



Restricted Sale of Confiscated Alcohol Products

Sale number: 15-01
Sale date: June 5, 2015 2:00 PM EST

Seller: New York State
Location of sale: Building 9 Room 234
W A Harriman
Campus Albany NY
12227

On Various Dates, the New York State Department of Taxation and Finance
seized bottles of alcohol products of various sizes and brands

on which the New York State Alcoholic Beverages Tax had not been paid. The actual inventory is shown on the attached Form *Inventory of Confiscated Alcohol Products*, and grouped by lot as provided in section 1845 of the New York State Tax Law. These products are being offered for public sale only to those licensed by the New York State Liquor Authority.

For additional information contact: **NYS TAX DEPARTMENT
OFFICE OF BUDGET AND MANAGEMENT ANALYSIS
BUILDING 9 ROOM 234
W A HARRIMAN CAMPUS
ALBANY NY 12227
(518) 530-4484**

To avoid any misunderstanding or rejection of bids, please read carefully all bidding restrictions and terms of this sale on the back of this form.

The NYS Tax Department reserves the right to reject any bid if:

- The information below is not supplied in full and signed.
- The bid is received by the NYS Tax Department, Office of Budget and Management Analysis, Building 9 Room 234, W A Harriman Campus, Albany NY 12227, after July 27, 2015 at 2:00 PM EST
- The certified check, money order, or bank cashier's check for 10% of the total bid is not enclosed.

..... Cut here and return

Bidder's Declaration

Declaration: In submitting this offer, the undersigned declares, warrants, and agrees that he or she has carefully examined the terms of sale, the specifications and conditions of sale, and the conditions governing the removal of same and that, in signing this offer form, it is understood that the goods will be sold "as is," and that the seller makes no warranty of merchantability or fitness of any particular purpose.

Noncollusive bidding certification (State Finance Law section 139-d): By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his or her knowledge and belief: (1) The prices in this bid have been arrived at independently, without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices, with any other bidder or with any competitor; (2) Unless otherwise required by law, the prices quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder, directly or indirectly, to any other bidder or to any competitor before completion of the selection process; and (3) No attempt has been made or will be made by the bidder to induce any other person, partnership, or corporation to submit or not to submit a bid for the purpose of restricting competition.

Name	Title (if bid is made by a company)		
Address (if bid is made by a company, give company name and address)			
Sales tax registration number	New York State Liquor Authority license number		
Signature	Telephone number ()	Date	

Restrictions and Terms of Sales

Bid procedure

- Bid offers must be made using Form MT-80.2, *Offer Form*. No other types of offers will be accepted. Additional copies of Form MT-80.2 are available from the NYS Tax Department, Office of Budget and Management Analysis, Building 9 Room 234, W A Harriman Campus, Albany NY 12227.
- To complete Form MT-80.2, record each lot number you are interested in purchasing and your offer for this lot. Sign and date the form.
- Form MT-80.2 must be accompanied by a completed *Bidder's Declaration*, the cut-off portion of Form MT-80, *Restricted Sale of Confiscated Alcohol Products*.
- A bid will not be considered for award nor will any award be made if the conditions of the noncollusive bidding certification have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder must so state and must furnish with the bid a signed statement that sets forth in detail the reasons therefore. If the above conditions have not been complied with, the bid will not be considered for award nor will any award be made unless the head of the purchasing unit of the state, public department, or agency to which the bid is made, or his or her designee, determines that such disclosure was not made for the purpose of restricting competition (section 139-d of the State Finance Law).
- Each offer must be accompanied by a certified check, money order, or bank cashier's check in the amount of 10% of the total bid, made payable to: **New York State Department of Taxation and Finance**. Deposits from unsuccessful bidders will be returned within 10 business days of the sale.
- Each bid must meet or exceed the minimum bid established per lot. Any bid that does not meet or exceed the minimum bid established for that lot will be rejected.
- If applicable, a copy of your resale certificate must accompany your full payment of the balance due on any lots for which you are the successful bidder.
- The bid must be received before the deadline at the NYS Tax Department, Office of Budget and Management Analysis, Building 9 Room 234, W A Harriman Campus, Albany NY 12227. Bids received after the specified time and date will be rejected.

- The sale number must be printed clearly in the lower left-hand corner of the bid envelope, and your return address must appear in the upper left-hand corner of the envelope.

Rejection of offers

The Tax Department reserves the right to reject any and all offers, and to obtain clarification from vendors regarding bid packages. Incomplete forms and bid packages may be rejected.

Withdrawal

The Tax Department reserves the right to withdraw any item before the sale.

Liquidated damages

Failure of a successful bidder to accept the award, to make full payment to the Tax Department as specified in the award, and to remove the property within the specified period will result in the deposit check being retained by New York State as liquidated damages, not as a penalty.

Condition of property

All items are sold "as is," with no guarantee or warranty from New York State. The intact seal/label at the neck/cap of each bottle will be considered evidence that the contents of that bottle are also intact. No sale will be invalidated by reason of any fault in any item or by reason of any item being incorrectly described. New York State assumes no responsibility for material after it has been awarded to the successful bidder.

Method of payment

Upon notification of award from this office, the successful bidder(s) must, within 10 business days, make full payment of the balance due on awarded lots of alcohol products by certified check, money order, or bank cashier's check, made payable to the **New York State Department of Taxation and Finance**.

Removal

Upon full payment of award, successful bidder(s) and/or their representatives will have 20 business days to remove the material. The bidder must arrange for the removal of the alcohol products by calling the Department of Tax and Finance at (518) 356-2396. New York State will not package or arrange shipment of any alcohol products. Proper identification and signed written authorization will be required before release.



Offer Form

Sale number 15-01	Deadline for receiving bid July 27, 2015 2:00pm EST	Agency New York State Department of Taxation and Finance
Deposit requirement payable to <i>New York State Department of Taxation and Finance</i> 10% of total bid	Location of material to be sold Rotterdam (Schenectady), NY	
Condition of payment Within 10 business days of notification of award, full payment due by certified check, money order, or bank cashier's check.	Removal period Within 20 business days of receipt of full payment.	

The following is (my/our) offer for the purchase and removal of the property described below. This offer is made subject to the conditions for this sale and the terms contained on Form MT-80, *Restricted Sale of Confiscated Alcohol Products*.

Lot number

Amount offered

Authorized signature	Title	Date10
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