



INDUSTRIAL EXHIBIT AUTHORITY



VENDOR RESPONSIBILITY QUESTIONNAIRE

INSTRUCTIONS:

The State Fair and the Industrial Exhibit Authority are required by New York State law to conduct a review of a prospective contractor to provide reasonable assurances that the contractor is responsible. This questionnaire is designed to provide information to assist in assessing a contractor's responsibility prior to entering into a contract. Contractor responsibility is determined by a review of each contractor's authorization to do business in New York, business integrity, financial and organizational capacity, and performance history.

Prospective contractors must also disclose whether within the prior 4 years: (a) the contractor has been found to be "not responsible" because the contractor made impermissible contacts with respect to a government procurement (*State Finance Law §139-j, subd. 3; §139-k, subd. 2*) and (b) whether the contractor has been found to be "not responsible" because the contractor intentionally provided false or incomplete information to a government entity with respect to a government procurement.



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You must answer every question contained in this questionnaire. Each “Yes” response requires additional information. You must attach a written response that adequately details each affirmative response. The completed questionnaire and attached responses will become part of the procurement record.

The person completing the vendor responsibility questionnaire must be knowledgeable about the contractor’s business and operations.

The questionnaire information must be sworn to by an owner or officer of the contractor. **Before you begin, please read the certification requirement at the end of this questionnaire.**



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1. VENDOR IS: <input type="checkbox"/> PRIME CONTRACTOR <input type="checkbox"/> SUB-CONTRACTOR		
2. VENDOR'S LEGAL BUSINESS NAME		3. IDENTIFICATION NUMBERS a) FEIN # b) DUNS #
4. D/B/A – Doing Business As (if applicable) & COUNTY FILED:		5. WEBSITE ADDRESS (if applicable)
6. ADDRESS OF PRIMARY PLACE OF BUSINESS/EXECUTIVE OFFICE		7. TELEPHONE NUMBER
9. ADDRESS OF PRIMARY PLACE OF BUSINESS/EXECUTIVE OFFICE IN NEW YORK STATE (if different from above)		11. FAX NUMBER
12. PRIMARY PLACE OF BUSINESS IN NEW YORK STATE IS: <input type="checkbox"/> Owned <input type="checkbox"/> Rented If rented, please provide landlord's name, address, and telephone number below:		13. AUTHORIZED CONTACT FOR THIS QUESTIONNAIRE Name Title Telephone Number Fax Number e-mail
14. VENDOR'S BUSINESS ENTITY IS (please check appropriate box and provide additional information):		
a) <input type="checkbox"/> Business Corporation	Date of Incorporation	State of Incorporation*
b) <input type="checkbox"/> Sole Proprietor	Date Established	
c) <input type="checkbox"/> General Partnership	Date Established	
d) <input type="checkbox"/> Not-for-Profit Corporation	Date of Incorporation	State of Incorporation* Charities Registration Number
e) <input type="checkbox"/> Limited Liability Company (LLC)	Date Established	
f) <input type="checkbox"/> Limited Liability Partnership	Date Established	
g) <input type="checkbox"/> Other – Specify:	Date Established	Jurisdiction Filed (if applicable)



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<ul style="list-style-type: none"> • If you are a for-profit or not-for-profit corporation, a limited liability company or a limited partnership formed under the laws of another state or a foreign country <u>and</u> you do business in New York on a permanent, continuous and regular basis, you must obtain authorization by filing with the New York State Department of State an "Application for Authority". You can obtain the application and instructions at www.dos.state.ny.us. • If you do not do business in New York on a permanent, continuous and regular basis, please check here <input type="checkbox"/> and continue with this questionnaire. 			
15. PRIMARY BUSINESS ACTIVITY - (Please identify the primary business categories, products or services provided by your business)			
16. NAME OF WORKERS' COMPENSATION INSURANCE CARRIER:			
17. LIST ALL OF THE VENDOR'S PRINCIPAL OWNERS AND THE THREE OFFICERS WHO DIRECT THE DAILY OPERATIONS OF THE VENDOR (Attach additional pages if necessary):			
a) NAME (print)	TITLE	b) NAME (print)	TITLE
c) NAME (print)	TITLE	d) NAME (print)	TITLE

A detailed explanation is required for each question answered with a "Yes," and must be provided as an attachment to the completed questionnaire. You must provide adequate details or documents to aid the contracting agency in making a determination of vendor responsibility. Please number each response to match the question number.



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<p>18. IS THE VENDOR CERTIFIED IN NEW YORK STATE AS A (check please): <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Minority Business Enterprise (MBE) <input type="checkbox"/> Women's Business Enterprise (WBE) <input type="checkbox"/> Disadvantaged Business Enterprise (DBE)?</p> <p>(Please provide a copy of any of the above certifications that apply.)</p>
<p>19. DOES THE VENDOR USE, OR HAS IT USED IN THE PAST TEN (10) YEARS, ANY OTHER BUSINESS NAME, FEIN, OR D/B/A OTHER THAN THOSE LISTED IN ITEMS 2-4 ABOVE? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(List all other business name(s), Federal Employer Identification Number(s) or any D/B/A names and the dates that these names or numbers were/are in use. Explain the relationship to the vendor.)</p>
<p>20. ARE THERE ANY INDIVIDUALS NOW SERVING IN A MANAGERIAL OR CONSULTING CAPACITY TO THE VENDOR, INCLUDING PRINCIPAL OWNERS AND OFFICERS, WHO NOW SERVE OR IN THE PAST THREE (3) YEARS HAVE SERVED AS:</p> <p>a) An elected or appointed public official or officer? <input type="checkbox"/> Yes <input type="checkbox"/> No (List each individual's name, business title, the name of the organization and position elected or appointed to, and dates of service.)</p> <p>b) A full or part-time employee in a New York State agency or as a consultant, in their individual capacity, to any New York State agency? <input type="checkbox"/> Yes <input type="checkbox"/> No (List each individual's name, business title or consulting capacity and the New York State agency name, and employment position with applicable service dates.)</p> <p>c) If yes to item #20b, did this individual perform services related to the solicitation, negotiation, operation and/or administration of public contracts for the contracting agency? <input type="checkbox"/> Yes <input type="checkbox"/> No (List each individual's name, business title or consulting capacity and the New York State agency name, and consulting/advisory position with applicable service dates. List each contract name and assigned NYS number.)</p> <p>d) An officer of any political party organization in New York State, whether paid or unpaid? <input type="checkbox"/> Yes <input type="checkbox"/> No (List each individual's name, business title or consulting capacity and the official political party position held with applicable service dates.)</p>



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21.	<p>WITHIN THE PAST FIVE (5) YEARS, HAS THE VENDOR, ANY INDIVIDUALS SERVING IN MANAGERIAL OR CONSULTING CAPACITY, PRINCIPAL OWNERS, OFFICERS, MAJOR STOCKHOLDER(S) (10% OR MORE OF THE VOTING SHARES FOR PUBLICLY TRADED COMPANIES, 25% OR MORE OF THE SHARES FOR ALL OTHER COMPANIES), AFFILIATE OR ANY PERSON INVOLVED IN THE BIDDING OR CONTRACTING PROCESS:</p>	
a)	<ol style="list-style-type: none"> 1. been suspended, debarred or terminated by a local, state or federal authority in connection with a contract or contracting process; 2. been disqualified for cause as a bidder on any permit, license, concession franchise or lease; 3. entered into an agreement to a voluntary exclusion from bidding/contracting; 4. had a bid rejected on a New York State contract for failure to comply with the MacBride Fair Employment Principles; 5. had a low bid rejected on a local, state or federal contract for failure to meet statutory affirmative action or M/WBE requirements on a previously held contract; 6. had status as a Women's Business Enterprise, Minority Business Enterprise or Disadvantaged Business Enterprise denied, de-certified, revoked or forfeited; 7. been subject to an administrative proceeding or civil action seeking specific performance or restitution in connection with any local, state or federal government contract; 8. been denied an award of a local, state or federal government contract, had a contract suspended or had a contract terminated for non-responsibility; or 9. had a local, state or federal government contract suspended or terminated for cause prior to the completion of the term of the contract? 	<input type="checkbox"/> Yes <input type="checkbox"/> No
b)	<p>been indicted, convicted, received a judgment against them or 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, bid collusion or any crime related to truthfulness and/or business conduct?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
c)	<p>been issued a citation, notice, violation order, or are pending an administrative hearing or proceeding or determination for violations of:</p> <ol style="list-style-type: none"> 1. federal, state or local health laws, rules or regulations, including but not limited to Occupational Safety & Health Administration (OSHA) or New York State labor law; 2. state or federal environmental laws; 3. unemployment insurance or workers' compensation coverage or claim requirements; 4. Employee Retirement Income Security Act (ERISA); 5. federal, state or local human rights laws; 6. civil rights laws; 7. federal or state security laws; 8. federal Immigration and Naturalization Services (INS) and Alienage laws; 9. state or federal anti-trust laws; or 10. charity or consumer laws? <p>(For any of the above, detail the situation(s), the date(s), the name(s), title(s), address(es) of any individuals involved and, if applicable, any contracting agency, specific details related to the situation(s) and any corrective action(s) taken by the vendor.)</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
22.	<p>IN THE PAST THREE (3) YEARS, HAS THE VENDOR OR ITS AFFILIATES HAD ANY CLAIMS, JUDGMENTS, INJUNCTIONS, LIENS, FINES OR PENALTIES SECURED BY ANY GOVERNMENTAL AGENCY?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>(Indicate if this is applicable to the submitting vendor or affiliate. State whether the situation(s) was a claim, judgment, injunction, lien or other with an explanation. Provide the name(s) and address(es) of the agency, the amount of the original obligation and outstanding balance. If any of these items are open, unsatisfied, indicate the status of each item as "open" or "unsatisfied.")</p>		



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<p>23. HAS THE VENDOR (FOR PROFIT AND NOT-FOR PROFIT CORPORATIONS) OR ITS AFFILIATES¹, IN THE PAST THREE (3) YEARS, HAD ANY GOVERNMENTAL AUDITS THAT REVEALED MATERIAL WEAKNESSES IN ITS SYSTEM OF INTERNAL CONTROLS, COMPLIANCE WITH CONTRACTUAL AGREEMENTS AND/OR LAWS AND REGULATIONS OR ANY MATERIAL DISALLOWANCES? (Indicate if this is applicable to the submitting vendor or affiliate. Detail the type of material weakness found or the situation(s) that gave rise to the disallowance, any corrective action taken by the vendor and the name of the auditing agency.)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>24. IS THE VENDOR EXEMPT FROM INCOME TAXES UNDER THE INTERNAL REVENUE CODE? (Indicate the reason for the exemption and provide a copy of any supporting information.)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>25. DURING THE PAST THREE (3) YEARS, HAS THE VENDOR FAILED TO:</p> <p>a) file returns or pay any applicable federal, state or city taxes? (Identify the taxing jurisdiction, type of tax, liability year(s), and tax liability amount the vendor failed to file/pay and the current status of the liability.)</p> <p>b) file returns or pay New York State unemployment insurance? (Indicate the years the vendor failed to file/pay the insurance and the current status of the liability.)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>26. HAVE ANY BANKRUPTCY PROCEEDINGS BEEN INITIATED BY OR AGAINST THE VENDOR OR ITS AFFILIATES¹ WITHIN THE PAST SEVEN (7) 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? (Indicate if this is applicable to the submitting vendor or affiliate. 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.)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>27. IS THE VENDOR CURRENTLY INSOLVENT, OR DOES VENDOR CURRENTLY HAVE REASON TO BELIEVE THAT AN INVOLUNTARY BANKRUPTCY PROCEEDING MAY BE BROUGHT AGAINST IT? (Provide financial information to support the vendor's current position, for example, Current Ratio, Debt Ratio, Age of Accounts Payable, Cash Flow and any documents that will provide the agency with an understanding of the vendor's situation.)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>28. HAS THE VENDOR BEEN A CONTRACTOR OR SUBCONTRACTOR ON ANY CONTRACT WITH ANY NEW YORK STATE AGENCY IN THE PAST FIVE (5) YEARS? (List the agency name, address, and contract effective dates. Also provide state contract identification number, if known.)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>29. IN THE PAST FIVE (5) YEARS, HAS THE VENDOR OR ANY AFFILIATES¹:</p> <p>a) defaulted or been terminated on, or had its surety called upon to complete, any contract (public or private) awarded;</p> <p>b) received an overall unsatisfactory performance assessment from any government agency on any contract; or</p> <p>c) had any liens or claims over \$25,000 filed against the firm which remain undischarged or were unsatisfied for more than 90 days ?</p> <p>(Indicate if this is applicable to the submitting vendor or affiliate. Detail the situation(s) that gave rise to the negative action, any corrective action taken by the vendor and the name of the contracting agency.)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>30. IN THE PAST FOUR (4) YEARS HAS THE VENDOR OR ANY AFFILIATES:</p> <p>a) been determined to be "not responsible" because the vendor made impermissible contacts with respect to a government procurement (State Finance Law §139-j)?</p> <p>b) been determined to be "not responsible" because the vendor intentionally provided false or incomplete information to a government entity with respect to a government procurement (State Finance Law §139-k)?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

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.



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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 in making a determination regarding an award of 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 and/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 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 Owner/Officer _____

Address _____ Printed Name of Signatory _____

City, State, Zip _____ Title _____

Sworn to before me this _____ day of _____, 20____;

Notary Public

Print Name

Signature

Date