

REQUEST FOR PROPOSALS  
New York State Department of Agriculture and Markets

**RFP#0133: eTicketing Services for the New York State Fair**

**1. INTRODUCTION**

**1.1 OVERVIEW:**

This Request for Proposal (RFP) is issued by the New York State Department of Agriculture and Markets (AGM) to invite qualified bidders to submit proposals to provide a turnkey eTicketing system for the Great New York State Fair (Fair). The Fairgrounds are located at 581 State Fair Boulevard, Syracuse (Town of Geddes, Onondaga County) New York. The property is owned and operated by the New York State AGM.

The Fair is currently an annual twelve (12) day event ending on Labor Day each year. The Fair attracts more than 900,000 patrons and tickets for admission to the Fair are sold in a number of different formats, prices and venues. Exhibit 1 is a chart that shows figures for tickets sold for the 2015 Fair. During 2015, approximately 20% of admission and ride ticket sales were sold over the internet using a web based interface and the amount of internet based ticket sales is expected to increase over time.

A primary goal of the eTicketing system is to offer a first class ticketing solution that is efficient and easy for all customers to use. A modern eTicketing system will enhance the overall ticketing process generally, and should result in an increase in the number of admissions sold to the Fair and the surrounding parking areas.

Exhibit 2 to this RFP is a schematic diagram of the Fairgrounds showing its various gates and parking lots.

**1.2 RFP GOAL:**

The purpose of the annual Great New York State Fair is to showcase all things New York and promote the State's agricultural offerings in a family-friendly environment. The objective of this RFP is to retain one contractor to provide a comprehensive, turnkey eTicketing system that would include, among other things, an eTicketing web base sales solution that will be accessible through the internet and is compatible with most major mobile devices, a point of sale (POS) system, a scanning or similar system to verify entry into the Fairgrounds and the surrounding parking lots, marketing support to promote the Fair and a detailed reporting system that will deliver useful and relevant customer information to Fair management.

**1.3 ELIGIBLE BIDDERS:**

Any Proposer that meets the minimum qualifications set forth in Section 3.3 of this RFP is eligible to submit a bid to this RFP.

**1.4 TERM:**

The contract resulting from this RFP will be for a five (5) year term. It is anticipated that the contract will be awarded on July 1, 2016. The contract term will commence on October 1, 2016 and end on September 30, 2021. The eTicketing system will be operational during the 2017, 2018, 2019, 2020, and 2021 State Fairs.

**1.5 RFP TIMELINE:**

RFP Posted:	May 13, 2016
Questions regarding this RFP must be submitted on:	May 31, 2016 by 3:00 p.m. (EST)
A Question and Answer document will be posted to <a href="http://www.agriculture.ny.gov/RFPS.html">http://www.agriculture.ny.gov/RFPS.html</a> no later than:	June 3, 2016
Bidders' Responses due on:	June 10, 2016 by 3:00 p.m. (EST)
Tentative Award Date:	July 1, 2016
Contract Signed:	July 31, 2016
Contract Start Date:	October 1, 2016

The Department intends to make one contract award from this RFP.

**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 New York State Fair. The main mission and function of the Fair is to hold a 12 day exposition ending on Labor Day each year, identifying, promoting and showcasing the agricultural practices, history and traditions of the State. In addition to agricultural competitions, the Fair also hosts a large Midway and a free music venue that can hold approximately 30,000. There are approximately 600 vendors including 175 food vendors. The entrance to the Fair is currently available through eight (8) gates. Paid parking is also available in six (6) lots for approximately 20,000 vehicles as well as parking for approximately 1,000 overnight camping vehicles.

**2.2 SCOPE OF WORK:**

The selected Contractor will be responsible for providing a turnkey eTicketing system in support of the Fair. This system must be independent of any other network that supports the Fair. During the 12 days of the Fair the selected Contractor must provide 24 hour emergency phone support and arrive on-site within thirty (30) minutes of notification, as well as staff on-site during the Fair between the hours of 7:00 a.m. and 10:00 p.m.

The selected Contractor will be responsible for providing all aspects of ticket sales for the Fair, including but not limited to advance, retail and day of ticket sales, production, verification and accounting. The tickets will be used for admittance into the parking lots and the entry gates as well as for the sale of Midway ride passes. The selected Contractor will be responsible for creating templates for approval by the AGM that demonstrate the layout of the tickets prior to production. Templates must be provided to AGM no later than fourteen (14) days from the date requested by AGM, unless otherwise agreed upon between both parties.

The selected Contractor must provide all point of sales equipment for advance sale (including approximately six (6) kiosks for the 2017 State Fair) and all point of sales and scanning equipment for Fairtime in sufficient numbers to ensure that admission at peak periods can be handled in an efficient manner and that adequate failover inventory is available and in working order. The point of sale equipment must provide the ability to operate off wired connections. The scanning equipment must provide the ability to operate off both wired and wireless connections. The Fair's internet provider expects an average available connection speed of approximately 10 Mbps for the wired connections. In addition, the selected Contractor must provide backup and recovery

operations in the event of a system failure for any reason. The Fair will provide the selected Contractor with quantities of all items by May 1st of each year.

It is important that information about the Fair reach a broad audience. At the same time it is the responsibility of the selected Contractor and the AGM to keep and maintain specific information about a customer confidential. The selected Contractor will be required to execute the Mutual Non-Disclosure Agreement. A Mutual Non-Disclosure Agreement is included in this RFP as Exhibit 3.

The selected Contractor will distribute Fair provided marketing materials for the promotion of ticket sales events through the selected Contractor's traditional and web advertising, social media sites, email lists and other marketing channels. This promotional support should be international in scope with the ability to tailor the promotions to local, regional and Canadian audiences as well.

The selected Contractor must provide a call center that is adequately staffed to provide assistance to purchasers who request assistance using the web based solution. It must be operational during ticket sales periods and during the 12 days of the Fair for a minimum of eight (8) hours per day during the hours of 10:00 a.m. and 6:00 p.m. EST, for a minimum of six (6) days per week, or as otherwise agreed upon between the parties.

The selected Contractor will also be required to provide a web based application which meets or exceeds the Information Security Requirements as outlined in Exhibit 4.

With the exception of credit and debit card transaction fees, all revenue received through the sale of items will be deposited daily into a New York State account identified by the AGM, or as otherwise agreed upon between the two parties. Credit and debit card transaction fees may be deposited less frequently than daily or as otherwise agreed upon between the parties, provided the total amount of the daily sales is less than five hundred dollars (\$500.00). The selected Contractor will invoice the AGM for its portion of the revenue no less than monthly, and as agreed to between the two parties.

In addition to the information required from the web based application, the selected Contractor will be required to provide the AGM with reporting capability that allows for the standard as well as ad hoc reports including all the reporting capabilities referenced in Section 3.5 (F) Technical Proposal.

The selected Contractor will be responsible for meeting all the requirements set forth in this Scope of Work as well as providing the following deliverables on or before the following dates:

- A fully operational eTicketing system to support the Cyber Monday promotion, including the web based sale of Fair tickets with full revenue and transaction reports available to the State Fair staff. This system must be available for use by the public by November 14, 2016 in order to support the Fair's Cyber Monday promotion;
- A plan outlining the method of delivery, the customer and call center support system and how the selected Contractor will educate Fair staff on the use of all the components of the eTicketing system to be used to support the Fair's Cyber Monday promotion by November 1, 2016;
- A fully operational eTicketing system for all advance sales and Fairtime sale of all tickets and promotions by May 1<sup>st</sup> of each year;
- All point of sale equipment necessary for advance sales (including advance sale retail outlets) by June 1<sup>st</sup> of each year. This information will be provided to the selected Contractor by March 1<sup>st</sup> of each year;

- All the point of sale and scanning equipment necessary for the annual Fair five (5) days prior to the first day of each Fair held during the Term of the Agreement. This information will be provided by the Fair by May 1<sup>st</sup> each year;
- A training environment that will be fully ready for testing by Fair staff and others on July 1, 2017 and by July 1<sup>st</sup> of each year during the Term of the Agreement;
- Insuring that all the components of the eTicketing system (hardware, software, equipment, etc.) are fully operational at least five (5) days prior to the first day of each Fair held during the Term of this Agreement.

### 2.3 AGM RESPONSIBILITIES:

AGM will be responsible for providing the following:

- All necessary power and internet connections. The internet connections may be wireless or wired depending on the location;
- Parking and admission credentials for the selected Contractor's employees performing work at the Fair;
- Office space for the selected Contractor employees performing work at the Fair;
- Storage space for selected Contractor's equipment during the Fair; and
- Golf cart for use during the period the selected Contractor is present at the Fair.

## 3. PROPOSAL FORMAT, CONTENTS AND SUBMISSION

### 3.1 SUBMISSION TIMELINE:

All proposal submission documents required to be responsive for proposal evaluation must be received by AGM no later than **3:00 p.m. on June 10, 2016** in order to be considered. AGM 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 AGM 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 AGM by the selected contractor prior to execution of the contract.

Any questions concerning this RFP must be received by **3:00 p.m. on May 31, 2016**. Questions must be submitted in writing. E-mail is preferred and should be directed to the designated contact for this procurement at [procurement.info@agriculture.ny.gov](mailto:procurement.info@agriculture.ny.gov) (Attn: Carrie Lindemann). Please list RFP#0133 in the subject line. In the alternative, questions may be mailed to: NYS Department of Agriculture and Markets, Fiscal Management, 10B Airline Drive, Albany, New York 12235 Attn: Carrie Lindemann (RFP#0133).

A Question and Answer document will be posted to the AGM website, <http://www.agriculture.ny.gov/RFPS.html> under "Current Funding Opportunities" no later than June 3, 2016. No individual written responses will be provided.

Any revisions to this RFP will be posted on AGM's website, <http://www.agriculture.ny.gov/RFPS.html>, under "Current Funding Opportunities." All bidders are responsible for keeping informed of any revisions to this RFP. All questions and answers shall be incorporated into the RFP which will be part of the awarded contract. If you are unable to access the AGM website, please contact Carrie Lindemann at [procurement.info@agriculture.ny.gov](mailto:procurement.info@agriculture.ny.gov) to arrange for alternate delivery. You may also contact Carrie Lindemann at the mailing address noted above.

### 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 3.7, 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 four (4) paper copies of the Minimum Qualifications in a separate envelope labeled “RFP #0133 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 RFP including:
  - Attachment 8-References Form
  - Proof of current filing status with New York State Department of State, and;
- 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 - Substitute Form W-9, if SFS Vendor ID needed (Original Signatures)

#### **Envelope 2 - Technical Proposal:**

- Mail original plus four (4) paper copies and an electronic copy (in MS Word format) on a CD or flash drive of the completed Technical Proposal in a separate envelope labeled “RFP #0133 Technical Proposal - Do Not Open” and include the **Technical Proposal addressing the criteria set forth in Section 3.5 of this RFP.**

#### **Envelope 3 - Cost Proposal:**

- Mail original plus four (4) paper copies of the completed Bid Form/Cost Proposal in a separate envelope labeled “RFP #0133 Bid Form/Cost Proposal - Do Not Open” and include the following outlined below:
  - Attachment 1 - Bid Form and Subcontracting Form with additional pages, if required (Original Signatures)

To the following address:

New York State Department of Agriculture and Markets  
Fiscal Management  
10B Airline Drive  
Albany, New York 12235  
ATTN: Carrie Lindemann (RFP#0133)

### 3.3 MINIMUM QUALIFICATIONS:

Proposers are advised that AGM’s intent is to insure that only qualified, responsive and responsible Contractors enter into a contract to provide an eTicketing system as defined in this RFP. AGM considers the following qualifications as a pre-requisite in order to be considered a qualified Proposer for the purposes of this solicitation.

To be considered:

- The Proposer must be authorized to do business in New York State. Bidders are strongly encouraged to submit a copy of their current filing status with the New York State Department of State (DOS). The Department reserves the right to confirm bidder's filing status with DOS in the event Bidder fails to provide proof of their filing status;
- The Proposer must provide the name, title, address, telephone number and email address for at least two (2) verifiable references. References must be customers that the Proposer has provided an eTicketing system for capable of providing real time attendance reporting by ticket type within the last three (3) calendar years preceding submission of this bid for a fair, festival or equivalent event that lasted a minimum of two (2) consecutive days with a minimum of 100,000 attendees or more over the course of the event. The Proposer must include a list of such events, their locations, attendance, duration of the event, and samples of the real time attendance reports provided. For purposes of this RFP, real time eTicketing system attendance reporting/data provides real time actual attendance data collected and counted within 60 seconds of actual service activity. The New York State Fair cannot be used as a reference. Note that the Department will contact the references provided and the Proposer is solely responsible for the availability of the submitted references.

### **3.4 MANDATORY CONTRACT REQUIREMENTS:**

Each bidder must certify that:

1. No other obligation or engagement, contractual or otherwise, will impact the selected Contractor's ability to provide an eTicketing system and eTicketing services during the contract period.
2. The selected Contractor will indemnify and hold harmless the State of New York, AGM, 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 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.
  - Worker's Compensation and Disability Insurance – Statutory limits.
4. The selected Contractor will provide key management staff on the Fair site at the 2016 Fair, at a time arranged between the AGM and the selected contractor, to observe and provide recommendations to AGM on potential areas of improvement. Any recommendation(s) are subject to the AGM's approval.
5. The selected Contractor agrees to comply with "Appendix A, Standard Clauses for New York State Contracts," a copy of which is attached to this RFP as Exhibit 5.

6. The selected Contractor agrees to meet or exceed the Information Security Requirements as outlined in Exhibit 4.

### **3.5 TECHNICAL PROPOSAL (75 POINTS):**

See Section 3.2 Submission Method for information on the packaging and submission of the proposal.

The proposal should describe the Bidder's approach to an eTicketing system and address each of the eight (8) Sections and all the criteria listed below:

#### **A. Ticketing System - Overall Approach (15 Points)**

The setup, availability, flexibility and ease of use of an eTicketing system are priorities for the AGM. For the requirements listed in Section 2.2, please provide:

- A description of the organizational structure of your Company and how that structure will meet all the aspects of the eTicketing system. Address how the Company will develop and operate the system; account for all sales and manage reporting relationships with the Fair staff; fulfill the marketing and client relationship functions of a potential contract; and, who will serve as the primary client lead for a potential contract with the Fair;
- A description of how the Company plans to fulfill the requirements of the peak purchasing period both prior to and during the State Fair. Please refer to Exhibit 1 for the types and volume of tickets sold to the Fair. Also describe how your Company's eTicketing system will provide full compliance with the Payment Card Industry Data Security Standards (PCIDSS);
- A description of the company's call center that will provide assistance to purchasers who may require help using the web based solution;
- A description of whether the Company plans to provide all services in-house or whether the Company plans to use subcontractors in order to meet the requirements set forth in Section 2.2. If the Company plans to use subcontractors, describe the functions those subcontractors will perform and how the Company will qualify those subcontractors and manage them throughout a potential contract;
- A description of the Company's backup and recovery operations to provide the requirements set forth in Section 2.2; and
- In the event of a system failure, for any reason, please provide how a website notice will be given, how the admissions gate and kiosk operations will be maintained and how Fair management will be informed of the number and types of admissions sold and revenues accounted for in the event of such failure.

#### **B. Ticket Sales (15 Points)**

The Fair has multiple methods of purchasing tickets that must be fully accommodated in the eTicketing system. That functionality must be easy to use and provide critical information and reports back to Fair staff. Please describe how your Company's eTicketing system will provide the following features:

- The ability to purchase tickets online including the System's ability to accept all brands of credit cards. The System must integrate real time credit/debit card authorizations. Customers must also be able to purchase multiple items in one transaction;
- Provide New York State Fair images as illustrated in Exhibit 6. Also accommodate customized items (tickets, promotions, discounts, etc.) including the ticket face, website details, quantities and costs;

- Provide static barcodes for use in admissions and accounting for attendees who are admitted to the Fair free of charge. Also provide a capacity plan for data collection of high volume scans;
- Provide outside vendor unique bar codes for all items sold, both in advance and at Fairtime;
- Support discounts, coupons, promotions and credits and account for their use when purchased either online or day of sales at the ticket booths and gate entrances;
- Provide multiple day passes with the proper controls to limit the number of tickets that can be used per day;
- Provide the ability for AGM to override ticket sale controls.
- Provide the ability to modify users' fees and surcharges, if required;
- Print ticket and detailed receipts from purchasers' equipment in a standard format;
- Mail tickets using multiple delivery methods (standard U.S. postal rates must be applied when charged to the consumer);
- Track and account for admissions separately in real time reporting that is readily available to Fair staff; and,
- Cancel full or partial sales and provide refunds or exchanges of tickets and create, track and manage credits and apply them seamlessly.

### **C. Point Of Sales Ticketing (10 Points)**

The Fair also has ticketing services that are available to the public at various retail outlets and kiosks. The eTicketing system must be ready to accommodate advance and day of ticket sales as well as serve as the means of verifying admissions to the Fairgrounds. Please describe how your Company's eTicketing system will provide:

- A fully operational system no less than five (5) days prior to the first day of each Fair held during the Term of the Agreement, including installing, testing, troubleshooting and training of staff on the use of the system. This must include, as needed, ticket stock for the printing of tickets at the kiosks and at the gate entrances;
- Full support of all equipment referenced in Section 2.2 and in the selected Contractor's proposal no later than five (5) business days prior to the opening day of the Fair and continuing through the last day of the Fair. The hours of support would be from 7:00 am until 10:00 pm during the days of the Fair;
- For each ticket sales location terminals, printers and electrical connections in adequate number to provide for efficient processing transactions for up to three retailers with up to 13 locations;
- Remote kiosks for sale of advance tickets at retail outlets and day of sales at the admission gates;
- The ability to accept credit and debit card transactions;
- The ability to operate POS equipment off wired connections and the ability to operate scanning equipment off both wired and wireless connections;
- The ability to scan and verify tickets stored in mobile electronic devices (i.e. mobile phones, tablets, etc.) and printed e-tickets;
- The ability to control access at each parking entrance and gate admissions location that includes, at a minimum, handheld scanners for verifying the validity of the ticket presented in adequate numbers that ensure the efficiency of traffic flow at peak periods; and,
- Sufficient equipment to ensure an adequate level of redundancy.

### **D. Marketing Support (5 Points)**

It is essential that information about the Fair reach a broad audience. The selected Contractor must distribute Fair provided marketing materials for the promotion of ticket sales events through the selected Contractor's



traditional and web advertising, social media sites, e-mail lists and other marketing channels. Please describe how your Company's eTicketing system will provide the following:

- The ability to easily integrate on-sale events with social networking;
- Timely integration with the AGM advertising contractor by providing sales statistics including but not limited to, types of sales, numbers of tickets sold based on regional demographics;
- The ability to create special links, landing pages, web banners, "save the date" advertising and other sales driven tools for specific promotions of admission tickets, parking, ride bands and other items;
- A fully operational website available for advanced sales including sales promotions and marketing as well as during the days of the Fair; and,
- The ability to create customer email lists and labels from the selected Contractor maintained customer database with the ability to distinguish them based on event and/or event type. These lists should be easily accessed by AGM.

#### **E. Client Management (5 Points)**

The primary goal of the eTicketing System is to offer a first class solution that is efficient and easy for all customers to use. This System should enhance the overall customer experience.

Please describe your Company's approach to Client Management including functions that are available to authorized AGM personnel and provide the following features:

- Data capture of all sales and admissions transactions;
- Tracking and look up of patrons and accounts using multiple methods of inquiry including, but not limited to, name, phone number, address, account number and event purchased;
- The ability to create and protect customer profiles that capture client data, purchase and inquiry histories and preferences;
- The ability to provide for the capture of client comments as well as call center inquiries and calls.

#### **F. Revenue Submission and Reporting (15 Points)**

The collection and submission of revenues is a critical component of the e-Ticketing system. Because the State Fair is operated by the AGM, a New York State agency, revenue submission, collection, remittance and reporting must be accountable and fully transparent.

Please describe how your company's eTicketing system will provide:

- The ability to collect information for all revenue by specific events, promotions, point of sales (website, retail outlets, etc.) as well as by credit card and cash;
- Data and reports that could be exported into various programs and spreadsheets;
- Reports specific to cashiers based on role authentications (logins and passwords);
- Administrative reports including daily sales, event sales, sales by ticket type, cashier reports and customer history reports;
- Real time attendance information broken down by type of ticket including full price, discounted, multi-day, non-paid and vendor; and
- Demographic information including reports which include attendees' addresses, standard reports, ad-hoc reports and customizable reports.

### G. Experience and Key Personnel (10 Points)

The qualifications and prior experience of the bidder are of great importance to AGM. The Bidder should have direct, prior experience in the provision of eTicketing systems and operations.

Please describe your Company's:

- Experience with eTicketing systems and their operations that are comparable in scale and scope to that of the New York State Fair. Include a detailed list of events which are similar to what is being requested in the Request for Proposal. The list should include the name of the fair or event, the physical address and its website as well as the number of electronic tickets issued (both paid and unpaid) for the event. Please also include the number of different tickets, special packages and offerings for each event;
- What distinguishes your company in the industry;
- The resumes of key personnel, partners and subcontractors you are proposing to meet the requirements set for in Section 2.2. Please indicate the role that each staff person will play in a potential contract and his/her prior experience in fulfilling such a role.

### 3.6 COST PROPOSAL (25 POINTS):

The cost proposal will consist of the following two components:

- A. The service fee per ticket for providing all of the services set forth in Section 2.2 "Scope of Work" and detailed in Section 3.5 "Technical Proposal" for each of the following five (5) categories of tickets sold:

Category	Service Fee per Ticket
\$ 00.00 (free admission/ static barcodes provided for up to 10 ticket types)	Rate 1
\$ 00.00 (free admission/ unique barcodes provided for up to 4 ticket types)	Rate 2
\$ 00.01 - \$10.00	Rate 3
\$ 10.01 - \$30.00	Rate 4
\$ 30.01 and above	Rate 5

- B. The percentage to be charged to the consumer for credit/debit card processing fees stated as a percentage of the price of each ticket sold regardless of the type of credit or debit card used or the price of the ticket. Exhibit 1 provides statistics on the number and types of credit cards used in the 2015 Fair and the types and volumes of tickets sold during the 2015 Fair.

When formulating your bid, please refer to Exhibit 1 for types and volume of 2015 Fair ticket sales. Exhibit 1 is provided for informational purposes only. The types and volume of tickets to be sold in 2017 and subsequent Fairs may increase or decrease. **The fees above must be inclusive of all costs for providing all of the services set forth in the RFP, including but not limited to any travel costs.**

### 3.7 SUBMISSION DOCUMENTS:

The packet of submission documents is annexed to this solicitation and is also available at AGM's website, <http://www.agriculture.ny.gov/RFPS.html>.

Proposals should be prepared simply and economically, avoiding the use of elaborate promotional materials beyond what is required to provide a complete presentation. If supplemental materials are a necessary part of the proposal, the bidder should reference these materials in the technical proposal, identifying the documents and citing the appropriate sections of the pages to be reviewed. Any proprietary material considered confidential by the bidder must be specifically identified, and the basis for such confidentiality must be specifically set forth in the proposal. Be advised AGM is subject to the Freedom of Information Act as codified by the New York State Public Officers Law.

#### **4. EVALUATION CRITERIA AND METHOD OF AWARD**

##### **4.1 CONSIDERATION:**

For a bidder to be eligible for consideration, it must meet the minimum qualifications. To be awarded a contract, the bidder must certify that it meets the mandatory contract requirements.

##### **4.2 CRITERIA FOR EVALUATING BIDS:**

All complete proposals received by the deadline will be reviewed using the following criteria and ratings.

A proposal will first be reviewed by AGM staff to ensure that the proposal is complete, and that all of the minimum qualifications have been met.

A technical evaluation committee will complete a review of the Technical Proposal for all complete proposals submitted. The technical evaluation committee will review each Technical Proposal to determine compliance with the requirements described in this RFP. The committee retains the right to determine whether any deviation from the requirements of the RFP is substantial in nature and may reject, in whole or in part, any and all proposals, and/or waive minor irregularities.

All proposals received by eligible and qualified bidders will be evaluated. AGM may request written clarifications during evaluations. In the event written clarifications are necessary, the evaluation committee will meet to discuss clarifications and any disparate scores. The evaluation committee will be permitted to review its scoring and to make corrections based upon written clarifications, errors discovered and/or disparate scores.

The Cost Evaluation will be conducted separately on all bids that are deemed to meet the minimum qualifications. The Bid Form provided must be used, and not altered in any way. The Cost Proposal represents 25 points of the overall score and will be applied according to the following method:

Credit or Debit Card Fee: The proposed credit or debit card rate multiplied by the dollar value of tickets sold by credit or debit card for the 2015 Fair

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Service Fee: The sum of the service fee for each of the five categories. The sum is determined by multiplying the proposed fee per category by the number of tickets sold in each category during the 2015 Fair, and adding them together.

The sum of the Credit or Debit Card Fee and the Service Fee determines your Cost Proposal for the purpose of evaluating bids. Going forward, the fees you propose will be applied to actual ticket sales, and be the remuneration for your services.

The Cost Proposal will be awarded points pursuant to the above method which awards 25 points to the bidder whose Cost Proposal is determined to result in the lowest overall cost based on the 2015 volumes and ticket categories.

The remaining bids will be awarded points based on the calculation below that computes the relative difference between each bid and the lowest bid received by the above formula.

Cost Score Calculation: Points = (lowest bid divided by the bid being evaluated) X 25

## **5. METHOD OF AWARD**

The Department intends to make a single contract award to the eligible and qualified Bidder whose proposal results in the highest aggregate technical and cost score. The aggregate score of all the criteria listed will be calculated for each proposal received. The contract issued pursuant to this proposal will be awarded to the Proposer whose aggregate technical and cost score is the highest among all the proposals rated. In the case of a tie score, the bidder among the tied group with the highest cost score will be ranked higher.

## **6. CONSIDERATIONS**

### **6.1 DEPARTMENT'S RESERVATION OF RIGHTS:**

The Department reserves the right to:

- Reject any or all proposals received with respect to this invitation;
- Withdraw the RFP at any time, at the Department's sole discretion or otherwise decline to award a contract from this invitation;
- Make an award in whole or in part;
- Require clarification from any bidder to assure a full understanding of the responsiveness to the requirements of the invitation;
- Disqualify any bidder whose conduct and/or bid response fails to conform to the requirements of the RFP;
- 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 Department's request for clarifying information in the course of evaluation and/or selection under the RFP;
- Waive or modify minor irregularities in bids received;
- Request additional information from bidders as deemed necessary to more fully evaluate bids or to obtain omitted required forms. Bidders will have three (3) business days to respond to the request;
- Prior to the bid opening, amend this solicitation after its release, with appropriate written notice posted on the Department's website to correct errors or oversights, or to supply additional information, as it becomes available;
- Prior to the bid opening, direct bidders to submit bid response modifications addressing subsequent RFP amendments;
- Change any of the scheduled dates;
- Eliminate any minimum or mandatory, non-material specifications that cannot be complied with by all of the bidders;
- Waive any requirements that are not material;
- Conduct contract negotiations with the next responsible bidder, should the Department be unsuccessful in negotiating with the selected bidder; and

- Unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of 120 days from the bid opening.

## 6.2 SUBCONTRACTING

AGM will contract only with the successful Bidder who is the Prime Contractor. AGM considers the Prime Contractor, the sole Contractor with regard to all provisions of the solicitation and the contract resulting from the solicitation. If subcontractors are used it shall be understood that the bid price includes the cost of the subcontractor(s) and no additional markups will be allowed. No subcontract entered into by the Contractor shall relieve the Contractor of any liabilities or obligations in this RFP or the resultant contract. The Contractor accepts full responsibility for the actions of any employee or subcontractor/subcontractor's employee(s) who carry out any of the provisions of any contract resulting from this RFP. The Contractor's use of subcontractors shall not diminish the Contractor's obligations to complete the work in accordance with the contract. The Contractor shall coordinate and control the work of the subcontractors. The Contractor shall be responsible for informing the subcontractors of all terms, conditions, and requirements of the contract documents.

Contractor shall not subcontract any work required under this procurement without first obtaining prior written approval from the Department. Any proposed subcontract under this Agreement shall be provided to the Department in writing on or before April 1<sup>st</sup> each year, and shall be approved in writing by the Department, and shall clearly describe the goods or services to be provided and the total cost of such goods or services. Subcontracts for services only shall separately state the rate of compensation on a per-hour or per-day basis. The Contractor shall promptly furnish information as requested by the Department concerning the proposed subcontractor's ability and qualifications.

## 6.3 PRICE ADJUSTMENT

The "Service Fee Per Ticket" (rates 1 through 5) agreed upon in the contract on the Bid Form may be increased up to the same percentage as the change in the U.S. city average, Consumer Price Index (All Items) for All Urban Consumers (CPI-U), not to exceed 3 %, during the 12 calendar months ending September 30<sup>th</sup> of the previous contract year, as reported by the U.S. Department of Labor Bureau of Labor Statistics in the CPI Detailed Report. It shall be the responsibility of the Contractor to annually request a payment change based upon the CPI, not to exceed 3%, which may be granted at the sole discretion of the Department. Requests for changes must be submitted in writing 90 days prior to September 30<sup>th</sup> each year. Only one price adjustment per year will be granted at the sole discretion of the Department. The Department reserves the right to request a price decrease should the relevant index referenced herein decrease. The percentage to be charged to the consumer for credit or debit card processing fees set forth on the Bid Form shall be fixed for the five year Term of this Agreement and is not subject to this price adjustment clause.

## 6.4 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 (10) business days after the award.

## 6.5 DEBRIEFING PROCEDURES

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 five (5) business days of receiving a notice of non-award from the Department. Bidders may request a debriefing letter on the selection process regarding this procurement by submitting a written request to Carrie Lindemann at:

NYS Department of Agriculture and Markets  
Fiscal Management

10B Airline Drive  
Albany, NY 12235  
Or via email: [carrie.lindemann@agriculture.ny.gov](mailto:carrie.lindemann@agriculture.ny.gov)

The Fiscal Contact person will make arrangements with program staff to provide a written summary of the proposal's strengths and weaknesses, as well as recommendations for improvement. Within ten (10) business days of receipt of the request, the program staff will issue a written debriefing letter to the bidder.

## 6.6 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 receipt of a debriefing letter, or ten (10) business days of receipt of the notice of non-award, whichever is later. The protest letter must be filed with Carrie Lindemann at:

NYS Department of Agriculture and Markets  
Fiscal Management  
10B Airline Drive  
Albany, NY 12235  
Or via email: [procurement.info@agriculture.ny.gov](mailto: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, 11<sup>th</sup> 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/>.

## 6.7 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.

## 6.8 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.

## 6.9 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 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](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](http://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](mailto: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](http://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).**

## 6.10 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.

## 6.11 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.

## 6.12 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 offerer/bidder during the procurement process. (See *Submission Documents Packet, Attachment 5* -- "Guidelines Regarding Permissible Contacts During a Procurement and the Prohibition of Inappropriate Lobbying Influence"). An offerer/bidder is restricted from making contacts from the earliest written notice, advertisement or solicitation of the RFP 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 offerer/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 offerer/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 member to receive contacts pertaining to this Bid:

Carrie Lindemann  
New York State Department of Agriculture and Markets  
Division of Fiscal Management  
10B Airline Drive  
Albany, New York 12235  
E-mail: [procurement.info@agriculture.ny.gov](mailto:procurement.info@agriculture.ny.gov)

## 7. REQUIRED ASSURANCES

### 7.1 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**)
- **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 7**)
- **References Form** (the form is included in the **Submission Documents as Attachment 8**)

## 7.2 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 RFP 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."

## 8. 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.

### **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 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](http://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](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](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.**

**Exhibits**

<b>Exhibit #</b>	<b>Exhibit Description</b>	<b>Reference Page</b>	<b>Section</b>
1	Chart of number of 2015 tickets sold by the Fair	1, 7 and 10	1.1 Overview 3.5A Technical Proposal- Ticketing System Overall Approach 3.6 Cost Proposal
2	Schematic Diagram of the Fairgrounds Gates and Parking Lots	1	1.1 Overview
3	Mutual Non-Disclosure Agreement	3	2.2 Scope of Work
4	Information Security Requirements	3 and 7	2.2 Scope of Work  3.4 Mandatory Contract Requirements
5	Sample New York AGM Contract including Appendix A – Standard Clauses for New York State Contracts	6 and 17	3.4 Mandatory Contract Requirements  7.2 Contract Documents and Requirements
6	New York State images/logo	7	3.5 B. Technical Proposal - Ticket Sales