

RESOLUTION OF CONSENT OF
THE COUNCIL OF CONTRACTING AGENCIES

WHEREAS, the Council of Contracting Agencies ("the Council") is fully authorized and empowered to make this resolution in accordance with the provisions of Executive Orders Nos. 4.125, 4.170 and 170.1 establishing uniform guidelines for determining the responsibility of bidders and adopted on May 22, 1989, March 24, 1993 and June 23, 1993, respectively; and

WHEREAS, it is the mission of the Council to establish guidelines for the determination of contractor and subcontractor responsibility consistent with the duties of contracting agencies and the court interpretations of State law and regulations governing competitive bidding; and

WHEREAS, the public interest would be served by the uniform application of these guidelines by all contracting agencies; and

WHEREAS, Executive Order No. 4. 125 requires each contracting agency to collect and maintain information on the ownership, management, affiliations, business and labor practices, compliance with relevant State and Federal laws and regulations, past performance of bidders, contractors and subcontractors and other information relevant to a determination of responsibility; and

WHEREAS, Executive Order No. 4. 125 authorizes the Council to provide such information to other contracting agencies in the manner the Council shall determine; and

WHEREAS, on April 3, 2013, the Secretary to Governor Cuomo issued a Memorandum requiring all State Agencies and encouraging all Public Authorities to continue to monitor the responsibility of contractors and grantees during the life of a contract or grant, and to provide to the New York State Office of General Services (OGS) for posting on the OGS public website, the name of any contractor/grantee which has been found to be non-responsible during the term of the contract/grant; and

WHEREAS, the Council recognizes that the most efficient, open and transparent manner of sharing responsibility determinations made prior to the award of a contract would be to provide to OGS the name of each such contractor/subcontractor or grantee, and for OGS to post those names on the OGS public website;