



STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE  
Office of Budget & Management Analysis  
Bureau of Fiscal Services  
Building 9, Room 234  
W.A. Harriman Campus  
Albany, NY 12227

Patricia Mitchell, Chief Financial Officer  
Eric Mostert, Assistant Director, Budget & Accounting Services  
Catherine Golden, Assistant Director, Procurement

March 26, 2010

To Whom It May Concern:

The New York State Department of Taxation and Finance (Department) and the Office of General Services (OGS) will be conducting a live auction of confiscated cigarettes (**Auction # TX20100420001**) at 9 a.m. on April 20, 2010. These products were confiscated by the Department over a period of time at various locations across the State. The age of the cigarettes may exceed the manufacturer's freshness code stamped on the product. In the past, these products have been awarded via a sealed bid process. The Department is no longer mailing copies of the various sale documents. Auction and product information can be found on the Department's website at <http://www.nystax.gov/procurement/>. If you require a hardcopy of this information, please call the Procurement office at (518) 457-0954.

**Auction #TX20100420001 is open only to current licensed stamping agents.** Only licensed stamping agents will be allowed to enter the premises and participate in the cigarette auction. If you are interested in attending the live auction, you must complete and return the attached Bidder's Registration Document by **Tuesday, April 13, 2010**. You must include a copy of your current license with the form, as well as a copy of your Sales Tax Registration Certificate. **Attendance is limited to two (2) individuals from each company.**

Please note: Winning bidders are required to deposit **ten percent (10%)** of the total bid within 30 minutes of auction closing. Acceptable forms of payment are: *certified check; money order; business check with a bank letter of guarantee; cash or credit card*. Checks should be made payable to the **NYS Office of General Services**. The auction number and lot number(s) should be noted on your payment. The balance of the payment is due in full within ten (10) business days after the auction date. Upon acceptance of full payment, successful bidders will have 10 business days to retrieve product lots awarded.

Please call (518) 457-0954 if you have any questions on this material.

Sincerely,

Christine DiVeglia  
Contract Management Specialist

Attachment

**NYS Department of Taxation & Finance  
Bidder Registration Document for Live Auction**

**Auction Date:** April 20, 2010

**Location of Sale:** NYS Office of General Services (OGS), Building 18, W A Harriman Campus, Albany, NY 12226

If you plan to attend either of the live auctions, please fill out this document & return to the address below by **Tuesday, April 13, 2010.**

NYS Department of Taxation & Finance  
Office of Budget and Management Analysis  
Building 9, Room 234  
W A Harriman Campus  
Albany, NY 12227  
Attn: Christine DiVeglia

Please complete and submit one (1) document for each person who plans to attend the live auction.  
**Attendance is limited to two (2) individuals from each company.**

Name	Title (if bid will be made by a company)	
Address (If bid will be made by a company, give company name & address)		
NYS Sales Tax Registration #	Telephone number  (       )	
Indicate which live auction you will attend: __ Cigarette Auction 9:00 AM (TX20100420001)  __ Cigar & Tobacco Products Auction 2:00 PM (TX20100420002)	Cigarette stamping agent registration # (For Cigarette Auction only)	
Signature		Date

*You must include a copy of your current license as well as a copy of your sales tax registration certificate with this Registration Document.*

**NOTE: Products will not be on-site or available for pick-up on the date of the auction.**

Upon full payment of award, successful bidder(s) and/or their representatives will have 10 business days to remove the material.



**Restricted Sale of Confiscated  
Cigarettes/Tobacco Products (Live Auction)**

Sale number: TX20100420001  
Sale date: April 20, 2010

Seller: New York State  
Location of sale: OGS, Building 18 Suite 102  
W A Harriman Campus  
Albany NY 12226

On \_\_\_\_\_ various dates \_\_\_\_\_, the New York State Department of Taxation and Finance seized \_\_\_\_\_ approximately 23,100 cartons of cigarettes \_\_\_\_\_

\_\_\_\_\_ on which the New York State cigarette excise tax had not been paid. The actual inventory is shown on the attached Form CG-55.1, *Inventory of Confiscated Cigarettes/Tobacco Products*, and grouped by lot as provided in section 1846(a) of the New York State Tax Law. These products are being offered for public sale to any interested New York State Cigarette Tax Stamping Agent and/or Registered Distributor of Tobacco Products.

For additional information contact: **NYS TAX DEPARTMENT  
OFFICE OF BUDGET AND MANAGEMENT ANALYSIS  
BUILDING 9 ROOM 234  
W A HARRIMAN CAMPUS  
ALBANY NY 12227  
(518) 457-0954**

To avoid any misunderstanding or rejection of bids, please read carefully all bidding restrictions and terms of this sale on the back of this form. You will be required to complete and submit Form CG-55.2-A at the live auction.

The NYS Tax Department reserves the right to reject any bid if:

- The Bidder's Declaration information is not supplied in full, signed, and submitted at the live auction.
- The certified check, money order, business check with a bank letter of guarantee, cash or credit card for 10% of the total bid is not received within 30 minutes of live auction closing.
- The Bidder fails to pass a Tax Clearance Check or resolve any outstanding tax liabilities.

**Restrictions and Terms of Sales**

**Inspection**

Inventory may be inspected at these times and days only:  
9:00 am to 12:00 pm  
\_\_\_\_\_ Tuesday, April 6, 2010 \_\_\_\_\_

Inspection location: \_\_\_\_\_ Rotterdam Industrial Park \_\_\_\_\_  
Rotterdam, New York

Inspection will only be available in advance of the date of the auction and will be restricted to eligible bidders; no others will be admitted. Arrangements for the inspection should be made by calling the Operations Support Bureau at (518) 292-7821.

Products will not be on-site or available for pick-up on the date of the auction.

**Withdrawal**

The Tax Department reserves the right to withdraw any item before the sale.

**Condition of property**

All items are sold "as is," with no guarantee or warranty from New York State. No sale will be invalidated by reason of any fault in any item or by reason of any item being incorrectly described. New York State assumes no responsibility for material after it has been awarded to the successful bidder.

**Note:** The age of the cigarettes and the tobacco products may exceed the manufacturer's freshness code stamped on the product.

**Tax clearance**

All outstanding tax liabilities, if any, against a successful Bidder in favor of the State of New York must be satisfied or a payment schedule for their speedy satisfaction must be established prior to the release of any auctioned goods.

## Restrictions and Terms of Sales *(continued)*

### Bid procedure

- Bid offers must be made verbally at the live auction. No other types of offers will be accepted.
- A bid will not be considered for award nor will any award be made if the conditions of the noncollusive bidding certification have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder must so state and must furnish at the auction a signed statement that sets forth in detail the reasons therefore. If the above conditions have not been complied with, the bid will not be considered for award nor will any award be made unless the head of the purchasing unit of the state, public department, or agency to which the bid is made, or his or her designee, determines that such disclosure was not made for the purpose of restricting competition (section 139-d of the State Finance Law).
- Each offer must be accompanied by a certified check, money order, business check with a bank letter of guarantee, cash or credit card in the amount of 10% of the total bid within 30 minutes of live auction closing. Checks should be made payable to the NYS Office of General Services. The auction number and lot number(s) should be noted on the payment.
- A copy of your sales tax registration certificate must be submitted with the Registration Document. If applicable, a copy of your resale certificate must accompany your full payment of the balance due on any lots for which you are the successful bidder.

### Rejection of offers

The Tax Department reserves the right to reject any and all offers, and to obtain clarification from vendors regarding incomplete forms.

### Liquidated damages

Failure of a successful bidder to accept the award, to make full payment to the Office of General Services as specified in the award, and to remove the property within the specified period will result in the deposit check being retained by New York State as liquidated damages, not as a penalty.

### Method of payment

After the initial 10% deposit is made on the date of the auction, successful bidder(s) must, within 10 business days, make full payment of the balance due on lots of cigarettes and/or tobacco products by certified check, money order, business check with a bank letter of guarantee, cash or credit card. Checks should be made payable to the NYS Office of General Services.

### Removal

Products will not be on-site or available for pick-up on the date of the auction. Upon full payment of award, successful bidder(s) and/or their representatives will have 10 business days to remove the material. The bidder must arrange for the removal of the cigarettes and/or tobacco products by calling the Operations Support Bureau at (518) 292-7821. New York State will not package or arrange shipment of any cigarettes. Proper identification and signed written authorization will be required before release.

**Note:** Winning distributors and agents are responsible for any reporting requirements on these products as they would be in the normal course of business.



**Offer Form and Bidder's Declaration**  
To be completed and submitted at live auction

Sale number	Date of live auction	Agency New York State Department of Taxation and Finance
Deposit requirement payable to <i>New York State Office of General Services</i> 10% of total bid		Location of material to be sold
Condition of payment After the initial 10% deposit on the date of the auction, successful bidders must, within 10 business days of award make full payment of the balance due on lots of products by certified check, money order, business check with a bank letter of guarantee, cash or credit card. Checks should be made payable to the <i>NYS Office of General Services</i> .		Removal period Within 10 business days of receipt of full payment.

The following is (my/our) offer for the purchase and removal of the property described below. This offer is made subject to the conditions for this sale and the terms contained on Form CG-55-A, *Restricted Sale of Confiscated Cigarettes/Tobacco Products (Live Auction)*.

**Lot number**

**Amount offered**


**Bidder's Declaration**

**Declaration:** In submitting this offer, the undersigned declares, warrants, and agrees that he or she has carefully examined the terms of sale, the specifications and conditions of sale, has had an opportunity to examine the property to be sold and the conditions governing the removal of same and that, in signing this offer form, it is understood that the goods will be sold "as is," and that the seller makes no warranty of merchantability or fitness of any particular purpose. **Noncollusive bidding certification (State Finance Law Section 139-d):** By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his or her knowledge and belief: (1) The prices in this bid have been arrived at independently, without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices, with any other bidder or with any competitor; (2) Unless otherwise required by law, the prices quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder, directly or indirectly, to any other bidder or to any competitor before completion of the selection process; and (3) No attempt has been made or will be made by the bidder to induce any other person, partnership, or corporation to submit or not to submit a bid for the purpose of restricting competition.

Name	Title (if bid is made by a company)		
Address (if bid is made by a company, give company name and address)			
Sales tax registration number	NYS cigarette tax stamping agent registration number		
Signature	Telephone number ( )	Date	





















































