

New York State Department of Agriculture and Markets

#SF00270: MIDWAY SERVICES FOR THE NEW YORK STATE FAIR

Questions and Answers
Posted January 24, 2014

QUESTIONS BY CATEGORY

COVERED SEATING

Q 1) In section 2.2 on page 3 regarding the covered seating requirements. According to the RFP, we must provide at least nine (9) covered areas that will seat fifty (50) people each. We have calculated this to be approximately a 60' x 60' tent for each area which will use 32,400 square feet of midway space. This seems like a lot of space that could be utilized for other purposes. All major carnivals provide decorative "funbrellas" that will seat up to twenty-four (24) people each. They are much easier to be placed throughout the midway. Please clarify this request.

A 1) Funbrellas are acceptable for providing covered seating. There must be multiple seating areas capable of providing covered seating for a minimum of 450 people.

Q 2) With regard to seating and rest areas, do umbrellas constitute "cover" in "covered seating"?

A 2) See response A 1).

Q 3) In scope of work it says the proposer must have 9 seating areas with seating of at least 50 people each. Is this an accurate reading? If so, are other configurations possible as long as there is room for 450? We are concerned that the size of 9 equal sized-large seating areas will take up the room of 10-12 rides and other configurations, maintaining the same capacity would be more suitable.

A 3) See response A 1).

"NEW" RIDES

Q 4) Under section 3.5 subsection D.8 on page 7 in regard to the new rides requirement. This seems excessive to purchase three (3) new rides for each of the four (4) categories every year. That's a total of 120 new rides in ten (10) years. This is not cost effective to purchase this many rides in that amount of time. Rides costs from \$200,000 to \$1 million each. Major carnivals will spend approximately \$1,000,000+ on rides annually, which usually puts three (3) to four (4) new rides on the midway each year to cover all our events. We need clarification on the definition "new". Does it mean a ride that was manufactured the current or previous year or does it mean something different from previous years that may not have been recently manufactured?

A 4) New ride means new to the New York State Fair. See also response A 5).

Q 5) In the Technical Proposal, D. Midway Operations, #8, it asks for three new rides per category per year of the contract. What does "new" mean in this context and if it means new to the fair, is there a time frame the ride can be recycled? ie. A ride is brought year one of the contract and then does not return until year 4. Would it then be considered new again? Also, will consideration be given for a super-spectacular to be kept if it is very popular with the public instead of replaced with a new purchase?

A 5) A ride may be considered “new” once every two (2) years. Again, “new” does not require a new purchase be made. The second half of this question assumes that all of the “super-spectacular” rides for a given year are “very popular.” Bidders are free to describe a process for repeating popular rides in the Technical Proposal. Bidders are also free to describe a process for working with the Department to ensure a variety of “new” rides and popular rides are available annually.

Q 6) What is the definition of a “new” ride; i.e., does it mean new to the New York State Fair venue, or new to the amusement ride market, or new for the particular fair year?

A 6) see response A 4).

CATEGORIES OF RIDES

Q 7) In the Technical Proposal it asks for "Super Spectacular" rides. Could you please further define this category and/or note for us which of the rides from the 2013 list fit the "Super Spectacular" category?

A 7) The Department acknowledges that there are no firm industry-wide definitions. The term “Super Spectacular” was placed inside quotation marks for this reason. Further, ride categories were offered as examples-only throughout the RFP. The Department anticipated that Bidders, as the industry experts, would propose rides according to their own definitions and fully describe each ride and its target consumer in the Technical Proposal. As the New York State Fair draws attendees of all ages, the Department desires a variety of rides and attractions that will appeal to the widest cross-section of consumers.

The purpose of Section 3.5(D) Midway Operations subpart (2) was to invite the Bidders to propose and recommend the number and variety of rides to the Department in order to maximize the appeal of the Midway. The name or “category” of any given ride is less important than the need for Bidders to propose and recommend a mix of rides and attractions that will increase attendance at the State Fair.

Bidders may include the manufacturer’s rider restrictions in its proposal. The request for a target age range was to understand the Bidder’s recommended number of rides per age group in its Technical Proposal.

Bidders are free to use their own definitions of ride category or use the following:

Super Spectacular- unique or rare to traveling amusement companies; requires multiple trailers for transport and similar to attractions found in permanent amusement parks; expensive to acquire; exhilarating, high capacity, targeted to teens and adults; extremely popular. Examples: Giant Wheel, Riptide Roller Coaster, Evolution and Super Shot

Thrill- combines fast motion with high speeds, and sometimes heights, likely not suitable for children under the age of 10; targeted to pre-teens, teens and adults, considered classic carnival rides. Examples: Fire Ball, Funnel Force, Musik Express, Zipper, Spider, Viper and Gravitron

Family- rides with minimal height requirements; targeted to small children and older adults; capacity allows for families to ride together in the same vehicle; small children able to ride when accompanied by an adult. Examples: Carousel, Scooter, Tilt-a-Whirl and Super Slide

Kiddie- rides that small children can ride without an adult in the vehicle; no abrupt or fast motions. Examples: Banana Jet, Circus Train and Elephants

Q 8) Please define and provide several specific examples of rides within each ride category.

A 8) See response A 7).

Q 9) Are sufficient rides currently available in the “Super Spectacular” ride category to meet the bid requirement of providing at least three “Super Spectacular” rides for each year of a 10-year contract?

A 9) See responses A 4) and A 5) for ride frequency and popularity considerations. With regard to “Super Spectacular” rides as defined in response A 7), the Department will reduce the requirement for three (3) “new” rides meeting the definition of “Super Spectacular” to one (1) “new” ride annually. For all other types of rides meeting the definitions of “Thrill,” “Family,” and “Kiddie” in response A 7), the selected contractor will be required to provide three (3) “new” rides annually.

Q 10) In Section 3.3, “Examples of rides operated by the bidder must include multiple categories, e.g., super spectacular, spectacular, major adult and kiddie.” Note that categories are different from those referenced in Section 2.2, which are kiddie, family, thrill and super spectacular. Is this intended to create different categories?

A 10) No. See response A 7).

GENERAL SAFETY

Q 11) In the Technical Proposal under safety it asks for the five most egregious safety breaches. Is there a time frame within those breaches are to be considered? (ie. past five years, ten years, etc)

A 11) There is no timeframe. The Technical Proposal should include the five (5) most egregious breaches encountered by the Bidder in the course of its operations and state the actual remediation that occurred.

SAFETY RECORDS

Q 12) In the Technical proposal B. Safety #5, it asks for safety records. How many years of records is the fair requesting?

A 12) Five years.

Q 13) Please clarify the term “safety records”, and what period of time should our response cover?

A 13) Safety records means any document, record or log created or maintained by the Bidder for the purpose of memorializing an incident which occurred during its operations that resulted in death or injuries, including those that required hospitalization. Please provide five (5) years of records in the Technical Proposal.

Q 14) Would the safety record include the claims paid by the bidder’s insurance company to guests within a specific time period?

A 14) Yes. Please include any claims paid within the last five (5) years.

PROPOSAL SUBMISSION

Q 15) With reference to the submission instructions, the RFP asks for an electronic copy in MS Word format. Since the technical proposal will also have pictures, layouts, possibly charts etc would a .pdf file also be acceptable?

A 15) The selected Contractor's proposal will form part of the contract scope of work. The Department must be able to cut and paste the relevant portions of the proposal into the resulting contract. The Department prefers the use of Microsoft Office software. If no other options are available, photos and charts may be submitted in .pdf format.

Q 16) Also with reference to submission instructions, we read it to say that only the Technical proposal needs to be in electronic form but the documents and copies of the submission forms do not need to be submitted electronically. Is this an accurate reading?

A 16) It would be helpful to have electronic copies of all submissions. Only the Technical Proposal and the Cost Proposal must be provided in a Microsoft Office format, in addition to a paper copies with original signatures.

Q 17) Please clarify the submission/assembly method. Four paper copies and an electronic copy of the Technical Proposal are to be submitted in "a separate envelope labeled RFP #SF00270 Technical Proposal – Do Not Open" and must include the items 'outlined below', which includes the original and one copy of all Submission Documents. Should the Technical Proposal be separate from the Submission Documents but sent in the same package?

A 17) In order to allow separate evaluation of technical and cost, and to ensure that these components are not opened and viewed accidentally, there are four (4) components to the bid response: 1) Technical Proposal; 2) Bid Form Cost Proposal and Subcontracting Form; 3) Submission Documents (excluding the Bid Form and Subcontracting Form); and 4) CD-Rom or Flash Drive containing electronic versions of the Technical Proposal and the Bid Form Cost Proposal. It is preferred, but not required that the Submission Documents be included on the CD-Rom or Flash Drive. Wherever possible, please use a Microsoft Office format or .pdf format when responding to the RFP. All four (4) components may be submitted in a single package. Four (4) copies of the Technical Proposal must be segregated from the other components in a sealed envelope labeled "RFP #SF00270 Technical Proposal – Do Not Open." Please include the CD-Rom or Flash Drive containing the electronic copies of the bid response in the Technical Proposal envelope. Three copies of the Bid Form Cost Proposal and Subcontracting Form must be segregated from the other components in a sealed envelope labeled "RFP #SF00270 Cost Proposal – Do Not Open." The Submission Documents may be loose inside the package or put in an envelope labeled "RFP #SF00270 - Submission Documents."

Q 18) Section 3.2 makes no reference to the required inclusion of an electronic version of Submission Documents, however, Section 3.7 states, "The submission must include paper documents plus electronic versions of the technical proposal, bid form cost proposal and required assurances and documentation."

A 18) See response A 17).

Q 19) The RFP also requires three paper copies and an electronic copy of the Cost Proposal, which is to be sent in a separate envelope. Is Attachment 1 - Bid Form/Cost Proposal to be included in both the envelopes, each with the required number of copies (original and one copy with Submission Documents and three paper copies and an electronic copy with the Cost Proposal)?

A 19) See response A 17).

Q 20) In view of these questions, please explain in detail the exact requirements for assembling and submitting the response to the proposal and the specific content of each envelope. Also, can the appropriately labeled and sealed

envelopes be sent in one box to the address listed on Page 5?

A 20) See response A 17).

Q 21) "Technical proposal must be mailed," "cost proposal must be mailed." Are FedEx, UPS or other commercial delivery services acceptable in lieu of mailing?

A 21) Any form of delivery is acceptable. Delivery that provides a tracking number is recommended. Bidders will be held to the deadlines set forth in the RFP. It is the responsibility of the Bidder to consider possible delivery delays outside its control when timing the submission of its bid response.

TICKETING SYSTEM

Q 22) The RFP states that the Contractor's ticketing system must allow for "...the ability to purchase unlimited rides." Please define "unlimited rides." Does it refer to a specific timeframe such as a daily basis or for the entire length of the New York State Fair?

A 22) An unlimited ride purchase is valid for one day only. Unlimited rides for the length of the State Fair would require the purchase of twelve (12) tickets.

Q 23) The Ticketing System must allow for advance sales, and any personnel required for ticketing functions will be the responsibility of the Contractor. Does this mean that the State Fair wants the Contractor to take over the advance sales function?

A 23) No. The Department will continue to operate all advanced sales. Bidders' proposed ticketing system must be capable of accepting/honoring advance sales for the Midway made by the Department.

PRICING

Q 24) Does the bidder have authority to set pricing for games, rides and attractions? Are there any limitations on the ability of the bidder to set pricing for games, rides and attractions?

A 24) The selected contractor does not have the exclusive authority to set pricing. The selected contractor should make recommendations to the Department. The Department welcomes the input of the selected contractor, but final approval of pricing rests with the Department.

Q 25) Are there any limits on the number of special pricing days contemplated under the RFP?

A 25) Historically, the number of special pricing days has been no more than seven (7) days.

COST SCORING

Q 26) With respect to aesthetics, will any midway investment made by the Contractor to achieve changes be recognized in the context of the scoring of the cost proposal?

A 26) Aesthetics and investment by the Contractor to achieve changes will be considered in the context of the

Technical Proposal, not Cost. The Bid Form does not include investment or aesthetics information. Cost Scoring is based on the three (3) revenue components listed on the Bid Form.

Q 27) How will the Department adjust the midway gross percentage bids in the cost score calculation to account for variances in the accuracy, efficiency and reliability of different ticketing systems?

A 27) The accuracy, efficiency and reliability of different ticketing systems will be evaluated as part of the technical score, not the cost score. The Department will not make any adjustments to the Bid Form/Cost Proposal. Ticketing has no impact on cost scoring. The Bid Form clearly states that the percentage bid is based on gross revenue before any type of deduction.

ORAL PRESENTATION

Q 28) What is the format of the oral presentation? Is it a presentation (verbal, Power Point or both) of the bidder's proposal followed by a question and answer period? How much time will be allotted? Who will be present at the oral presentation?

A 28) There is no set format for the oral presentation. It should be a high level overview that makes clear why your proposal should be selected. The presentation should be 30-45 minutes, with a 15 minute Q&A period. Members of the evaluation team will be present.

MIDWAY GENERAL

Q 29) This section and also 3.5.D.2.B) reference ages of riders. With minimal exception, ride access is based on the ride manufacturer's height and rider restrictions rather than age. May we use the ride manufacturer's rider restrictions rather than age?

A 29) Yes. Please describe the target age range associated with the manufacturer's height and rider restrictions.

Q 30) "The Midway historically consists of two areas." Are you contemplating making changes to the size or configuration of the midway areas prior to the 2014 fair or at some future date?

A 30) The Department is not planning any substantial changes to the Midway at this time. Please note that the RFP requires Bidders to propose a Layout of the Midway. See RFP page 8.

Q 31) Have any recent surveys or studies of the New York State Fair been undertaken and is such information available?

A 31) None that are relevant to this RFP.

MISCELLANEOUS

Q 32) Can you please give us a list of those that attended the walk-through and are qualified to bid?

A 32) There are six (6) eligible bidding entities: 1) Strates Shows, Inc., 2) Powers Great American Midways, 3) Wade

Shows, Inc., 4) Skerbeck Brothers Shows, Inc., 5) Dreamland Amusements, Inc., and 6) North American Midway Entertainment.

Q 33) Who are the designated members of the bid evaluation committee, and what are their titles and affiliations?

A 33) The Department declines to release this information. There will be representation from the Department of Agriculture and Markets and the New York State Department of Labor.

Q 34) This section requires any subcontractor, including concessionaire subcontractors, to carry CGL insurance with a limit of at least \$10,000,000 and business automobile liability insurance of at least \$5,000,000. Would the State Fair allow concessionaire subcontractors to carry insurance in the amount of \$1,000,000 general liability, \$1,000,000 product liability, and, if applicable, \$1,000 liquor/golf cart liability, similar to the State Fair's direct concessionaires?

A 34) Food and Game concessionaires may carry the same limits as other concessionaires at the State Fair. Any subcontractors operating rides or attractions must carry the limits set forth in the RFP.

DEFINITIONS

Q 35) Please define "full control of the midway."

A 35) Full control of the Midway means the selected contractor must provide some direct services and maintain a presence on the Midway property at all times during the move in, move out and duration of the New York State Fair. The selected contractor will have care, custody and control of its property on site and assumes all liability for its operations, including its employees and all subcontractors.

Q 36) Please clarify the term "direct personal services" as used in the definition of "subcontracting".

A 36) Direct personal services means an individual performing a work or service. Any work or service performed by a non-employee of the selected contractor for the purpose of fulfilling the contractor's obligations under the contract is considered subcontracting.

Q 37) The term "Licensees" is used throughout this section? Is the Contractor the Licensee? Please clarify.

A 37) Section 6.3.22 contains standard contract terms that will be a part of any contract resulting from this RFP. In Revenue contracts, the contractor is often referred to as a "Licensee," as the selected contractor is being given a license to perform a service on property it does not own. In this RFP, the Contractor may also be referred to as a Licensee. The resulting contract from this RFP will grant the contractor a license to operate the Midway on State property.

Q 38) 6 NYCRR Part 249 covers "stationary sources" of emissions. Would this apply to trailered electrical generating equipment used to power the midway?

A 38) According to guidance received from the New York State Department of Environmental Conservation, these regulations do not apply to the type of non-road engine described in Question 38. Federal regulations would apply to this type of non-road engine. Bidders should describe their regulatory compliance procedures in the Technical Proposal. Federal regulations applicable to emissions from non-road, compression ignition engines can be found at 40 CFR Part 89.

TYPOGRAPHICAL ERRORS

Q 39) This item references an "Attachment 8." There is no Attachment 8 to the RFP. Would the State Fair clarify what they are referring to or provide a copy of the Attachment 8?

A 39) RFP page 13, section 5.8 'Procurement Lobbying Law' contains a typographical error in the third line. The Guidelines Regarding Permissible Contacts During a Procurement and the Prohibition of Inappropriate Lobbying Influence are in Attachment 5, page 2 of the Submission Documents.

Q 40) The website URL <http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html> is not valid. What is the correct address?

A 40) The Office of General Services has changed its website location. The correct URL is:
http://ogs.ny.gov/aboutOgs/regulations/defaultSFL_139j-k.asp

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