a party to any subcontract or create any right, claim, or interest in the subcontractor or proposed subcontractor against the Department.

The Department reserves the right, at any time during the term of the Contract, to verify that the written subcontract between the Contractor and subcontractors is in compliance with all the provisions of this Section and any subcontract provisions contained in this Contract.

The Contractor shall give the Department immediate notice in writing of the initiation of any legal action or suit which relates in any way to a subcontract with a subcontractor or which may affect the performance of the Contractor's duties under the Contract. Any subcontract shall not relieve the Contractor in any way of any responsibility, duty and/or obligation of the Contract.

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

If at any time during performance under this Contract total compensation to a subcontractor exceeds or is expected to exceed \$100,000, that subcontractor shall be required to submit and certify a Vendor Responsibility Questionnaire.

5.3 CONTRACTOR REQUIREMENTS AND PROCEDURES FOR PARTICIPATION BY NEW YORK STATE-CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN Need to check MWBE database...

NEW YORK STATE LAW

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations the Department is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of the Department contracts.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, the Department hereby establishes an overall goal of 30 percent for MWBE participation, 15 percent for New York State-certified Minority-owned Business Enterprise (“MBE”) participation and 15 percent for New York State-certified Women-owned Business Enterprise (“WBE”) participation (based on the current availability of MBEs and WBEs). A contractor (“Contractor”) on any contract resulting from this procurement (“Contract”) must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this Invitation for Bids (IFB), the respondent agrees that the Department may withhold payment pursuant to any Contract awarded as a result of this IFB pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how the Department will evaluate a Contractor’s “good faith efforts,” refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the contract.

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this IFB, such finding constitutes a breach of contract and the Department may withhold payment as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

By submitting a bid or proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting the Department’s MWBE Liaison at 518-457-4619 or mwbe@agriculture.ny.gov. All MWBE Forms and Instructions are included in the Submission Documents.

Additionally, a respondent will be required to submit the following documents and information as evidence of compliance with the foregoing:

- A. An MWBE Utilization Plan with their bid or proposal. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to the Department for review and approval. The Department will review the submitted MWBE Utilization Plan and advise the respondent of the Department acceptance or issue a notice of deficiency within 30 days of receipt.
- B. If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the Department, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by the Department to be inadequate, the Department shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

The Department may disqualify a respondent as being non-responsive under the following circumstances:

- A. If a respondent fails to submit an MWBE Utilization Plan;
- B. If a respondent fails to submit a written remedy to a notice of deficiency;
- C. If a respondent fails to submit a request for waiver; or
- D. If the Department determines that the respondent has failed to document good faith efforts.

The successful respondent will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to the Department, but must be made no later than prior to the submission of a request for final payment on the Contract.

The successful respondent will be required to submit a quarterly M/WBE Contractor Compliance & Payment Report to the Department, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

Equal Employment Opportunity Requirements

By submission of a bid or proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of Appendix A – Standard Clauses for All New York State Contracts including Clause

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

12 - Equal Employment Opportunities for Minorities and Women. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The respondent will be required to submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement, (See Submission Documents, Form MWBE EE01), to the Department with its bid or proposal.

If awarded a Contract, respondent shall submit a Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by the Department on a quarterly basis during the term of the Contract.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

5.4 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.

5.5 DEBRIEFING PROCEDURES

Pursuant to section 163(9)(c) of the State Finance Law, any unsuccessful Bidder may request a debriefing regarding the reasons that the Bid submitted by the Bidder was not selected for award. Requests for a debriefing must be made within fifteen (15) calendar days of notification by the AGM that the Bid submitted by the Bidder was not selected for award. Requests should be submitted in writing to a designated contact identified in the Solicitation.

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

5.6 BID PROTEST PROCEDURES

Bidders who receive a notice of non-award may protest the award decision subject to the following:

- 1) The protest must be in writing and must contain specific factual and/or legal allegations setting forth the basis on which the protesting party challenges the contract award by the Department.
- 2) The protest must be filed within ten (10) business days of a debriefing, or ten (10) business days of receipt of the notice of non-award, whichever is later. The protest letter must be filed with Judy Giovannetti at:

NYS Department of Agriculture and Markets
Fiscal Management
10B Airline Drive
Albany, NY 12235
Or via email: procurement.info@agriculture.ny.gov

- 3) Fiscal Management will convene a review team that will include at least one staff member from each of the Department's Counsel's Office, Fiscal and the Program Division. The review team will review and consider the merits of the protest and will decide whether the protest is approved or denied. Counsel's Office will provide the bidder with written notification of the review team's decision within fourteen (14) business days of receipt of the protest. The original protest and decision will be filed with OSC when the contract procurement record is submitted for approval and, and Fiscal Management will advise OSC that a protest was filed.
- 4) Fiscal Management in consultation with Counsel's Office may summarily deny a protest that fails to contain specific factual or legal allegations, or where the protest only raises issues of law that have already been decided by the courts. An unsuccessful bidder may also 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. More information on the Office of the State Comptroller's (OSC) Contract Award Protest Procedures can be found in OSC's Guide to Financial Operations (GFO), Chapter XI.17, available on the internet at <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>.

5.7 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.

5.8 REQUIRED APPROVALS

Any contract award resulting from this solicitation will be subject to the approval of the Office of the Attorney General of the State of New York and the Office of the State Comptroller of the State of New York.

5.9 VENDOR RESPONSIBILITY AND NYS VENDOR ID

Prime Contractors:

State law requires that the award of state contracts be made to responsible vendors. Before an award is made to a not-for-profit entity, a for-profit entity, a private college or university or a public entity not exempted by the Office of the State Comptroller, the Department must make an affirmative responsibility

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

determination. The factors to be considered include: legal authority to do business in New York State; integrity; capacity- both organizational and financial; and previous performance. Before an award of \$100,000 or greater can be made to a covered entity, the entity will be required to complete and submit a Vendor Responsibility Questionnaire. Public Authorities, BOCES, public colleges and universities are some of the exempt entities. For a complete list, see:
http://www.osc.state.ny.us/vendrep/resources_docreq_agency.htm

All bidders must fully and accurately complete the Vendor Responsibility Questionnaire (hereinafter the "Questionnaire"). All bidders acknowledge 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 a bidder's responses to the Questionnaire were intentionally false or intentionally incomplete, 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 encouraged 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>.

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the Office of the State Comptroller's Help Desk at 866-370-4672 or 518-408-4672 or by email at ciohelpdesk@osc.state.ny.us.

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website www.osc.state.ny.us/vendrep or may contact the Department or the Office of the State Comptroller's Help Desk for a copy of the paper form.

Subcontractors:

For vendors using subcontractors, a Vendor Responsibility Questionnaire and a Department vendor responsibility review are required for a subcontractor where:

- the subcontractor is known at the time of the contract award;
- the subcontractor is not an entity that is exempt from reporting by OSC; and
- the subcontract will equal or exceed \$100,000 over the life of the contract

Note: Bidders must acknowledge their method of filing their questionnaire by checking the appropriate box on the Response Sheet for Bids (Submission Documents).

5.10 COST LIABILITY

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

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

5.11 FREEDOM OF INFORMATION

The selected contractor's bid response and any contract resulting from this solicitation are subject to the provisions of Article 6 of New York State Public Officers Law, the Freedom of Information Law (NY FOIL). It is the responsibility of the Bidder to designate which components of the bid response are proprietary business information to be withheld from disclosure. A bidder may not designate its entire bid response as confidential, proprietary or copyrighted.

5.12 PROCUREMENT LOBBYING LAW

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 *Submission Documents Attachment 5 -- "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 written notice, advertisement or solicitation of the IFB 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:

Judy Giovannetti
New York State Department of Agriculture & Markets
Division of Fiscal Management
10B Airline Drive
Albany, New York 12235
E-mail: procurement.info@agriculture.ny.gov

Kimberly Carr
New York State Department of Agriculture & Markets
Division of Fiscal Management
10B Airline Drive
Albany, New York 12235
E-mail: procurement.info@agriculture.ny.gov

The successful bidder will be required to execute a written contract with the Department. A sample New York State Department of Agriculture and Market's contract is included in the Submission Documents. By submitting a bid, bidder agrees to be bound by all terms and conditions in the Department's contract including: Appendix A "Standard Clauses for New York State Contracts" (January 2014); Appendix D

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

“General Conditions for Agreements New York State Department of Agriculture and Markets, and; Appendix E “Special Conditions for Agreements New York State Department of Agriculture and Markets.”

6. REQUIRED ASSURANCES

6.1 SUBMISSION DOCUMENTS

The documents listed below are included in the **Submission Documents** section, which follows. All documents requiring signature must be signed by an authorized representative of the Bidding entity. Please review the terms and conditions. Certain documents will become part of the resulting contract that will be executed between the successful bidder and the New York State Department of Agriculture and Markets. Please refer to Section 3.2, “Submission Method” for more information on how to package your proposal:

- **Bid Form and Subcontracting Form** (Signature Required - the form is included in the **Submission Documents as Attachment 1**)
- **Mandatory Requirements Certification Form** (Signature Required - the form is included in the **Submission Documents as Attachment 2**)
- **Non-Collusive Bidding Certification** (Signature Required - the form is included in the **Submission Documents as Attachment 3**)
- **MacBride Certification** (Signature Required - the form is included in the **Submission Documents as Attachment 4**)
- **Offerer Disclosure of Prior Non-Responsibility Determinations (Procurement Lobby Law Forms)** (Signature Required - the form is included in the **Submission Documents as Attachment 5**)
- **Vendor Responsibility** (Signature Required - the form is included in the **Submission Documents as Attachment 6**)
- **Vendor Assurance No Conflict of Interest** (Signature Required – the form is included in the **Submission Documents as Attachment 7**)
- **Substitute W-9 Form to obtain SFS ID** (Signature Required - Return if SFS Vendor ID is requested – the form is included in the **Submission Documents as Attachment 8**)
- **References Form** (the form is included in the **Submission Documents as Attachment 9**)
- **MWBE/EEO Documents** (the forms are included in the **Submission Documents as Attachment 10**)

6.2 CONTRACT DOCUMENTS AND REQUIREMENTS

The successful bidder will be required to execute a written contract with the Department. A sample New York State Department of Agriculture and Market’s contract is attached to this IFB as Exhibit 5. By submitting a bid, bidder agrees to be bound by all terms and conditions in the Department’s contract including: Appendix A “Standard Clauses for New York State Contracts” (January 2014); Appendix D “General Conditions for Agreements New York State Department of Agriculture and Markets;” and Appendix E “Special Conditions for Agreements New York State Department of Agriculture and Markets.”

7. RECOMMENDED SUBMISSIONS

The following forms are not required to be submitted with the bid response. Nevertheless, Bidders are encouraged to submit these forms in order to expedite contract execution if the bidder is awarded the contract.

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

Workers' Compensation Coverage and Debarment

New York State Workers' Compensation Law (WCL) has specific coverage requirements for businesses contracting with New York State and additional requirements which provide for the debarment of vendors that violate certain sections of WCL. The WCL requires, and has required since introduction of the law in 1922, the heads of all municipal and State entities to ensure that businesses have appropriate workers' compensation and disability benefits insurance coverage *prior* to issuing any permits or licenses, or *prior* to entering into contracts.

Workers' compensation requirements are covered by WCL Section 57, while disability benefits are covered by WCL Section 220(8). The Workers' Compensation Benefits clause in Appendix A – STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS states that in accordance with Section 142 of the State Finance Law, a contract shall be void and of no force and effect unless the contractor provides and maintains coverage during the life of the contract for the benefit of such employees as are required to be covered by the provisions of the WCL.

Under provisions of the 2007 Workers' Compensation Reform Legislation (WCL Section 141-b), any person, or entity substantially owned by that person: subject to a final assessment of civil fines or penalties, subject to a stop-work order, or convicted of a misdemeanor for violation of Workers' Compensation laws Section 52 or 131, is barred from bidding on, or being awarded, any public work contract or subcontract with the State, any municipal corporation or public body for one year for each violation. The ban is five years for each felony conviction.

Proof of Coverage Requirements

The Workers' Compensation Board has developed several forms to assist State contracting entities in ensuring that businesses have the appropriate workers' compensation and disability insurance coverage as required by Sections 57 and 220(8) of the WCL. ***Please note – an ACORD form is not acceptable proof of New York State workers' compensation or disability benefits insurance coverage.***

Proof of Workers' Compensation Coverage

To comply with coverage provisions of the WCL, the Workers' Compensation Board requires that a business seeking to enter into a State contract submit appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the contracting entity must obtain ONE of the following forms from the contractor and submit to OSC to prove the contractor has appropriate workers' compensation insurance coverage:

- **Form C-105.2** – Certificate of Workers' Compensation Insurance issued by private insurance carriers, or **Form U-26.3** issued by the State Insurance Fund; or
- **Form SI-12**– Certificate of Workers' Compensation Self-Insurance; or **Form GSI-105.2** Certificate of Participation in Workers' Compensation Group Self-Insurance; or
- **CE-200**– Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage.

Proof of Disability Benefits Coverage

To comply with coverage provisions of the WCL regarding disability benefits, the Workers' Compensation Board requires that a business seeking to enter into a State contract must submit appropriate proof of coverage to the State contracting entity issuing the contract. For each new contract or contract renewal, the

DEPARTMENT OF AGRICULTURE AND MARKETS
IFB #0156: RESTROOM AND GROUNDS CLEANING MANAGEMENT SERVICES
NEW YORK STATE FAIR

contracting entity must obtain ONE of the following forms from the contractor and submit to OSC to prove the contractor has appropriate disability benefits insurance coverage:

- **Form DB-120.1** - Certificate of Disability Benefits Insurance; or
- **Form DB-155**- Certificate of Disability Benefits Self-Insurance; or
- **CE-200**– Certificate of Attestation of Exemption from New York State Workers’ Compensation and/or Disability Benefits Coverage.

ALL OF THE ABOVE REFERENCED FORMS, EXCEPT CE-200, SI-12 & DB-155 MUST NAME: New York State Department of Agriculture and Markets, Division of the New York State Fair, 581 State Fair Boulevard, Syracuse, NY 13209 as the Entity Requesting Proof of Coverage (Entity being listed as the Certificate Holder).

For additional information regarding workers’ compensation and disability benefits requirements, please refer to the New York State Workers’ Compensation Board website at:

<http://www.wcb.ny.gov/content/main/Employers/busPermits.jsp>. Alternatively, questions relating to either workers’ compensation or disability benefits coverage should be directed to the NYS Workers’ Compensation Board, Bureau of Compliance at (518) 486-6307.

Sales and Compensating Use Tax Certification (Tax Law § 5-a)

Tax Law § 5-a requires contractors awarded State contracts for commodities or services valued at more than \$100,000 over the full term of the contract to certify to the New York State Department of Taxation and Finance (“DTF”) that they are registered to collect New York State and local sales and compensating use taxes, if they made sales delivered by any means to locations within New York State of tangible personal property or taxable services having a cumulative value in excess of \$300,000, measured over a specific period of time. The registration requirement applies if the contractor made a cumulative total of more than \$300,000 in sales during the four completed sales tax quarters which immediately precede the sales tax quarter in which the certification is made. Sales tax quarters are June – August, September – November, December – February, and March – May. In addition, contractors must certify to DTF that each affiliate and subcontractor of such contractor exceeding such sales threshold during a specified period is registered to collect New York State and local sales and compensating use taxes. Contractors must also certify to the procuring State entity that they filed the certification with the DTF and that it is correct and complete.

The selected bidder must file a properly completed Form ST-220-CA (with OSC as the Contracting Agency within 48 hours of notification of selection for award) and Form ST-220-TD (with the DTF). These requirements must be met before a contract may take effect. Further information can be found at the New York State Department of Taxation and Finance’s website, available through this link: www.tax.ny.gov/pdf/publications/sales/pub223.pdf. Forms are available through these links:

- ST-220 CA: http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf
- ST-220 TD: http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf

Please note that although these forms are not required as part of the bid submissions, the Department encourages bidders to include them with their bid submissions to expedite contract execution if the bidder is awarded the contract.