Attachment D

Responsibility Questionnaire

Instructions – Please answer all questions. A "Yes" answer to any part of questions 1-5 requires a written explanation to be prepared on company letterhead and signed by an officer of the company, and to be attached to the completed questionnaire.

1. Within the past five years, has your firm, any affiliate[1], any principal, owner or officer or major stockholder (10% or more shares) or any person involved in the bidding or contracting process been the subject of any of the following:

   a. a judgment or conviction for any business-related conduct constituting a crime under local, state or federal law including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing, or bid collusion or any crime related to truthfulness and/or business conduct?

      ☐ Yes ☐ No

   b. A criminal investigation or indictment for any business-related conduct constituting a crime under local, state or federal law including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing, or bid collusion or any crime related to truthfulness and/or business conduct?

      ☐ Yes ☐ No

   c. An unsatisfied judgment, injunction or lien obtained by a government agency including, but not limited to, judgments based on taxes owed and fines and penalties assessed by any local, state or federal government agency?

      ☐ Yes ☐ No

   d. An investigation for a civil violation for any business related conduct by any local, state or federal agency?

      ☐ Yes ☐ No

   e. A grant of immunity for any business-related conduct constituting a crime under local, state or federal law including, but not limited to fraud, extortion, bribery, racketeering, price-fixing, or bid collusion or any crime related to truthfulness and/or business conduct?

      ☐ Yes ☐ No

   f. A local, state or federal suspension, debarment or termination from the contracting process?

      ☐ Yes ☐ No

[1] "Affiliate" meaning: (a) any entity in which the vendor owns more than 50% of the voting stock; (b) any individual, entity or group of principal owners or officers who own more than 50% of the voting stock of the vendor; or (c) any entity whose voting stock is more than 50% owned by the same individual, entity or group described in clause (b). In addition, if a vendor owns less than 50% of the voting stock of another entity, but directs or has the right to direct such entity's daily operations, that entity will be an "affiliate" for purposes of this questionnaire.

g. A local, state or federal contract suspension or termination for cause prior to the completion of the term of a contract?

☐ Yes ☐ No

h. A local, state or federal denial of a lease or contract award for non-responsibility?

☐ Yes ☐ No

i. An agreement to voluntary exclusion from bidding/contracting?

☐ Yes ☐ No

j. An administrative proceeding or civil action seeking specific performance or restitution in connection with any local, state or federal contract or lease?

☐ Yes ☐ No

k. A local, state or federal determination of a willful violation of any prevailing wage law or a violation of any other labor law or regulation?

☐ Yes ☐ No

l. A sanction imposed as a result of judicial or administrative proceedings relative to any business or professional license?

☐ Yes ☐ No

m. A denial, decertification, revocation or forfeiture of Women's Business Enterprise, Minority Business Enterprise or Disadvantaged Business Enterprise status?

☐ Yes ☐ No

n. A rejection of a low bid on a local, state or federal contact for failure to meet statutory affirmative action or MWBE requirements on a previously held contract?

☐ Yes ☐ No

o. A consent order with the New York State Department of Environmental Conservation, or a federal, state or local government enforcement determination involving a violation of federal, state or local government laws?

☐ Yes ☐ No

p. An Occupational Safety and Health Act citation and Notification of Penalty containing a violation classified as serious or willful?

☐ Yes ☐ No

q. A rejection of a bid on a New York contract or lease for failure to comply with the MacBride Fair Employment Principles?

☐ Yes ☐ No

r. A citation, notice, violation order, pending administrative hearing or proceeding or determination for violations of:

- federal, state or local health laws, rules or regulations
- unemployment insurance or workers' compensation coverage or claim requirements
- ERISA (Employee Requirement Income Security Act)
- federal, state or local human rights laws
- federal or state security laws
- federal INS and Alienage laws
- Sherman Act or other federal anti-trust laws?

☐ Yes ☐ No

s. A finding of non-responsibility by an agency or authority due to the failure to comply with the requirements of Tax Law Section 5-a?

☐ Yes ☐ No

2. Has the vendor been the subject of agency complaints or reports of contract deviation received within the past two years for contract performance issues arising out of a contract with any federal, state or local agency? If yes, provide details regarding the agency complaints or reports of contract deviation received for contract performance issues.

☐ Yes ☐ No

3. Does the vendor use, or has it used in the past five (5) years, an Employee Identification No., Social Security No., Name, DBA, trade name or abbreviation different from that listed on your mailing list application form? If yes, provide the name(s), FEIN(s) and d/b/a(s) and the address for each such company and d/b/a on a separate piece of paper and attach to this response.

☐ Yes ☐ No

4. During the past three years, has the vendor failed to file returns or pay any applicable local, state or federal government taxes?

☐ Yes ☐ No

If yes, identify the taxing jurisdiction, type of tax, liability year(s) and tax liability amount the company failed to file/pay and the current status of the liability:

_____

_____

_____

5. During the past three years, has the vendor failed to file returns or pay New York State Unemployment Insurance?

☐ Yes ☐ No

If yes, indicate the years the company failed to file/pay the insurance and the current status of the liability:

_____

_____

_____

6. Have any bankruptcy proceedings been initiated by or against the vendor or its affiliates within the past seven years (whether or not closed) or is any bankruptcy proceeding pending by or against the vendor or its affiliates, regardless of the date of filing?

☐ Yes ☐ No

If yes, indicate if this is applicable to the submitting vendor or one of its affiliates:

_____

If it is an affiliate, include the affiliate's name and FEIN:

_____

Provide the court name, address and docket number:

_____

Indicate if the proceedings have been initiated, remain pending or have been closed:

_____

If closed, provide the date closed: _____

7. Is anyone in your company or your firm, any affiliate, any principal, owner or officer or major stockholder (10% or more shares) or any person involved in the bidding or contracting process, presently collecting Unemployment Insurance, or have they recently been recipients of Unemployment Insurance? If yes, please provide details below, including the name(s) of the individual(s), the period for which they have received UI, etc..

CERTIFICATION:

The undersigned: recognizes that this questionnaire is submitted for the express purpose of assisting the State of New York or its agencies or political subdivisions to make a determination regarding the award of a contract or approval of a subcontract; acknowledges that the State or its agencies and political subdivisions may in its discretion, by means which it may choose, verify the truth and accuracy of all statements made herein; acknowledges that intentional submission of false or misleading information may constitute a felony under Penal Law Section 210.40 or a

misdemeanor under Penal Law Section 210.35 or Section 210.45, and may also be punishable by a fine of up to $10,000 or imprisonment of up to five years under 18 USC Section 1001 and may result in contract termination; and states that the information submitted in this questionnaire and any attached pages is true, accurate and complete.

The undersigned certifies that he/she:

- Has not altered the content of the questions in the questionnaire in any manner;
- Has read and understands all of the items contained in the questionnaire and any pages attached by the submitting vendor;
- Has supplied full and complete responses to each item therein to the best of his/her knowledge, information and belief;
- Is knowledgeable about the submitting vendor's business and operations;
- Understands that New York State will rely on the information supplied in this questionnaire when entering into a contract with the vendor; and
- Is under a duty to notify the procuring State Agency of any material changes to the vendor's responses herein prior to the State Comptroller's approval of the contract.

Name of Business	Signature of Officer
Address	Typed Copy of Signature
City, State, Zip	Title

Principal place of business if different from address listed above (include complete address):