

INVITATION FOR BIDS

TENT RENTAL

New York State Department of Agriculture and Markets

The New York State Department of Agriculture and Markets (Department) presents the annual New York State Fair at the State Fairgrounds in Syracuse, New York for a twelve day period ending on Labor Day. The State Fair is an agricultural fair, showcasing New York's agricultural industry through a variety of exhibits, demonstrations, amusements and competitions.

The purpose of this invitation is to retain a contractor to provide, install and maintain various size tents and tent lighting during the annual New York State Fair (State Fair) for the Term of the contract. Tents must be clean, in excellent condition and provide a bright, cheerful and festive atmosphere for State Fair patrons.

Bids must be received in hand by the Department no later than **3:00 pm** local time on May 21, 2010. Bids shall be addressed to:

Lucy Roberson, Director
Fiscal Management
New York State Department of
Agriculture and Markets
10B Airline Drive
Albany, New York 12235

Submit an original and one (1) copy of your bid. Bids may not be submitted electronically, or by fax. Inquiries about this invitation shall be directed to Emma Graham, in writing at the above address, or via email to emma.graham@agmkt.state.ny.us, and received no later than May 10, 2010. No telephone inquiries will be accepted. All questions and answers will be posted on the Department's website, www.agmkt.state.ny.us in the "Funding Opportunities" section. Answers will be posted as quickly as possible, but no later than May 13, 2010. The questions and answers, when posted, are part of this invitation.

Addenda to Invitation for Bids

Any revisions to this invitation will be posted on the Department's website, www.agmkt.state.ny.us under "Funding Opportunities". All bidders are responsible for keeping informed of any revisions to this invitation.

Bid Schedule

Invitation Issued – April 30, 2010
Last Date for Inquiries – May 10, 2010
Responses to Inquiries – May 13, 2010
Bids Due – May 21, 2010
Selection within 30 days

Scope of Work

The selected bidder must be able to provide tents in all sizes listed on the attached bid sheet. All tents and lighting must meet the specifications listed below. The selected bidder will provide, install and maintain for the duration of the State Fair all tents and lighting as directed by the Department. The Department makes no representation that tents in any or all of the sizes for which prices are requested will be used.

The Department may change quantities and sizes up to fourteen (14) days prior to opening day of the State Fair. A list of the tents types and sizes used during the 2009 State Fair is provided for informational purposes only.

The bidder must have a trained and competent representative physically present on the State Fairgrounds from 8:00 am to 6:00 pm each day of the State Fair and the bidder must be “on-call” three (3) calendar days prior to the opening of each State Fair and be capable of installing a tent or tents, as required within twelve (12) hours from any request made during that period and continuing throughout the duration of the State Fair.

Tents and Lighting

Specifications

Item 1 - Clear-Span Rigid Frame Tents

- Tent manufacturer to be Hoecker, Losberger, Roder USA or equivalent.
- Aircraft heavy-duty box beam aluminum frames with flame retardant PVC canvas tops.
- Aluminum structural members 16.5' o/c with steel anchor plates.
- White translucent fabric roof panels with 10' side panels.
- Sixty mile per hour (60 mph) wind load capacity.

Item 1A – General Lighting for Clear-Span Tents

- General lighting, per square foot for clear-span rigid frame tents shall be at a minimum light level of 50 foot candles for the entire interior of the tent.

Item 2 - Standard Rigid Frame Tents

- Free-standing Anchor Fiesta Tents with rigid frame or equivalent.
- Forty five-mile per hour (45 mph) wind load capacity.
- Available with eight foot (8'), ten foot (10') or twelve foot (12') sides and sliding panels to be selected by the Department, as needed.

Item 2A – General Lighting for Standard Rigid Frame Tents

- General lighting per square for Item 2 – standard rigid frame tents shall be at a minimum light level of 50 foot candles.
- The Department will supply and terminate the necessary power to support this lighting for the entire interior of the tent.

Tent Condition and Maintenance

All tents shall be clean, colorful, bright and in excellent condition.

All fabric must be flameproof, clean and in first class condition. All tent fabric shall meet the requirements for flame resistance of the small-scale test contained in Chapters 1-4 of NFPA 701, "Standard Methods of Fire Test for Flame-Resistant Textiles and Films, 1989 edition", available from NFPA, Batterymarch Park, Quincy, MA 02269. Written evidence of approval by a nationally recognized testing laboratory that the tent material complies with the foregoing standard will be accepted by the Department as evidence of proper treatment for up to twelve (12) months after such approval was granted.

An exit sign shall be provided over each opening to be used as an exit.

All stakes, if used, must have protective caps and all stake holes filled upon removal with a filler of the same material in which the stake was placed.

All tents shall be cleaned after installation and immediately prior to the opening of the Fair.

Tents and lighting will be inspected by the bidder and the Department prior to opening of the State Fair and the bidder shall correct, repair or otherwise eliminate defects, tears and other noted deficiencies.

Department Provided At No Cost

- Parking space to accommodate the bidder allowing for twenty four (24) hour access to the Fairgrounds, storage for spare parts, extra sides, repair-related and cleaning equipment.
- Radio communication with Department employees.
- Electrical power and hook-ups for lighting.
- Cargo golf cart for use to access areas not accessible by vehicle.

Schedule

Tent installation shall be coordinated with Department representatives.

Set-up must be complete not later than 8:00 am on the tenth (10th) day prior to the opening day of each State Fair held during the Term of the contract.

Tent removal may begin on the day immediately following the day the State Fair closes and all tents shall be taken down and removed from the Fairgrounds not later than the fifth (5th) day after close of each State Fair held during the Term of the contract.

Term

The contract will be for a two (2) year Term beginning on July 1, 2010 and ending on September 30, 2011.

Invoices and Payments

Payment shall be made by the Department only after receipt and approval of itemized invoice(s) submitted by the selected bidder.

Payments for invoices submitted by the selected bidder shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The selected bidder shall comply with the State Comptroller's procedures to authorize electronic payments. Authorization forms are available at the State Comptroller's website at www.osc.state.ny.us/epay/index.htm, by email at epunit@osc.state.ny.us, or by telephone at 518-474-4032. The selected bidder acknowledges that it will not receive payment on any invoices submitted under this Contract if it does not comply with the State Comptroller's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

Insurance

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

The selected bidder shall also furnish, within the same period of time, a certificate of worker's compensation and disability insurance coverage.

Minimum Qualifications

Each bidder shall demonstrate:

1. That the bidder is currently providing tent rental services similar to those sought by this invitation and has done so continuously during the three (3) calendar years immediately preceding submission of its bid, and,
2. That the bidder has billed and received payment for work the same as, or similar to, that sought by this invitation for bids in the aggregate amount of \$71,223.00 in each year of the three (3) calendar years immediately preceding submission of its bid, and,
3. Provide the name, address, contact person and telephone number for the three (3) most recent customers for which the bidder has provided tents and lighting, the dates and location where the bidder provided the tents and lighting and the amount of the billing to each customer. The Department reserves the right to contact any or all of those customers to verify the information the bidder provides and ask for positive and negative references.

Bid

All bids must be submitted on the Bid Sheet attached to this invitation. Bidders must provide a per-unit cost for each item.

Taxes

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

Award

The award will be made to a qualified, responsible bidder submitting the lowest cost determined by adding the per-unit costs offered on the Bid Sheet.

Reservation of Rights

The Department reserves the right to:

- Reject any or all bids received with respect to this invitation;
- Decline to award a contract from this invitation;
- Require clarification from any bidder to assure a full understanding of the responsiveness to the requirements of the invitation;
- Waive or modify minor irregularities in bids received;
- Request from bidder additional information deemed necessary to more fully evaluate its bid or absent required forms. Bidders will have three (3) business days to respond to the request;
- Amend this invitation after its release, with appropriate written notice posted on the Department's website, and;
- Negotiate with any or all bidders within the bid requirements, in the best interest of New York State.

Notification of Award

The Department will notify the selected bidder verbally, followed by a written confirmation. Unsuccessful bidders will be notified in writing by the Department within ten business days after the award.

Debriefing – Protest

Pursuant to section 163(9)(c) of the State Finance Law, an unsuccessful bidder has the right to a debriefing. An unsuccessful bidder must request a debriefing within thirty (30) days from the date of the notification of the Award. To request a debriefing an unsuccessful bidder should contact Emma Graham, Division of Fiscal Management, in writing or via e-mail at emma.graham@agmkt.state.ny.us.

An unsuccessful bidder may protest the award by filing a protest, in writing, with the Office of the State Comptroller, Bureau of Contracts, 110 State Street, 11th Floor, Albany, New York 12236.

New York Law

The provisions of New York law shall apply to the contract and to all claims, actions and other proceedings arising out of the contract.

Approvals

The contract shall be subject to the approval of the Attorney General of the State of New York and the Comptroller of the State of New York.

NYS Standard Vendor Responsibility Questionnaire

The bidder shall fully and accurately complete the Vendor Responsibility Questionnaire, (hereinafter the "Questionnaire"). The bidder acknowledges that the Department's execution of the Contract will be contingent upon the Department's determination that the bidder is responsible, and that the Department will be relying upon the bidder's responses to the Questionnaire in making that determination. If it is found by the Department that the bidder's responses to the Questionnaire were intentionally false or intentionally incomplete, on such finding, the Department may terminate the contract by providing ten (10) days written notification to the contractor. In no case shall such termination of the contract by the Department be deemed a breach thereof, nor shall the Department be liable for any damages for lost profits or otherwise, which may be sustained by the contractor as a result of such termination.

NOTE: Bidders are invited to file the Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at www.osc.state.ny.us/vendrep or go directly to the VendRep System online at <https://portal.osc.state.ny.us/wps/portal>. For direct VendRep System user assistance, the OSC Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email athelpdesk@osc.state.ny.us.

Appendix A

Appendix A is posted on the website of the New York State Office of General Services at www.ogs.state.ny.us/procurecounc/PDFdoc/appendixa.pdf, and contains standard clauses that are required in all State contracts. Appendix A will be a part of any contract awarded and the successful bidder will be responsible for complying with the terms and conditions contained therein.

Certification Pursuant to NYS Tax Law Section 5-A

Pursuant to Tax Law Section 5-a, you are required to certify to the Tax Department that you are registered to collect New York State and local sales and compensating use taxes, if you made sales of tangible personal property, delivered by any means, to locations within New York State or you provided taxable services, having a cumulative value in excess of \$300,000 measured over a specified period. In addition, you must certify to the Tax Department that each affiliate and subcontractor exceeding such sales threshold during a specified period is registered to collect New York State and local sales and compensating use taxes. You must also certify to the procuring state agency that affiliates and subcontractors have filed a correct and complete certification with the

Tax Department. The successful bidder will be required to complete and sign, under penalty of perjury, the Contractor Certification Form ST-220-TD and the Contractor Certification to Covered Agency Form ST-220-CA. The Contractor Certification Forms are available from the Department of Tax and Finance web site at: http://www.tax.state.ny.us/forms/sales_cur_forms.htm#Other%20Sales%20Tax%20Forms.

The successful bidder will be required to complete and submit the Contractor Certification Forms within three (3) business days from the date of the request. Failure to respond timely may render a bidder non-responsive and non-responsible. Bidders shall take the necessary steps to provide properly certified forms, within a timely manner, to ensure compliance with the law. You may call the Tax Department at 1-200-698-2931 for all questions regarding Tax Law §5-a, and relating to a company's registration status with the Tax Department. For additional information and frequently asked questions, please refer to the Department of Tax and Finance web site: http://www.tax.state.ny.us/pdf/publications/sales/pub223_507.pdf

Minority & Women Owned Business Equal Opportunities & Goals

See Clause 12, Equal Employment Opportunities for Minorities and Women, in Appendix A. For this contract the Department and the Division have established the following goals:

- Minority business enterprises 1%
- Women owned business enterprises 1%

MacBride Fair Employment Principles

Chapter 807 of the Laws of 1992 prohibits a State department from contracting for the supply of goods and services or construction with any contractor who does not agree to stipulate that it either has no business operations in Northern Ireland, or if it does have such business operations, it shall take lawful steps in good faith to conduct such operations in accordance with the MacBride Fair Employment Principles, if there is another contractor who will execute such stipulation and provide the goods and services or construction of comparable quality at a comparable price. Bidders must sign the related certification of non-discrimination at <http://www.ogs.state.ny.us/procurecounc/PDFdoc/nondiscrimination.pdf>.

Summary of Department's Policy Regarding State Finance Law Sections 139-J & 139-K

Pursuant to State Finance Law Sections 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between the Department of Agriculture and Markets and an offeror/bidder during the procurement process. (See Attachment 8 - "Guidelines Regarding Permissible Contacts During a Procurement and the Prohibition of Inappropriate Lobbying Influence".) An offeror/bidder is restricted from making

contacts from the earliest notice of intent to solicit bids/bids through final award and approval of the Procurement Contract by the Department, and, if applicable, Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law Section 139-j(3)(a). Designated staff, as of the date hereof, are identified in this solicitation. Department employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the offeror/bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four year period, the offeror/bidder is debarred from obtaining governmental Procurement Contracts. Further information about these requirements can be found in the Department’s Guidelines, which are attached, and on the Office of General Services Website at <http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html>

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

Emma Graham
Division of Fiscal Management
Telephone: (518) 457-0864
Fax: (518) 485-7750
E-mail: emma.graham@agmkt.state.ny.us

Judy Giovannetti
Division of Fiscal Management
Telephone: (518) 457-6172
Fax: (518) 485-7750
E-mail: judy.giovannetti@agmkt.state.ny.us

Non-Collusive Bidding Certification

New York State requires that you certify under the penalty of perjury that your bid was arrived at independently.

Contract Termination

This provision authorizes the Department to terminate its contract with you if any of the information you provided in the documents making up the Standard Contract Provisions is intentionally incomplete or intentionally false. If contract termination is proposed, you will be notified and given an opportunity to explain why you believe the contract should not be terminated.

Workers' Compensation & Disability Benefits Insurance

Pursuant to sections 57 and 220 of the State's Workers' Compensation Law, no State agency may enter into a contract with a vendor until the vendor produces proof that it has secured Workers' Compensation and Disability Benefits Insurance. Bidders must include, as part of their bid, a C-105.2 form and a DB-120.1 form completed and certified by their insurance carrier, attesting to the existence of proper insurance coverage. The insurance coverage must be under the company name, federal employer identification number and policy number issued to the Bidder. New York State does not accept ACORD forms. Please see the Workers' Compensation Board's website at www.wcb.state.ny.us for more information.

Restrictions on Communications with Department of Agriculture and Markets and Division of the State Fair Staff

Bidders shall make no unsolicited contact with any Department or Division personnel regarding this Bid, except that Bidders may contact Emma Graham in writing or by email at emma.graham@agmkt.state.ny.us.

Cost Liability

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

Freedom of Information

The selected Bidder's bid and any contract resulting from this Bid are subject to the provisions of New York's Freedom of Information Law, Public Officers Law, Article 6. The selected Bidder's financial and proprietary business information will be received and accepted as confidential information and not subject to disclosure.

April 27, 2010

New York State Department of
Agriculture and Markets
10B Airline Drive
Albany, New York

Bidder _____ Signature _____ Date _____

BID SHEET - TENT RENTAL - 2010
All bids must be submitted on this sheet.

Item 1 - Clear Span Rigid Frame Tents – with 10’ Side Panels

Bid price for each of these sizes:

66’ X 66’ X 10’ _____

66’ X 82’ X 10’ _____

82’ X 82’ X 10’ _____

Bid price per 16 foot section for additional tents:

16’ X 30’ X 10’ _____

16’ X 40’ X 10’ _____

16’ X 50’ X 10’ _____

16’ X 65’ X 10’ _____

16’ X 82’ X 10’ _____

Item 1A – General Lighting for Clear Span Rigid Frame Tents

Per square foot price to provide lighting: _____

Item 2 - Standard Rigid Frame Tents - with 8’, 10’, 12’ Sides or Sliding Panels

Bid price for each size tent listed:

(1) 10’ X 10’ _____

(2) 15’ X 15’ _____

(3) 15’ X 20’ _____

(4) 15’ X 30’ _____

(5) 15’ X 120’ _____

(6) 15’ X 40’ _____

(7) 15’ X 60’ _____

(8) 20’ X 10’ _____

- (9) 20' X 20' _____
- (11) 20' X 40' _____
- (13) 30' X 20' _____
- (15) 30' X 40' _____
- (17) 30' X 60' _____
- (19) 40' X 40' _____
- (21) 40' X 60' _____
- (23) 60' X 30' _____
- (25) 100' X 50' _____

- (10) 20' X 30' _____
- (12) 20' X 60' _____
- (14) 30' X 30' _____
- (16) 30' X 50' _____
- (18) 40' X 30' _____
- (20) 40' X 50' _____
- (22) 40' X 70' _____
- (24) 80' X 40' _____

Item 2A – General Lighting for Standard Rigid Frame Ten

Per square foot price to provide lighting: _____

TOTAL BID AMOUNT \$ _____