



Department of Health

Invitation for Bids

IFB # - C041190

Hunger Prevention and Nutrition Assistance Program Transportation Project

Issued: February 21, 2025

DESIGNATED CONTACT:

Pursuant to State Finance Law §§ 139-j and 139-k, the New York State Department of Health (hereinafter referred to as the “**Department**” or as “**DOH**”) identifies the following designated person to whom all communications attempting to influence the Department’s conduct or decision regarding this procurement must be made.

Eryn Keefe
Bureau of Contracts
New York State Department of Health
Corning Tower, Room 2827
Governor Nelson A. Rockefeller Empire State Plaza
Albany, New York 12237
Telephone: 518-474-7896
Email Address: eryn.keefe@health.ny.gov

PERMISSIBLE SUBJECT MATTER CONTACT:

Pursuant to State Finance Law § 139-j(3)(a), the Department identifies the following allowable person to contact for communications related to the submission of written bids, written questions, pre-bid questions, and debriefings.

Joe Carusone
New York State Department of Health
Hunger Prevention and Nutrition Assistance Program
Riverview Center, Suite 600
Menands, New York 12204
518-457-4130
Email Address: HPNAP@health.ny.gov

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Food Transportation Funding Minimum Amount: \$320,000	Error! Bookmark not defined.

1. CALENDAR OF EVENTS

IFB C041190 HUNGER PREVENTION AND NUTRITION ASSISTANCE PROGRAM TRANSPORTATION PROJECT	
<u>EVENT</u>	<u>DATE</u>
Issuance of Invitation for Bids	February 21, 2025
Deadline for Submission of Written Questions	Questions Due By March 4, 2025 4:00 p.m. ET
Responses to Written Questions Posted by DOH	Responses to be Posted On or About March 11, 2025
Deadline for Submission of Bids	Bids Due on Or Before April 4, 2025 4:00 p.m. ET
<u>Anticipated</u> Contract Start Date	August 1, 2025

2. OVERVIEW

Through this Invitation for Bids (“IFB”), the New York State (“State”) Department of Health (“DOH”), Division of Nutrition (DON), Hunger Prevention and Nutrition Assistance Program (HPNAP) is seeking competitive bids from a qualified organization to coordinate and schedule food transportation services to regional food banks in New York State (NYS) as further detailed in [Section 4](#) (DETAILED SPECIFICATIONS). It is the Department’s intent to award one (1) contract for a five (5) year term from this procurement.

2.1. Introductory Background

The HPNAP Transportation Project facilitates the movement of as much as 10.5 million pounds of donated and purchased food from nationwide food donors to HPNAP contracted regional food banks in New York State. These regional food banks then use other funds or resources to distribute food items to Emergency Food Programs (EFPs) including food pantries, soup kitchens and emergency shelters. The Transportation Project contract works closely with the Feeding America National Food Network (FA) to secure and distribute these donated and purchased foods to the HPNAP contracted regional food banks in NYS. FA is the largest single source national food donating organization in the country. This contract employs cost effective strategies to increase the variety, quantity, and quality of food products available to persons in need of food assistance in NYS.

Program Mission

The Hunger Prevention and Nutrition Assistance Program (HPNAP) improves the health and nutrition status of people in need of food assistance in NYS by:

- Enhancing the accessibility and availability of safe and nutritious food and food related resources;
- Developing and providing comprehensive nutrition and health education programs;
- Monitoring needs and issues related to food security to strengthen program effectiveness;
- and

- Empowering people to increase their independence from Emergency Food Programs.

According to 2020 United States Poverty statistics, more than three million NYS residents are living below the federal poverty threshold as defined by the US Census Bureau and may be eligible for food assistance. Federal food assistance programs, such as the Supplemental Nutrition Assistance Program (SNAP), do not provide equitable levels of support in NYS due to higher costs for housing, utilities and food compared to other states. These assistance programs also lack the capacity to provide immediate, emergency food assistance, causing many to rely on emergency food programs to help meet the nutrition needs of themselves and their families.

2.2 Important Information

The Bidder **must** review, and is requested to have its legal counsel review, [Attachment 8](#), the DOH Agreement (Standard Contract), as the successful Bidder must be willing to enter into the Contract awarded pursuant to this IFB in the terms of [Attachment 8](#), **subject only to any amendments to the Standard Contract agreed by the Department during the Question and Answer Phase of this IFB** (see, [Section 5.2](#)). Please note that this IFB and the awarded Bidder's Bid will become part of the Contract as Appendix B and C, respectively.

It should be noted that Appendix A of [Attachment 8](#), "Standard Clauses for New York State Contracts", contains important information, terms and conditions related to the Contract to be entered into as a result of this IFB and **will be incorporated, without change or amendment**, into the Contract entered into between DOH and the successful Bidder. By submitting a response to this IFB, the Bidder agrees to comply with all the provisions of the Contract, including all of the provisions of Appendix A.

Note, [Attachment 7](#), the Bidder's Certified Statements, **must** be submitted by each Bidder and includes a statement that the Bidder accepts, **without any added conditions, qualifications or exceptions**, the contract terms and conditions contained in this IFB including any exhibits and attachments, including, without limitation, [Attachment 8](#). It also includes a statement that the Bidder acknowledges that, should any alternative proposals or extraneous terms be submitted with its Bid, such alternate proposals or extraneous terms will not be evaluated by the DOH.

Any qualifications or exceptions proposed by a Bidder to this IFB should be submitted in writing using the process set forth in [Section 5.2](#) (Questions) prior to the deadline for submission of written questions indicated in [Section 1](#), (Calendar of Events). Any such qualifications or exceptions that are not proposed prior to the deadline for the submission of written questions will not be considered by DOH after contract award. Any amendments DOH makes to the IFB as a result of questions and answers will be publicized on the DOH web site and will be available and applicable to all Bidders equally.

2.3. Term of Agreement

The term of the Contract that will be entered into pursuant to this IFB between the Department and the successful Bidder is expected to be for a period of *five (5)* years with an annual minimum allocated for food transportation costs commencing on the date shown on the Calendar of Events in [Section 1](#), subject to the availability of sufficient funding, successful Contractor performance, and approvals from the New York State Attorney General (AG) and the Office of the State Comptroller (OSC).

3. MINIMUM QUALIFICATIONS TO BID

3.1. Mandatory Qualifications

NYSDOH will accept proposals from organizations with the following types and levels of experience as a prime contractor.

- Membership in Feeding America's (FA) National Food Bank Network as indicated by Member Contract, or,
- An agreement with a FA member Food Bank allowing the bidder access to FA's "Choice" System, which is a current inventory system of the foods available to FA member Food Banks.
- A minimum of 2 years' experience in transporting food or arranging the transportation of food to NYS Emergency Food Programs (e.g., Regional food banks, Food Pantries or Soup Kitchens).

For the purposes of this IFB, a "prime Contractor" is defined as one who, in relation to a given project, job or product, has the contract with the owner of a project or job, or entity procuring the product, and has full responsibility for the successful completion or delivery of the project or job or product pursuant to the terms of the contract.

Failure to meet these Minimum Qualifications will result in a Bid being found non-responsive and eliminated from consideration.

4. DETAILED SPECIFICATIONS

The Transportation Project contract is designed to increase the variety, quantity and quality of food available to persons in need of food assistance in NYS. Using cost effective strategies this project funds the transport of HPNAP nutritionally eligible purchased and donated foods from throughout the nation to HPNAP supported regional food banks in NYS. These regional food banks then distribute the food to EFPs. Annually, this project, has funded the transport of as much as 10.5 million pounds of food from across the nation to NYS regional food banks. The Transportation Project contract is designed to accommodate HPNAP nutrition policies, FA provisions, NYS regional food banks' food distribution procedures, and fluctuating funding levels for food transportation services.

HPNAP establishes the total contract amount for transporting food (the total of all lines of credit). This amount may fluctuate based on available funding. HPNAP may establish or can approve the contractor's recommendation for the individual lines of credit for each of the eight supported regional food banks from the total funds available for transporting food. The lines of credit pay the costs of moving food to and between regional food banks; these costs are billed to the contractor by food transportation companies.

PLEASE NOTE: To be considered responsive, a Bidder will be required to provide responses that address all of the requirements of this IFB as part of its Bid.

For purposes of this IFB, the terms "shall", "must" and "will" are used interchangeably when describing the requirements for a Bidder's responsive Bid or the Contractor's duties under the Contract to be entered into between the Department and the successful Bidder.

4.1. Tasks/Deliverables

The activities that must be performed for the Transportation Project are listed as follows:

1. Establish and administer food transportation lines of credit, as allocated and approved by HPNAP, for each regional food bank. The current HPNAP contracted regional food banks in

NYS include the Food Bank for New York City, the Food Bank of Central New York, Catholic Charities Food Bank of the Southern Tier, Feedmore, Foodlink, Inc., Feeding Westchester, Long Island Cares, Inc, City Harvest, Island Harvest, and Regional Food Bank of Northeastern New York.

2. Make all necessary arrangements for the safe collection and distribution of donated and purchased foods to the respective regional food bank.
3. Establish a system to solicit bids from food transportation companies (carriers) on traffic lanes from shipper/donor's warehouse to one or more of the eight HPNAP supported regional food banks (RFB) or between RFBs.
4. Ensure that job bid comparisons are performed and a selection methodology is established and documented to consider both price and service (i.e., best value).
5. Accept and review proposals from the regional food banks to 1) approve the use of best value or cheaper carriers that these regional food banks may identify to transport food, and 2) to transfer foods that will be paid for with separate (off contract) RFB monies.
6. Determine food product eligibility for transportation based on HPNAP's nutrition policies. See HPNAP Policy and Procedures (P&P) Manual; Attachment K
7. Maintain records including, types and pounds of food transported, expenditures related to transported food, all food transportation companies (carriers) contacted and their bid proposals. Submit timely reports to HPNAP and regional food banks as described below in Section 4.3.
8. Work as a liaison with FA to inform regional food banks of available national donations as needed.

4.2. Staffing Requirements

At least one full-time equivalent (FTE) position must be established to perform the task and deliverables listed above.

4.3. Evaluation and Reporting Requirements

1. Prepare and electronically submit monthly and annual reports to HPNAP and each regional food bank regarding the project activities and related funding including products transported, credit spent, and balance of lines of credit.
2. Identify and submit necessary funding reallocation plans to HPNAP for approval by August 31st of each year for unspent regional food bank transportation line of credit balances which may have become available. Transportation line of credit balances must be expended by October 31st of each year.
3. Design a project evaluation tool to ensure objectives, including tasks, deliverables, and workplan, are being measured and met.

4.4. Payment

The contractor shall submit invoices and/or vouchers to the State's designated payment office:

Preferred Method: Email a .pdf copy of your signed voucher to the Business Service Center (BSC) at: AccountsPayable@ogs.ny.gov with a subject field as follows:

Subject: **Unit ID: 3450270 Contract #C041190**

Alternate Method: Mail vouchers to BSC at the following U.S. postal address:

**NYS Department of Health
Unit ID 3450270
c/o NYS OGS BSC Accounts Payable
Building 5, 5th Floor
1220 Washington Ave.
Albany, NY 12226-1900**

Payment for invoices and/or vouchers submitted by the CONTRACTOR 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 CONTRACTOR shall comply with the State Comptroller's procedures to authorize electronic payments. Authorization forms are available at the State Comptroller's website at <https://www.osc.ny.gov/state-vendors>, by email at epayments@osc.state.ny.us or by telephone at 518-474-6019. CONTRACTOR acknowledges that it will not receive payment on any invoices and/or vouchers 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.

In addition to the Electronic Payment Authorization Form, a Substitute Form W-9 must be on file with the Office of the State Comptroller, Bureau of Accounting Operations. Additional information and procedures for enrollment can be found at <https://www.osc.ny.gov/state-vendors>.

Completed W-9 forms should be submitted to the following address:

NYS Office of the State Comptroller
Bureau of Accounting Operations
Warrant & Payment Control Unit
110 State Street, 9th Floor
Albany, NY 12236

Payment of such invoices and/or vouchers by the State (NYS Department of Health) shall be made in accordance with Article XI-A of the New York State Finance Law. Payment terms will be: Monthly reimbursement invoices submitted no later than forty-five (45) days after the end of the vouchering period. Documentation illustrating number of hours worked on this contract, rate as delineated on Attachment C and total amount of usage on the lines of credit for each Regional Food Bank should accompany the "State of New York Claim for Payment."

4.5. Subcontracting

Bidder's may propose the use of a subcontractor. The Contractor shall obtain prior written approval from NYSDOH before entering into an agreement for services to be provided by a subcontractor. The Contractor is solely responsible for assuring that all the requirements of the IFB are met. All subcontracts shall contain provisions specifying that the work performed by the subcontractor must be in accordance with the terms of the prime contract, and that the subcontractor specifically

agrees to be bound by the confidentiality provisions set forth in the agreement between the DOH and the Contractor. DOH reserves the right to request removal of any Bidder's staff or subcontractor's staff if, in DOH's discretion, such staff is not performing in accordance with the Agreement.

NOTE: Subcontractors whose contracts are valued at or above \$100,000 will be required to submit the Vendor Responsibility Questionnaire upon selection of the prime Contractor.

4.6. Contract Insurance Requirements

Prior to the start of work under this Contract, the Contractor shall procure, at its sole cost and expense, and shall maintain in force at all times during the term of this Contract, insurance of the types and in the amounts set forth in [Attachment 8](#), the New York State Department of Health Contract, Section IV. Contract Insurance Requirements.

4.7. Minority & Women-Owned Business Enterprise (M/WBE) Requirements

Pursuant to New York State Executive Law Article 15-A, the Department recognizes its obligation to promote opportunities for maximum feasible participation of **certified** minority-and woman-owned business enterprises and the employment of minority group members and women in the performance of DOH contracts.

Business Participation Opportunities for M/WBEs

For purposes of this IFB, DOH hereby establishes an overall goal of 30% for M/WBE participation, 15% for Minority-Owned Business Enterprises ("MBEs") participation and 15% for Women-Owned Business Enterprises ("WBEs"), based on the current availability of qualified MBEs and WBEs and outreach efforts to certified M/WBE firms. The successful Bidder who becomes the Contractor under the Contract entered into with the Department pursuant to this IFB must document good faith efforts to provide meaningful participation by M/WBEs as subcontractors or suppliers in the performance of the Contract consistent with the M/WBE participation goals established for this procurement, and Contractor must agree that DOH may withhold payment pending receipt of the required M/WBE documentation. For guidance on how DOH will determine "good faith efforts," refer to 5 NYCRR §142.8.

The directory of New York State Certified M/WBEs can be viewed at: <https://ny.newnycontracts.com/>. The directory is found in the upper right-hand side of the webpage under "Search for Certified Firms" and accessed by clicking on the link entitled "MWBE Directory". Engaging with firms found in the directory with like product(s) and/or service(s) is required, and all communication efforts and responses should be well documented to establish Contractor's "good faith efforts".

By submitting a Bid in response to this IFB, for contracts with an MWBE goal above, a Bidder agrees to complete and submit an M/WBE Utilization Plan (Attachment 5, Form #1) prior to award. DOH will review the submitted M/WBE Utilization Plan. If the Plan is not accepted, DOH may issue a notice of deficiency. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days after Bidder's receipt of such notice.

DOH may disqualify a Bidder as being non-responsive to this IFB under the following circumstances:

- a) If a Bidder fails to submit a M/WBE Utilization Plan;
- b) If a Bidder fails to submit a written remedy to a notice of deficiency;
- c) If a Bidder fails to submit a request for waiver (if applicable); or

d) If DOH determines that the Bidder has failed to document good-faith efforts to provide meaningful participation by M/WBEs under the Contract in accordance with the goals for this RFP established by the Department;

The Contractor will be required to attempt to utilize, in good faith, any MBE or WBE identified in its M/WBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to DOH but must be made no later than prior to the submission of a request for final payment on the Contract.

The Contractor will be required to submit a Contractor's Quarterly M/WBE Contractor Compliance & Payment Report to the DOH, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the M/WBE goals of the Contract.

If (a) the Department determines that the Contractor is not in compliance with the M/WBE requirements of the Contract and the Contractor refuses to comply with such requirements, or (b) the Department finds that the Contractor has willfully and intentionally failed to comply with the M/WBE participation goals established in the Contract, the Contractor may be required to pay to the Department liquidated damages and will be considered during future Vendor Responsibility Profile reviews should the bidder bid on future opportunities with the Department

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to M/WBEs had the Contractor achieved the contractual M/WBE goals; and (2) all sums actually paid to M/WBEs for work performed or materials supplied under the Contract.

A New York State certified Minority- and Women-Owned Businesses (M/WBE) may request that their firm's contact information be included on a list of M/WBE firms interested in serving as a subcontractor for this procurement. The listing will be publicly posted on the Department's website for reference by the bidding community. A firm requesting inclusion on this list should send contact information and a copy of its NYS M/WBE certification to hnap@health.ny.gov before the Deadline for Questions as specified in Section 1. (Calendar of Events). Nothing prohibits an M/WBE Vendor from proposing as a prime Contractor.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.)

4.8. Equal Employment Opportunity ("EEO") Reporting

By submission of a bid in response to this solicitation, the Bidder agrees with all of the terms and conditions of [Attachment 8](#), Appendix A, including Clause 12 - Equal Employment Opportunities for Minorities and Women. Additionally, the successful bidder will be required to certify they have an acceptable Equal Employment Opportunity ("EEO") policy statement in accordance with Section III of Appendix M in [Attachment 8](#).

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also

follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the Contractor, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

To ensure compliance with this Section, the Bidder should submit, with the bid or proposal, an Equal Employment Opportunity Staffing Plan ([Attachment 5](#), Form #4) identifying the anticipated work force to be utilized on the Contract. Additionally, the Bidder should submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement ([Attachment 5](#), Form # 5), to DOH with their bid.

5. ADMINISTRATIVE INFORMATION

The following administrative requirements, terms and information will apply to this IFB. Failure to comply fully with any of these requirements or terms, or this information, may result in disqualification of a Bidder's Bid.

5.1. Restricted Period

"Restricted Period" means the period of time (a) commencing with the earliest written notice, advertisement, or solicitation of this Invitation for Bids, soliciting a response from Bidders and intending to result in a procurement contract with DOH and (b) ending with the final Contract award and approval by the Office of the State Comptroller.

Pursuant to State Finance Law Sections 139-j and 139-k, the Department has identified a "Designated Contact" and a "Permissible Subject Matter Contact" on the Face Page of this IFB to whom all communications with regard to this procurement during the Restricted Period must be made.

During the Restricted Period of this IFB, any oral, written, or electronic communication between a potential Bidder and the Department, except communications between a potential Bidder and the Designated Contact or the Permissible Subject Matter Contact specified on the Cover Page of this IFB, under circumstances where a reasonable person would infer that the communication was intended to influence this procurement, is prohibited by law. The violation of the requirements described in this Section may be grounds for a determination that a Bidder is non-responsible and therefore ineligible for a contract award pursuant to this IFB. Two violations within four years of the rules against impermissible contacts during a "Restricted Period" may result in the violator being debarred from participating in all procurements by New York State agencies and authorities for a period of four years.

5.2. Questions

Potential Bidders may submit written questions and requests for clarification pertaining to this IFB between the issuance of this IFB and the deadline for the submission of written questions specified

in [Section 1](#) (Calendar of Events). All questions and requests for clarification of this IFB should cite the relevant IFB, including the IFB number and title: C041190 – Hunger Prevention and Nutrition Assistance Program Transportation Project, the section and paragraph number of this IFB or of the Attachment to this IFB to which the question relates, where applicable, and must be submitted via email to hnap@health.ny.gov no later than the Deadline for Submission of Written Questions specified in [Section 1](#). (Calendar of Events). Questions received after the deadline **may not** be answered.

If a potential Bidder discovers any ambiguity, conflict, discrepancy, omission, or other apparent error in this IFB, the Bidder shall immediately notify DOH of such error in writing at hnap@health.ny.gov and request that DOH clarify or modify the Terms of this IFB. If, prior to the deadline for the Submission of Bids, a Bidder fails to notify DOH of a known error or an error that reasonably should have been known, the Bidder shall assume the risk of bidding notwithstanding such apparent ambiguity, conflict, discrepancy, omission or other error. If awarded the Contract pursuant to the terms of this IFB, the Bidder shall not be entitled to an amendment to the terms of the Contract to correct or clarify any such ambiguity, conflict, discrepancy, omission or other error nor to any additional compensation by reason of the error or its correction.

5.3. Right to Modify IFB

DOH reserves the right to modify any part of this IFB, including, but not limited to, the date and time by which Bids must be submitted and received by DOH, at any time prior to the Deadline for Submission of Bids specified in [Section 1](#). (Calendar of Events). Modifications to this IFB shall be made by the issuance of amendments and/or addenda, which will be posted to the DOH website.

5.4. DOH's Reserved Rights

The Department reserves the right to:

1. Reject any or all bids received in response to the IFB.
2. Withdraw the IFB at any time, at the Department's sole discretion.
3. Make an award under the IFB in whole or in part.
4. Disqualify any Bidder whose conduct and/or Bid fails to conform to the requirements of the IFB.
5. Seek clarifications and revisions of Bids.
6. Use Bid information obtained through site visits, management interviews and the State's investigation of a Bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the Bidder in response to the Department's or any other State agency's request for clarifying information in the course of evaluation and/or selection under the IFB.
7. Prior to the bid opening, amend the IFB specifications to correct errors or oversights, or to supply additional information, as it becomes available.
8. Prior to the bid opening, direct Bidders to submit bid modifications addressing subsequent IFB amendments.
9. Change any of the scheduled dates set forth in [Section 1](#). (Calendar of Events).
10. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective Bidders.
11. Waive any requirements that are not material.
12. Negotiate with the successful Bidder within the terms of the IFB, including the attachments and exhibits, if any, to this IFB, and any amendments or addenda to the IFB, and the Questions and Answers, if any, posted by the Department in accordance with [Section 5.2](#) (Questions), in the best interests of the State.
13. Conduct contract negotiations with the next responsible Bidder, should the Department be unsuccessful in negotiating with the selected Bidder.
14. Utilize any and all ideas submitted in the bids received.
15. Every offer made by a Bidder pursuant to the terms of the Bid it submits shall be firm and not

revocable for a period of three hundred and sixty-five days (365) from the bid opening to the extent not inconsistent with Section 2-205 of the uniform commercial code. Subsequent to such three hundred and sixty-five days (365), any offer is subject to withdrawal communicated in a writing signed by the Bidder.

16. 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 Bid and/or to determine a Bidder's compliance with the requirements of the solicitation.

5.5. Freedom of Information Law ("FOIL")

All Bids may be disclosed or used by the Department to the extent permitted by law. The Department may disclose a Bid to any person for the purpose of assisting in evaluating the Bid or for any other lawful purpose. All Bids will become State agency records, which will be available to the public in accordance with the New York State Freedom of Information Law. **Any portion of the Bid that a Bidder believes constitutes proprietary information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the Bid as specified in the paragraph immediately following this paragraph.** If the Department agrees with the proprietary claim, the designated portion of the Bidder's Bid will be withheld from public disclosure. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any right to confidential handling of such material.

5.6. Debriefing

Once an award has been made, a Bidder may request a debriefing of their Bid. The debriefing will be limited solely to the Bidder's own Bid and will not include any discussion of other bids. A Bidder's request for a debriefing must be received by the Department no later than fifteen (15) calendar days after the date of the award notification to the successful Bidder or non-award announcement to the unsuccessful Bidder, depending upon whether the Bidder requesting the debriefing is the successful Bidder or an unsuccessful Bidder.

5.7. Protest Procedures

In the event an unsuccessful Bidder wishes to protest the award resulting from this IFB, the protesting Bidder must follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI Section 17 of the OSC's Guide to Financial Operations, which is available on-line at: <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>

5.8. Piggybacking

New York State Finance Law Section 163(10)(e) (see, also, <https://ogs.ny.gov/procurement/piggybacking-using-other-existing-contracts-0>) allows the Commissioner of the NYS Office of General Services (OGS) to consent to the use of a Contract entered into pursuant to this IFB by other New York State Agencies, and other authorized purchasers, subject to conditions and the consent of the successful Bidder/Contractor.

6. BID FORMAT AND CONTENT

Bidders responding to this IFB must satisfy all requirements stated in this IFB. A Bidder must submit a complete Bid package. A Bid that is incomplete in any material respect must be rejected.

To expedite the review by the Department of the Bids submitted in response to this IFB, Bidders are requested to submit their Bids as summarized in [Attachment A](#), Bid Package Checklist. This separation of information will facilitate the review of the material requested. No information beyond that specifically requested is required, and Bidders are requested to keep their Bid submissions to the shortest length consistent with making a complete presentation of qualifications and a complete and concise response to each component of the IFB.

The Department will not be responsible for expenses incurred in preparing and submitting the Bid Packages. Such costs should not be included in the Bid.

6.1. Mandatory Bid Requirements

The purpose of the Mandatory Bid Requirements is to demonstrate the qualifications, competence, and capacity of the Bidder to provide the commodity or services sought to be procured by the Department pursuant to this IFB. The following outlines the required information to be provided by each **responsive** Bidder. The information requested must be provided in the prescribed format. Responses that do not follow the prescribed format will be eliminated from consideration. All responses included in a Bid submitted pursuant to this IFB by a Bidder are subject to verification for accuracy.

6.1.1. Bidder's Minimum Qualifications to Bid

A responsive Bidder must be able to meet all the requirements stated in [Section 3.1](#) of this IFB. The Bidder must submit documentation that provides sufficient evidence of meeting the minimum qualifications to bid. This documentation may be in any format needed to demonstrate how they meet those minimum qualifications.

- Membership in Feeding America's (FA) National Food Bank Network as indicated by Member Contract, or,
- An agreement with a FA member Food Bank allowing the bidder access to FA's "Choice" System, which is a current inventory system of the foods available to FA member Food Banks.
- A minimum of 2 years' experience in transporting food or arranging the transportation of food to NYS Emergency Food Programs (e.g., Regional food banks, Food Pantries or Soup Kitchens).

6.1.2 Bid Form

A responsive Bidder must submit a completed and signed [Attachment B – Bid Form Part 1 and Bid Form Part 2 \(Excel File\)](#). The Bid Forms must comply with the format and content requirements as detailed in this IFB and in Attachment B. Failure to comply with the format and content requirements will result in disqualification.

The prices bid must cover the cost of furnishing all of the said products or services specified in this IFB, including, but not limited to, materials, equipment, profit and labor to the satisfaction of the Department and the performance of all work set forth in the specifications for this procurement set forth in this IFB and in the Contract to be awarded pursuant to this IFB to the successful Bidder.

Bidders must provide a price for all products in sizes and quantities exactly as listed in **Bid Form Part 2 - Attachment B**. Bids which do not include a price for all products may be disqualified. Bids which add alternative products, quantities or sizes will be disqualified.

The maximum budget for the resulting contract will be \$2,000,000 for the life of the contract, broken down to \$400,000 annually. The vendor will provide a bid for their admin services broken down into three sections – Admin Funding, Personal Services, and Other than Personal Services (OTPS). Transportation costs are set at a minimum of \$320,000 and any savings expressed from the Admin costs will be automatically incorporated into the Transportation costs.

The Department will award one contract as described in this IFB to the responsible and responsive Bidder who offers the lowest total Admin funding bid amount.

6.1.3 Bidder's Certified Statements

Complete, sign and submit [Attachment 7, "Bidder's Certified Statements", which includes information regarding the Bidder. Attachment 7 must be signed by an individual authorized to bind the Bidder contractually. Please indicate the title or position that the signer holds with the Bidder.](#)

Note: THE DEPARTMENT WILL REJECT AND FIND UNRESPONSIVE ANY BID THAT CONTAINS AN INCOMPLETE, UNSIGNED OR IS MISSING Attachment 7.

6.2. Other Bid Documents

6.2.1. Bidder's Disclosure of Prior Non-Responsibility Determinations

Submit a completed and signed [Attachment 1](#), "Bidder's Disclosure of Prior Non-Responsibility Determinations".

6.2.2. Vendor Responsibility Questionnaire

Complete, certify, and file a New York State Vendor Responsibility Questionnaire. The Department recommends that Bidders file the required 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 at http://www.osc.state.ny.us/vendrep/info_vrsystem.htm or go directly to the VendRep System online at www.osc.state.ny.us/vendrep.

Bidders must provide their New York State Vendor Identification Number (Vendor ID) when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the Office of the State Comptroller (OSC)'s Help Desk at 866-370-4672 or 518-408-4672 or by email at ciohelpdesk@osc.state.ny.us.

Bidders opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website, www.osc.state.ny.us/vendrep, or may contact the OSC's Help Desk for a copy of the paper form. Bidders should complete and submit the Vendor Responsibility Attestation, [Attachment 3](#).

6.2.3. Vendor Assurance of No Conflict of Interest or Detrimental Effect

Submit [Attachment 4](#), Vendor's Assurance of No Conflict of Interest or Detrimental Effect, which includes information regarding the Bidder, members, shareholders, parents, affiliates and subcontractors. [Attachment 4](#) must be signed by an individual authorized to bind the Bidder contractually.

6.2.4. EO 177 Prohibiting Contracts with Entities that Support Discrimination

Submit [Attachment 11](#), certifying that Bidder does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected status under the New York State Human Rights Law.

6.2.5. Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia

Submit [Attachment 12](#), certifying the status of the Bidder's business operations in Russia, if any, as mandated by Executive Order 16.

6.2.6. M/WBE Forms

Submit completed Form #1 and/or Form #2, Form #4 and Form #5 as directed in [Attachment 5](#), "New York State DOH M/WBE IFB Required Forms".

6.2.7. Encouraging Use of New York Businesses in Contract Performance

Submit [Attachment 6](#) "Encouraging Use of New York State Businesses in Contract Performance" to indicate which New York State Businesses, if any, the Bidder will use in the performance of the Contract to be awarded to the successful Bidder.

6.2.8. State Finance Law Consultant Disclosure Provisions

In accordance with New York State Finance Law Section 163(4)(g), State agencies must require all Contractors, including subcontractors, that provide consulting services for State purposes pursuant to a contract to submit an annual employment report for each such contract.

The successful bidder for procurements involving consultant services must complete a "State Consultant Services Form A, Contractor's Planned Employment from Contract Start Date through End of Contract Term" in order to be eligible for a contract.

The successful bidder must also agree to complete a "State Consultant Services Form B, Contractor's Annual Employment Report" for each state fiscal year included in the resulting contract. This report must be submitted annually to the Department of Health, the Office of the State Comptroller, and Department of Civil Service.

Submit State Consultant Services Form A: Contractor's Planned Employment and Form B: Contractor's Annual Employment Report, available at: <http://www.osc.state.ny.us/agencies/forms/ac3271s.doc> and <http://www.osc.state.ny.us/agencies/forms/ac3272s.doc>.

6.2.9. Sales and Compensating Use Tax Certification (Tax Law, § 5-a)

Section 5-a of the Tax Law, as amended, effective April 26, 2006, requires certain Contractors awarded state contracts for commodities, services and technology valued at more than \$100,000 to certify to the Department of Tax and Finance (DTF) that they are registered to collect New York State and local sales and compensating use taxes. The law applies to contracts where the total amount of such contractors' sales delivered into New York State are in excess of \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made, and with respect to any affiliates and subcontractors whose sales delivered into New York State exceeded \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made.

This law imposes upon certain contractors the obligation to certify whether or not the contractor, its affiliates, and its subcontractors are required to register to collect state sales and compensating use tax and contractors must certify to DTF that each affiliate and subcontractor exceeding such sales threshold is registered with DTF to collect New York State and local sales and compensating use taxes. The law prohibits the State Comptroller, or other approving agencies, from approving a contract awarded to an offeror meeting the registration requirements but who is not so registered in accordance with the law.

The successful Bidder must file a properly completed Form ST-220-CA with the Department of Health and Form ST-220-TD with the DTF. These requirements must be met before a contract may take effect. Further information can be found at the New York State Department of Taxation and Finance’s website, available through this link:
<http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Submit these Forms, available through these links:

- ST-220 CA: http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf
- ST-220 TD: http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf

6.2.10. Freedom of Information Law – Bid Redactions

A Bidder must clearly and specifically identify any portion of their Bid that the Bidder believes constitutes proprietary information entitled to confidential handling as an exception to the Freedom of Information Law.

7. BID SUBMISSION

The proposal must be received by the NYSDOH, no later than the Deadline for Submission of Proposals specified in [Section 1.0](#) (Calendar of Events). Late bids will not be considered.

A proposal consists of two (2) distinct parts: (1) the Mandatory Bid Requirements and (2) Other Bid Documents. The table below outlines the requested format and volume for submission of each part. Proposals should be submitted in all formats as prescribed below.

The proposal must be received electronically by DOH’s email, hpnap@health.ny.gov via two (2) separate searchable password protected PDF files. The Subject Line “IFB #C041190 Hunger Prevention and Nutrition Assistance Program Transportation Project (Mandatory Bid Requirements) or (Other Bid Documents). The body of the email submitted must include the password and indicate the number of total pages intended, and where indicated each subset of pages listed.

All electronic proposal submissions should be clear and include page numbers on the bottom of each page. NOTE: Bidders should request a receipt containing the time and date received. Submission of proposals in a manner other than as described in these instructions (e.g., fax) will not be accepted.

In the event an electronic submission cannot be read by the Department, the Department reserves the right to request a hard copy and/or electronic resubmission of any unreadable files. The Bidder shall have two (2) business days to respond to such requests and must certify the resubmission is identical to the original submission. Hardcopy will prevail.

	Electronic Submission
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Mandatory Bid Documents	<p>Email Subject Line: <Bidder Name>, IFB #C041190-Hunger Prevention and Nutrition Assistance Program Transportation Project,</p> <p>“Mandatory Bid Documents” email attachment containing a standard searchable password protected PDF file with copy/read permissions only.</p> <p>The body of the email must include the password to open the attached PDF document and indicate the number of total pages intended.</p>
Other Bid Documents	<p>Email Subject Line: <Bidder Name>, IFB #C041190-Hunger Prevention and Nutrition Assistance Program Transportation Project,</p> <p>“Other Bid Documents” email attachment containing a standard searchable password protected PDF file with copy/read permissions only.</p> <p>The body of the email must include the password to open the attached PDF document and indicate the number of total pages intended.</p>

Email PDF Submission Instructions:

1. All electronic bid submissions should be in PDF Optical Character Recognition (OCR) searchable format.
2. A font size of eleven (11) points or larger should be used. All submitted documents should contain appropriate header and footer information.
3. Where signatures are required, the proposals should have a handwritten signature (wet ink) and be signed in blue ink. A scan of the handwritten (wet ink) signature can be used for electronic submission in the PDF. The Department reserves the right to request hard copy originals of all signature pages at any time.
4. The Department discourages overly lengthy Bids. Therefore, marketing brochures, user manuals or other materials beyond that sufficient to present a complete Bid, are not desired and will not be reviewed or evaluated. Elaborate artwork or expensive paper is not necessary or desired. In order for the Department to evaluate bids fairly and completely, all Bids should follow the format described in this IFB and provide all requested information and no extraneous or additional information or material.
5. Audio and/or videotapes are not allowed. Any submitted audio or videotapes will be ignored by the evaluation teams.

The complete bid must be received by the NYSDOH, no later than the Deadline for Submission of Bids specified in [Section 1.0](#), (Calendar of Events). Late bids will not be considered.

7.1. No Bid Form

A prospective Bidder choosing not to bid is requested to complete and submit the No-Bid form [Attachment 2](#), by the Deadline for Submission of Bids specified in [Section 1.0](#) (Calendar of Events). This information helps to enhance future mailing lists for the Department.

8. METHOD OF AWARD

The Department will award one contract as described in this IFB to the responsible and responsive Bidder who offers the lowest total Admin funding bid amount. However, at the discretion of the Department, all Bids may be rejected.

In the event of two or more Bidders offering identical bid prices, the tied bidders will be given the opportunity to provide their best and final bid price to the Department, and, after evaluation of these revised bids, the award will then be made to the lowest bidder.

8.1. General Information

Once a successful Bidder is selected, the Department will issue a Contract to the successful Bidder, substantially in the form of Attachment 8. In order to be considered responsible and responsive, the Bid must include all Invitation for Bid (IFB) required documents and meet the minimum qualifications as stated in the IFB.

Bidders may be requested by the Department to clarify the details of their Bid. Unless requested by the Department to do so, no Bidder will be allowed to alter its Bid after the Deadline for Submission of Proposals listed in [Section 1.0](#) (Calendar of Events).

8.2. Submission Review

The Department will examine all Bids that are received in a proper and timely manner. The Bid containing the lowest total price offered will be further evaluated to determine if it meets all bid submission requirements, as described in [Section 6.0](#) (Bid Format and Content) and [Section 7.0](#) (Bid Submission) for award. That process will be followed until an award is made.

8.3. Award Recommendation

The Evaluation Committee will submit to the Commissioner a recommendation for award to the responsible and responsive Bidder with the lowest total bid.

The Department will notify the awarded Bidder and Bidders not awarded. The awarded Bidder will enter into a written Agreement substantially in accordance with the terms of [Attachment 8](#), DOH Agreement, to provide the required services or commodities as specified in this IFB. The resultant contract shall not be binding until fully executed and approved by the New York State Office of the Attorney General and the Office of the State Comptroller.

ATTACHMENTS

The following attachments are included in this IFB and are available via hyperlink or can be found at: <https://www.health.ny.gov/funding/forms/>.

1. [Bidder's Disclosure of Prior Non-Responsibility Determinations](#)
2. [No-Bid Form](#)
3. [Vendor Responsibility Attestation](#)
4. [Vendor Assurance of No Conflict of Interest or Detrimental Effect](#)
5. [Guide to New York State DOH M/WBE IFB Required Forms](#)
6. [Encouraging Use of New York Businesses in Contract Performance](#)
7. [Bidder's Certified Statements](#)
8. [DOH Agreement](#) (Standard Contract)
9. [References](#)
10. [Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination](#)
11. [Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia](#)

The following attachments are attached and included in this IFB:

- A. Bid Package Checklist
- B. Bid Form

ATTACHMENT A

BID PACKAGE CHECKLIST

Please reference [Section 7.0](#) for the appropriate format and quantities for proposal submission.

IFB # C04110 – Hunger Prevention and Nutrition Assistance Program Transportation Project		
FOR THE MANDATORY BID REQUIREMENTS		
IFB §	REQUIREMENTS	INCLUDED
§ 6.1.1	Documentation of Bidder's Eligibility	<input type="checkbox"/>
§ 6.1.2	Bid Form Attachment B Part 1 Attachment B Part 2	<input type="checkbox"/> <input type="checkbox"/>
§ 6.1.3	Bidder's Certified Statements (Attachment 7)	<input type="checkbox"/>
OTHER BID DOCUMENTS		
§ 6.2.1	Disclosure of Prior Non-Responsibility Determinations (Attachment 1)	<input type="checkbox"/>
§ 6.2.2	Vendor Responsibility Attestation (Attachment 3)	<input type="checkbox"/>
§ 6.2.3	Vendor Assurance of No Conflict of Interest or Detrimental Effect (Attachment 4)	<input type="checkbox"/>
§ 6.2.4	EO 177 Prohibiting Contracts with Entities that Support Discrimination (Attachment 11)	<input type="checkbox"/>
§ 6.2.5	EO 16 Prohibiting Contracts with Entities Conducting Business in Russia (Attachment 12)	<input type="checkbox"/>
§ 6.2.6	Attachment 5 - M/WBE Participation Requirements:	<input type="checkbox"/>
	Attachment 5 - Form 1	<input type="checkbox"/>
	Attachment 5 - Form 2 (If Applicable)	<input type="checkbox"/>
	Attachment 5 - Form 4	<input type="checkbox"/>
	Attachment 5 - Form 5 (If Applicable)	<input type="checkbox"/>
§ 6.2.7	Encouraging Use of New York Businesses (Attachment 6)	<input type="checkbox"/>
§ 6.2.9	Sales and Compensating Use Tax Certification	<input type="checkbox"/>
§ 6.2.10	FOIL	<input type="checkbox"/>

ATTACHMENT B

BID FORM Part 1

The Cost Proposal Bid Form Part 2 is provided in Excel format as a separate file titled "Attachment B Bid Form Part 2" on the New York State Contract Reporter and the Department's Grant/Funding Opportunities webpage for IFB #C041190 found at <https://www.health.ny.gov/funding/>. The Bidder must complete both Bid Form Part 1 (this page) and Bid Form Part 2 (Excel File), without modification to either form, and submit both forms as part of their bid package.

Bidder Name: _____

By signing this Cost Proposal Bid Form Part 1, Bidder agrees that the prices submitted on Bid Form Part 2 are binding for 365 days from the proposal bid due date.

Date: _____

Authorized Signature _____

Printed Name _____