#### **NEW YORK STATE**

### VENDOR RESPONSIBILITY QUESTIONNAIRE FOR-PROFIT BUSINESS ENTITY

You have selected the For-Profit Non-Construction questionnaire which may be printed and completed in this format or, for your convenience, may be completed online using the New York State VendRep System.

#### **COMPLETION & CERTIFICATION**

The person(s) completing the questionnaire must be knowledgeable about the vendor's business and operations. An owner or officer must certify the questionnaire and the signature must be notarized.

### NEW YORK STATE VENDOR IDENTIFICATION NUMBER (VENDOR ID)

The <u>Vendor ID</u> is a ten-digit identifier issued by New York State when the vendor is registered on the Statewide Vendor File. This number must now be included on the questionnaire. If the business entity has not obtained a <u>Vendor ID</u>, contact the IT Service Desk at <u>ITServiceDesk@osc.state.ny.us</u> or call 866-370-4672.

#### **DEFINITIONS**

All underlined terms are defined in the "New York State Vendor Responsibility Definitions List," found at <a href="https://www.osc.state.ny.us/vendrep/documents/questionnaire/definitions.pdf">www.osc.state.ny.us/vendrep/documents/questionnaire/definitions.pdf</a>. These terms may not have their ordinary, common or traditional meanings. Each vendor is strongly encouraged to read the respective definitions for any and all underlined terms. By submitting this questionnaire, the vendor agrees to be bound by the terms as defined in the "New York State Vendor Responsibility Definitions List" existing at the time of certification.

#### RESPONSES

Every question must be answered. Each response must provide all relevant information which can be obtained within the limits of the law. However, information regarding a determination or finding made in error which was subsequently corrected is not required. Individuals and <u>Sole Proprietors</u> may use a Social Security Number but are encouraged to obtain and use a federal <u>Employer</u> Identification Number (EIN).

### REPORTING ENTITY

Each vendor must indicate if the questionnaire is filed on behalf of the entire <u>Legal Business Entity</u> or an <u>Organizational Unit</u> within or operating under the authority of the <u>Legal Business Entity</u> and having the same <u>EIN</u>. Generally, the <u>Organizational Unit</u> option may be appropriate for a vendor that meets the definition of "<u>Reporting Entity</u>" but due to the size and complexity of the <u>Legal Business Entity</u>, is best able to provide the required information for the <u>Organizational Unit</u>, while providing more limited information for other parts of the <u>Legal Business Entity</u> and Associated Entities.

#### ASSOCIATED ENTITY

An <u>Associated Entity</u> is one that owns or controls the <u>Reporting Entity</u> or any entity owned or controlled by the <u>Reporting Entity</u>. However, the term <u>Associated Entity</u> does **not** include "sibling organizations" (i.e., entities owned or controlled by a parent company that owns or controls the <u>Reporting Entity</u>), unless such sibling entity has a direct relationship with or impact on the <u>Reporting Entity</u>.

#### STRUCTURE OF THE QUESTIONNAIRE

The questionnaire is organized into eleven sections. Section I is to be completed for the <u>Legal Business Entity</u>. Section II requires the vendor to specify the <u>Reporting Entity</u> for the questionnaire. Section III refers to the individuals of the <u>Reporting Entity</u>, while Sections IV-VIII require information about the <u>Reporting Entity</u>. Section IX pertains to any Associated Entities, with one question about their <u>Officials/Owners</u>. Section X relates to disclosure under the Freedom of Information Law (FOIL). Section XI requires an authorized contact for the questionnaire information.

I. LEGAL BUSINESS ENTITY INFORMATION							
Legal Business Entity Name*					EIN		
Address of the Principal Place of Business (street, city, st			ode)		New York State Vendor Identification Number		
		•	ŕ				
					Telephone	ext.	Fax
Email				Website		CAt.	
	<u>Business Entity</u> Identities: If applicable ve (5) years and the status (active or ina		other	DBA, Trade	Name, Forn	ner Name, Other Io	dentity, or <u>EIN</u>
Туре	Name		EIN			Status	
1.0 <u>Legal Busine</u>	ss Entity Type – Check appropriate box	and prov	vide ad	ditional info	ormation:		
Corporati	on (including <u>PC</u> )	Date of Incorporation					
Limited L	iability Company ( <u>LLC</u> or <u>PLLC</u> )	Date of Organization					
Partnership (including <u>LLP</u> , <u>LP</u> or <u>General</u> )		Date of Registration or Establishment					
Sole Proprietor		How ma	any yea	ars in busine	ess?		
Other		Date Established					
If Other, explain:							
1.1 Was the <u>Lega</u>	al Business Entity formed or incorporate	ed in New	V York	State?			☐ Yes ☐ No
If 'No,' indicate jurisdiction where <u>Legal Business Entity</u> was formed or incorporated and attach a <u>Certificate of Good Standing</u> from the applicable jurisdiction or provide an explanation if a <u>Certificate of Good Standing</u> is not available.							
United Sta	United States State						
Other	Other Country						
Explain, if not available:							
1.2 Is the <u>Legal Business Entity</u> publicly traded?				Yes No			
If "Yes," pro	If "Yes," provide <u>CIK Code</u> or Ticker Symbol						
1.3 Does the <u>Legal Business Entity</u> have a <u>DUNS</u> Number?			Yes No				
If "Yes," Ent	If "Yes," Enter <u>DUNS</u> Number						

 $<sup>^*</sup>All\ underlined\ terms\ are\ defined\ in\ the\ "New\ York\ State\ Vendor\ Responsibility\ Definitions\ List,"\ which\ can\ be\ found\ at\ \underline{www.osc.state.ny.us/vendrep/documents/questionnaire/definitions.pdf}.$ 

I. LEGAL BUSINESS ENTITY INFORMATION					
1.4 If the <u>Legal Business Entity</u> 's <u>Princi</u> <u>Entity</u> maintain an office in New Yo (Select "N/A," if <u>Principal Place of I</u>	Legal Business	Yes No			
If "Yes," provide the address and tel	ephone number for one office located in New York State.				
1.5 Is the Legal Business Entity a New York State certified Minority-Owned Business Enterprise (MBE), Women-Owned Business Enterprise (WBE), New York State Small Business (SB) or a federally certified Disadvantaged Business Enterprise (DBE)?  If "Yes," check all that apply:  New York State certified Minority-Owned Business Enterprise (MBE)  New York State certified Women-Owned Business Enterprise (WBE)  New York State Small Business (SB)  Federally certified Disadvantaged Business Enterprise (DBE)					
1.6 Identify Officials and Principal Owners, if applicable. For each person, include name, title and percentage of ownership. Attach additional pages if necessary. If applicable, reference to relevant SEC filing(s) containing the required information is optional.					
Name	Title	Percentage Ow (Enter 0% if no			

II. REPORTING ENTITY INFORMATION							
2.0 The Reporting Entity for this questionnaire is:	2.0 The Reporting Entity for this questionnaire is:						
Note: Select only one.							
Legal Business Entity							
Note: If selecting this option, "Reporting Entity" refers to the entire Legal questionnaire. (SKIP THE REMAINDER OF SECTION II AND PROCEED			der of the				
Organizational Unit within and operating under the authority of the Legal B	Business Entity						
SEE DEFINITIONS OF " <u>REPORTING ENTITY</u> " AND " <u>ORGANIZATIONAL UNIT</u> " FOUNDARY OF THIS SELECTION.	OR ADDITIONAL INF	FORMATION (	ON CRITERIA TO				
Note: If selecting this option, " <u>Reporting Entity</u> " refers to the <u>Organizatio</u> remainder of the questionnaire. (COMPLETE THE REMAINDER OF SECTHIS QUESTIONNAIRE.)							
IDENTIFYING INFORMATION							
a) Reporting Entity Name							
Address of the Primary Place of Business (street, city, state, zip code)  Telephone							
	ext.						
b) Describe the relationship of the <u>Reporting Entity</u> to the <u>Legal Business Ent</u>	ity						
c) Attach an <u>organizational chart</u>	c) Attach an <u>organizational chart</u>						
d) Does the Reporting Entity have a <u>DUNS</u> Number?	d) Does the Reporting Entity have a <u>DUNS</u> Number?						
If "Yes," enter <u>DUNS</u> Number							
e) Identify the designated manager(s) responsible for the business of the <u>Reporting Entity</u> .  For each person, include name and title. Attach additional pages if necessary.							
Name Title	Title						

## NEW YORK STATE VENDOR RESPONSIBILITY QUESTIONNAIRE FOR-PROFIT BUSINESS ENTITY

#### INSTRUCTIONS FOR SECTIONS III THROUGH VII

For each "Yes," provide an explanation of the issue(s), relevant dates, the government entity involved, any remedial or corrective action(s) taken and the current status of the issue(s). For each "Other," provide an explanation which provides the basis for not definitively responding "Yes" or "No." Provide the explanation at the end of the section or attach additional sheets with numbered responses, including the Reporting Entity name at the top of any attached pages.

III. LEADERSHIP INTEGRITY  Within the past five (5) years, has any current or former reporting entity official or any individual currently or formerly having the					
authority to sign, execute or approve bids, proposals, contracts or supporting documentation on behalf any government entity been:					
3.0 Sanctioned relative to any business or professional permit and/or license?	Yes	☐ No	Other		
3.1 <u>Suspended</u> , <u>debarred</u> , or <u>disqualified</u> from any <u>government contracting process</u> ?	Yes	☐ No	Other		
3.2 The subject of an <u>investigation</u> , whether open or closed, by any <u>government entity</u> for a civil or criminal violation for any business-related conduct?	Yes	☐ No	Other		
<ul> <li>3.3 Charged with a misdemeanor or felony, indicted, granted immunity, convicted of a crime or subject to a judgment for:</li> <li>a) Any business-related activity; or</li> <li>b) Any crime, whether or not business-related, the underlying conduct of which was related to truthfulness?</li> </ul>	Yes	☐ No	Other		
For each "Yes" or "Other" explain:					
IV. INTEGRITY - CONTRACT BIDDING					
Within the past five (5) years, has the reporting entity:					
4.0 Been <u>suspended</u> or <u>debarred</u> from any <u>government contracting process</u> or been <u>disqualified</u> on any government procurement, permit, license, concession, franchise or lease, including, but not limited to <u>debarment</u> for a violation of New York State Workers' Compensation or Prevailing Wage laws or No York State Procurement Lobbying Law?	Yes	□ No			
4.1 Been subject to a denial or revocation of a government prequalification?			☐ No		
4.2 Been denied a contract award or had a bid rejected based upon a <u>non-responsibility finding</u> by a <u>government entity</u> ?			☐ No		
4.3 Had a low bid rejected on a government contract for failure to make good faith efforts on any Minority-Owned Business Enterprise, Women-Owned Business Enterprise or Disadvantaged Business Enterprise goal or statutory affirmative action requirements on a previously held contract?					
4.4 Agreed to a voluntary exclusion from bidding/contracting with a government entity?					
4.5 Initiated a request to withdraw a bid submitted to a government entity in lieu of responding to an information request or subsequent to a formal request to appear before the government entity?					
For each "Yes," explain:					

V. INTEGRITY – CONTRACT AWARD	
Within the past five (5) years, has the reporting entity:	
5.0 Been <u>suspended</u> , cancelled or <u>terminated for cause</u> on any <u>government contract</u> including, but not limited to, a <u>non-responsibility finding</u> ?	Yes No
5.1 Been subject to an <u>administrative proceeding</u> or civil action seeking specific performance or restitution in connection with any <u>government contract</u> ?	Yes No
5.2 Entered into a formal monitoring agreement as a condition of a contract award from a government entity?	Yes No
For each "Yes," explain:	
VI. CERTIFICATIONS/LICENSES	
Within the past five (5) years, has the reporting entity:	
6.0 Had a revocation, <u>suspension</u> or <u>disbarment</u> of any business or professional permit and/or license?	☐ Yes ☐ No
6.1 Had a denial, decertification, revocation or forfeiture of New York State certification of Minority-Owned  Business Enterprise, Women-Owned Business Enterprise or federal certification of Disadvantaged Business  Enterprise status for other than a change of ownership?	Yes No
For each "Yes," explain:	
VII. LEGAL PROCEEDINGS	
Within the past five (5) years, has the reporting entity:	T
7.0 Been the subject of an <u>investigation</u> , whether open or closed, by any <u>government entity</u> for a civil or criminal violation?	Yes No
7.1 Been the subject of an indictment, grant of immunity, <u>judgment</u> or conviction (including entering into a plea bargain) for conduct constituting a crime?	☐ Yes ☐ No
7.2 Received any OSHA citation and Notification of Penalty containing a violation classified as <u>serious or willful</u> ?	☐ Yes ☐ No
7.3 Had a government entity find a willful prevailing wage or supplemental payment violation or any other willful violation of New York State Labor Law?	Yes No
7.4 Entered into a consent order with the New York State Department of Environmental Conservation, or received an enforcement determination by any government entity involving a violation of federal, state or local environmental laws?	Yes No
<ul> <li>7.5 Other than previously disclosed:</li> <li>a) Been subject to fines or penalties imposed by government entities which in the aggregate total \$25,000 or more; or</li> <li>b) Been convicted of a criminal offense pursuant to any administrative and/or regulatory action taken by any government entity?</li> </ul>	Yes No
For each "Yes," explain:	

VII	I. FINANCIAL AND ORGANIZATIONAL CAPACITY		
8.0	Within the past five (5) years, has the <u>Reporting Entity</u> received any <u>formal unsatisfactory performance assessment(s)</u> from any <u>government entity</u> on any contract?	Yes	☐ No
	If "Yes," provide an explanation of the issue(s), relevant dates, the <u>government entity</u> involved, any remedial of action(s) taken and the current status of the issue(s). Provide answer below or attach additional sheets with number of the issue(s) and the current status of the issue(s).		
8.1	Within the past five (5) years, has the <u>Reporting Entity</u> had any <u>liquidated damages</u> assessed over \$25,000?	Yes	☐ No
	If "Yes," provide an explanation of the issue(s), relevant dates, contracting party involved, the amount assessed status of the issue(s). Provide answer below or attach additional sheets with numbered responses.	d and the c	urrent
8.2	Within the past five (5) years, have any <u>liens</u> or <u>judgments</u> (not including UCC filings) over \$25,000 been filed against the <u>Reporting Entity</u> which remain undischarged?	Yes	□ No
	If "Yes," provide an explanation of the issue(s), relevant dates, the Lien holder or Claimant's name(s), the amount and the current status of the issue(s). Provide answer below or attach additional sheets with numbered response		<u>lien(s)</u>
8.3	In the last seven (7) years, has the <u>Reporting Entity</u> initiated or been the subject of any bankruptcy proceedings, whether or not closed, or is any bankruptcy proceeding pending?	Yes	☐ No
	If "Yes," provide the bankruptcy chapter number, the court name and the docket number. Indicate the current proceedings as "Initiated," "Pending" or "Closed." Provide answer below or attach additional sheets with number.		
8.4	During the past three (3) years, has the <u>Reporting Entity</u> failed to file or pay any tax returns required by <u>federal</u> , state or local tax laws?	Yes	☐ No
	If "Yes," provide the taxing jurisdiction, the type of tax, the liability year(s), the tax liability amount the Report file/pay and the current status of the tax liability. Provide answer below or attach additional sheets with number of the tax liability.		
8.5	During the past three (3) years, has the <u>Reporting Entity</u> failed to file or pay any New York State unemployment insurance returns?	Yes	☐ No
	If "Yes," provide the years the <u>Reporting Entity</u> failed to file/pay the insurance, explain the situation and any recorrective action(s) taken and the current status of the issue(s). Provide answer below or attach additional sheet responses.		
8.6	During the past three (3) years, has the <u>Reporting Entity</u> had any <u>government audit(s) completed?</u>	Yes	☐ No
	a) If "Yes," did any audit of the <u>Reporting Entity</u> identify any reported significant deficiencies in internal control, fraud, illegal acts, significant violations of provisions of contract or grant agreements, significant abuse or any <u>material disallowance</u> ?	Yes	No
	If "Yes" to 8.6 a), provide an explanation of the issue(s), relevant dates, the government entity involved, any recorrective action(s) taken and the current status of the issue(s). Provide answer below or attach additional sheet responses.		mbered

IX. ASSOCIATED ENTITIES							
This section pertains to any entity(ies) that either controls or is controlled by the <u>reporting entity</u> .							
`	(See definition of "associated entity" for additional information to complete this section.)						
9.0 Do	Yes No						
N	ote: All questions in this section must be answered if the Reporting Entity is either:						
_	An Organizational Unit; or  The artists Level Projects Entity which controls or is controlled by any other artity(ice)						
	The entire <u>Legal Business Entity</u> which controls, or is controlled by, any other entity(ies). "No," SKIP THE REMAINDER OF SECTION IX AND PROCEED WITH SECTION X.						
	Vithin the past five (5) years, has any <u>Associated Entity Official</u> or <u>Principal Owner</u> been charged with a isdemeanor or felony, indicted, granted immunity, convicted of a crime or subject to a judgment for:	∐ Yes ∐ No					
a)							
<b>b</b> )	• • •						
	truthfulness?						
	"Yes," provide an explanation of the issue(s), the individual involved, his/her title and role in the <u>Associate</u> lationship to the <u>Reporting Entity</u> , relevant dates, the <u>government entity</u> involved, any remedial or corrective						
	e current status of the issue(s).	e action(s) taken and					
9.2 D	oes any <u>Associated Entity</u> have any currently undischarged <u>federal</u> , New York State, New York City or	Yes No					
N	ew York local government <u>liens</u> or <u>judgments</u> (not including UCC filings) over \$50,000?	105 110					
	"Yes," provide an explanation of the issue(s), identify the Associated Entity's name(s), EIN(s), primary but						
	lationship to the <u>Reporting Entity</u> , relevant dates, the Lien holder or Claimant's name(s), the amount of the irrent status of the issue(s). Provide answer below or attach additional sheets with numbered responses.	lien(s) and the					
Ci	irrent status of the issue(s). I fovide answer below of attach additional sheets with numbered responses.						
9.3 W	Vithin the past five (5) years, has any <u>Associated Entity</u> :						
a)		☐ Yes ☐ No					
	New York local government contracting process?						
<b>b</b> )	Been denied a contract award or had a bid rejected based upon a <u>non-responsibility finding</u> by any <u>federal</u> , New York State, New York City, or New York local <u>government entity</u> ?	Yes No					
c)	Been <u>suspended</u> , <u>cancelled</u> or <u>terminated for cause</u> (including for <u>non-responsibility</u> ) on any <u>federal</u> , New York State, New York City or New York local <u>government contract</u> ?	Yes No					
ď		☐ Yes ☐ No					
<b>u</b> ,	York City, or New York local government entity for a civil or criminal violation with a penalty in	105 110					
	excess of \$500,000?						
e)		Yes No					
	a plea bargain) for conduct constituting a crime?						
f)		Yes No					
	any federal, New York State, New York City, or New York local government entity?						
g	Initiated or been the subject of any bankruptcy proceedings, whether or not closed, or is any bankruptcy proceeding pending?	∐ Yes ∐ No					
E.	or each "Yes," provide an explanation of the issue(s), identify the <u>Associated Entity</u> 's name(s), <u>EIN</u> (s), prim	l pary husiness					
	strictivity, relationship to the Reporting Entity, relevant dates, the government entity involved, any remedial or						
	ken and the current status of the issue(s). Provide answer below or attach additional sheets with numbered r						

X. FREEDOM OF INFORMATION LAW (FOIL)					
10. Indicate whether any information supplied herein is believed to be exempt from Freedom of Information Law (FOIL).	Yes No				
Note: A determination of whether such information is exempt from FOIL will request for disclosure under FOIL.					
If "Yes," indicate the question number(s) and explain the basis for the claim.					
XI. AUTHORIZED CONTACT FOR THIS QUESTIONNAIRE					
Name	Telephone	Fax			
	ext.				
Title	Email				

### NEW YORK STATE VENDOR RESPONSIBILITY QUESTIONNAIRE FOR-PROFIT BUSINESS ENTITY

### Certification

The undersigned: (1) recognizes that this questionnaire is submitted for the express purpose of assisting New York State government entities (including the Office of the State Comptroller (OSC)) in making responsibility determinations regarding award or approval of a contract or subcontract and that such government entities will rely on information disclosed in the questionnaire in making responsibility determinations; (2) acknowledges that the New York State government entities and OSC may, in their discretion, by means which they may choose, verify the truth and accuracy of all statements made herein; and (3) acknowledges that intentional submission of false or misleading information may result in criminal penalties under State and/or Federal Law, as well as a finding of non-responsibility, contract suspension or contract termination.

### The undersigned certifies that he/she:

- is knowledgeable about the submitting Business Entity's business and operations;
- has read and understands all of the questions contained in the questionnaire;
- has not altered the content of the questionnaire in any manner;
- has reviewed and/or supplied full and complete responses to each question;
- to the best of his/her knowledge, information and belief, confirms that the Business Entity's responses are true, accurate and complete, including all attachments, if applicable;
- understands that New York State government entities will rely on the information disclosed in the questionnaire when entering into a contract with the Business Entity; and
- is under an obligation to update the information provided herein to include any material changes to the Business Entity's responses at the time of bid/proposal submission through the contract award notification, and may be required to update the information at the request of the New York State government entities or OSC prior to the award and/or approval of a contract, or during the term of the contract.

Signature of Owner/Official				
Printed Name of Signatory				
Title				
Name of Business				
Address				
City, State, Zip				
Sworn to before me this	day of			
		M. D.I.		
		Notary Public		