

THOMAS P. DINAPOLI
STATE COMPTROLLER



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ALBANY, NEW YORK 12236

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

March 2, 2009

Ms. Cynthia L. Itzo
Assistant Director
Division of Fiscal Management
Department of Agriculture and Markets
10b Airline Drive
Albany, New York 12235

Dear Ms. Itzo:

Re: Entertainment for NYS Fair
Triangle Talent, Inc.

Our Office has reviewed the procurement record submitted for the above referenced agreement and has the following issues/concerns:

- The Request for Proposal (RFP) requested the proposers to submit their cost for performing the services as a fixed amount per ticket sold for admission to an event at the Grandstand. Triangle Talent, Inc. (Triangle) did not adhere to this request; rather its cost proposal was based on a fixed cost per event performed at the Grandstand and a fixed cost per day for events held at Chevy Court. Additionally, the RFP stated that the charge per ticket would be paid contingent upon the sale of a minimum of five thousand tickets for each entertainment event presented at the Grandstand. What was the basis for this minimum sales requirement? The resultant agreement with Triangle does not contain a minimum sale provision. How was it determined that Triangle's proposal and resultant agreement was both responsive and in accordance with the requirements of the Request for Proposal? Also, please address what affect if any, this change to the cost structure would have had on the bidding community and potential proposers.
- Triangle Talent's proposal and resultant agreement contain provisions providing for hotel accommodations for Triangle for the duration of the Fair. How did the Fair determine that it was reasonable and in the Fair's best interest to accept and allow for this provision. What is the monetary value associated with this allowance?

- The agreement contains provisions for catering to be provided for each member and crew member of an entertainment event at the Chevy Court. This provision was not addressed in the RFP. How were these terms pertaining to catering arrived at and determined to be reasonable?
- As stated in the RFP "each proposer whose proposal is not selected will be notified in writing by the Department". Please provide the notification that was sent to Live Nation Worldwide, Inc. (Live Nation) Did Live Nation request information regarding their non-selection?

Our Office will continue our audit upon receipt of the above. Please call with any questions/comments regarding the above.

Sincerely,



Cathy Smith

Contract Management Specialist