

NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS

INVITATION FOR APPLICATIONS

TEMPORARY FOOD AND BEVERAGE SERVICE

NEW YORK STATE FAIRGROUNDS

The New York State Department of Agriculture and Markets, for its Division of the New York State Fair (the "Department" and the "Fair"), is soliciting applications from food and beverage service vendors to provide temporary food and beverage service before, during and after events held at the New York State Fairgrounds located in the Town of Geddes, Onondaga County (Syracuse), New York. Temporary food and beverage service must include the sale of beer and wine.

Temporary food and beverage service will not be required, or permitted, during the annual New York State Fair, which is applied for and licensed separately.

The Department will establish a list of licensed vendors. All show and event promoters and organizers using the Fairgrounds who choose to provide food service at their event may provide that service only through a vendor, or vendors, selected from that list. Each licensed vendor that is selected for an event will pay to the Fair a fixed percentage of sales: twenty percent (20%) of gross revenue from the sale of food, including all non-alcoholic beverages and water, twenty five percent (25%) of gross revenue from the sale of beer, and a per bottle fee of three dollars (\$3.00) per 750 ml and five dollars (\$5.00) per 1.5 liter bottle on the sale of wine.

HOW TO APPLY (Read below and follow the instructions)

To be qualified to submit an application, you must document that: (a) you are currently, and have for the past twenty four (24) months, engaged in the business of providing temporary food and beverage service, and (b) you have, or have had, a license/permit to sell beer and wine issued by the New York State Liquor Authority in connection with your temporary food and beverage service.

If you meet both (a) and (b) please continue. If you don't, stop. Your application may not be considered.

1. Read the enclosed License and vendor representations and submissions and be sure that you can meet all of the provisions in it. If not, please don't submit an application.
2. Provide documentation that you are currently, and have for the past twenty four (24) months, been engaged in the business of providing temporary food service and that you have, or have had, a license/permit to sell beer and wine issued by the New York State Liquor Authority in connection with your temporary food and beverage service.
3. Complete the entire temporary food and beverage service application and sign it.

4. Complete the vendor representations and submissions, provide any additional information required, and sign it.
5. Complete the ten (10) page “New York State Vendor Responsibility Questionnaire – For Profit Business Entity”. Answer each question fully and completely and sign the Questionnaire and Certification.

SUBMIT YOUR APPLICATION

In an envelope, in order, place the documents identified in 2, 3, 4 and 5 above. On top, enclose a cover letter, preferably on your business letterhead, introducing yourself and providing contact information, names, phone numbers and e-mail addresses of the person or persons who were responsible for completing your application. Mail your application to:

Carrie Lindemann, Contracts & Purchasing
NYS Dept. of Agriculture and Markets
10B Airline Drive
Albany, NY 12235

SELECTION

Each vendor who submits all of the information listed in 2, 3, 4 and 5, above, has no outstanding food and beverage service related violations from any permit issuing authority and is determined to be responsible will be qualified to be placed on a list of outdoor event food service vendors maintained by the Fair.

Each qualified vendor will be offered a non-transferrable license authorizing the vendor to provide temporary food and beverage service on the New York State Fairgrounds upon the request of an event promoter/organizer. The license, copy attached, will require that the eligible vendor pay a license fee to the Fair of twenty percent (20%) of gross receipts arising from the sale of all food, including non-alcoholic beverages and water, twenty five percent (25%) of gross receipts arising from the sale of beer, after the deduction of sales tax, and a per bottle fee of three dollars (\$3.00) per 750 ml and five dollars (\$5.00) per 1.5 liters on the sale of wine. The license will also contain provisions relating to food preparation, sanitation, record keeping, payment, insurance and other provisions.

Each qualified vendor who returns the license properly executed together with the required insurance documentation will be placed on the Fair’s list of eligible vendors. The list will be made available to all event promoters/organizers who will be informed that, as a condition of their use of the New York State Fairgrounds, should the event promoter/organizer wish to provide food and beverage service, such service may only be provided through a licensed vendor.

TERM

Each license will be for a Term of one year, beginning on January 1, or such later date when a vendor’s application is approved and the vendor returns an executed license together with the required insurance. The license will end on December 31.

Each license may be renewed for successive Terms subject to the approval of the Licensor. Not later than November 1 of any license year, a vendor who seeks renewal of the license shall, in writing, request renewal and shall, in that request, inform the Fair of any material change in the vendor's status and operation. If you fail to disclose any material change in any information you previously, or any new information related to you or your food and beverage service operations, your license may not be renewed.

RESERVATION

The Department reserves the right to:

- reject any or all applications with respect to this request;
- decline to establish any vendor list from this request;
- require clarification from any applicant about the applicant's application;
- request from any applicant additional information required to more fully evaluate its application;
- amend this request after its release, with appropriate notice;
- negotiate with any or all applicants in the best interests of New York State.

The Department has designated the following staff members to receive contacts pertaining to this request:

Carrie Lindemann, Contracts & Purchasing
NYS Dept. of Agriculture and Markets
10B Airline Drive
Albany, NY 12235
Phone: (518) 457-8740
Fax: (518) 485-7750
Email: carrie.lindemann@agmkt.state.ny.us

Barbara Godfrey, Division of State Fair
NYS Dept. of Agriculture and Markets
581 State Fair Blvd.
Syracuse, NY 13209
Phone: (315) 487-7711x1366
Fax: (315) 487-9260
Email: barbara.godfrey@agmkt.state.ny.us

APPLICATION FOR TEMPORARY FOOD AND BEVERAGE SERVICE
VENDOR REPRESENTATIONS AND SUBMISSIONS

Vendor Business Name

Vendor Address

Vendor Representative

By signing, making and providing these Representations and Submissions, the Vendor certifies that:

1. There are presently no outstanding administrative, judicial or other proceedings of any nature arising from, or related to, the Vendor's provision of food and beverage service pending before, or prosecuted by, any government entity exercising regulatory jurisdiction over food and beverage service operations.

If there are any such matters please explain, in detail, on a separate page.

2. There are presently no unpaid fines, fees, liens or assessments imposed against the Vendor by any governmental entity exercising regulatory jurisdiction over its food and beverage service operations.

If there are any unpaid fines, fees, liens or assessment please explain, in detail, on a separate page.

3. Attached to these Representations and Submissions are true and complete copies of each inspection report, or equivalent, issued by a governmental entity exercising regulatory jurisdiction over food and beverage service operation covering the Vendor's food and beverage service operations for the twelve (12) months immediately preceding, and including, the month in which this application is submitted.

4. The Vendor understands and agrees that any license issued based upon the information provided by the Vendor in the Vendor's application, including all parts of, attachments to and submissions with that application, may be immediately terminated by the Department of Agriculture and Markets (Department), in its sole discretion, should any of the information provided by the Vendor be determined by the Department to be false, misleading or incomplete and that the Department shall have no liability arising from such termination.

Date:

Vendor Representative Signature
Print Name and Title Below

LICENSE

New York State Department of Agriculture and Markets

and

This Agreement is made between the New York State Department of Agriculture and Markets, with offices at 10B Airline Drive, Albany, New York 12235, acting by and through its Division of the State Fair, with offices at 581 State Fair Boulevard, Syracuse, New York 13209 (collectively, the Licensor) and _____ (Licensee).

RECITALS

The Licensor is responsible for operation, maintenance and administration of the New York State Fairgrounds.

The Licensor wishes to maximize use of the Fairgrounds and Fairgrounds facilities at times other than during the annual New York State Fair and makes the Fairgrounds and Fairgrounds facility available, upon payment of a fee, for shows, exhibitions, conventions and similar events.

The Licensor wishes to make available food and beverage service for the convenience of event organizers, promoters and sponsors and event patrons.

To insure the availability of a variety of quality foods and beverages, the Licensor has established a list of eligible vendors, including the Licensee, who have agreed to provide, upon request, food and beverage service to and for events using the Fairgrounds and Fairgrounds facilities.

The Licensee is experienced will and able to provide the food and beverage service.

NOW, THEREFORE, the Licensor and the Licensee agree as follows:

GRANT AND SCOPE OF LICENSE

The Licensor hereby grants to the Licensee, and the Licensee accepts from the Department, a non-exclusive license to provide food and beverage service, upon request, at events held at the New York State Fairgrounds during the Term of this License with the exception of during the New York State Fair.

Food and beverage service will begin at least ½ hour prior to each event and shall continue until the close of the event.

OPERATION OF LICENSE

Each event sponsor/promoter will be provided with the list of eligible vendors (Licensees). The event sponsor/promoter is solely responsible for choosing a vendor or vendors from the list.

Not later than seven (7) business days prior to the event, the event sponsor/promoter must provide the Licensor, in writing, a list of the vendor, or vendors, who will provide food and beverage service at the event.

The menu, including pricing, for each event must be established and provided to the Licensor by each selected Licensee not later than three (3) business days prior to the event.

The Licensee's operation of this License shall be subject to the provisions of the New York State Sanitary Code "Temporary Food Establishments" (10 NYCRR Subpart 14-2) as administered and enforced by the Onondaga County (NY) Department of Health.

TERM

This License shall commence on _____ and end on December 31, 2011.

CONSIDERATION

The Licensee agrees to pay and the Licensor agrees to accept, in consideration for the grant and operation of this License: (a) twenty percent (20%) of gross receipts arising from the sale of all food, including non-alcoholic beverages and water, (b) twenty five percent (25%) of gross receipts from the sale of beer, each after the deduction of sales tax, and (c) three dollars (\$3.00) for each 750 ml and five dollars (\$5.00) for each 1.5 liter bottle of wine used.

BEER AND WINE SERVICE SIZE AND FEE COMPUTATION

All beer shall be sold in plastic fourteen ounce (14 oz) cups purchased from the Licensor. A domestic keg of beer shall hold 145 fourteen ounce cups and an imported keg of beer shall hold 123 fourteen ounce cups. Gross beer revenue shall be determined by multiplying the number of cups of beer per keg by the selling price per cup.

All wine shall be sold in plastic cups not larger than ten ounces (10 oz) in capacity. The fee to be paid shall be determined by multiplying the number of 750 milliliter bottles of wine by three dollars (\$3.00) and the number of 1.5 liter bottles of wine by five dollars (\$5.00).

PAYMENT

Payment shall be made by the Licensee to the Licensor not later than three (3) business days after the close of each event. All cash register print tapes showing separately each item sold, the item price and sales tax shall be submitted with payment.

INDEMNIFICATION

The Licensee agrees to indemnify and hold harmless the State of New York and the Licensor from all liability incurred by the Licensor for bodily injury and personal property damage

resulting from the negligent acts, errors or omissions of the Licensee, its officers, agents or employees in the provision of services under this License, provided that the Licensor promptly notify the Licensee of any such claim and afford the Licensee an opportunity to defend such claim and cooperate fully with the Licensee in the defense of any claims.

INSURANCE

The Licensee shall obtain and keep in force during the term of this License insurance policies, naming the State of New York and the Licensor as additional insureds, in the minimum amount set forth, as follows:

<u>TYPE</u>	<u>AMOUNT</u>
PUBLIC LIABILITY INSURANCE	\$1,000,000 CSL
PROPERTY DAMAGE	\$1,000,000 CSL
PRODUCT LIABILITY	\$1,000,000.00
LIQUOR LEGAL LIABILITY	\$1,000,000.00
WORKMEN'S COMPENSATION	STATUTORY

Certificates of insurance showing the above coverages shall be provided to the Licensor upon execution and return of this License.

CONTRACTOR NOT DEPARTMENT EMPLOYEE OR AGENT

Neither the Licensee, nor its agents, employees, suppliers or subcontracts shall be in any way deemed to be employees or agents of the Licensor or of the State of New York.

TERMINATION

The Licensor may terminate this License for cause upon giving the Licensee twenty-four (24) hours written notice.

MODIFICATION

This License may not be modified unless such modification is made in writing, executed by the Licensor and the Licensee and approved by the Attorney General and Comptroller of the State of New York.

APPENDIX A

Appendix A annexed is made a part of this License.

NECESSARY SIGNATURES

This License shall not be binding and effective upon the Licensor unless and until approved by the Attorney General and the Comptroller of the State of New York.

SIGNATURE PAGE

CONTRACT NUMBER: _____

Agency Certification

In addition to the acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this contract.

New York State Department of
Agriculture and Markets

By: _____

By: _____

Title:

Dated: _____

Dated: _____

ACKNOWLEDGMENT

Corporation

STATE OF NEW YORK)
)ss.:
COUNTY OF)

On this day of , 2011, before me personally appeared
 to me known, who, being by me duly sworn, deposes and says
that he/she resides at , that he/she is the
 of , the corporation described in and which
executed the above instrument; and that he/she signed his/her name thereto by order of the
board of directors of said corporation.

Notary Public