

ATTACHMENT 3

VENDOR QUESTIONS AND NYS REQUIRED CERTIFICATIONS

Please respond to the following questions, complete the NYS required certifications and submit to the NYSPRO designated contact person. Failure to answer all questions will delay the contracting process.

Vendor Firm Name: _____

Name: _____

Title: _____ **Date:** _____

I. VENDOR QUESTIONS

A. General Questions

1. Has Vendor completed and filed the New York State Vendor Responsibility Questionnaire? _____ YES, filed online (preferred)

_____ YES, filed in hard copy

If Vendor filed the Questionnaire, _____ NO

has Vendor certified or recertified the Vendor Responsibility Questionnaire no more than six (6) months prior to OGS' notice to Vendor of the instant Piggyback Agreement opportunity?

_____ YES _____ NO

If NO, Vendor must do so.

2. Does Vendor offer Electronic Access Ordering (EDI)? _____ YES _____ NO

3. Is the Vendor catalog available on the Internet? _____ YES _____ NO

If YES, is Vendor willing and able to make NYS Pricing available along with the catalog online?

_____ YES _____ NO

4. If awarded a contract, will Vendor accept the New York State Procurement Card for orders not to exceed \$15,000? _____ YES _____ NO

5. If Vendor limits the maximum acceptable card amount to less than \$15,000, please indicate the maximum amount: \$ _____

6. Does Vendor offer an additional discount for purchases made with the NYS Procurement Card? _____ YES _____ NO

If YES, please list the additional discount (attach additional sheets with further information on discounts if there are multiple conditions tied to discounts for purchases made with the NYS Procurement Card and/or if there are multiple types of discounts for purchases made with the NYS Procurement Card):

_____ %

7. Does Vendor offer a prompt payment discount for payments made in less than thirty (30) days after receipt of a proper invoice? _____ YES _____ NO

If YES, please detail the additional discount by providing the percentage of discount and the specific number of days within which payment must be made for the discount to apply:

_____ % _____ Days

If YES and Vendor offers multiple discounts, please provide additional detail for all discounts, including the percentage of discount and the specific number of days within which payment must be made for the discount to apply (for example: 2% / 15 days; 1% / 20 days):

_____ % _____ Days

_____ % _____ Days

8. If awarded a contract, will Vendor honor orders for less than the minimum order specified in the Master Contract? _____ YES _____ NO

If YES, will shipping costs be added in accordance with the "Minimum Order" clause, section 13(I) of the Piggyback Agreement?

_____ YES _____ NO

OR

If YES, will Vendor ship at no additional cost?

_____ YES _____ NO

9. Does Vendor wish to designate NYS dealers to handle receipt of orders and/or receipt of payments? _____ YES _____ NO

(If YES, please provide a complete list including addresses, contact person, appropriate telephone, fax, or e-mail address and function they will perform. Attach additional sheets if necessary.)

10. Are any products offered manufactured from recycled materials? _____ YES _____ NO

11. Are any products offered remanufactured (restored to its original performance standards and function)?

_____ YES _____ NO

12. Are any products offered Energy Star Compliant?

_____ YES _____ NO

13. Person or persons to contact for general New York State Contract administration questions:

Name: _____
Title: _____
Telephone Number:
(____)_____
Toll Free Phone Number: (____)_____
Fax Number: (____)_____
Toll Free Fax Number:
(____)_____
E-Mail Address: _____

14. Person or persons to contact for expediting New York State Contract orders:

Name: _____
Title: _____
Telephone Number:
(____)_____
Toll Free Phone Number: (____)_____
Fax Number: (____)_____
Toll Free Fax Number:
(____)_____
E-Mail Address: _____

15. Person or persons to contact in the event of an emergency occurring after business hours or on weekend/holidays:

Name: _____
Title: _____
Telephone Number:
(____)_____
Toll Free Phone Number: (____)_____
Fax Number: (____)_____
Toll Free Fax Number:
(____)_____
E-Mail Address: _____

State normal business hours (Specify M-F, Sat-Sun):

16. Is Vendor registered with the New York State Contract Reporter?

_____ YES _____ NO

If NO, in order to receive information on potential bidding

opportunities across New York State, please register for the New York State Contract Reporter at <https://www.nyscr.ny.gov>.

B. Minority/Women-Owned Business Enterprise Questions

17. Are Minority/Women-Owned Business Enterprise (MWBE) goals incorporated in the terms and conditions of the Master Contract?

_____ YES _____ NO

If YES, please attach specifics.

18. Is Vendor a Minority or Women-Owned Business Enterprise, certified in accordance with Article 15-A of the New York State Executive Law as defined below?

_____ YES _____ NO

19. Is Vendor listed in the Empire State Development’s Directory of Certified Minority and Women-Owned Business Enterprises? (This information can be accessed at: <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>).

_____ YES _____ NO

NOTE: Vendors certified **and** listed in the Empire State Development’s Directory of Certified Minority and Women-Owned Business Enterprises* will be identified by OGS as MBEs and/or WBEs in the OGS Contract Award Notification upon award of the contract.

- Minority-Owned
- Women-Owned
- Minority and Women-Owned

*For further information and/or application, please contact New York State Department of Economic Development, Division of Minority and Women-Owned Business Enterprise at 518-292-5250 (Albany) or 212-803-2414 (New York City)

“Minority or Women-Owned Business Enterprise” shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is:

- (a) at least fifty-one percent owned and controlled by the minority members and/or women;
- (b) an enterprise in which such minority and/or women ownership interest is real, substantial and continuing;
- (c) an enterprise in which such minority and/or women ownership has and exercises the authority to independently control the day-to-day business

- decisions; and,
- (d) an enterprise independently owned, operated and authorized to do business in New York State.

20. Is Vendor a New York Small Business Concern as defined in accordance with Article 11 of the New York State Finance Law? YES NO

“Small Business Concern” means a business which:

- (a) is resident in New York State;
- (b) is independently owned and operated;
- (c) is not dominant in its field; and,
- (d) employs one hundred or fewer persons.

21. Total number of people employed by Vendor in New York State? _____

22. Place of manufacture of product(s) (Indicate YES or NO for either “a”, “b” or “c”):

- a. All NYS Manufacture: YES NO
- b. All Manufactured outside NYS: YES NO
- c. Manufactured in NYS and Outside NYS: YES NO
(If YES to “c” above, list location (State) where more than half the value is added to the product(s): State of _____)

23. Vendor’s principal place of business**: State of _____

**"Principal Place of Business" is the location of the primary control, direction and management of the enterprise.

24. Vendor Disclosure of Prior Non-Responsibility Determinations Pursuant to Procurement Lobbying Law (State Finance Law §139-j):

- a. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? YES NO
- b. If YES, was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j? YES NO
- c. If YES, was the basis for the finding of non-

responsibility due to the intentional provision of false or incomplete information to a governmental entity? _____ YES _____ NO

If YES, please provide details regarding the finding of non-responsibility:

Governmental Entity:

Date of Finding of Non-responsibility:

Basis of Finding of Non-responsibility:
(add additional pages if necessary)

d. Has any governmental agency terminated or withheld a procurement contract with the above-named individual or entity due to the intentional provision of false or incomplete information?

_____ YES _____ NO

If YES, please provide details:

Governmental Entity:

Date of Termination or Withholding of Contract:

Basis of Termination or Withholding:
(add additional pages if necessary)

C. Encouraging Use of New York State Businesses in Contract Performance

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, offerers for this contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.

Offerers need to be aware that all authorized users of this contract will be strongly encouraged, to the maximum extent practical and consistent with legal requirements, to use responsible and responsive New York State businesses in purchasing commodities that are of equal quality and functionality and in utilizing services and technology. Furthermore, offerers

are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

Utilizing New York State businesses in State contracts will help create more private sector jobs, rebuild New York's infrastructure, and maximize economic activity to the mutual benefit of the contractor and its New York State business partners. New York State businesses will promote the contractor's optimal performance under the contract, thereby fully benefiting the public sector programs that are supported by associated procurements.

Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its contractors. The State therefore expects offerers to provide maximum assistance to New York businesses in their use of the contract. The potential participation by all kinds of New York businesses will deliver great value to the State and its taxpayers.

Offerers can demonstrate their commitment to the use of New York State businesses by responding to the question below:

Will New York State Businesses be used in the performance of this contract?

_____ YES _____ NO

If YES, identify New York State Business(es) that will be used and attach identifying information.

II. NEW YORK STATE REQUIRED CERTIFICATIONS

**A. NONDISCRIMINATION IN EMPLOYMENT IN NORTHERN IRELAND
MACBRIDE FAIR EMPLOYMENT PRINCIPLES**

In accordance with New York State Finance Law §165, the Contractor certifies that it or any individual or legal entity in which the Contractor holds a 10% or greater ownership interest, or any individual or legal entity that holds a 10% or greater ownership interest in the Contractor, either (answer YES or NO to one or both of the following, as applicable),

(1) have business operations in Northern Ireland, _____ YES _____ NO,
and, if YES:

(2) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles relating to nondiscrimination in employment and freedom of workplace opportunity regarding such operations in Northern Ireland, and shall permit independent monitoring of compliance with such principles.

_____ YES _____ NO

B. NON-COLLUSIVE BIDDING CERTIFICATION

In accordance with New York State Finance Law §139-d, by submitting its bid each bidder and each person signing on behalf of any other 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:

(A) The prices of 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;

(B) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(C) 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.

In the event that the bidder is unable to certify as stated above, the bidder shall provide a signed statement which sets forth in detail the reasons why the bidder is unable to furnish the certificate as required in accordance with State Finance law Section 139-d(1)(b).

C. DIESEL EMISSION REDUCTION ACT

Pursuant to N.Y. Environmental Conservation Law §19-0323 (“the Law”) it is a requirement that heavy duty diesel vehicles in excess of 8,500 pounds use the best available retrofit technology (“BART”) and ultra-low sulfur diesel fuel (“ULSD”). The requirement of the Law applies to all vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities. It also requires that such vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities with more than half of its governing body appointed by the Governor utilize BART.

The Law may be applicable to vehicles used by contract vendors “on behalf of” State agencies and public authorities and require certain reports from contract vendors. All heavy duty diesel vehicles must have BART by December 31, 2015 (unless further extended by law). The Law also provides a list of exempted vehicles. Regulations set forth in 6 NYCRR Parts 248 and 249 provide further guidance. The Vendor hereby certifies and warrants that all heavy duty vehicles, as defined in NYECL §19-0323, to be used under this contract, will comply with the specifications and provisions of NYECL §19-0323, and 6 NYCRR Parts 248 and 249.

CONTRACTOR

By:

Name:

Title:

Company:

Principal Place of Business Address:

Federal Tax Identification #:

Vendor Identification #:

Date:
