



NEW YORK STATE
**OLYMPIC REGIONAL
DEVELOPMENT AUTHORITY**

Request for Qualifications (RFQ)
for
SPONSORSHIP/ADVERTISEMENT BROKERS

RFQ Release Date: July 12, 2023

RFQ Submissions Due: August 11, 2023, 2:00 PM

TABLE OF CONTENTS

- Section 1. Definitions
- Section 2. Olympic Authority Mission and Venues
- Section 3. Overview
- Section 4. RFQ Timetable, Meeting of Interested Bidders & Submission of Responses to RFQ
- Section 5. General Requirements
- Section 6. Qualifications of Brokers
- Section 7. Contents of Submissions
- Section 8. Attachments:
 - A. Olympic Authority Event Lodging Spreadsheet
 - B. Summary of ORDA's Procurement Lobbying Guidelines
 - C. Offeror's Affirmation and Understanding of, and Agreement Pursuant to, State Finance Law §§ 139-j & 139-k (Procurement Lobbying)
 - D. Offeror's Disclosure of Prior Non-Responsibility Determination Pursuant to State Finance Law §§ 139-j & 139-k

Section 1. Definitions

In addition to the terms capitalized and defined in the body of this RFQ, the following terms are defined as set forth below.

1.1 Request for Qualifications or RFQ – this Request for Qualifications.

1.2 Olympic Authority or ORDA – the New York State Olympic Regional Development Authority.

1.3 Offeror or Offeror or bidder – any person, partnership, firm, corporation, or other authorized entity making a submission to the Olympic Authority pursuant to this RFQ.

Section 2. Olympic Authority Mission and Venues

The mission of the New York State Olympic Regional Development Authority (Olympic Authority) is to create economic and social benefit in the Adirondacks and Catskills by operating year-round venues that provide recreational and athletic development opportunities, achieved through a commitment to continuous improvement and emphasis on environmental stewardship, fiscal responsibility, and the delivery of world-class programs and experiences to persons of all ages and abilities.

The Olympic Authority has multiple venues located in Essex, Ulster, and Warren Counties consisting of Belleayre Mountain, Gore Mountain, the Olympic Center and Lake Placid Conference Center, the Olympic Sports Complex at Mt Van Hoevenberg, the Olympic Jumping Complex, and Whiteface Mountain.

All Olympic Authority venues are operated and maintained in a manner designed to provide an excellent guest, athlete, and event experience at all times of year and offer a desirable showcase for the right sponsors and advertisers of products and services.

It is the responsibility of the Olympic Authority to generate revenue to offset the costs of facility maintenance and operation, and sponsorships are an important part of the Olympic Authority's business plan.

Section 3. Overview

The Olympic Authority is issuing this RFQ to qualify brokers who can identify potential sponsors and/or advertisers for the Olympic Authority venues, activities, and events held at its venues, and who are able to assist in the negotiation of agreements with those sponsors/advertisers.

Venues

The State of New York has made significant and unprecedented investments in the Olympic Authority facilities to create world class sport, recreational, and tourism venues. National and world championships are regular events at our Adirondack venues in a variety of winter sports, and all of this occurs alongside some of the most popular year-round recreational attractions in

New York. The Olympic Authority venues are readily accessible, located minutes off the Interstate I-87 between Montreal and New York City. This past year, the Olympic Authority venues drew more than one million visitors from all of New York, the Northeast, United States, and the world. The rest of the world has had the opportunity to view our many televised events such as world championship figure skating, world cup bobsled and ski jumping, and full event coverage of the Lake Placid 2023 World University Games. Our 2023/24 event schedule includes hockey, figure skating, biathlon, ski jumping, alpine, freestyle, and cross country skiing. 2025 sees the return of the International Bobsled Federation World Championships to Lake Placid.

The Olympic Authority's events history can be viewed at: <https://orda.org/eventhistory/> Venue highlights are as follows:

Whiteface Mountain

- Host mountain for the 1980 Olympic alpine events.
- The tallest ski mountain east of the Rocky Mountains.
- Easily accessible from Montreal, Canada (2 hours) and Albany, NY (2 hours).
- Industry-leading lifts and snowmaking systems.
- Hosted 2023 NCAA National Ski Championships.
- Summer daily activities including the historic Veterans' Memorial Highway

Gore Mountain

- Gore is the largest ski area in New York: 4 mountains, 9 sides, 448 acres with 14 lifts and 109 trails.
- 90 minutes from Albany, NY, and 4 hours from New York City.
- Industry-leading lifts and snowmaking systems.
- Hosts state and regional Nordic championships.
- Host United State Ski and Snowboard skier and boarder cross scheduled events.

Belleayre Mountain

- Belleayre is 2 ½ hours from New York City with easy access to the largest population market in the U.S.
- Belleayre is home to the first chairlift in New York State.
- Industry-leading lifts and snowmaking systems.
- Belleayre has 8 lifts (including a high-speed gondola and detachable quad), 174 skiable acres, and 50 trails.
- Belleayre's gondola is the closest gondola to New York City.
- Summer daily activities including concert series and largest beach area in the Catskills.

Mt Van Hoevenberg

- Host site for 1932 and 1980 Olympic Nordic, Bobsled and sliding sports.
- Regular host of world cup bobsled, skeleton, and luge sliding events.
- Hosted 2023 Push Track World Championships.
- Hosted 2023 NCAA Nordic Championships.
- Home of USA Bobsled and Skeleton, and USA Luge.

- Training center for USOPC, and U.S. and international NGBs.
- Operates 1-mile long refrigerated track for training, events, and public rides.
- State of the art guest and event lodge with 500 feet of indoor refrigerated push track for training and events.
- New sanctioned Nordic and Biathlon racecourse with advanced snowmaking and summer paved surface.
- Longest mountain coaster for public rides in North America.
- Hiking center.
- Indoor climbing wall.

Olympic Jumping Complex

- Host site for 1932 and 1980 Olympic jumping events.
- Only homologated jumping complex for winter and summer events in North America.
- 10, 20, 47, 90, and 127 meter jumps.
- Training center for USOPC.
- Gondola ride and scenic elevator public rides to viewing deck on top of 120 meter jump.
- Zipline public ride follows flight path of 90 meter jump.

Olympic Center

- Host site for 1932 and 1980 Olympic hockey, figure, and speed skating events.
- Site of the 1980 Olympic “Miracle On Ice”: USA 4, Soviet Union 3.
- Site of Eric Heiden’s 5 gold medal sweep of men’s speed skating events.
- Newly restored and modernized venue, arenas, and public spaces.
- Three indoor ice sheets and an outdoor Olympic-size oval.
- Olympic arena hosts national and world championship events; seats 7,500.
- Olympic arena hosts Division 1 Men’s ECAC Championships - ECAC Conference team is reigning National Champion.
- Hosts USA Hockey events.
- Hosts hockey and figure skating tournaments throughout the year.
- New Olympic Museum – second largest winter Olympic Museum in the world.
- Conference Center - largest space between Montreal and Albany.

Important Note: All bidders should be aware that under the federal Ted Stevens Act, the Olympic and Paralympic name, brand, logos, symbolism, and anything related, belongs exclusively to the United States Olympic and Paralympic Committee (USOPC), as do the name, brand, and symbols of the Pan American Games. The Olympic Rings are the exclusive property of the International Olympic Committee. In undertaking to obtain sponsorships or advertisers for the Olympic Authority, no broker, sponsor, or advertiser will be given the right to associate its products or services with any Olympic, Paralympic, or Pan American trademark, unless such sponsor or advertiser is already a sponsor or advertiser of the USOPC. Under the terms of the Olympic Authority contract with the USOPC, all contracts for sponsorships or advertising must contain language that sets forth this prohibition, which the Olympic Authority is expected to

enforce. Neither the USOPC nor the Olympic Authority have the right to convey any interest in the use of the Olympic Rings for any commercial purpose.

Section 4. RFQ Timetable, Meeting of Interested Bidders & Submission of Response to RFQ

4.1 RFQ Timetable

The following timetable is established for this RFQ and is subject to change. The Olympic Authority may extend the due date for submissions by issuance of published addenda to this RFQ. Prior to making a submission, bidders should check the NY State Contract Reporter website (<https://www.nyscr.ny.gov>) or the Olympic Authority’s website (<https://orda.org/do-business/other-opportunities/>) to confirm the issuance of any addenda relating to this RFQ schedule.

<u>Event</u>	<u>Date</u>
Issuance of Request for Qualifications:	July 10, 2023
Deadline for Submission of Bidder Questions:	July 28, 2023 @ 4:00 PM ET
Issuance of Responses to Bidder Questions:	August 4, 2023
Addendum (if required):	August 4, 2023
Submissions Due Date:	August 11, 2023 @ 2:00 PM ET

4.2 Submission of Responses to RFQ

Only submissions from bidders who furnish all required information and meet the mandatory requirements as set forth in Articles 6 and 7 below will be considered. Submissions must be received at the below e-mail address on or before 2:00 PM ET on the date indicated in Section 4.1. The time of receipt of all submissions will be determined by the Olympic Authority.

Submit all required documents to the Olympic Authority **via e-mail** to the following:

Edward Kowalewski, Jr. at ekowalewski@orda.org.

The Olympic Authority cannot be held responsible for e-mails that are not received. Bidders should take appropriate actions to confirm that their submission has been received.

LATE SUBMISSIONS MAY BE REJECTED

Any submission received after the established time will be considered a Late Submission. A Late Submission may be rejected and disqualified from consideration. Notwithstanding the foregoing, a Late Submission may be accepted in the Olympic Authority’s sole discretion where the Late Submission meets the requirements of this RFQ and it is in the best interest of the Olympic Authority to accept the Late Submission. However, in no event will the Olympic

Authority be under any obligation to accept a Late Submission. The basis for any determination to accept a Late Submission shall be documented in the procurement record.

OWNERSHIP OF RFQ AND BIDS

This RFQ remains the property of the Olympic Authority at all times, and all submission in response to this RFQ, once delivered, become the property of the Olympic Authority.

Section 5. General Requirements

5.1 Procurement Lobbying

This RFQ is subject to ORDA's Procurement Lobbying Guidelines, a summary of which are attached hereto as Attachment B.

Prior to approval by the Olympic Authority of a contract resulting from this RFQ, a bidder shall not communicate with the Olympic Authority other than with the person identified in this RFQ as the Designated Contact, or with a person who the Designated Contact has advised the bidder is also a Designated Contact.

The following individual is the **ONLY** Designated Contact for this RFQ process.

Designated Contact: Edward Kowalewski, Jr.

E-mail: ekowalewski@orda.org

Each bidder shall submit with its proposal a written affirmation of its understanding of ORDA's Procurement Lobbying procedures and its agreement to comply with such procedures, in the form attached hereto as Attachment C. In addition, each bidder shall submit with its proposal, in the form attached hereto as Attachment D, written disclosure whether the bidder has been determined to be non-responsible within the previous four (4) years by reason of having violated State Finance Law §139-j or having intentionally provided false or incomplete information to a Governmental Entity with respect to its compliance with State Finance Law §139-j; and certification and that the bidder has provided accurate and complete information with respect to the bidder's compliance with State Finance Law §§139-j and 139-k within the previous four (4) years.

5.2 RFQ Questions & Clarifications

All questions regarding this RFQ, including questions regarding the minimum qualifications and specifications, should be emailed to Edward Kowalewski, Jr. at ekowalewski@orda.org by the date and time indicated in Section 4.1. Questions submitted after the deadline indicated may not be answered. A bidder is strongly encouraged to submit questions as soon as possible. The

Olympic Authority will provide written responses to all questions of a substantive nature in the form of one or more addenda to this RFQ, which shall be published on the NY State Contract Reporter website (<https://www.nyscr.ny.gov/>) and on the Olympic Authority's website (<https://orda.org/do-business/other-opportunities/>).

If a bidder intends to make a submission that deviates from the requirements of the RFQ in any way, the proposed deviations should be submitted during the Questions period so that they may be given due consideration prior to making a submission. See Section 5.3 Submission Exceptions for additional information.

5.3 Submission Exceptions

The Olympic Authority will consider all requests to waive any submission requirement. However, bidders should be aware that failure to obtain a waiver of any submission requirement in advance of making a submission could result in rejection of bidder's submission and disqualification from the subsequent contract award process. Bidders wishing to obtain an exemption or waiver for any part of this solicitation must request such in writing as described in this Section 5.3. The request must cite the specific section and requirement in the question, and clearly identify any proposed alternative. Requests will be considered and responded to and posted in the form of a question and answer document released through an addendum.

All other inquiries and requests for information regarding this RFQ must be made in writing and e-mailed to the Olympic Authority at the addresses listed in Section 5. Individual responses will not be provided. The Olympic Authority will provide written responses to questions in the form of one or more addenda to this RFQ, which shall be published on the NY State Contract Reporter website (<https://www.nyscr.ny.gov/>) and on the Olympic Authority's website (<https://orda.org/do-business/other-opportunities/>). Such official addenda are the only authorized method used to communicate substantive information, including the clarification or modification of the timeline, any terms, or other requirements of this RFQ. Only questions answered by a formal written addendum will be binding. Oral and other interpretations or clarification will be without legal effect.

5.4 Modification/Withdrawal/Rejection of Submissions

A submission may be modified or withdrawn at any time prior to the time specified for receipt of submissions. The modification or withdrawal of a submission must be in writing on the bidder's letterhead, dated, and signed by the signatory to the original submission. The modification or withdrawal must be submitted in a sealed envelope clearly marked "Modification [or Withdrawal] of Olympic Authority RFQ for Sponsorship/Advertisement Brokers Submitted by [bidder]."

5.5 Procurement Rights

The Olympic Authority reserves the right to the following if, in its judgment, the best interests of New York State will be served by doing so.

- a. Reject any or all submissions received in response to this RFQ;
- b. Postpone or withdraw this RFQ at any time;
- c. Disqualify any bidder whose conduct and/or submission fails to conform to the requirements of this RFQ;
- d. Seek clarifications and revisions of a submission;
- e. Amend this RFQ prior to the submission due date to correct errors or oversights, or to supply additional information as it becomes available;
- f. Direct bidders, prior to the submission due date, to submit submission modifications addressing subsequent RFQ amendments;
- g. Change any of the schedule dates with notification through the NYS Contract Reporter;
- h. Eliminate any mandatory, non-material requirements that cannot be complied with by all of the prospective bidders;
- i. Waive any requirements that are not material;
- j. Utilize any and all ideas submitted in the submissions received;
- k. Adopt all or any part of a bidder's submissions in selecting the optimum configuration;
- l. Negotiate with a bidder within the RFQ requirements to serve the best interests of the Olympic Authority, including requesting clarifications of any or all submissions;
- m. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a bidder's solicitation and/or to determine a bidder's compliance with the requirements of this RFQ; and/or
- n. Accept and consider for contract award bids with non-material bid deviations or non-material bid defects such as errors, technicalities, irregularities, or omissions.

Please Note: The Olympic Authority is not liable for any cost incurred by a bidder in the preparation and production of a submission.

5.6 Compliance with Laws and Regulations

The bidder agrees to adhere to all State and Federal laws and regulations in connection with this RFQ and any contract resulting from a subsequent RFP.

Section 6. Qualifications of Brokers

6.1 Broker Qualifications

To determine the qualifications of brokers, bidders must respond to each item set forth in the Broker Proposal Information Form (Attachment A) and provide all documents and other information requested therein. All requested information must be provided with either the requested information or with the "N/A" designation (not applicable) should a bidder choose not to provide the requested information.

6.2 Broker Selection

The Olympic Authority will use the information from the Broker Proposal Information Form submitted to empanel a group of qualified brokers who are able to provide the Olympic Authority with sponsorship opportunities for its venues and events.

6.3 Olympic Authority Parameters for Sponsorship Agreements

Brokers who wish to work with the Olympic Authority on sponsorship proposals must be prepared to meet the following criteria:

- a. Any potential sponsor must have a proven track record as a responsible company with respected products; the Olympic Authority has the sole discretion to reject a potential sponsor for any reason including, but not limited to, non-responsibility.
- b. Potential sponsors and their products must be consistent with the image and brand desired by Olympic Authority guests; the Olympic Authority has the sole discretion to reject a sponsor or product as inconsistent with its image and brand, or to place any restrictions on the nature of the sponsorship or advertisement as may be necessary to protect the Olympic Authority's interests in its brand and image.
- c. Potential sponsor products should be products that are or can be used by the Olympic Authority and/or its guests.
- d. Sponsorships involving alcoholic beverages or cannabis products will not be entertained.
- e. Sponsorship/advertising contracts will be entered into solely by the sponsor/advertiser and the Olympic Authority, and the Olympic Authority retains the sole discretion to make the final determination of the assets that will be part of any such contracts, and to finally approve any sponsorship/advertising proposal before a contract is entered into. All proposals shall include all anticipated material terms of a sponsorship agreement to enable the Olympic Authority's full consideration, and any negotiation must be concluded within ninety (90) days of the date of the proposal or the Olympic Authority will reject the proposal, unless the Olympic Authority determines, in its sole and absolute discretion, that special circumstances exist which warrant an extension of the ninety-day period.
- f. In general, the fee arrangement for the broker of an Olympic Authority sponsorship/advertising contract is for the broker to receive 20% of the net sponsorship sale, less the costs of activation, except that on a case-by-case basis, the Olympic Authority may agree to deviate from this fee structure if the Olympic Authority determines, in its sole discretion, that the details of the agreement including all activation or other costs, which must be transparent and provided as part of the sponsorship proposal, are of sufficient benefit to the Olympic Authority that the Olympic Authority will accept a different fee arrangement.

6.4 Broker Agreements

Broker agreements resulting from successful awards will include the Olympic Authority's broker agreement together with the Olympic Authority Standard Contract Terms and the Olympic Authority Procurement Requirements/Certifications. All bidders are responsible for reviewing and understanding the Olympic Authority Standard Contract Terms, which can be viewed at: <https://media.orda.org/?r=23445&k=833bea46a6>, and the Olympic Authority Procurement Requirements/Certifications, which can be viewed at: <https://media.orda.org/?r=23446&k=8a9a0baf47>.

6.5 Non-Exclusivity

The issuance of this RFQ and the subsequent issuance of broker agreements is intended to supplement the Olympic Authority's existing processes for the procurement of sponsors and advertisers. The failure of any broker to respond to this RFQ shall not prohibit the Olympic Authority from procuring sponsors/advertisers from any and all qualified entities.

Section 7. Contents of Submissions

7.1 Broker Proposal Information Form

Each bidder must complete and submit the Broker Proposal Information Form (Attachment A) and provide all documents requested therein.

7.2 Procurement Lobbying Forms

Each bidder shall complete and submit the following:

- a. Attachment C – Agreement Pursuant to, State Finance Law §§ 139-j & 139-k (Procurement Lobbying); and
- b. Attachment D – Offeror's Disclosure of Prior Non-Responsibility Determination Pursuant to State Finance Law §§ 139-j & 139-k.

7.3 Complete Submissions

A complete submission must include the following:

- a. Broker Proposal Information Form (Attachment A);
- b. Offeror's Affirmation and Understanding of, and Agreement Pursuant to, State Finance Law §§ 139-j & 139-k (Procurement Lobbying) (Attachment C); and
- c. Offeror's Disclosure of Prior Non-Responsibility Determination Pursuant to State Finance Law §§ 139-j & 139-k (Attachment D).

7.4 Additional Information to Furnish with Submission

Bidders may also submit circulars, brochures, marketing materials, and other materials.

Section 8. Attachments

Bidder's attention is directed to the appendices, exhibits and attachments hereto and hereby incorporated in and made a part hereof as fully as if it were set forth at length herein. They are part of this solicitation and will be part of the subsequent contract. The bidder is responsible for adhering to all requirements of all appendices, exhibits and attachments. The following Attachments are attached to and made a part of this RFQ.

- A. Broker Proposal Information Form
- B. Summary of the Olympic Authority Procurement Lobbying Guidelines
- C. Offeror's Affirmation and Understanding of, and Agreement Pursuant to, State Finance Law §§ 139-j & 139-k (Procurement Lobbying)
- D. Offeror's Disclosure of Prior Non-Responsibility Determination Pursuant to State Finance Law §§ 139-j & 139-k

Attachment A

Broker Proposal Information Form

Brokers must provide a demonstrated ability to secure cash and/or budget-relieving value-in-kind sponsors and advertisers who can offer established value to the Olympic Authority, by providing a proposal that contains the following information:

- I. Broker background information and overview:
 - a. Company name, contact person, address, phone number, and an email address.
 - b. If the Company is owned by or affiliated with another entity, provide details on the other entity.
 - c. Company background and history.
 - d. Overview of the services offered by the Company.
 - e. If the company is a NYS Certified Minority Business Enterprise, Women-Owned Business Enterprise, or Service-Disabled Veteran-Owned Business Enterprise, specify which.
 - f. If the Company has experience working with State-owned agencies or authorities, provide details of the experience.

- II. Client Experience:

Provide information regarding the sizes and categories of sponsors or advertisers the Company has secured deals with in the past five (5) years, for what business categories of clients, with a comparison of cash and in-kind values, as well as the percentage of costs of activation in relation to the overall value of sponsorships obtained. Looking for a sales record of net product sponsorships valued at over \$100,000 annually. Preference will be given to brokers that have a track record of working with large, recreational and tourism facilities, sports arenas, National Governing Bodies, and/or sports teams.

- III. Explain why the Company wants to do business with the Olympic Authority.

- IV. Provide a proposal of the services the Company will offer the Olympic Authority, which should at a minimum explain how the Company will accomplish the following in generating sponsorship/advertising revenue for the Olympic Authority:
 - a. Conduct research and outreach to identify potential sponsors/advertisers whose brands and products are consistent with the mission, image, and brand of the Olympic Authority;
 - b. Work with Olympic Authority staff to identify the assets, packaging, and pricing strategies to be used in developing and identifying beneficial sponsorship or advertising deals;

- c. Effectively communicate with potential sponsors and advertisers in a manner that results in successful deals that are beneficial to the interests of the Olympic Authority;
- d. Manage the sponsorship or advertising agreement process through negotiations, contract signing, and activation; and
- e. Keep relevant Olympic Authority staff informed of the status and progress of sponsorship/advertising development efforts.

Attachment B

Summary of Olympic Authority Procurement Lobbying Guidelines

State Finance Law §§139-j and 139-k constitute a significant legislative effort to regulate lobbying on government procurement, including procurements by the Olympic Regional Development Authority (“Olympic Authority”). These sections of the State Finance Law cover a wide range of government contracting transactions, including the purchase of a commodity, service, technology, public work, construction, and revenue contracts, or the purchase, sale, or lease of real property, or the acquisition or the granting of other interests in real property.

Generally, the law restricts communications between a potential vendor or a person acting on behalf of the vendor, including its lobbyist, to communications with the officers and employees of the procuring agency designated in each solicitation to receive such communications. Further, the law prohibits a communication (a “Contact”) which a reasonable person would infer as an attempt to unduly influence the award, denial, or amendment of a contract. These restrictions apply to each contract in excess of \$15,000 during the “restricted period” (the time commencing with the earliest written notice of the proposed procurement and ending with the later of approval of the final contract by the agency, or, if applicable, the New York State Comptroller (“NYS Comptroller”). The agency must record each Contact, and, generally, must deny an award of contract to a vendor involved in a knowing and willful Contact. Each agency must develop guidelines and procedures regarding Contacts and procedures for the reporting and investigation of Contacts. The agency’s procurement record must demonstrate compliance with these requirements.

Accordingly, neither a potential vendor nor a person acting on behalf of the vendor should contact any individual at the Olympic Authority other than the person designated in this solicitation as ORDA’s Designated Contact, nor attempt to unduly influence award of the contract. ORDA will make a record of all Contacts, and such records of Contact will become part of the procurement record for this solicitation. A determination that a vendor or a person acting on behalf of the vendor has made intentionally a Contact or provided inaccurate or incomplete information as to its past compliance with State Finance Law §§139-j and 139-k is likely to result in denial of the award of contract under this solicitation. Additional sanctions may apply.

A complete copy of Olympic Authority Procurement Lobbying Guidelines is available for review at <https://orda.org/procurement/lobbying-guidelines/>.

This summary is not intended to replace the need for persons to become familiar with the full requirements of the law. Please refer to the full text of the law to resolve any questions you may have with regard to your conduct under it.

Attachment C

**Offeror's Affirmation of Understanding of, and Agreement
Pursuant to, State Finance Law §§ 139-j & §139-k
(Procurement Lobbying)**

A complete copy of the Procurement Lobbying Guidelines of the New York State Olympic Regional Development Authority is available for review at:
<https://orda.org/procurement/lobbying-guidelines/>.

The undersigned hereby affirms on behalf of the Offeror that it has reviewed and understands the Procurement Lobbying Guidelines of the New York State Olympic Regional Development Authority relating to State Finance Law §§ 139-j and 139-k, and agrees to comply with said Guidelines.

Printed Name

Signature

Title

Company

Date

Attachment D

**Offeror's Disclosure or Prior Non-Responsibility Determination
Pursuant to State Finance Law §§ 139-J & 139-k**

Name of Individual or Entity Submitting Bid: _____

Address: _____

Name and Title of Person Submitting this Form: _____

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four (4) years?

No Yes If yes, please answer the next questions.

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j?

No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity?

No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below and attach additional pages, as necessary.

Governmental Entity: _____

Date of Finding of Non-Responsibility: _____

Basis of Finding of Non-Responsibility: _____

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information?

No Yes If yes, please provide details below and attach additional pages, as necessary.

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

Offeror certifies that all information provided by Offeror to the Olympic Authority with respect to its compliance with State Finance Law §§ 139-j and 139-k is complete, true, and accurate.

Printed Name

Signature

Title

Company

Date

**Instructions for Completing
Offeror's Disclosure of Prior Non-Responsibility Determination
Pursuant to State Finance Law §§ 139-j & 139-k**

Background:

New York State Finance Law §139-k(2) obligates a Governmental Entity to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. This information must be collected in addition to the information that is separately obtained pursuant to State Finance Law §163(9). In accordance with State Finance Law §139-k, an Offeror must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j or (b) the intentional provision of false or incomplete information to a Governmental Entity. The terms "Offeror" and "Governmental Entity" are defined in State Finance Law § 139-k(1). State Finance Law §139-j sets forth detailed requirements about the restrictions on Contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible Contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether an Offeror fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with the law, no Procurement Contract shall be awarded to any Offeror that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Offeror is necessary to protect public property or public health and safety, and that the Offeror is the only source capable of supplying the required Article of Procurement within the necessary timeframe. See State Finance Law §§139-j (10)(b) and 139-k(3).

The above is not intended to replace the need for persons to become familiar with the full requirements of the law. Please refer to the full text of the law to resolve any questions you may have with regard to your conduct under it.

Instructions:

The Olympic Authority includes this disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of proposals for procurement contracts. The attached form is to be completed and submitted by the individual or entity seeking to enter into an agreement with the Olympic Authority. Submission of this document is also required for any contract amendments over \$15,000.