

VENDOR RULES & GUIDELINES - EMPIRE STATE PLAZA & HARRIMAN CAMPUS

TABLE OF CONTENTS

Rules and Guidelines for:

All Vendors 2

Food Vendors 5

Farmers (Plaza and Campus)..... 8

ALL VENDORS

- Exhibitors are not permitted to sell, advertise or distribute literature outside of their assigned area.
- *Absolutely no hawking permitted.*
- Political election campaign booths are not permitted.
- For the Mystic Fair: Vendors providing information that is not related to the theme of the event are not permitted. Please contact the event coordinator for further information.
- All vendors must be in compliance with the New York State Plastic Bag Reduction Law. <https://www.dec.ny.gov/chemical/117781.html>

Application & Payment

- Vendor participation must be confirmed by the New York State Office of General Services (OGS); confirmation will not take place until the vendor's application(s) and full payment are received.
- Vendors will not be allowed to provide vending services at the events until they are in receipt of written approval of their application to participate.
- Documents must be received by the deadline date; there is no day-of-event application.
- Participants must indicate along with their Permit Agreement and on their application what products will be sold or what services will be promoted. Vendors who misrepresent themselves or their products for the purpose of securing booth space will forfeit participation in future events.
- Vendors must have a Permit Agreement and all necessary documentation for the fiscal year (April 1, 2020 through March 31, 2021 on file with OGS Special Events Office in order to be eligible for events at the Empire State Plaza and Harriman Campus. Permit Agreements can be found at: <https://empirestateplaza.ny.gov/vendor-information-events-plaza>
- Payment for vendor space may be charged by credit card, or made by check or money order payable to: NYS Office of General Services.
- Once payment is made, refunds are not possible unless application is not accepted by OGS. Credit may be issued for exceptional circumstances, to be determined by OGS. Should a credit be issued, the cost of reserved parking may be withheld.
- Failure to pay outstanding invoices will forfeit future participation.

General Conditions

- All participants are expected to conduct themselves with courtesy and in an orderly manner. Arguments, harassment, sexual harassment, name-calling, profane language, or fighting are grounds for revocation of the vendor permit.
- OGS reserves the right to change the location, dates, hours, or to terminate entirely the operation of the scheduled event at any time and without prior notice to the vendor.
- The use of generators is prohibited unless there is prior approval from OGS.
- OGS reserves the right to prohibit the use of any extension cords or power strips that it determines in its sole judgment to be in an unsafe condition.
- Vendors may not refer to themselves as a "sponsor," "co-sponsor" or other terms conferring status other than of a participant.
- OGS reserves the right to restrict the sale of items considered to be of dangerous or of a destructive nature (examples: weapons, firework novelties, laser pointers, etc.)
- No food or beverage product may be made or sold in New York State if it contains CBD as a food, a food additive or an ingredient.
- OGS will not consent to the sale of merchandise containing the names, logos and/or images

of New York State, the NYS Capitol, Empire State Plaza or Harriman State Campus.

Display Area

- Tables should be covered with material suitable for tables (tablecloths, cloth fabric, plastic, etc.)
- Any display units (shelves, racks, etc.) should be made of a suitable material to enhance the theme of the display or be covered, painted or in some way decorated to hide unfinished materials (unfinished plywood, particle board, etc.).
- Signage should be neat, legible and professional looking.
- The use of cardboard box ends or other found materials are not permitted for signage material.
- Novelty signs are permitted but must maintain a professional appearance.
- All merchandise and signage must be suitable for a family audience.

Merchandise Only Vendors

- Ready-to-eat food products are not permitted for sale.
- Logo or designer products must be authenticated as under license from legitimate sources. Unauthorized replica, counterfeit, and “knock-off” merchandise is strictly prohibited.
- Quantity and quality of products for sale must be sufficient to be considered first quality.
- Items marked “close-out,” “seconds,” or similar are not permitted.
- Used goods, unless considered “collectibles” are not permitted.
- Yard sale, flea market, or swap meet type products and displays are not permitted.
- OGS reserves the sole right to request removal of any products that it feels are not suitable for display and/or sale.

Parking

Empire State Plaza

- Concourse Events - Parking is available in the Visitors Lot (V Lot) located on P-3 North.
- Plaza Events – Arrangements may be made for vehicle access to the Plaza level.
- Arrangements may be made for vehicles that are 6’ 6” in height or higher to park in the P-1 North Lot.
- At the Plaza outdoor parking is available on the Plaza level.
- For all parking arrangements, see the Event Coordinator for direction and details.

Harriman Campus

- Parking spaces are available in lot between building 8A and 4A permit must be obtained from the Event Coordinator prior to the event.
- Vendors may drive their vehicles close to their vending site for the limited purpose of load-in/load-out.
- Vehicles will not be permitted to remain at the site during vending hours. Should it become necessary, any vehicles left at vending sites will be towed at owner’s expense.
- Only vehicles vital to the operation of a food cart will be permitted to remain on site with prior approval from OGS.

Booth Space

General Booth Space

- All booth placements will be at the discretion of OGS.
- Vendors may not share booth space for the purpose of reducing application fees.
- Booths may not be loaned or sublet to anyone other than the applicant.

- Booths must be attended at all times.
- Tax ID must be in plain view if sales are taking place.
- Prices must be prominently posted at the sales location.
- Vendors may bring their own tables or additional equipment as needed; all items must fit within the designated booth space.
- Vendors are encouraged to bring hand carts or wagons to assist with the transport of merchandise.
- For indoor events, no open flame, other than **approved** food warming equipment, from any source, is allowed in booths.
- Electrical outlets are available; vendors must provide their own extension cords and power strips.
- All electric cords, extension cords and power strips shall be UL listed and in good condition.
- No multi-plug blocks or extension cords (zip cords) are allowed to be used. The use of UL listed power strips is recommended.
- No extension cords or power strips may be piggybacked off another cord or strip.
- New York State Fire Prevention & Control may check and have any improper electrical setups adjusted or removed.
- Vendors are expected to maintain the cleanliness of their booths at all times.
- Failure to leave the booth area in the condition it was provided will forfeit future participation.

Concourse Booths

- OGS will provide tables and chairs for vendor booths on the Concourse as indicated on the event application.

Plaza and Campus Craft Shows

- Vendors must bring their own tables or additional equipment as needed; all items must fit within the designated booth space.
- OGS does not provide tables and chairs for vendor booths on the Plaza.
- OGS does not provide tables and chairs for vendor booths at the Campus.
 - If a rain call is made, the event will be moved to the following Friday.
- Vendors must provide all equipment for their booth area, to include tables, chairs, canopies and tent weights if applicable. Equipment should be appropriately weighted. Canopies must remain in assigned spaces; please note driven stakes are not permitted on the Plaza level.
- Due to limited vehicle space on the Plaza, OGS reserves the right to limit the number of vehicles allowed access for load-in purposes. Requests for additional vehicle space will be considered on a case by case basis.

Insurance

- Vendors must provide a certificate of insurance which includes the coverage specified in the Permit Agreement
- ***Note: Vendors wishing to apply for a waiver must meet the terms outlined in Section 12 of the Permit Agreement.***

FOOD VENDORS

The following rules and guidelines are in addition to the above general rules and guidelines.

NEW FOR 2020 Food Vendors – All

- **Food preparation in trucks and trailers involving deep frying, broiling, grilling, open flame range top cooking and other cooking methods producing grease laden vapors must meet the requirements of Fire Code (FC) Section 319. Authorities having jurisdiction may require permits for operation of mobile food preparation vehicles. Construction and design requirements below followed by an * asterisk will generally only apply to vehicles and equipment commissioned on or after May 12, 2020. Administrative, operational and maintenance requirements underlined will generally apply to all vehicles. Additional requirements for alternate fuel sources and other operational features may apply.**
 - **Commercial Type I exhaust hood in accordance with FC 607.2.***
 - **Automatic cooking extinguishing system in accordance with FC 904.12.***
 - **Portable Type K fire extinguisher(s) in accordance with FC 906.4.**
 - **Portable fire extinguisher(s) conspicuously installed in accordance with FC 906.5.**
 - **Appliances have approved fuel connections in accordance with FC 319.5.***
 - **Appliances must have approved restraining devices in accordance with FC319.5.***
 - **Cooking oil storage containers secured against toppling or spilling during transport and less than 120 gallons in accordance with FC 319.6.**
 - **Cooking oil storage tanks and systems shall be properly listed for their use, designed and installed in accordance with FC319.7. ***
 - **LP gas on board shall not exceed 200 lbs. in accordance with FC 319.8.1.**
 - **LP gas containers shall be securely mounted in accordance with FC 319.8.2.**
 - **LP gas containers shall be manufactured in accordance with FC 319.8.3.**
 - **LP gas piping, valves and fittings shall be adequately protected against damage in accordance with FC 319.8.4.**
 - **Where LP gas systems are present, a listed leak alarm shall be installed in accordance with FC 319.8.5.**
 - **The exhaust system shall be inspected and cleaned in accordance with FC 319.10.1.**
 - **Fire protection systems and extinguishers shall be inspected, tested and maintained in accordance with FC 319.10.2 and FC 901.6.**
 - **LP gas containers and piping systems shall be inspected annually by an approved agency and a record of the inspection kept within the vehicle in accordance with FC 319.10.3.**
- **For more information concerning the new regulations as they apply to**

mobile food service on the Empire State Plaza or Harriman Campus, feel free to contact the New York State Office of Fire-Prevention and Control at: statefire@ogs.ny.gov.

Food Vendors - All

- Vendors participating in outdoor events are encouraged to take precautions for all weather conditions, especially wind.
- All food preparation and cooking equipment shall be maintained and in proper working order per manufacturer's instructions.
- Vendors must provide all equipment for their booth area, to include tables, chairs, canopies and tent weights if applicable. Equipment should be appropriately weighted. Canopies must remain in assigned spaces; please note driven stakes are not permitted.
- Vendors must provide absorbent mats in their cooking areas to prevent damage to the grounds and unsafe work area. (e.g. grease stains, slip hazards, etc.)
- Electrical outlets are available upon request; vendors must provide their own extension cords and power strips.
- All electric cords, extension cords and power strips shall be UL listed and in good condition.
- No multi-plug blocks or extension cords (zip cords) are allowed to be used. The use of UL listed power strips is recommended.
- No extension cords or power strips may be piggybacked off another cord or strip.
- New York State Fire Prevention & Control may check and have any improper electrical setups adjusted or removed.

Lunchtime Food Vending Program – Plaza

- Vendor load-in is between 8:00 a.m. and 10:45 a.m. Load-out is between 2:00 p.m. and 3:30 p.m. All Vendors must enter and depart the vending area from the Madison Avenue Gate
- Vehicles will not be permitted to enter or move about on the Plaza between 10:45 a.m. – 2:00 p.m.
- Vendors must let OGS know of an absence no later than 10:00am.
- Vending hours are from 8:00 a.m. - 2:00 pm. Vendors are not allowed to sell prior to or after these hours.
- Vendors must be fully set up and ready to serve by 11:00am daily.
- Arrival and departure times will be strictly enforced. Anyone moving vehicles between 10:45am to 2:00 pm will receive one warning. Repeat violations will result in loss of vending privileges. Vending fees will not be credited or refunded.
- Any changes to the approved daily menu must be communicated to and approved by OGS before deployment.

Lunchtime Food Vending Program – Harriman Campus

- Vendor load in shall be between 7:00 a.m. and 11:00 a.m. All Vendors must enter and depart the vending area from the main exit between Bldg. 8A and Bldg 4.
- Vehicles will not be permitted to enter the food court after 11:00 a.m.
- No vehicle will be permitted to depart the food court prior to 2:00 p.m.
- Vending hours will be 7:00 a.m. - 2:00 pm. Vendors are not allowed to sell prior to or after these hours.

- Arrival and departure times will be strictly enforced. Anyone moving vehicles between 11:00 am to 2:00 pm will receive one warning. Repeat violations will result in loss of vending privileges. Vending fees will not be credited or refunded.
- Vendor space must not exceed 24 feet unless approved by OGS.
- Trash receptacles are provided for patrons only. All refuse (boxes, cans, oil, grease, etc.) are the responsibility of the vendor and must be removed.
- The NYS Department of Environmental Conservation has indicated the location of the daily food service program lies within a protected watershed area. The release of any material into storm drains or other drainage areas that could contribute to the contamination of this watershed area is strictly prohibited. This includes cooking liquids, steam table liquids grease or any other liquid. Waste liquids should be removed from the site by the vendor.
- Electrical power is provided to each vendor. A maximum limit of 20 amps, 110 volts, is available. Should an additional electrical outlet be available in an adjacent space, OGS reserves the right to designate or refuse use of the outlet.
- 220V power is not available at the Harriman Campus.
- Vendors must provide their own extension cords and power strips.
- All electric cords, extension cords and power strips shall be UL listed and in good condition.
- No multi-plug blocks or extension cords (zip cords) are allowed to be used. The use of UL listed power strips is recommended.
- No extension cords or power strips may be piggybacked off another cord or strip.
- New York State Fire Prevention & Control may check and have any improper electrical setups adjusted or removed.

Electrical Services

- Electrical services must be requested on the application and will be provided to the best of the OGS's ability. There is no additional charge for this service.
- Vendors who require 220V service are required to provide their own leads to be hard-wired into power distribution panels by OGS electricians. For this reason, 220V vendors may be grouped together at the distribution panel. Vendors must indicate the length of their 220V lead. This information is essential to assist in vendor placement and to ensure access to 220V power. Should a vendor fail to provide this information, OGS will not be responsible if 220V electrical power is not available.
- Please ensure your equipment is in proper working order. It is not OGS's responsibility to repair equipment.

Food Vending

- Food vendors will be assigned a specific vending location on the Plaza; all space assignment will be at the discretion of OGS.
- Electrical power is provided to each vendor. Power requirements must be provided on the application form.
- All LP Gas tanks must be within 12 years of their date of manufacture (date stamped on the tank collar) or have a recertification/requalification date stamp within the past five years.
- All LP Gas tanks, whether in use, spare or empty, must be secured and supported against accidental tip-over.
- No open-air cooking, smokers or anything that produces abnormal amounts of smoke, odors or fumes will be permitted without written permission and prior inspection of equipment by OGS.
- If you are cooking with an open flame - LPG gas, charcoal, etc. you are required to have a

2A-10B-C (**ABC**) fire extinguisher. Vendors cooking with wood or charcoal are required to have a 2A (2 1/2 gallon) pressurized water fire extinguisher. Additionally, if you are deep fat frying, you will need a **Class K** (silver - not red) extinguisher in addition to the aforementioned **ABC** extinguisher. Make sure your extinguishers are charged, properly maintained and have been inspected (has current inspection/maintenance tag) within the last 12 months. New York State Office of Fire Prevention and Control will be on site to inspect your extinguishers for compliance as well as other fire code regulations. If you do not comply with these regulations, you will not be allowed to cook.

- Any food vendor with food preparation trailers that have onboard suppression systems, shall provide documentation showing that the system has been properly inspected and maintained within the required timeframe.
- The use of any public serving container made from or with the recycling code number 6, known as polystyrene foam is prohibited from use. Vendors found using items made of this material will be given one warning. Repeat violations will result in loss of vending privileges with no credit or refund.
- Trash receptacles are provided for patrons only. All refuse (boxes, cans, oil-grease etc.) are the responsibility of the vendor.
- Vendors are expected to maintain the cleanliness of vending areas at all times. Any staining resulting from oil(s) or grease shall be cleaned appropriately and thoroughly. Dumping of any substance except clean water into storm drains is prohibited.

Food Products

- OGS reserves the right to limit the sale of certain brand soft drinks, or require that a specific brand be offered (example: Coke vs. Pepsi). Should a sponsorship option exist for an exclusive beverage, vendors will be given the choice to sell only that brand or omit the alternative brand beverage from its menu. Vendors will be advised of this once their application is confirmed by OGS.
- Vendors may only sell menu items previously approved on the County Health Department Vending Permit and applied for through their application to the Albany County Department of Health. Any requests for changes must be approved by the Albany County Department of Health and copied to OGS.
- To apply for a permit, specific documents must be included to prove Worker's Compensation and Employee Disability Insurance compliance. If the vendor is exempt, a specific document containing that information must be provided. Vendors seeking permission to sample must provide these documents with the vending application. Otherwise, the application will be returned.
- OGS reserves the right to prohibit the sale, display or distribution of certain items, if in its sole opinion these items may reasonably cause concern over public safety.
- OGS reserves the right to offer promotional sampling at all programs. This may include free samples of food and beverage items. All attempts will be made to provide this information to vendors prior to the event.

Food Festival "Products of NY Market." The market is a growers or producers only market. Participants may sell only items grown or directly produced by them. All products must be New York State grown or produced. Reselling is not allowed.

- Pre-packaged food products must be prepared in a commercial, inspected kitchen. Pre-packaged food products are defined as bagged, jarred, canned, bottled or processed. Specialty food products refer to packaged items not intended to be eaten on the spot.
- Participants who process the following under Department of Agriculture approved processing methods at an inspected facility may sell: canned or jarred fruits, vegetables, pickled products,

sauces, relishes and other low-acid foods, meats, baked goods and New York State wines, spirits and cider. All vendor products at the Products of NY Market and the handling of these products must be in compliance with the New York State Department of Agriculture and Markets Sanitary guidelines and NYS Farm Wineries, NYS Cideries and NYS Distilleries rules.

- Beer is not permitted for sale.
- New York State wineries, New York State cideries and New York State Distilleries are additionally required to provide proof of liquor liability insurance
- New York State wineries, New York State cideries and New York State Distilleries can conduct sales for off-premises consumption (“sale by the bottle”) and tastings. No sales for on-premises consumption (sale by the glass”) are allowed.
- If sampling alcohol, Vendor must keep a copy of the marketing permit onsite and all sales and tastings must be conducted in compliance with the current State Liquor Authority Advisory regarding the use of the marketing permit
- Tastings are subject to the following restrictions: 1) no fee can be charged to the consumer; 2) no more than three samples per day per consumer; 3) size of sample limited to two ounces for wine, one-quarter ounce for liquor and three ounces for all other alcoholic beverages.
- No alcoholic beverages shall be sold or served to any person: 1) under the age of 21; 2) who is visibly intoxicated; or 3) who is known by the vendor to be a habitual drunkard.
- All servers dispensing alcohol must meet all requirements of all State and local laws and regulations.
- No alcoholic beverages shall be sold or served to any person: 1) under the age of 21; 2) who is visibly intoxicated; or 3) who is known by the vendor to be a habitual drunkard.
- OGS reserves the right to monitor compliance with these requirements and the failure to adhere to them shall be considered to be a breach of the Vendor’s Permit Agreement with OGS and shall allow OGS to avail itself of all remedies available under such agreement or at law or in equity, including, but not limited to, termination of the agreement.

FARMERS (Plaza and Campus)

The following rules and guidelines are in addition to the above general rules and guidelines.

Application & Payment

- Documents must be received at least two weeks prior to the vendor's first market; there is no day-of-event application.

Arrival & Departure Times

- Entrance into the Farmers' Market will begin no sooner than 8:00 a.m. All booths must be set and ready to commence with business at 10:00 a.m.
- Market hours will be 10:00 a.m. – 2:00 pm. Farmers are not allowed to sell after these hours.
- Arrival and departing times will be strictly enforced.
- Summer Only - Anyone moving vehicles during service time will receive one (1) warning; repeat offenders will lose their right to operate on NYS property, without right to any refund or credit.

Assigned Market Area

- All booth locations will be assigned by the OGS Market Manager.
- Only one location per farmer will be issued. Location changes are permitted only with written, prior approval from OGS.
 - Winter Only –
 - Booth size is 10' deep x amount you purchased wide.
 - Limited electrical power is available at market.
 - Summer Only –
 - Booth size is approximately 15'X15'.
 - Electrical power is not available at market.

Insurance

- Vendors must provide a certificate of insurance which includes coverage as specified in the Permit Agreement.
- New York State wineries, New York State microbreweries, New York State Cideries and New York State Distilleries are additionally required to provide proof of liquor liability insurance as specified in the Permit Agreement.

Market Products

- The market is a growers or producers only market. Participants may sell only items grown or directly produced by them. All products must be New York State grown or produced. Reselling is not allowed.
- Further, except for alcoholic beverages, cut and dried flowers, non-food producing plants, only items constituting "food" under the federal Supplemental Nutrition Assistance Program, as defined at 7 United States Code Section 2012(k), shall be sold at the Market. This generally precludes hot foods and any other prepared foods meant to be eaten on site.
- While craft/merchandise vendors are not allowed, participants will be permitted to occupy up to 10% of their total sales table space with company branded merchandize and/or their own farm biproduct merchandize. Craft Vendors are invited to visit the vendor website for a list of craft/merchandise opportunities: <https://empirestateplaza.ny.gov/vendor-information-events-plaza>

- Applications for approved products will be accepted on an on-going basis until maximum capacity is met.
- OGS reserves the right to prohibit the sale, display or distribution of certain items, if in its sole opinion these items may reasonably cause concern over public safety.
- Cooking is not allowed at the Market.
- Food product sampling is allowed so long as the sampling falls within the guidelines outlined by the NYS Department of Agriculture & Markets.
- OGS reserves the right to offer promotional sampling at all programs. This may include free samples of food and beverage items. All attempts will be made to provide this information to vendors prior to the event.
- Pre-packaged food products must be prepared in a commercial, inspected kitchen. Pre-packaged food products are defined as bagged, jarred, canned, bottled or processed. Specialty food products refer to packaged items not intended to be eaten on the spot.
- Participants who process the following under Department of Agriculture approved processing methods at an inspected facility may sell: canned or jarred fruits, vegetables, pickled products, sauces, relishes and other low-acid foods, meats, baked goods and New York State wines, spirits and beer (alcoholic beverages may only be sold at the Empire State Plaza markets). All vendor products at the Farmers' Market and the handling of these products must be in compliance with the New York State Department of Agriculture and Markets Sanitary guidelines and NYS Farm Wineries, NYS Breweries and NYS Distilleries rules.
- Vendors selling milk will need to provide their Milk Dealer License, issued through the NYS Department of Agriculture & Markets.
- Rules and Guidelines for New York State licensed alcoholic beverage manufacturers (distillers, wineries, brewers, cideries, meaderies):
 - Vendor must provide a copy of their marketing permit issued by the State Liquor Authority with their application
 - Vendor must keep a copy of the marketing permit onsite at the farmers market and all sales and tastings must be conducted in compliance with the current State Liquor Authority Advisory regarding the use of the marketing permit.
 - Vendor must provide proof of liquor liability insurance with their application.
 - Vendor can conduct sales for off-premises consumption ("sale by the bottle") and tastings. No sales for on-premises consumption ("sale by the glass") at the farmers market are allowed.
 - "Sales by the bottle" must be in sealed containers. No unopened containers can be sold or filled by the vendor.
 - Tastings are subject to the following restrictions: 1) no fee can be charged to the consumer; 2) no more than three samples per day per consumer; 3) size of sample limited to two ounces for wine, one-quarter ounce for liquor and three ounces for all other alcoholic beverages.
 - No alcoholic beverages shall be sold or served to any person: 1) under the age of 21; 2) who is visibly intoxicated; or 3) who is known by the vendor to be a habitual drunkard.
 - All servers dispensing alcoholic beverages must meet all applicable requirements under State and local laws and regulations.
 - Vendors shall indemnify and hold the State harmless from all claims, judgments, liabilities, losses, obligations, damages, costs and expenses, including, without limitation, reasonable attorney fees arising from the conduct of any tasting on State premises by the Vendor.
 - OGS reserves the right to monitor compliance with these requirements and the failure to adhere to them shall be considered to be a breach of the Vendor's

Permit Agreement with OGS and shall allow OGS to avail itself of all remedies available under such agreement or at law or in equity, including, but not limited to, termination of the agreement.

- The use of any public serving container made from or with the recycling code number 6, known as polystyrene foam is prohibited from use. Vendors found using items made of this material will be given one warning. Repeat violations will result in loss of vending privileges with no credit or refund.
- All refuse is the responsibility of the Vendor and must be removed from the premises.
- OGS reserves the right to inspect the farm or work location of any participant. The primary purpose of an inspection will be to determine whether the member is in fact producing all that he/she is selling at the market. Inspections shall be coordinated between the Vendor and the Market Manager.

Parking

- Parking spaces are available in designated areas. See Market Manager for direction and details.
- The Empire State Plaza is considered a secure government facility. All vehicles participating in market must have prior security clearance. Driver and vehicle information must be accurate for each market session. Changes will be possible up to 48 hours prior to each market day.
- Regular parking fees are in effect.