

New York State Office Of General Services  
New York State Procurement  
Corning Tower Building  
Empire State Plaza  
Albany, New York 12242  
<http://www.ogs.ny.gov>

## PURCHASING MEMORANDUM

### BID SOLICITATION UPDATE

**IFB NUMBER:** 22701

**DATE:** May 28, 2013

**GROUP:** 80101 – INTERNATIONAL CONCESSION  
SERVICES FOR THE NYS FAIR  
(Agriculture & Markets)

**PLEASE ADDRESS INQUIRIES TO  
DESIGNATED CONTACTS:**

Lori L. Bahan  
Contract Management Specialist  
[PS\\_AA\\_statefair@ogs.ny.gov](mailto:PS_AA_statefair@ogs.ny.gov)

**BID OPENING:** June 12, 2013

Joseph Hodder  
Team Leader  
[PS\\_AA\\_statefair@ogs.ny.gov](mailto:PS_AA_statefair@ogs.ny.gov)

**SUBJECT:** UPDATED INFORMATION FOR INVITATION FOR BIDS 22701

**TO PROSPECTIVE BIDDERS:**

Please be advised the following clause has been included in the IFB:

**MERCURY-ADDED CONSUMER PRODUCTS:**

Offerers are advised that effective January 1, 2005, Article 27, Title 21 of the Environmental Conservation Law bans the sale or distribution free of charge of fever thermometers containing mercury except by prescription written by a physician and bans the sale or distribution free of charge of elemental mercury other than for medical pre-encapsulated dental amalgam, research, or manufacturing purposes due to the hazardous waste concerns of mercury. The law further states that effective July 12, 2005, manufacturers are required to label mercury-added consumer products that are sold or offered for sale in New York State by a distributor or retailer. The label is intended to inform consumers of the presence of mercury in such products and of the proper disposal or recycling of mercury-added consumer products. Offerers are encouraged to contact the Department of Environmental Conservation, Bureau of Solid Waste, Reduction & Recycling at (518) 402-8705 or the Bureau of Hazardous Waste Regulation at 1-800-462-6553 for questions relating to the law. Offerers may also visit the Department's web site for additional information: <http://www.dec.ny.gov/chemical/8512.html>.

The following clauses have been updated:

Appendix A- Please print and attach for your records Appendix A dated December 2012.

**APPENDIX A:**

Appendix A, Standard Clauses For New York State Contracts, dated December 2012, attached hereto, is hereby expressly made a part of this Bid Document as fully as if set forth at length herein. Please retain this document for future reference and do not return to OGS as part of the Bid submission.

**APPENDIX B:**

Appendix B, Office of General Services General Specifications, dated July 2006, attached hereto, is hereby expressly made a part of this Bid Document as fully as if set forth at length herein and shall govern any situations not covered by this Bid Document or Appendix A. Please retain this document for future reference and do not return to OGS as part of the Bid submission.

The below referenced clauses for Appendix B are not applicable to this License:

No. 5, Definitions

- Authorized Users
- Documentation
- Enterprise
- Enterprise License
- Licensed Software
- License
- License Effective Date
- Licenser
- Mini-Bid Project Definition
- New Product Releases
- Purchase Order
- Request for Quotation (RFQ)
- Single Source
- Site
- Sole Source
- Source Code
- Terms of License

No. 21, Product References

No. 23, Products Manufactured in Public Institutions

No. 39, Participation in Centralized Contracts

No. 42, Estimated/Specific Quantity Contracts

No. 44, Purchase Orders

No. 45, Product Delivery

No. 46, Weekend and Holiday Deliveries

No. 47, Shipping/Receipt of Product

No. 49, Re-weighing Product

No. 50, Product Substitution

No. 51, Rejected Product

No. 52, Installation

No. 53, Repaired or Replaced Parts/Components

No. 54, On-Site Storage

No. 62, Contract Billings

No. 63, Default- Authorized User

APPENDIX B (cont'd)

No. 72, Additional Warranties

No.78, Software License Grant

No. 79, Product Acceptance

No. 80, Audit of Licensed Product Usage

No. 81, Ownership/Title to Project Deliverables

No. 82, Proof of License

No. 83, Product Version

No. 84, Changes to Product or Service Offering

No. 85, No Hardstop/Passive License Monitoring

No. 86, Source Code Escrow for Licensed Product

**DISPUTE RESOLUTION POLICY**

It is the policy of the OGS NYSPRO to provide vendors with an opportunity to administratively resolve disputes, complaints or inquiries related to NYSPRO bid solicitations, contract awards and contract administration. NYSPRO encourages vendors to seek resolution of disputes through consultation with NYSPRO staff. All such matters will be accorded impartial and timely consideration. Interested parties may also file formal written disputes. A copy of NYSPRO's Dispute Resolution Procedures for Vendors may be obtained through the OGS website (<http://www.ogs.ny.gov/BU/PC/BizInfo.asp>).

Please note the CHANGE to the clause below:

**3.2 MINIMUM QUALIFICATIONS:**

In the envelope marked "Minimum Qualifications" provide documentation or other information demonstrating that:

1. You have a minimum of one (1) year of documentable and verifiable experience in providing food services at a restaurant, fast-food establishment or special events concession.
2. You have the capacity to allow for the sale of food and beverage by credit or debit card.

**FOR THE NY BREW PUB ONLY - ALL OF THE ABOVE PLUS THE FOLLOWING:**

3. Documentation demonstrating that you are in good standing with the State Liquor Authority, which shall include either (1) a current copy of your license or permit; (2) a copy of a license or permit which **was** issued to the proposer within the past eighteen (18) months **and was voluntarily surrendered to the SLA by the bidder**; or (3) a copy of the application for a license or permit submitted to the State Liquor Authority to sell beer. .

BID OF (COMPANY): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

SIGNATURE OF BIDDER: \_\_\_\_\_

PRINTED COPY OF SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

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