CHECKLIST
Vendor Responsibility

NEW YORK STATE | NYSERDA
New York State Energy Research and Development Authority

Business Entity Name _____ Address _____

QUESTIONNAIRE

Please answer yes or no to the following questions (as the Business Entity).

☐ Yes ☐ No **1. Do you wish to have any information submitted in your contract package treated as proprietary or confidential trade secret information?**

☐ Yes ☐ No **2. Are you a Minority or Women-Owned Business Enterprise?**

☐ Yes ☐ No **3. Are you a certified Service-Disabled Veteran-Owned Business Enterprise?**

☐ Yes ☐ No **4. Previous or current Contracts awarded or signed Participation Agreement?**

☐ Yes ☐ No **5. Has the Business Entity or any of its principals been indicted/convicted of a felony in past 5 years?**

☐ Yes ☐ No **6. Has the Business Entity or any of its principals been the subject of an investigation, whether open or closed, by any government entity for a civil or criminal violation for any business-related conduct?**

7. Has the Business Entity or any of its principals been charged with a misdemeanor or felony, indicted, granted immunity, convicted of a crime or subject to a judgment for:

☐ Yes ☐ No **7 a. Any business-related activity, or**

☐ Yes ☐ No **7 b. Any crime, whether or not business-related, the underlying conduct of which was related to truthfulness?**

☐ Yes ☐ No **8. Has the Business Entity or any of its principals been subject to an administrative proceeding or civil action seeking specific performance or restitution in connection with any government contract?**

☐ Yes ☐ No **9. Has the Business Entity or any of its principals been the subject of an investigation, whether open or closed, by any government entity for a civil or criminal violation?**

☐ Yes ☐ No **10. Has the Business Entity or any of its principals been the subject of an indictment, grant of immunity, judgment or conviction (including entering into a plea bargain) for conduct constituting a crime?**

☐ Yes ☐ No **11. Has the Business Entity or any of its principals been sanctioned relative to any business or professional permit and/or license?**

12. Other than the previously disclosed, has the Business Entity or any of its principals:

☐ Yes ☐ No **12 a. Been subject to fines or penalties imposed by government entities which in the aggregate total $25,000 or more: or**

☐ Yes ☐ No **12 b. Been convicted of a criminal offense pursuant to any administrative and/or regulatory action taken by any government entity?**

If "Yes," to any of the questions above, provide additional information:

☐ Yes ☐ No **13. Within the past five (5) years, have any liens or judgments (not including Uniform Commercial Code filings) over $25,000 been filed against the Business Entity which remain undischarged?**

13 a. If "Yes," Provide an explanation of the issue(s), relevant dates, the Lien holder or Claimant's name(s), the amount of the lien(s) and the current status of the issue(s). Provide answer here or attach additional sheets with numbered responses.

☐ Yes ☐ No **14. In the last seven (7) years, has the Business Entity initiated or been the subject of any bankruptcy proceedings, whether or not closed, or is any bankruptcy proceeding pending?**

14 a. If "Yes," provide the bankruptcy chapter number, the court name and the docket number.

☐ Yes ☐ No **15. During the past three (3) years, has the Business Entity had any government audit(s) completed?**

15 a. If "Yes," did any audit of the Business Entity identify any significant deficiencies in internal control, fraud, illegal acts, violations of contract or grant agreements, abuse or material disallowance?

16. Additional Business Entity Identities: If applicable, list any other DBA, Trade Name, Former Name, Other Identity, or EIN used in the last five (5) years and the status (active or inactive).

☐ Yes ☐ No **17. Was the Business Entity formed or incorporated in New York State?**

17 a. If "No," indicate the State where Business Entity was formed, and indicate whether Business Entity is authorized by the NYS Department of State to do business in New York.

DISCLOSURE OF PRIOR FINDINGS OF NON-RESPONSIBILITY

☐ Yes ☐ No **1. Has any governmental entity made a finding of non-responsibility regarding the Business Entity in the last five years?**

☐ Yes ☐ No **1 a. If "Yes," was the basis for the finding of non-responsibility due to a violation of §139-j of the State Finance Law?**

☐ Yes ☐ No **1 b. 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?**

1 c. If "Yes," provide the name of the Government Agency or Authority and date of termination or witholding of contract:

☐ Yes ☐ No **2. Has any governmental entity or other governmental agency terminated or withheld a Contract with the Business Entity due to the intentional provision of false or incomplete information?**

2 a. If "Yes," provide the name of the Government Agency or Authority and date of termination or withholding of contract:

ATTESTATION

The undersigned: (1) recognizes that this questionnaire is submitted for the express purpose of assisting NYSERDA in making responsibility determinations regarding award or approval of a contract or subcontract and that NYSERDA will rely on information disclosed in the questionnaire in making responsibility determinations; (2) acknowledges that NYSERDA, in its discretion, by means which it may choose, may 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 they:

- are knowledgeable about the Business Entity's business and operations;
- have read and understand all of the questions contained in the questionnaire;
- have not altered the content of the questionnaire in any manner;
- have reviewed and/or supplied full and complete responses to each question;
- to the best of their knowledge, information and belief, confirms that the Business Entity's responses are true, accurate and complete, including all attachments, if applicable;
- understand that NYSERDA 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 any time through the contract award notification, and may be required to update the information at NYSERDA's request prior to the award and/or approval of a contract, or during the term of the contract.

Name of Signatory Title

Signature Date