

## **Vendor Certification**

As of January 1, 2005, the Office of the State Comptroller is requiring that governmental agencies award contracts only to vendors that have been certified as “responsible.” Vendor responsibility means that a vendor has the integrity to justify the award of public dollars and the capacity to fully perform the requirements of the contract. It is a contracting agency’s responsibility, under Section 163 (9) of the State Finance Law (SFL), to evaluate and make a determination of the responsibility of a prospective contractor. A responsibility determination, wherein the contracting agency determines that it has reasonable assurances that a vendor is responsible, is an important part of the procurement process, promoting fairness in contracting and protecting a contracting agency and the State (as well as the City) against failed contracts.

The following factors are to be considered in making a responsibility determination:

1. Legal Authority to do business in New York State
2. Integrity
3. Capacity – both organizational and financial
4. Previous performance

Please complete the enclosed Vendor Responsibility Questionnaire. The completed Questionnaire shall be returned with your bid submission in order for your bid to be ruled responsive.

Additional information concerning vendor responsibility, including electronic versions of forms, may be found at the Office of the State Comptroller’s (OSC) website:  
<http://www.osc.state.ny.us/vendrep>

# Vendor Responsibility Form

Within the past five (5) years has your firm, any affiliate, any predecessor company or entity, owner, director, officer, partner or proprietor been the subject of:

ANSWER ALL  
QUESTIONS

A. an indictment, judgment, conviction, or a grant of immunity, including pending actions, for any business related conduct constituting a crime under governmental law? YES \_\_\_\_\_ NO \_\_\_\_\_

B. a government suspension or debarment, rejection of any bid or disapproval of any proposed subcontract, including pending actions, for lack of responsibility, denial or revocation of prequalification or a voluntary exclusion agreement? YES \_\_\_\_\_ NO \_\_\_\_\_

C. any governmental determination of a violation of any public works law or regulation, or labor law or regulation, or any OSHA violation deemed "serious or willful?" YES \_\_\_\_\_ NO \_\_\_\_\_

D. a consent order with NYS Department of Environmental Conservation, or a governmental enforcement determination involving a construction-related violation of federal, state, or local environmental laws? YES \_\_\_\_\_ NO \_\_\_\_\_

E. a finding of non-responsibility by a governmental agency or Authority for any reason, including but not limited to the intentional provision of false or incomplete information as required by Executive Order 127? YES \_\_\_\_\_ NO \_\_\_\_\_

If yes to any of above, please provide details regarding the finding.

ENTITY MAKING FINDING: \_\_\_\_\_

YEAR OF FINDING: \_\_\_\_\_

BASIS OF FINDING: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(Attach Additional Sheets if Necessary)

**Overview on Executive Order #127 May be Accessed:**

**<http://www.ogs.state.ny.us/aboutOgs/regulations/procurement/overview.html>**