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| **BUREAU OF FISCAL SERVICES**  **Procurement Unit** |  |  |

**October 22, 2020**

**Invitation for Bids (IFB) 19-203, Business Auction Services**

**Response to Round 1 of Bidder Questions and Amendment #1**

To All Potential Bidders:

Attached are the Department’s responses to Questions received for the above referenced IFB.

The Department is issuing Amendment #1 to amend language in the following sections:

* Page 1 – Designated Contacts
* Section 6.5 – Inquiries / Issuing Office

Corrected pages are attached to this document. All deletions are shown in blue strike-through text, and all additions are made in red text.

All other requirements and conditions remain as indicated in the IFB.

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| **#** | **Question** | **Department Response** |
| **1** | Do you anticipate extending the bid due date? | The Department will not be modifying the Schedule of Events or the Proposal Due Date at this time. |
| **2** | What additional details are you willing to provide, if any, beyond what is stated in bid documents concerning how you will identify the winning bid? | This is an Invitation for Bids, not a Request for Proposals. Therefore, the Contract will be awarded to the responsive bidder who:  • Is deemed responsible by NYS (See the Note on Question #5);  • Meets all the mandatory IFB requirements; and  • Provides the lowest overall cost. |
| **3** | Was this bid posted to the nationwide free bid notification website at www.mygovwatch.com/free? | No. |
| **4** | Other than your own website, where was this bid posted? | The bid opportunity was also advertised on the New York State Contract Reporter as well as distributed to a potential bidders list. |
| **5** | As per Attachment 1 - Bidder's Checklist, Page 40; Proposal submission includes Cover Page and Attachments 1-5, 7-11 and 13-14 ONLY without additional information or narrative detailing Vendor's qualifications.  If so, please advise methods used by the Department to determine Vendor's responsibility for Contract performance. | See the answer to Question #2 above.  The Department monitors the Contract throughout the Contract term ensuring that services rendered are within the scope of the IFB and continue to meet all mandatory IFB requirements.  **NOTE:** "Vendor Responsibility" is a specific term used within NYS. Prior to the award of a contract, NYS performs a vendor responsibility review to determine:  • the financial and organizational capacity to fully perform its   contractual obligations;  • the legal authority to do business with the State;  • the integrity to justify the award of public dollars; and  • a good record of past performance. |
| **#** | **Question** | **Department Response** |
| **6** | RFP states NYST has the right to refuse any or all bids. If an auction concludes with bids being refused on some items by NYST, would the Contractor be guaranteed reimbursement of all marketing and labor expenses even if the expenses exceeds the gross sale proceeds? | Per the IFB, The department reserves the right to refuse any or all bids if it determines in its sole judgment the bids received are unacceptable. In the event that an auction is cancelled, the Contractor will be reimbursed for all previously approved advertising expenses. In addition, the Contractor would be reimbursed for all services associated with the preparation of the auction per the Hourly Rate provided on Attachment 14 - Financial Response Form. |
| **7** | RFP states Contractors must conduct any/all auctions without refusal. As the contractor's commission is based upon a percentage of the gross sale proceeds, would the contractor have the option to refuse to conduct an auction when the assets to be sold would realize minimal value? | No. Per the IFB, The department reserves the right to refuse any or all bids if it determines in its sole judgment the bids received are unacceptable. In the event that an auction is cancelled, the Contractor will be reimbursed for all previously approved ads. |
| **8** | RFP states a live auction must be conducted. Would NYST permit an online-only auction, or would NYS cancel an already scheduled auction should a live auction not be able to be conducted due to COVID-19 or other State mandated guidelines be in place at the time? What expectation would the Contractor have for guarantee of commission and reimbursement of labor and marketing expenses if the auction is not permitted to proceed? | No. Per CPLR Section 5233, the auction must be conducted live. The sale of property at auction requires the property be sold at a public auction. The property must be present and within the view of those attending the sale unless otherwise ordered by the court.  Should such a situation arise, alternatives would need to be considered, such as moving the auction to a location not impacted by the directive, or postponing the auction until such directive expired. |
| **9** | In the event an auction is cancelled for a reason other than the taxpayer redeeming the assets and the Hourly Rate for Cancelled Auctions is used, would the Contractor be reimbursed in full for all labor and marketing expenses up to the point of cancellation. | See the answer to Question #6 above. |
| **10** | In the event the Contractor implements the scheduling of the necessary labor to lot and catalog assets and/or prepares the print and/or online marketing for the pending auction event, and prior to the scheduling of the event the auction is cancelled by NYST, would the Contractor be entitled to reimbursement of these expenses? Including when the Contractor plans to have employees lot and the lotting is cancelled? | See the answer to Question #6 above. |



**INVITATION FOR BIDS**

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| **BID DUE DATE: November 12**, 2020 by 2PM ET | **TITLE**: Business Auction Services | | **IFB #**: 19-203 |
| **CONTRACT PERIOD:** The Contract term will be for a five (5) year period commencing upon approval by the Attorney General (AG) and the Office of the State Comptroller (OSC). | | | |
| **DESIGNATED CONTACTS:** | | | |
| Kathy Cavanaugh, Contract Management Specialist 1 Trainee  Phone: (518) 530-4484  Email**:** [bfs.contracts@tax.ny.gov](mailto:bfs.contracts@tax.ny.gov) | | Shannon Plasencia, Contract Management Specialist 2  Earl Jones, Contract Management Specialist 2  Peter Russell, Contract Management Specialist 3  Phone: (518) 530-4484  Email:[bfs.contracts@tax.ny.gov](mailto:bfs.contracts@tax.ny.gov) | |
| **The bid must be fully and properly executed by an authorized person. By signing you certify your express authority to sign on behalf of yourself, your company, or other entity and full knowledge and acceptance of this INVITATION FOR BIDS, Appendix A (Standard Clauses For New York State Contracts) and Appendix B (Bid Protest Policy) and that all information provided is complete, true and accurate. By signing, Bidder also affirms that it understands and agrees to comply with the Department of Taxation and Finance (“DTF”)** **procedures relative to permissible contacts as required by State Finance Law §139-j (3) and §139-j (6) (b). Information may be found at:**  <http://www.tax.ny.gov/about/procure> | | | |

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| **Bidder’s Federal Tax Identification Number:**  *(Do Not Use Social Security Number)* | | **NYS Vendor Identification Number:**  *(See “New York State Vendor File Registration” clause)* | |
| If applicable, place an “**x**” in the appropriate box (***check all that apply***): | NYS Small Business \*  \_\_\_\_\_ # of Employees | NYS Certified Minority Owned Business | NYS Certified Women Owned Business |
| Legal Business Name of Company Bidding: | | | |
| D/B/A - Doing Business As (if applicable): | | | |
| Street City State Zip County | | | |
| If you are not bidding, place an “x” in the box and return this page only.  WE ARE UNABLE TO BID NOW BECAUSE: | | | |
| Bidder’s Signature:  Title: | | Printed or Typed Name:  Date: | |

**\* Note: A “New York State Small Business” is defined as a company that is a resident to New York State, independently owned and operated, with 100 or fewer employees, and not dominant in its field. There is no certification process to be considered a New York State Small Business**.

Bidder-proposed change(s) submitted on standard, pre-printed forms (product literature, order forms, contracts), whether or not deemed “material,” which are attached or referenced with submissions which do not meet the above requirements will not be considered part of the bid or resulting contract, but rather will be deemed to have been included for informational or promotional purposes only.

Acceptance and/or processing of the bid proposal shall not constitute written acceptance of Bidder-proposed change(s) or a waiver of the Department’s right set forth in **Section 7**. Failure to object to any terms identified in **Section 7** of this IFB and/or **Exhibit A, Preliminary Base Contract**, shall be deemed to constitute acceptance thereof by the Bidder.

* 1. INQUIRIES/ISSUING OFFICE:

Prospective Bidders have the opportunity to submit written questions and requests for clarifications regarding this IFB. All questions regarding this IFB must be submitted by email and received **by the date specified on the Schedule of Events**. Bidders are cautioned to read this document thoroughly to become familiar with all aspects of the bid. Questions should cite the specific bid section and page number and the Bidder should indicate the name, address, telephone number and email address of the individual submitting questions.

All inquiries concerning this bid solicitation must be addressed to the following Designated Contacts and issuing office:

**DESIGNATED CONTACTS:**  Kathy Cavanaugh, Contract Management Specialist 1 Trainee

Shannon Plasencia, Contract Management Specialist 2

Earl Jones, Contract Management Specialist 2

Peter Russell, Contract Management Specialist 3

Phone: (518) 530-4484

Email: [bfs.contracts@tax.ny.gov](mailto:bfs.contracts@tax.ny.gov)

Contacting someone else may result in rejection of bid – see more on this in **Section 6.6,** **PROCUREMENT LOBBYING LAW**.

The Department will respond, in writing, to all substantive questions by the date specified in the Schedule of Events. All amendments, clarifications, Bidder questions with the Department’s responses and any announcements related to this bid will be posted on the Department’s Procurement Opportunity website at:

<https://www.tax.ny.gov/about/procure/current_bid_opportunities.htm>

It is the responsibility of the Bidder to check the website for any amendments, clarifications or updates. All applicable amendment information must be incorporated into the Bidder’s proposal. Failure to include this information in your proposal may result in the Bidder’s proposal being deemed non-responsive.

**IT IS INCUMBENT ON THE PROSPECTIVE BIDDER TO NOTIFY THE DESIGNATED CONTACT(S) OF ANY TERM, CONDITION, ETC. THAT PRECLUDES THE VENDOR FROM SUBMITTING A BID.**