



STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
**DIVISION OF PAROLE**  
97 CENTRAL AVENUE  
ALBANY, NY 12206

DAVID A. PATERSON  
GOVERNOR

GEORGE B. ALEXANDER  
CHAIRMAN

December 5, 2008

Dear Administrative Officer:

This letter is to inform you that on December 8, 2008, the Division of Parole (DOP) will release Request for Proposal (RFP) 2008-08 Offender Monitoring Services. The RFP and all associated materials and forms will be available on the NYSDOP website at: [www.parole.state.ny.us](http://www.parole.state.ny.us), RFP's.

This RFP will enable the Division to lease electronic monitoring equipment, including program monitoring and reports for releasees. Such programs will consist of Level 1 - Radio Frequency, and Levels 2 and 3 - Global Positioning System.

Any questions pertaining to this proposal should be addressed in writing and e-mailed to Barbara Farley, Contract Management Unit, [contracts@parole.state.ny.us](mailto:contracts@parole.state.ny.us). Questions must be submitted by **December 29, 2008**. Answers to all questions will be posted on the NYSDOP website no later than **December 30, 2008**.

Proposals must be received by **12:00 Noon on January 7, 2009**. Proposals that are late for any reason will be rejected. Faxed or e-mailed copies are not acceptable.

Please call me if you need any additional information (518) 473-3901.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey W. Nesich', written over a large, stylized flourish that extends across the page.

Jeffrey W. Nesich  
Director of Parole Administration

New York State  
Division of Parole

**Request for Proposal**  
**RFP 2008-08**  
**Offender Monitoring Services**

**David A. Paterson**  
**Governor**



Division of Parole

George B. Alexander  
Chairman

**NYS DIVISION OF PAROLE  
REQUEST FOR PROPOSAL (RFP) 2008-08  
OFFENDER MONITORING SERVICES**

**I. Purpose**

This Request for Proposals (RFP) provides interested bidders with sufficient information and instructions necessary for submission of proposals including Passive and Active GPS as well as Radio Frequency (RF) technology to meet the Division of Parole's (DOP) specifications for its Offender Monitoring Program. These systems will be connected to the vendor's central computer with complete database redundancy, and monitoring capability that will check and verify that participants remain at their designated area during specified time periods.

**II. Background and Demographic Profile**

The DOP is a criminal justice agency responsible for the community supervision of a statewide population of offenders who have been released from State-operated Correctional Facilities. Release from incarceration can occur by discretionary action of the Parole Board, by statutory release based on "good time" credit (conditional release) or in the case of determinate sentences, release to post-release supervision.

Currently, there are approximately 43,000 offenders under active supervision within New York State. Of these, 92% are male, 52% Black, 25% Hispanic and 21% White. Approximately one-third are between 16 and 30 years of age, another one-third between 31 and 40 years of age, and the remaining third 41 years of age or older. Seven out of ten have a drug abuse history, 79% have attended some High School, and approximately one half of those able to work are employed. The crimes of conviction for 44% of this population involve crimes against persons/violent crimes, 11% involve major property crimes, 37% involve drug-related offenses, and 2% are adjudications as Youthful Offenders or are Juvenile Offenders. Four (4%) percent of this population are on the Sex Offender Registry.

Offender monitoring plays an important role within the Division by providing releasees with the needed structure and services to help them succeed under supervision while ensuring continued protection of the public. Currently, approximately 275 releasees are assigned to Electronic Monitoring.

Releasees placed on Electronic Monitoring (EM) units fall under one of the following four program types:

- **Alternatives to Incarceration** – The Board of Parole may order EM as a condition of release, or the Area Supervisor may authorize placement on EM as a pre-warrant alternative to incarceration.
- **Community Safety** – The Area Supervisor may authorize placement on EM for "high risk" cases (individuals requiring closer supervision).
- **Domestic Violence** – The Board of Parole, as a release condition, or the Area Supervisor, may use EM, to monitor compliance with special conditions to stay away from a victim.

- **Sex Offender Management and Treatment Act** - The Board of Parole may recommend and the court order, placement on EM as a condition of release for supervision of strict and intensive cases.

EM is used by the Division as a case management tool to provide additional structure to the supervision process, thereby improving compliance with specific supervision rules. Special conditions of release are imposed on all EM participants, including curfew restrictions and agreement to participate in EM. These conditions are imposed on releasees both to enhance community safety and facilitate their community reintegration.

The goal of the Division's Offender Monitoring Initiative is the enforcement of geographical restrictions, monitoring attendance at mandated programs, and verifying the presence or absence of parolees at certain locations, in order to expand the supervision options available to staff. The Division is looking for a system that offers offender tracking for the following three levels of monitoring:

Level 1 – Radio Frequency (RF):

The lowest level of offender tracking technology will be used to enforce geographical restrictions and to verify the presence of and/or absence of releasees at certain locations. Level 1 will provide daily reports of releasees' adherence to geographical restrictions.

Level 2 – Passive GPS:

This level of offender tracking technology will involve the ability to monitor and restrict releasees' daily activities by allowing the Division to enforce geographical restrictions, monitor restrictions, and enforce attendance requirements at mandated programs. Level 2 will provide detailed daily reports of the releasees' movements.

Level 3 – Active GPS:

This level of offender tracking technology will involve the ability to monitor and restrict releasees' daily activities by allowing the Division to enforce geographical restrictions and monitor attendance at mandated programs. Level 3 must provide the ability to locate and track a participant at any time of the day or night and be able to enforce the above conditions by tracking movement and activities in real time.

The monitoring system must allow parole officers the flexibility to use EM technology to improve parole supervision without overburdening them with administrative and technical responsibilities.

The Division intends to award one vendor a contract to provide services for all three levels of monitoring. The term of this contract will be for a period of five years, effective March 1, 2009 through February 28, 2014.

### III. Proposal Format

Proposals should be submitted in accord with the following format:

- Standard 8.5 x 11 inch paper, one-inch margins all the way around, business print style font of not less than 12 points, *double-spaced*.
- Response must include all items detailed in *Attachment B* (Scope of Services) **in no more than 30 (thirty) pages**, addressed **in numerical order** (S1, S2, etc.). Required attachments and all other items to address will not be counted toward the 30-page maximum.
- The original proposal must be signed by the Chief Executive Officer of the agency and should be submitted with seven (7) copies.
- Proposals should be submitted in the following **order**:
  1. Signed Application Cover Sheet (*Attachment C*)
  2. Cost Sheet (*Attachment D*)
  3. Thirty (30) page maximum double-spaced Proposal Response Narrative (see *Attachment B*) in numerical order
  4. Proposal Response Narrative Index (*Attachment E*)
  5. Product Literature, Pamphlets, Training Outline, Report Examples, etc.
  6. Company Profile, Certificate of Incorporation, Current Contract Listing, Audited Financial Statements along with certification, Terminated & Expired Contract Listing, any Litigation information
  7. Noted compliance with Appendix A, MacBride Principles, MWBE Requirements
  8. Completed Legal Forms (*Attachment G*)
- If bidder proposes more than one equipment option, separate proposals should be submitted. For example, if bidder proposes a one piece unit and a two-piece unit, then two separate proposals should be submitted.

**NOTE: ANY PROPOSAL THAT IS SUBMITTED LATE OR BY FAX WILL NOT BE CONSIDERED.**

### IV. Scope of Required Services

Proposal must address all of the technical specifications detailed in Attachment B. Bidders must bid on all technical specifications; Level 1: S1 – S59; and, Levels 2 & 3: S60 through S125. A Response Narrative Index form (*Attachment E*) has been provided to assist in addressing all of the technical specifications. This index lists all mandatory and desirable needs of the RFP in relation to the specifications numbered in the Scope of Services.

### V. Specific Items to Address

- Response to every requirement listed in Attachment B **in numerical order** (ex., S1, S2, etc.); in correlation with the Proposal Response Narrative Index form provided (*Attachment E*).

- **Company Profile** - a description of the bidder's services and activities, the corporate name, date of incorporation, State where incorporation is registered, and the bidder's experience in providing Offender Monitoring Services. Indicate the number of employees, and location of major offices and other facilities that relate directly to the bidder's performance under the terms of this RFP. Indicate the number and location of sales and technically trained representatives who will be responsible to adequately instruct all DOP personnel in the use of the products and to resolve any problems, which may occur in their use. Responses to this RFP must include a copy of the bidder's Certificate of Incorporation and must include product literature.
- **Current Offender Monitoring Contracts** - a listing and description of current contracts for the provision of EM Equipment and Monitoring Services to include the dates of the contracts and numbers and types of units installed. Include the name of at least five (5) of the agencies contracted with (for EM purposes only) as well as the address, phone number, and name of the agency contact person. The DOP may contact these references to determine the level of customer satisfaction with the equipment and service provider.
- **Finance Data** - in order to determine the bidder's financial ability to perform the requirements of this RFP, DOP requires audited financial statements from the bidder for the last fiscal year. If the bidder is a subsidiary of another corporation, the financial statements of the bidder, as well as the consolidated financial statements of the parent company, shall be submitted. If the bidder is a parent corporation, parent-only financial statements, if available, and statements for the operating division that will perform these services shall be submitted. These statements shall be prepared in accordance with generally accepted accounting principals and must have been audited by a Certified Public Accountant (CPA) licensed to do business in the state in which the bidder's principal place of business is located. Financial statements must include a signed certification issued by the auditing CPA. Please include a Dunn and Bradstreet rating, if available.
- **Terminated and Expired Contracts** - a listing of terminated and expired contracts for EM equipment and Monitoring Services during the past three (3) years to include the dates of the contracts and the name of the agencies contracted with including a name, address and phone number of agency contact person. Specify reason for termination of each contract.
- **Litigation** - the contractor shall include information concerning any judgments entered relating to its, or any of its subcontractors, EM equipment or monitoring services activities. If contractor does not have litigation to address, include a statement indicating such.

## **VI. Financial Requirements**

- Bidders must specify the cost of providing electronic monitoring services, as described in Attachment B specifications S1-S59, for an estimated 75 participants located in up to 35 different area offices throughout New York State; specifications S60 - S80, and S88 - S125 for an estimated 25 participants; and, specifications S60 - S67 and, S81 - S125 for an estimated 175 participants. Cost should be detailed as a daily rate per participant separately for specifications: Level 1, S1-S59; Level 2, S60 - S80 and S88 - S125; and, Level 3, S60 - S67 and S81 - S125, and include but not be limited to all monitoring, equipment provisions, training, and maintenance costs. (See Attachment D)

- Bidder must also include the daily rate for use of the "drive-by monitoring unit" (S17 – S20) as described in Attachment B.
- The estimated number of participants is provided for cost breakdown purposes only and does not guarantee the number of units that will be utilized by the Division.
- Bidder must bid on all three levels of monitoring services.

## VII. Requirements

To receive consideration, proposals should demonstrate:

- That they can provide the services described in Attachment B in a manner that best meets the needs and operation of the agency.
- That their background and experience qualify them to provide these services and that they have the fiscal integrity and organizational structure to support this undertaking.
- That they will comply with all standards and appropriate regulations governing contracts with the State of New York (Attachment A).
- Please stipulate if your organization has any business interests in Northern Ireland and if so, that it will take lawful steps in good faith to conduct said operation in accordance with MacBride Fair Employment Principles and that you will permit independent monitors of your compliance with such principles.
- That they have a willingness to work with the Division to achieve any goals established relative to sub-contracting or purchasing of supplies from Minority and Women-Owned Businesses. *Attachment F* forms will only have to be completed upon award notification:

- **MWBE Forms** (*Attachment F*)

Subject to the requirements of Article 15-A of the Executive Law, the Division of Parole has established MBE goals of ten (10) percent participation for Region I and Region II and five (5) percent participation for Regions III, IV, and V; of the dollar value of this agreement by certified minority-business enterprises (MBE's) as subcontractors and suppliers on this project for the provision of services and materials. Likewise, the Division of Parole has established WBE goals of eight (8) percent participation for Region I and Region II and four (4) percent participation for Regions III, IV, and V; of the dollar value of this agreement by certified women-owned business enterprises (WBE's) as subcontractors and suppliers on this project for the provision of services and materials. These percentages are not set asides or quotas, but are only targets. Percentages do change according to MWBE availability and the type of service or commodity the Division of Parole contracts. All bidders must submit a brief description of how MBE/WBE goals will be met. Selected bidders should be prepared to submit an MWBE Utilization plan (MWBE1), which meets the above goal percentages within seven (7) business days after date of notification by Parole. Parole's Affirmative Action Office will assist the bidder in identifying certified MWBE firms within the bidder's geographic area.

In accordance with Section 312 of Executive Law; Article 15-A, EEO (Equal Employment Opportunity) regulations mandate that all contractors and/or subcontractors as a precondition to entering into a valid and binding State contract shall agree: not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, and will undertake or continue existing programs of affirmative action. The contractor and/or subcontractor shall also submit a Staffing Plan (see *Attachment F*) of the anticipated workforce to be utilized on the contract, and an EEO Policy Statement (see *Attachment F*).

- **Legal Forms to be completed (*Attachment G*):**
  - **Compliance with State Finance Law §139j and §139k**

New York State Finance Law §139-k(5) requires that every Procurement Contract award subject to the provisions of State Finance Law §§139-k or 139-j shall contain a certification by the Contractor that all information provided to the Division of Parole with respect to State Finance Law §139-k is complete, true and accurate (*Attachment 1*). In addition, State Finance Law §139-j (6) requires that the Division of Parole incorporate a summary of its policy and prohibitions regarding permissible contacts during a covered procurement.

State Finance Law §§139-j and 139-k, also imposes certain restrictions on communications between the Division of Parole and Contractors during the procurement process. Potential Contractors are restricted from making contacts from the earliest notice of intent to solicit offers pursuant to the “Request for Proposal (RFP)” through final award and approval of the Procurement Contract by the Division of Parole and, if applicable, Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j (3) (a). Regarding this RFP process you may only contact Barbara Farley, Contract Management Specialist. Indicate your concurrence with this requirement in *Attachment 2*. Please note that during the RFP process that the Division of Parole is required to determine the responsibility of “the proposed Contractor” pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4-year period the Contractor is debarred from obtaining governmental Procurement Contracts.

Lastly, New York State Finance Law §139-k (2) obligates the Division of Parole to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j (*Attachment 3*). This information must be collected in addition to the information that is separately obtained pursuant to State Finance Law §163(9). In accordance with State Finance Law §139-k, potential Contractor must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by the Division due to: (a) a violation of State Finance to the Division of Parole. The terms “Offerer” and “Governmental Entity” are defined in State Finance Law §139-k (1). State Finance Law §139-j sets forth detailed requirements about the restrictions on Contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible Contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such Contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether a Contractor fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with law, no Procurement Contract shall be awarded to any Contractor that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Contractor is necessary to protect public property or public health safety, and that the Contractor is the only source capable of supplying the required Article of Procurement within the necessary timeframe.

The Division of Parole must obtain the required certifications that the information in your proposal is complete, true and accurate and if any prior findings of non-responsibility, such as non-responsibility pursuant to State Finance Law §139-j exist. Accordingly, all potential Contractors submitting a proposal pursuant to this RFP must provide the three attached completed certification forms with their proposal.

○ **Certificate of Worker's Compensation Insurance**

Workers' Compensation Requirements Under Wcl §57 - To assist the Division in enforcing Section 57 of the Workers' Compensation Law, organizations entering into contracts with the Division of Parole **MUST** provide ONE of the following forms:

C-105.2 – Certificate of Workers' Compensation Insurance (the business' insurance carrier will send this form to the Division upon request) PLEASE NOTE: The State Insurance Fund provides its own version of this form, the U-26.3; **OR**

WC/DB-100 Affidavit For New York Entities And Any Out Of State Entities With No Employees, That New York State Workers' Compensation And/Or Disability Benefits Insurance Coverage Is Not Required; *See attached affidavit form.*; **OR**

SI-12 – Certificate of Workers' Compensation Self-Insurance (the business calls the Board's Self-Insurance Office at 518-402-0247), OR GSI-105.2 – Certificate of Participation in Workers' Compensation Group Self-Insurance (the business' Group Self-Insurance Administrator will send this form to the Division upon request).

○ **ST-220TD & CA Tax Certification**

NYS enacted section 5-a of the Tax Law requiring persons awarded contracts valued at more than \$15,000 with state agencies, public authorities or public benefit corporations to certify that they, their affiliates, their subcontractors, and the affiliates of their subcontractors have a valid certificate of authority to collect New York State and local sales and compensating use taxes. A contractor, affiliate, subcontractor or affiliate of a subcontractor must be certified as having a valid certificate of authority if such person makes, or has made, aggregate sales delivered within New York State of more than \$300,000 during the four quarterly periods ending on the last day of February, May, August, and November which immediately precede the quarterly period in which this certification is made. Form ST-220TD, must be filed with Department of Tax and Finance (DTF) only once. If the information changes, a new form, ST-220-TD must be filed. Form ST-220CA must be files with contractors bid response certifying that the contractor filed the ST-220TD with DTF. Failure to make either of these filings may render a bidder non-responsive and non-responsible. Bidder shall take the necessary

steps to provide properly certified forms within a timely manner to ensure compliance with the law.

o **Vendor Responsibility Questionnaire** ([www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep))

The Division of Parole is required to conduct a review of a prospective contractor to provide reasonable assurances that the vendor is responsible.

Vendors are invited to file the required Vendor Responsibility Questionnaire online via the New York State VendRep System or may choose to complete and submit a paper questionnaire. To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at [www.osc.state.ny.us/vendrep/systeminit.htm](http://www.osc.state.ny.us/vendrep/systeminit.htm) or go directly to the VendRep System online at <https://portal.osc.state.ny.us> . For direct VendRep System user assistance, the Office of the State Comptroller's Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email at [helpdesk@osc.state.ny.us](mailto:helpdesk@osc.state.ny.us). Vendors opting to file a paper questionnaire can obtain the appropriate questionnaire from the VendRep website [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep) or may contact the Division of Parole at [contracts@parole.state.ny.us](mailto:contracts@parole.state.ny.us) or the Office of the State Comptroller's Help Desk for a copy of the paper form.

**Vendor should indicate the date enrolled in the VendRep System or include a copy of the certification by VendRep which indicates enrollment has been completed.**

## VIII. Evaluation of Proposals

The Division of Parole will award a contract based upon evaluation of all aspects of the proposal according to the needs of the agency and the best interests of the State of New York. A contract will be awarded to the provider whose proposal met all mandatory requirements and obtained the highest composite score, inclusive of both cost and technical. If two offers are found to be equivalent, price shall be the basis for determining the award recipient. The basis for determining the award shall be documented in the procurement record.

A Committee of Division managers will evaluate all proposals to determine which proposal is most capable of implementing the Division's requirements based on the following criteria:

### **Phase I**

Phase I will consist of a review of each original proposal to ensure that all mandatory requirements are met. Failure to meet any of the mandatory requirements in the original proposal will result in a proposal being considered non-responsive and will result in elimination from further evaluation. All original proposals that meet the mandatory requirements will move to Phase II. Phase I will be reviewed for compliance as noted below:

### **Pass/Fail Checklist**

- Original signed proposal;
- Signed Application Cover Sheet (*Attachment C*);
- Cost Sheet (*Attachment D*);
- Thirty (30) page maximum double-spaced Proposal Response Narrative (See *Attachment B*) in numerical order;
- Proposal Response Narrative Index (*Attachment E*)
- Product Literature, Pamphlets, Training Outline, Report Examples, etc.;

- Company Profile, Certificate of Incorporation, Current Contract Listing, Audited Financial Statements along with signed certification, Terminated & Expired Contract Listing, Litigation information;

## **Phase II**

Phase II will consist of an evaluation of your detailed proposal, including the financial component, as detailed below:

- **Responsiveness to specification requirements - 50 points (*Attachments B & E*)**  
To receive the maximum points for each item, bidder should indicate why they can meet specifications, as opposed to simply responding “yes” to all items.
- **Experience of the bidding firm - 10 points**
- **Availability of sufficient sales and technically trained representatives - 10 points**  
Contractor must instruct DOP personnel in the use of the products and to resolve any problems which may occur in their use.
- **Cost - 30 points**  
The lowest Total Cost proposal will receive the maximum amount of points. Remaining proposals will receive points as follows: lowest Total Cost proposal, divided by the Total Cost proposal being evaluated, multiplied by the maximum number of points given.

The proposal that receives the highest overall score (technical and cost) will be recommended for contract award. Such award, however, will be contingent upon a successful demonstration of the proposed system and equipment (if required by the Division) within seven (7) days of award notification. Such demonstration will take place at the Division's Central Office in Albany, NY. The product demonstration will not be scored; it will only be used to validate the information provided in the proposal. The contract will not be considered fully executed until formal approval has been granted by the Department of Law and the Office of the State Comptroller.

Unsuccessful bidders will be notified in writing and will be offered an opportunity to be debriefed. If a debriefing is requested, it will be scheduled at a date, and time convenient to both Division of Parole and the applicants concerned.

## **IX. Stipulations**

- Issuance of this RFP does not commit the Division to award any contracts or to pay any costs involved in preparation of proposals. All proposals are submitted at the sole responsibility of the applicant.
- The Division reserves the right to make no award if it is in its best interest to do so.
- The Division reserves the right to amend, modify, or withdraw this RFP at any time and without notice to or liability to any applicant or other parties for expenses incurred in preparation of a proposal.
- The application shall be signed by an official authorized to bind the applicant and shall constitute a firm offer by the applicant for a minimum period of 120-days after proposal submission. The proposal shall serve as the basis for the contract with successful applicants.

- The Division reserves the right to reject any and all bids.
- The Division reserves the right to request clarifications and revisions.
- The Division reserves the right to waive a mandatory requirement if unmet by all providers and non-material.
- The Division reserves the right not to proceed with an award.
- The bidder must be prepared to comply with the standard provisions, which are set forth in the attached Appendix A.
- Contract awardees will be required to assure compliance with certain provisions required by both State and Federal Law. These include, but are not limited to, assurance of non-discrimination, affirmative action in hiring and provision of services, and the protection of client records as required by law and regulation. Applications from Minority and Women-Owned Enterprises are encouraged.

#### **X. RFP Questions/Dates**

Any questions related to this RFP should be e-mailed to Barbara Farley, Contract Management Unit, [contracts@parole.state.ny.us](mailto:contracts@parole.state.ny.us). Questions must be submitted by **December 29, 2008**. Answers to all questions will be posted on the DOP website no later than **December 30, 2008**.

Proposal Due Date	01/07/09
Award Made	01/16/09
Contract Start Date	03/01/09

#### **XI. Proposed Submission**

The original plus seven copies of the completed proposal, must be received no later than **12:00 Noon on January 7, 2009**. Any proposals received after this time cannot be accepted.

Proposals (**original plus seven copies**) should be received in a sealed envelope marked "Proposal for Bid 2008-08" and forwarded to:

NYS Division of Parole  
 Contract Management Unit  
**Proposal for Bid 2008-08**  
 97 Central Avenue  
 Albany, NY 12206

ATTACHMENT A  
NYS Standard Clauses

**APPENDIX A**

**STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS**

**PLEASE RETAIN THIS DOCUMENT  
FOR FUTURE REFERENCE.**

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**STANDARD CLAUSES FOR NYS CONTRACTS**

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licenser, licensee, lessor, lessee or any other party):

**1. EXECUTORY CLAUSE.** In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

**2. NON-ASSIGNMENT CLAUSE.** In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the previous consent, in writing, of the State and any attempts to assign the contract without the State's written consent are null and void. The Contractor may, however, assign its right to receive payment without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

**3. COMPTROLLER'S APPROVAL.** In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law Section 163.6.a).

**4. WORKERS' COMPENSATION BENEFITS.** In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

**5. NON-DISCRIMINATION REQUIREMENTS.** To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the

performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

**6. WAGE AND HOURS PROVISIONS.** If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law.

**7. NON-COLLUSIVE BIDDING CERTIFICATION.** In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

**8. INTERNATIONAL BOYCOTT PROHIBITION.** In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

**9. SET-OFF RIGHTS.** The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

**10. RECORDS.** The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor

within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

**11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION.** (a) FEDERAL EMPLOYER IDENTIFICATION NUMBER and/or FEDERAL SOCIAL SECURITY NUMBER. All invoices or New York State standard vouchers submitted for payment for the sale of goods or services or the lease of real or personal property to a New York State agency must include the payee's identification number, i.e., the seller's or lessor's identification number. The number is either the payee's Federal employer identification number or Federal social security number, or both such numbers when the payee has both such numbers. Failure to include this number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or New York State standard voucher, must give the reason or reasons why the payee does not have such number or numbers.

(b) PRIVACY NOTIFICATION. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law.

(2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in New York State's Central Accounting System by the Director of Accounting Operations, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

**12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN.** In accordance with Section 312 of the Executive Law, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment,

employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "a", "b", and "c" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State; or (iii) banking services, insurance policies or the sale of securities. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Governor's Office of Minority and Women's Business Development pertaining hereto.

**13. CONFLICTING TERMS.** In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

**14. GOVERNING LAW.** This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

**15. LATE PAYMENT.** Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

**16. NO ARBITRATION.** Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

**17. SERVICE OF PROCESS.** In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

**18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS.** The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of State Finance Law §165. (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

**19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES.** In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

**20. OMNIBUS PROCUREMENT ACT OF 1992.** It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development  
Division for Small Business  
30 South Pearl St -- 7<sup>th</sup> Floor  
Albany, New York 12245  
Telephone: 518-292-5220  
Fax: 518-292-5884  
<http://www.empire.state.ny.us>

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development  
Division of Minority and Women's Business Development  
30 South Pearl St -- 2nd Floor  
Albany, New York 12245  
Telephone: 518-292-5250  
Fax: 518-292-5803  
<http://www.empire.state.ny.us>

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

(a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;

(b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;

(c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

**21. RECIPROCITY AND SANCTIONS PROVISIONS.** Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

**22. PURCHASES OF APPAREL.** In accordance with State Finance Law 162 (4-a), the State shall not purchase any apparel from any vendor unable or unwilling to certify that: (i) such apparel was manufactured in compliance with all applicable labor and occupational safety laws, including, but not limited to, child labor laws, wage and hours laws and workplace safety laws, and (ii) vendor will supply, with its bid (or, if not a bid situation, prior to or at the time of signing a contract with the State), if known, the names and addresses of each subcontractor and a list of all manufacturing plants to be utilized by the bidder.

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ATTACHMENT B

Scope of Services

## ATTACHMENT B

### NYS DIVISION OF PAROLE RFP 2008-08 OFFENDER MONITORING SERVICES SCOPE OF SERVICES

#### I. Specifications, which must be addressed by potential bidders for Level 1 - Radio Frequency (RF) Electronic Monitoring (EM) System, are listed below as S1 through S59.

##### A. Transmitter Specifications

The bidder shall propose a transmitter, which shall be comfortably worn on the ankle or wrist of the participant and shall meet the following requirements:

- The device must be capable of being securely attached to the participant's ankle or wrist and report any and all efforts to tamper with or remove the device. (S1)
- The device must be small, lightweight and not pose a health hazard nor unduly restrict the activities of the participant; and of a size to be worn under normal slacks. (S2)
- The device must be shock resistant, water and moisture proof, and function reliably under normal atmosphere and human environment conditions. (S3)
- The device must contain a radio transmitter whose coded radio signal must be unique to the individual to whom it is attached so as to enable positive confirmation of the presence/absence of the participant within a range of 0 to a minimum of 100 feet of the receiver. (S4)
- The transmitter must emit a coded radio signal at least once every minute on a continuous basis during the operating life of the battery. The signal must identify the offender, the location of the offender, power status and tamper/removal status, and be encrypted to discourage duplication. (S5) RF technology does not provide location, it only indicates if an offender is within or has left a set range.
- The transmitter must be battery powered and designed for a minimum continuous operating battery life of six months. Transmitters containing batteries with no useful life shall be returned and replaced by the contractor with a new transmitter or battery at no extra charge. (S6)
- The contractor must provide written instructions and all necessary equipment for a trained person to initialize, reset and remove the participant's transmitter as needed. (S7)

##### B. Receiver Specifications

The contractor must propose a receiver to be located in the participant's home (conforming to FCC standards and regulations), which must continuously monitor the participant's transmitter and meets the following requirements:

- The receiver shall be powered by 110-volt A.C. power with internal auto-recharging battery capable of supplying back up power for a period of 12-24 hours. The

electrical wire connecting to A.C. power shall be UL approved, and of sufficient length to adequately connect to the household AC power. (S8)

- The receiver must be capable of full communications which includes but not limited to both landline and cell phone, to the bidder's central computer system. (S9)
- The participant's receiver must accept and process radio signals only from the unique signal of that same participant's transmitter. (S10)
- The receiver must detect attempts to simulate or duplicate the participant's transmitter radio signal by a foreign device and immediately report detection of such an occurrence to the central computer. (S11)
- The receiver shall contain an internal clock and sufficient memory to continue and store with a time stamp at least 8-10 events and/or activities per day for at least the next 5 days, in the event the communications link with the bidder's central computer system is disrupted. The receiver must be capable of operating without AC power for a minimum 12-24 hours and store events for up to a minimum of 10 days. (S12)
- The receiver must detect, and store with time stamp the following events, at a minimum, and promptly communicate them to the central computer: (S13)
  - ◆ Arrival of transmitter within the range of the receiver; (S13.1)
  - ◆ Departure of transmitter out of range of the receiver after a preset programmable time interval: (S13.2)
  - ◆ Tampering and/or removal of the transmitter from the participant: (S13.3)
  - ◆ An attempt to simulate or duplicate the radio signal by a device other than participant's own transmitter: (S13.4)
  - ◆ Loss and/or restoration of the home's commercial power; (S13.5)
  - ◆ Loss and/or restoration of the communication service (the disconnection event may be sent as soon as the communications service is restored); (S13.6)
  - ◆ Low battery condition of transmitter and/or receiver; (S13.7)
  - ◆ Tampering of receiver. (S13.8)
- The receiver must not pose a health or safety hazard to the participant or other family members and shall function reliably under normal household environmental and atmospheric conditions. (S14)
- Electrical surge protectors must be built-in or provided for connecting power and communication lines. (S15)
- The receiver must be capable of being installed and made operational by an officer following the written instructions provided by the contractor. (S16)

### C. Drive By Equipment Specifications

The bidder shall propose portable drive-by-monitoring units. The following are requirements that shall be met:

- The units shall be a device which makes it easy to carry in one hand by an officer from the car or if walking. (S17)
- The units must have a range of up to 300 feet and capable of detecting whether or not a transmitter has been tampered with. (S18)

- The units shall operate from an internal rechargeable battery as well as from both a car cigarette lighter and 110 volt A.C. (S19)
- The units shall be supplied with both a rubber antenna for remote use and a magnetic mount rooftop antenna for in-car use. (S20)

#### D. Staff Training Specifications

The contractor must be responsible for the provision of on-site training for DOP staff in all aspects of the EM system within 15 days of the beginning of the contract. Training shall minimally include the following: installation and de-installation of home monitoring equipment, procedures for enrollment and curfew change; troubleshooting monitoring problems; use of the remote computer terminal; use of drive-by equipment; use of monitoring software; and any other training as needed to keep current staff updated, as well as training newly assigned staff on the use and application of electronic surveillance in the DOP. (S21)

The training of DOP staff must take place on the dates and at locations within New York State as specified by the DOP. (S22)

The contractor must offer on-site and/or web-based training classes to be held at several DOP sites, and provide manuals for all equipment and system operation as part of its per diem cost bid. The number of training classes and location of sites are to be determined by DOP. (S23) The bidder must include an outline of this training program with their proposal. (S24) The bidder may also provide material to be used to instruct the participants and their families on the use and care of the RF receiving unit. (S25) The initial on-site training for DOP personnel must consist of four 8-hour days of training or as specified by the DOP. (S26)

Technical support must be continuously available, and information must be available to Division staff 24 hours per day 365 days per year at no additional cost. (S27) The contractor must also provide on-site technical support. (S28) This on-site support may be requested when it is determined the problem cannot be corrected by telephone. The vendor must include a statement in their proposal of the on-site support services offered.

#### E. Monitoring Services Specifications

The bidder must provide a central monitoring service center. (S29) The monitoring service center must have the capability of conducting surveillance activities on an around-the-clock basis, without interruption. (S30) The surveillance activities must minimally include the following: continuously monitoring the presence or absence of a program participant detecting early leaves or late returns; detecting attempts to tamper or actual tampering with the home monitoring equipment; attempts to duplicate the RF transmission of the home monitoring units; disruption of AC power; receiver shut downs; continuous busy signals; spurious RF transmission; no telephone answer; and low receiver and/or transmission battery function. (S31) The monitoring service must be capable of monitoring multiple curfews scheduled at the same time. In this regard, the curfew monitoring function shall have unlimited flexibility to schedule and monitor curfews. (S32)

The bidder's monitoring service center must be responsible for receiving program participant enrollment information from the DOP. The contractor shall be responsible for enrolling program participants and for changing curfew schedules based upon notification by the DOP via e-mail, fax, or phone service (as determined by DOP) (S33) using the contractor's toll-free telephone number to the central monitoring service center or via remote terminal through dedicated line or internet access. (S34) The contractor must be responsible for removing program participants from the monitoring system upon a notification from DOP. (S35) The date of removal and removal reason will be established by the DOP. The contractor shall utilize enrollment and client status change forms developed in conjunction with DOP. These forms must include the following minimum information: Name, New York State Identification Number (NYSID), Phone Number, Address, Release Date, Parole Officer, Area Office, EM Program Type, EM Start Date, Curfew Schedule, Method of Notification to DOP regarding violations, EM Removal Date and Reason, and other information deemed appropriate.

The monitoring service center must respond to all reports of monitoring violations by telephoning (specifics determined by DOP) the program participant. (S36) The purpose of this telephone call is to determine the nature of the reported event and to confirm that the program participant is at his or her approved residence. The bidder must explain the procedure to be used to confirm the participant's presence, or lack thereof, in these situations. (S37)

#### F. Central Computer Monitoring System Specifications

The bidder's central monitoring service center must include a central computer system, compatible software and all the needed equipment, which is capable of complete supervision of the electronic monitoring program with complete redundancy as defined below. This includes receiving and initiating communications to/from the participant's home and to communicate with both the participant and his home monitoring equipment. The system redundancy shall meet the following requirements:

- The central computer system with all associated equipment and services must be located in a secure, environmentally controlled access facility and provide 24 hour, seven day per week monitoring. (S38)
- The central computer system must have the ability to perform monitoring with an unlimited number of different curfew periods per day and on a customized schedule for each participant. (S39)
- The central computer system must be capable of retaining personal information for each participant, including Name, Address, Phone Number, NYSID, Adjudication Information, Release Date, EM Start Date, EM Program Type, Assigned Area Office, PO Name, and EM Removal Date and Removal Reason, Equipment Serial Numbers, and other pertinent information deemed appropriate. The contractor must also provide a means to enter, modify or delete any of this information by the system operators as requested by designated DOP officials or staff. (S40)
- The computer system shall be able to process changes, report printing and other functions without disrupting the monitoring process. It must have an interconnect capability for all equipment for remote printing to the DOP central communications unit as required. (S41)

- The contractor must provide an uninterruptable power supply (UPS) for an instantaneous backup power source to prevent the loss of information and data in event of short-term commercial power losses. (S42)
- The contractor must provide for an automatic backup of data on magnetic media for any commercial power loss. This backup procedure shall also be performed at least on a daily basis to prevent data loss due to a system failure and be retained for at least five (5) years. (S43)
- The contractor must provide a complete identical backup computer system redundancy in the event of a system malfunction, which cannot be corrected within a reasonable period of time. Specify complete addresses of both primary and redundant systems. (S44)
- The contractor must have the ability to provide access to the central computer system by remote PC computer terminals. Access by DOP shall be made by the bidder's toll free telephone lines and/or optional alternate communications service. (S45)
- The contractor must provide a redundancy for its telephone carrier and be capable of immediately switching to an alternate in the event that the primary service is interrupted. (S46)

#### G. Central Computer Monitoring System Software Specifications

The central computer at the contractor's central monitoring service center must include a compatible software program with the capability to report on the entire electronic monitoring program. (S47) The software program shall be user friendly.

The electronic monitoring software shall be accessible via remote terminal at the DOP through dedicated line or internet access. The software should allow the DOP to remotely move participants from Level 1 to Levels 2 and/or 3, and visa-versa. (S48)

#### H. Accessories and Spares Specifications

The contractor must provide necessary straps and other accessories and tools for attaching and removing the participant's transmitter. (S49) At no additional cost, the contractor shall supply an inventory of spare participant equipment. In addition to the active units that the Division will contract for, the contractor shall provide twenty-five (25) spare units. (S50) All spare units shall be maintained at DOP offices for use as immediate replacements when needed.

#### I. Maintenance and Repair Specifications

The contractor must maintain the equipment and spares in good condition and arrange for the repair or replacement of the equipment within two (2) business days. Repaired equipment must be returned certified by the vendor that unit is acceptable for use by DOP staff. (S51)

## J. Reporting

The monitoring service center must provide the designated Parole Office with daily reports about all monitored activities. This report, summarizing all participants' adherence to established curfews, will be faxed, e-mailed, or accessible via remote terminal at the designated DOP Area Offices through dedicated line or internet access (as determined by DOP) by 8 am every day. (S52)

The monitoring service center must also provide DOP Central Office with daily reports of cases added and removed during the preceding business day. Daily reports shall include Name, NYSID, EM Start Date, EM Program Type (ATI, Community Safety or Domestic Violence), Assigned Area Office, Parole Officer Name, and EM Removal Date and EM Removal Reason, if applicable. These reports will be faxed, e-mailed, or accessible via remote terminal at DOP Central Office through dedicated line or internet access (as determined by DOP) by 8 am every day. (S53)

The monitoring service center must have an alert device and arrangement to notify the DOP of participant's unauthorized absences/late arrivals plus equipment malfunctions and other appropriate functions, within 30 minutes from the initial occurrence, via fax, e-mail or remote terminal through dedicated line or internet access (as determined by DOP), to the DOP central communications unit. (S54)

Alerts for tampers, zone violations or curfew violations must be transmitted to the designated Division staff by fax machine, e-mail, or remote terminal through dedicated line or internet access (as determined by DOP). The method of notification will be determined by the Division for each participant. Participants must also be notified of alerts, at the discretion of the designated Division staff. (S55)

In response to reports of monitoring violations by program participants, the contractor must prepare a written assessment based upon information received through the contractor's confirmation procedure and provide it immediately to the DOP's Central Communications Unit via fax, e-mail or remote terminal through dedicated line or internet access (as determined by DOP). (S56)

The contractor's management information system must be capable of generating standard EM reports. (S57) The contractor may be required to provide custom reports and statistical analysis. Standard reports include number of clients, number of incidents (equipment reports, violations, equipment malfunctions, etc.), client histories, curfew schedule, and assigned DOP Area Office. (S58) Examples of custom reports that may be required are number of days a client is monitored, EM Program Types, etc. Bidders may include examples of all reports that they are capable of generating as part of their proposed package. (S59) DOP must be notified 24-hours in advance of any anticipated interruption in service.

## II. GPS Technical Specifications

**Specifications which must be met by bidders for the Global Positioning (GPS) Electronic Monitoring (EM) Systems are listed as (S60-S126).**

### A. Transmitter Specifications

The transmitter worn by the parolee must be electronically linked to the receiver 24 hours a day, seven days a week. (S60) The transmitter must meet the following specifications:

- A one-piece or two-piece unit that incorporates both transmitter and receiver general specifications. The device must be small, easily installed and tamper resistant.(S61)
- The device must be small enough to be worn under normal slacks, lightweight and not pose a health hazard nor unduly restrict the activities of the participant. (S62)
- The device must be shock resistant, water and moisture proof and function reliably under normal atmospheric and human environmental conditions. (S63)
- The device must contain a radio transmitter whose coded signal shall be unique to the individual to whom it is attached. (S64)
- The device must be capable of multi-settings (ex. ranges from close to medium, to far). (S65)
- Transmitters must be battery powered and have a battery life of 15-hours under a high demand environment. Transmitters containing batteries with no useful life shall be returned and replaced by the contractor with a new transmitter or battery at no extra charge. (S66)
- The device must be capable of detecting and reporting attempts to tamper with the device. (S67)

### B. Level Two Monitoring Receiver/Communication Device Specifications:

The receiver/communication device must be capable of receiving and storing GPS signals on the participant's location whenever the participant is away from their approved residence. (S68) This device must meet or exceed the following specifications:

- Must be compact enough to be easily worn on the waist or anklet. (S69)
- Must be water resistant and durable enough to function under normal human conditions. (S70)
- Must be capable of providing violation notifications and messages to the participant. (S71)
- Must utilize GPS technology to provide historical information on the participant's movements while outside the home. (S72)
- Must have a rechargeable battery capable of providing at least 15 hours of operation between charges. (S73)
- Must detect, store and transmit to the monitoring center the following information when in the docking station: (S74) (If the device is an active unit set-up for passive or hybrid functioning, a docking station is not required.)

- Arrival of the transmitter in range. (S75)
- Departure of the transmitter out of range. (S76)
- Tampering or removal of the transmitter from the participant. (S77)
- Loss and/or restoration of the homes commercial power or phone service. (S78)
- Tampering with the receiver. (S79)
- Participants location history while participant was out of the home. (S80)

C. Level Three Monitoring Receiver/Communication Device Specifications:

The receiver/communicator device must be capable of receiving GPS signals and transmit information on the participant's location to the central monitoring center, 24-hours per day and/or whenever the participant is away from their approved residence. This device must meet or exceed the following specifications: (S81)

- Must be compact. (S82)
- Must be capable of providing violation notifications and messages to the participant. (S83)
- Must be tamper resistant, report attempts to tamper as well as loss of transmitter signal and loss of GPS signal to the monitoring center. (S84)
- Must have a battery life of 15 hours between charges. There must be notification to the participant and the monitoring center when the battery needs recharging. (S85)
- The device must be shock resistant, water and moisture proof and function reliably under normal atmospheric and human environmental conditions. (S86)
- Communication with the monitoring center must be available using both a standard phone line and a wireless network. (S87)

D. Monitoring Services Specifications

The bidder must provide a central monitoring service center. This center must have the capability to conduct monitoring 24 hours per day, 365 days per year without interruption. This center must be able to provide both current and historical information on the participant's movement data to the Division via Internet technology. The center shall be capable of retaining personal information for each participant, including, Name, Address, NYSID, Assigned Area Office, EM Program Type, GPS Type (active, passive), EM Start Date, Phone #, Case #, Adjudication Information, Equipment Serial Numbers, Parole Officer Name, EM Removal Date, EM Removal Reason or other information deemed appropriate. The contractor shall also provide a means to enter, modify or delete any information by the system operating as requested by designated DOP officials or staff. (The center must meet or exceed the following specifications: (S88)

- Must be capable of providing both inclusion and exclusion zones for each participant which can be modified by Division staff on a personal computer or a remote device such as a Blackberry. (S89)
- Must have the ability to establish multiple curfews, which vary by the days of the week. (S90)

- Both Division staff and monitoring center staff must be able to communicate real time messages to the participant through bidder provided software over a wireless network. (S91)
- The software should allow the DOP to remotely move participants from Levels 2 and/or 3, and visa-versa, without requiring a change in equipment. (S92)
- The software should provide an easy to read mapping system with manageable options. (S93)
- Offender movement data must be archived by the bidder, and available to the Division, for a period of five (5) years from the date the participant was terminated for monitoring whether or not the contract is in effect at the time the request for information is made. (S94)
- Technical support must be continuously available, and information must be available to Division staff 24 hours per day 365 days per year at no additional cost. (S95)
- Upgrades to the system, both hardware and software must be provided to the Division at no additional cost. (S96)
- Bidder should address a solution to lost signals due to “Urban Canyon” effects. Specific Urban Canyon effects would include but not be limited to lost signals due to building obstacles or natural obstructions. (S97)

#### E. Central Computer Monitoring System Specifications

The bidder's central monitoring service center must include a central computer system, compatible software and all the needed equipment, which is capable of complete monitoring of the electronic monitoring program with complete redundancy as defined below. This includes receiving and initiating communications to/from the participant's home and his/her home monitoring equipment. The system shall meet the following requirements:

- The central computer system with all associated equipment and services must be located in a secure, environmentally controlled access facility and provide 24 hour, seven day per week monitoring. (S98)
- The central computer system must have the ability to perform monitoring with an unlimited number of different curfew periods per day and on a customized schedule for each participant. (S99)
- The central computer system must be capable of retaining personal information for each participant, including Name, Address, Phone Number, NYSID, Adjudication Information, Release Date, EM Start Date, EM Program Type, Assigned Area Office, Parole Officer Name, and EM Removal Date and Removal Reason, Equipment Serial Numbers, and other pertinent information deemed appropriate. The contractor shall also provide a means to enter, modify or delete any of this information by the system operators as requested by designated DOP officials or staff. (S100)
- The computer system must be able to process changes, report printing and other functions without disrupting the monitoring process. It shall have an interconnect capability for all equipment for remote printing to the DOP central communications unit as required. (S101)

- The contractor must provide an uninterruptible power supply (UPS) for an instantaneous backup power source to prevent the loss of information and data in event of short-term commercial power losses. (S102)
- The contractor must provide for an automatic backup of data on magnetic media for any commercial power loss. This backup procedure shall also be performed at least on a daily basis to prevent data loss due to a system failure and be retained for at least five (5) years. (S103)
- The contractor must provide a complete identical backup computer system redundancy in the event of a system malfunction, which cannot be corrected within a reasonable period of time. Specify complete addresses of both primary and redundant systems. (S104)
- The contractor must have the ability to provide access to the central computer system by remote PC computer terminals. Access by DOP shall be made by the bidder's toll free telephone lines and/or optional alternate communications service. (S105)
- The contractor must provide a redundancy for its telephone carrier and be capable of immediately switching to an alternate in the event that the primary service is interrupted. (S106)

#### F. Staff Training Specifications

The contractor must be responsible for the provision of on-site training for DOP staff in all aspects of the EM services within 15 days of the beginning of the contract. Training shall minimally include the following: installation and de-installation of home monitoring equipment, procedures for enrollment and curfew changed; troubleshooting monitoring problems; use of the remote computer terminal; use of monitoring software; and any other training as needed to keep current as well as newly assigned staff updated on the use and application of electronic surveillance in the DOP. (S107)

The training of DOP staff must take place on the dates and at locations within New York State as specified by the DOP. (S108)

The contractor must offer on-site and/or web-based training classes to be held at several DOP sites and provide manuals for all equipment and system operation as part of its per diem cost bid. The number of training classes and location of sites are to be determined by DOP. (S109) The bidder must include an outline of this training program with their proposal. (S110) The bidder may also provide material to be used to instruct the participants and their families on the use and care of the receiving unit. (S111) The training for the DOP personnel must consist of four 8-hour days of training or as specified by DOP. (S112)

Technical support must be continuously available, and information must be available to Division staff 24 hours per day 365 days per year at no additional cost. (S113) The contractor must also provide on-site technical support. (S114) This on-site support may be requested when it is determined the problem cannot be corrected by telephone. The vendor shall include a statement in their proposal of the support services offered.

## G. Accessories and Spares Specifications

The contractor must provide necessary straps and other accessories and tools for attaching and removing participant's transmitter. (S115) At no additional cost, the contractor shall supply an inventory of spare participant equipment. In addition to the active units that the Division will contract for, the contractor shall provide twenty-five (25) spare units. (S116) All spare units shall be maintained at DOP offices for use as immediate replacements when needed.

## H. Maintenance and Repair Specifications

The contractor must maintain the equipment and spares in good condition and arrange for the repair or replacement of the equipment within 2 business days. Repaired equipment must be returned certified by the vendor that unit is acceptable for use by DOP staff. (S117)

## I. Reporting

The monitoring service center must provide the designated Parole Office with daily reports about all monitored activities. This report, summarizing all participants' adherence to established curfews, will be faxed, e-mailed or accessible via remote terminal at the DOP Area Offices through dedicated line or internet access (as determined by DOP) by 8 am every day. (S118)

The monitoring service center must provide DOP Central Office with daily reports of cases added and removed during the preceding business day. Daily reports shall include Name, NYSID, EM Start Date, EM Program Type (ATI, Community Safety or Domestic Violence), GPS Type (e.g., Active, Passive), Assigned Area Office, Parole Officer Name, and EM Removal Date and EM Removal Reason, if applicable. These reports will be faxed, e-mailed or accessible via remote terminal at DOP Central Office through dedicated line or internet access (as determined by DOP) by 8 am every day. (S119)

The monitoring service center must have an alert device and arrangement to notify the DOP of participant's unauthorized absences/late arrivals plus equipment malfunctions and other appropriate functions, within 30 minutes from the initial occurrence, via fax, e-mail or remote terminal through dedicated line or internet access (as determined by DOP), to the DOP central communications unit. (S120)

Alerts for tampers, zone violations or curfew violations shall be transmitted to the designated Division staff by fax machine, e-mail or remote terminal through dedicated line or internet access (as determined by DOP). The method of notification will be determined by the Division for each participant. Participants must also be notified of alerts, at the discretion of the designated Division staff. (S121)

The contractor's management information system must be capable of generating standard EM reports. (S122) The contractor may be required to provide custom reports and statistical analysis. Standard reports include number of clients, number of incidents (equipment reports, violations, equipment malfunctions, etc.), client histories, curfew schedule, and assigned DOP Area Office. (S123) Examples of custom reports that may be

required are number of days a client is monitored, EM Program Types, etc. Bidders may include examples of all reports that they are capable of generating as part of their proposed package. (S124)

Reports provided to Division staff via dedicated lines or internet access on each participant must be in a format that is both easily readable and functional. Summary management reports must also be provided including, but not limited to, the ability to monitor system utilization and inventory. Participant monitoring reports and system management reports must be available to the Division by bidder provided software over the internet. (S125)

ATTACHMENT C  
Application Cover Sheet

**ATTACHMENT C  
NYS DIVISION OF PAROLE  
RFP 2008-08  
OFFENDER MONITORING SERVICES**

**APPLICATION COVER SHEET**

**Applicant Legal Name:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_

**Business Address:** \_\_\_\_\_

\_\_\_\_\_

**Phone:** \_\_\_\_\_

**Website Address:** \_\_\_\_\_ **E-Mail Address:** \_\_\_\_\_

**Federal Id #:** \_\_\_\_\_

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**Pass/Fail Checklist**

- Original signed proposal
- Signed Application Cover Sheet (*Attachment C*)
- Cost Sheet (*Attachment D*)
- Proposal Response Narrative (See *Attachment B*) 20 page maximum, double-spaced in numerical order
- Proposal Response Narrative Index (*Attachment E*)
- Product Literature, Pamphlets, Training Outline, Report Examples, etc.
- Company Profile, Certificate of Incorporation, Current Contract Listing, Audited Financial Statements along with signed certification, Terminated & Expired Contract Listing, Litigation information

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**Submitted By:**

Name and Title of Authorized Official: \_\_\_\_\_

Signature of Authorized Official: \_\_\_\_\_

Date: \_\_\_\_\_

**Note:** Signature lends applicant to a firm offer for a 120-day period from the date of the submission.

**ATTACHMENT D**

**Cost Sheet**

**ATTACHMENT D  
NYS DIVISION OF PAROLE  
RFP 2008-08  
OFFENDER MONITORING SERVICES**

**COST SHEET**

All Inclusive per diem daily rate \$ \_\_\_\_\_ x 75 participants = \$ \_\_\_\_\_  
**Level 1 - RF System**  
Specified S1 through S59

All Inclusive per diem daily rate \$ \_\_\_\_\_ x 25 participants = \$ \_\_\_\_\_  
**Level 2 - GPS System**  
Specified S60 through S80  
and S89 through S126

All Inclusive per diem daily rate \$ \_\_\_\_\_ x 175 participants = \$ \_\_\_\_\_  
**Level 3 - GPS System**  
Specified S60 through S67  
and S81 through S126

Per diem daily rate **Drive-by Unit** \$ \_\_\_\_\_ x 10 participants = \$ \_\_\_\_\_  
Specified S17 through S20

Total Cost \$ \_\_\_\_\_

The cost breakdown above is provided as an example only and does not guarantee the number of participants.

**ATTACHMENT E**

**Proposal Response Narrative Index Sheet**

ATTACHMENT E  
 NYS Division of Parole  
 RFP 2008-06 Offender Monitoring Services

Scope of Services Response Narrative Index

Level 1 - RF	Requirement #	Mandatory (M) Desirable (D)	Meets Needs Yes (Y) No (N)	Response Narrative Page #	Comments
A. Transmitter Specifications	S1	M			
	S2	M			
	S3	M			
	S4	M			
	S5	M			
	S6	M			
	S7	M			
B. Receiver Specifications	S8	D			
	S9	M			
	S10	M			
	S11	M			
	S12	M			
	S13	M			
	S13.1	M			
	S13.2	M			
	S13.3	M			
	S13.4	M			
	S13.5	M			
	S13.6	M			
	S13.7	M			
	S13.8	M			
S14	M				
S15	M				
S16	M				
C. Drive-By Equipment Specifications	S17	D			
	S18	M			
	S19	D			
	S20	D			
D. Staff Training Specifications	S21	M			
	S22	M			
	S23	M			
	S24	M			
	S25	D			
	S26	M			
	S27	M			
	S28	M			
E. Monitoring Services Specifications	S29	M			
	S30	M			
	S31	M			
	S32	M			
	S33	M			
	S34	M			
	S35	M			
	S36	M			
	S37	M			
F. Central Computer Monitoring System Specifications	S38	M			
	S39	M			
	S40	M			
	S41	M			
	S42	M			
	S43	M			
	S44	M			
	S45	M			
	S46	M			

ATTACHMENT E  
 NYS Division of Parole  
 RFP 2008-06 Offender Monitoring Services

Scope of Services Response Narrative Index

Level 1 - RF	Requirement #	Mandatory (M) Desirable (D)	Meets Needs Yes (Y) No (N)	Response Narrative Page #	Comments
Central Computer G. Monitoring System Software Specifications	S47	M			
	S48	D			
Accessories/ H. Spares Specifications	S49	M			
	S50	D			
Maintenance/ I. Repair Specifications	S51	M			
J. Reporting	S52	M			
	S53	M			
	S54	M			
	S55	M			
	S56	M			
	S57	M			
	S58	D			
	S59	D			

ATTACHMENT E  
 NYS Division of Parole  
 RFP 2008-08 Offender Monitoring Services

Scope of Services Response Narrative Index

Levels 2 & 3 GPS	Requirement #	Mandatory (M) Desirable (D)	Meets Needs Yes (Y) No (N)	Response Narrative Page #	Comments
A. Transmitter Specifications	S60	M			
	S61	M			
	S62	M			
	S63	M			
	S64	M			
	S65	M			
	S66	M			
B. Level 2 - Monitoring/ Receiver Communication Device Specifications	S67	M			
	S68	M			
	S69	M			
	S70	M			
	S71	M			
	S72	M			
	S73	M			
	S74	M			
	S75	M			
	S76	M			
	S77	M			
	S78	M			
	S79	M			
S80	M				
C. Level 3 - Monitoring/ Receiver Communication Device Specifications	S81	M			
	S82	M			
	S83	M			
	S84	M			
	S85	M			
	S86	M			
	S87	M			
D. Monitoring Services Specifications	S88	M			
	S89	M			
	S90	M			
	S91	M			
	S92	D			
	S93	D			
	S94	M			
	S95	M			
	S96	M			
	S97	D			
E. Central Computer Monitoring System Specifications	S98	M			
	S99	M			
	S100	M			
	S101	M			
	S102	M			
	S103	M			
	S104	M			
	S105	M			
S106	M				

ATTACHMENT E  
 NYS Division of Parole  
 RFP 2008-08 Offender Monitoring Services

Scope of Services Response Narrative Index

Levels 2 & 3 GPS	Requirement #	Mandatory (M) Desirable (D)	Meets Needs Yes (Y) No (N)	Response Narrative Page #	Comments
F. Staff Training Specifications	S107	M			
	S108	M			
	S109	M			
	S110	M			
	S111	D			
	S112	M			
	S113	M			
	S114	M			
G. Accessories/ Spares Specifications	S115	M			
	S116	D			
H. Maintenance/ Repair Specifications	S117	M			
I. Reporting	S118	M			
	S119	M			
	S120	M			
	S121	M			
	S122	M			
	S123	D			
	S124	D			
	S125	M			

**ATTACHMENT F**

**MWBE Forms**

**(To be completed upon award notification)**

## **CONTRACTOR'S EEO POLICY STATEMENT**

Prior to the award of a State contract, the contractor shall submit an Equal Employment Opportunity ("EEO") Policy Statement to the contracting agency within the time frame established by that agency. The contractor's EEO Policy statement shall contain, but not necessarily be limited to, and the contractor, as a precondition to entering into a valid and binding State contract, shall, during the performance of the State contract, agree to the following:

- a) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability, or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contract.
- b) The contractor shall state in all solicitations or advertisements for employees that in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, or marital status.

At the request of the contracting agency, the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein.

**CONTRACTOR'S LIST OF SUBCONTRACTORS & SUPPLIERS**

**Instructions:** This form is used to report all subcontractors and suppliers utilized by the Prime Contractor. If a subcontract is \$25,000+, the subcontractor must also submit this form to the Prime Contractor. Form is to be submitted to the Affirmative Action Office 7 working days after notice of low bid.

-Information and dollar value of purchases from a single supplier/subcontractor should be shown and recorded on this form.  
-An amended form must be resubmitted whenever substitute or MWBE subcontractor/supplier is proposed.  
-Enter "1" for first submittal number.

-Number all resubmission consecutively and a 15A/MWBE 3 (Letter of Intent to Participate) should be attached for all additional firms submitted.

1. Name, Address & Federal I.D.: Give full name of firm, home office address and Federal I.D. number.
2. Prime Contractor/Subcontractor: Indicate if Prime, Subcontractor, or Joint Venture.
3. Certified: Indicate if firm identified in #1 is a MBE or WBE.
4. Contract Goals: Indicate MBE/WBE goals from contract.
5. Date Submitted: Indicate month and year of submission. An addendum to this form must be submitted whenever a substitute or additional MWBE subcontractor/supplier is proposed. Enter (1) for the first addendum number. Number all addenda consecutively.
6. Contract No., County, & Region: Indicate Contract Number, County, and Region.  
Examples: Paving, Excavation, Consultant, Janitorial, etc.  
Complete information as indicated in column header.
8. - 10.
11. Description of Supplies /Subcontractors: Examples: Paving, Maintenance, Landscaping, Pipe, Cement.  
Amount of subcontracts/supplies.  
Date subcontract to be awarded.
12. \$ Value:
13. Date to be Awarded:
14. Contract Info:
  - (a) Dollar amount of contractor's contract
  - (b) Number and dollar amount of MBE subcontracts
  - (c) Number and dollar amount of WBE subcontracts
  - (d) Number and dollar amount of subcontracts unassigned
15. Waiver Request: Submitted Waiver Request. Indicate yes or no. Refer to form MWBE 7, Request for Waiver.

1. Name & Address Federal ID/Social Security No.:		2. Check Appropriate Box* <input type="checkbox"/> Prime Contractor <input type="checkbox"/> Subcontractor <input type="checkbox"/> Joint Venture		3. Certified: MBE: _____ WBE: _____		4. Contract Goals:* MBE: _____ % WBE: _____ %		5. Date Submitted		Addendum No.	
6. Contract No.:		7. Contract Description*		10. Federal ID#		11. Description Subcontracts/Supplies		12. \$ Value of Subcontracts/Supplies		13. Date to be Awarded	
8. Subcontractors/Suppliers Name & Address/Telephone #		9. Classification Subcontractor		Supplier							
		MBE		MBE							
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**WORK FORCE UTILIZATION REPORT  
COMMODITIES FIRMS**

Agency \_\_\_\_\_ /Code \_\_\_\_\_ Reporting Period \_\_\_\_\_  
 Check one:  Quarterly Report  Semi-Annual Report

Contractor/Firm Name \_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Type of Report:  Contract Specific Work Force  Total Work Force  Check if NOT-FOR-PROFIT

Federal ID/Payee ID No.: \_\_\_\_\_ Contract No.: \_\_\_\_\_ Location of Work: \_\_\_\_\_  
 Check One:  Prime Contractor  Subcontractor  
 Contract Amount: \$ \_\_\_\_\_ Product/Service Provided: \_\_\_\_\_

Contract Start Date: \_\_\_\_\_ Percent of Job Completed: \_\_\_\_\_

Federal Occupational Category	Number of Employees						Total Percent Minority Employees	Total Percent Female Employees					
	Total Number Employees		Black (not of Hispanic Origin)		Hispanic				Asian or Pacific Islander		Native American/Alaskan Native		
	Male	Female	Male	Female	Male	Female			Male	Female	Male	Female	
Officials/Admin.													
Professionals													
Technicians													
Sales Workers													
Office & Clerical													
Craft Workers													
Operatives													
Laborers													
Service Workers													
<b>TOTALS</b>													

Company Official's Name \_\_\_\_\_ Title \_\_\_\_\_  
 Company Official's Signature \_\_\_\_\_ Date \_\_\_\_\_

Telephone Number ( \_\_\_\_\_ ) \_\_\_\_\_

**WORK FORCE EMPLOYMENT UTILIZATION REPORT  
COMMODITIES FIRMS  
INSTRUCTIONS FOR COMPLETION**

**PURPOSE:** The Work Force Employment Utilization Report for Commodities Firms is prepared by all contractors, and sub-contractors if any, providing goods, products or merchandise to a state agency to document their actual employment of minority group members and women during the period covered by the report. The report has a format similar to forms used by the Federal government for reporting equal employment opportunity data. When the contract specific work force can be identified, the report covers all employees (including apprentices or trainees) working on the project. If the contract specific work force cannot be separated out, the contractor's total work force is reported. The completed reports are used by the contracting state agency to monitor the contractor's and subcontractor's compliance with the contract's equal employment opportunity requirements.

**GENERAL INFORMATION:**

1. Name of contracting state agency and state agency code (five digit code).
2. Reporting period covered by report (mm/dd/yy to mm/dd/yy); check to indicate Quarterly or Semi-Annual Report.
3. Contractor firm name (prime contractor on summary report submitted to agency) and address (including city name, State and zip code); check if the contractor is a NOT-FOR-PROFIT.
4. Type of Report: check to indicate whether report covers (i) the Contract Specific Work Force or (ii) the Company's Total Work Force (in the event the contract specific work force cannot be separated out).
5. Contractor Federal Employer identification number or payee identification number (prime contractor i.d. on summary report); check to indicate prime or subcontractor report.
6. Contract Amount is dollar amount based on terms of the contract.
7. Contract number is the agency assigned number given to the contract (seven digits).
8. Location of work including county and zip code where work is performed.
9. Indicate Product or Service provided by contractor (brief description).
10. Contract start date is month/day/year work on contract actually began.
11. Contractor's estimate of the percentage of work completed at the end of this reporting period.

**FEDERAL OCCUPATIONAL CATEGORIES:** The contractor's work force is broken down and reported by the nine Federal Occupational Categories (FOC's) consistent with the Federal government's EEO-1 categories for the private sector labor force. These are: Officials and Managers, Professionals, Technicians, Sales, Office & Clerical (Administrative Support), Craft Workers, Operatives, Laborers and Service Workers. The categories are general in nature, and include all related occupational job titles. The contracting agency can provide assistance in categorizing specific jobs.

**TOTAL NUMBER OF EMPLOYEES:** Record the total number of all persons employed in each FOC during the reporting period, regardless of ethnicity (either working on the specific contract OR in the contractor's total work force, based on the type of report indicated above). Report the total number of male (M) employees in column (1) and the total number of female (F) employees in column (2) for each FOC. In columns (3) through (10) report the numbers of male and female minority group members employed, based on the following defined groups:

- Black (not of Hispanic origin): all persons having origins in any of the Black African racial groups;
- Hispanic: all persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American decent of or either Indian or Hispanic origin, regardless of race;
- Asian or Pacific Islander: all persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands;
- Native American or Alaskan Native: all persons having origins in any of the original peoples of North America.

**TOTAL PERCENT MINORITY:** The sum of all minority group members (male and female) employed in the FOC divided by the total number of all employees in that FOC (column 1 + column 2).

**TOTAL PERCENT FEMALE:** The total number of female employees in the FOC (column 2) divided by the total number of all employees in that FOC (column 1 + column 2).

**TOTALS:** The column totals should be calculated (sum of each column) for all FOC's combined. Total minority and female percentages should be calculated as shown above, based on the column totals.

**SUBMISSION:** The work force utilization report is to be completed by both prime and subcontractors and signed and dated by an authorized representative before submission. This Company Official's name, official title, and telephone number should be printed or typed where indicated on the bottom of the form.

The prime contractor shall complete a report for its own work force, collect reports completed by each subcontractor, and prepare a summary report for the entire combined contract work force. The reports shall include the total number of employees in each occupational category for all payrolls completed in the monthly reporting period. The prime contractor shall submit the summary report to the contracting agency as required by Part 542 of Title 9 Subtitle N of the NYCRR pursuant to Article 15-A of the Executive Law.

**STAFFING PLAN**

Project/RFP Title \_\_\_\_\_ Location of Contract \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

Contractor/Firm Name \_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Check applicable categories: (1) Staff Estimates include:  Contract/Project Staff  Total Work Force  Subcontractors  
 (2) Type of Contract:  Construction Consultants  Commodities  Services/Consultants

Federal Occupational Category	Total Anticipated Work Force										Total Percent Minority Employees	Total Percent Female Employees	
	Total Number Employees		Black (not of Hispanic Origin)		Hispanic		Asian or Pacific Islander		Native American/Alaskan Native				
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female			
Officials/Admin.													
Professionals													
Technicians													
Sales Workers													
Office & Clerical													
Craft Workers													
Operatives													
Laborers													
Service Workers													
<b>TOTALS</b>													
Company Official's Name _____											Title _____		
Company Official's Signature _____											Date _____		
Telephone Number (      ) _____													

**CONTRACTORS STAFFING PLAN  
INSTRUCTIONS FOR COMPLETION**

**PURPOSE:** The Contractors Staffing Plan is prepared by all contractors providing services (skilled and non-skilled) or professional consulting services (inclusive of professional construction consultant services) to a state agency. The plan is required prior to the award of a contract and contains the anticipated staff assignments during the contract. In instances where that cannot be identified, the contractor may identify the total work force of the company. The form will be reviewed by state agencies for the purposes of equal employment opportunity requirements.

**GENERAL INFORMATION:**

1. **Project/RFP Title:** describe the project for which you are competing as indicated on the RFP/RFB document.
2. **Location of Contract:** the company's location and postal zip code.
3. **Contractor/Firm Name:** the company that will be providing the workforce. Include address with city name, State, and zip code.
4. **Check applicable categories:**
  - (1) **Staff Estimates include:** Contract/Project Staff (check in cases where the workers to be assigned can be determined. Total Work Force (check in the event the contract work force cannot yet be determined, subcontractors (check if the work force for the project is that of a subcontractor).
  - (2) **Type of Contract:** Construction Consultants, Commodities, Services/Consultants (check appropriate box).

**TOTAL ANTICIPATED WORK FORCE:**

1. **Federal Occupational Category:** The contractor's work force is broken down and reported by the nine Federal Occupational Categories (FOC's) consistent with the Federal government's EEO-1 for private sector labor force. The categories are general in nature, and include all related occupational job titles. The contracting agency can provide assistance in categorizing specific jobs.
2. **Total Number of Employees:** Record the total number of all persons employed in each FOC regardless of ethnicity (either to be assigned to the contract/project staff OR in the company's total work force, as indicated by the categories selected in number 4 (1) Staff Estimates, of the General Information. Report the total number of male employees in column (1), and the total number of female employees in column (2) for each FOC. In columns (3) through (10), report the number of male and female minority group members, based on the following defined groups:

**Black** (not of Hispanic origin): all persons having origins in any of the Black African racial groups.

**Hispanic:** all persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American or either Indian or Hispanic origin, regardless of race.

**Asian or Pacific Islander:** all persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent, or the Pacific Islands.

**Native American or Alaskan Native:** all persons having origins in any of the original peoples of North America.

**TOTAL PERCENT MINORITY:** Add all minority group members (male and female), columns (3) through (10), divide by the total numbers of all employees in that FOC (columns 1 and 2). Post the percentage result for that FOC. (Ex., Total # of minority employees (columns 3 through 10) ÷ Total # of employees (columns 1 and 2).

**TOTAL PERCENT FEMALE:** Divide the number of female employees (column 2) in the FOC, by the total number of both male and female (column 1 and 2). Post the percentage result for that FOC. (Ex., Total female employees (column 2) ÷ Total # of employees (column 1 and 2).

**TOTALS:** To compute the column totals, add vertically, the total number of employees entered in each row of the column. **Total percentage Minority Employees** and **Total percentage Female Employees** should be calculated as shown above, using the summed column totals.

The Contractors Staffing Plan is to be completed by the prime contractor and signed and dated by an authorized representative before submission. The Company Official's Name, Title, Date, Telephone Number, and Signature should be provided where indicated on the form.

**WORK FORCE UTILIZATION REPORT  
SERVICE and/or CONSULTANT FIRMS**

Agency \_\_\_\_\_ /Code \_\_\_\_\_ Reporting Period \_\_\_\_\_  
 Check one:  Quarterly Report  Semi-Annual Report

Contractor/Firm Name \_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Check if NOT-FOR-PROFIT

Type of Report:  Contract Specific Work Force  Total Work Force

Federal ID/Payee ID No.: \_\_\_\_\_ Contract No.: \_\_\_\_\_ Location of Work: \_\_\_\_\_

Check One:  Prime Contractor  Subcontractor

Contract Amount: \$ \_\_\_\_\_ Product/Service Provided: \_\_\_\_\_

Contract Start Date: \_\_\_\_\_ Percent of Job Completed: \_\_\_\_\_

Federal Occupational Category	Number of Employees						Total Percent Minority Employees	Total Percent Female Employees					
	Total Number Employees		Black (not of Hispanic Origin)		Hispanic				Asian or Pacific Islander		Native American/Alaskan Native		
	Male	Female	Male	Female	Male	Female			Male	Female	Male	Female	
Officials/Admin.													
Professionals													
Technicians													
Sales Workers													
Office & Clerical													
Craft Workers													
Operatives													
Laborers													
Service Workers													
<b>TOTALS</b>													

Company Official's Name \_\_\_\_\_ Title \_\_\_\_\_

Company Official's Signature \_\_\_\_\_ Date \_\_\_\_\_

Telephone Number ( \_\_\_\_\_ ) \_\_\_\_\_

**WORK FORCE UTILIZATION REPORT  
SERVICE and/or CONSULTANT FIRMS  
INSTRUCTIONS FOR COMPLETION**

**PURPOSE:** The Work Force Utilization Report for Service and/or Consultant Firms is prepared by all contractors, and subcontractors if any, providing services (skilled or non-skilled) or professional consulting services to a state agency to document their actual employment of minority group members and women during the period covered by the report. The report has a format similar to forms used by the Federal government for reporting equal employment opportunity data. When the contract specific work force can be identified, the report covers all employees (including apprentices or trainees) working on the project. If the contract specific work force cannot be separated out, the contractor's total work force is reported. The completed reports are used by the contracting state agency to monitor the contractor's and subcontractor's compliance with the contract's equal employment opportunity requirements.

**GENERAL INFORMATION:**

1. Name of contracting state agency and state agency code (five digit code).
2. Reporting period covered by report (mm/dd/yy to mm/dd/yy); check to indicate Quarterly or Semi-Annual Report.
3. Contractor firm name (prime contractor on summary report submitted to agency) and address (including city name, state and zip code); check if the contractor is a NOT-FOR-PROFIT.
4. Type of Report: check to indicate whether report covers (i) the Contract Specific Work Force or (ii) the Company's Total Work Force (in the event the contract specific work force cannot be separated out).
5. Contractor Federal Employer identification number or payee identification number (prime contractor I.D. on summary report); check to indicate prime or subcontractor report.
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9. Indicate Product or Service provided by contractor (brief description).
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11. Contractor's estimate of the percentage of work completed at the end of this reporting period.

**FEDERAL OCCUPATIONAL CATEGORIES:** The contractor's work force is broken down and reported by the nine Federal Occupational Categories (FOC's) consistent with the Federal government's EEO-1 categories for the private sector labor force. These are: Officials and Managers, Professionals, Technicians, Sales, Office & Clerical (Administrative Support), Craft Workers, Operatives, Laborers and Service Workers. The categories are general in nature, and include all related occupational job titles. The contracting agency can provide assistance in categorizing specific jobs.

**TOTAL NUMBER OF EMPLOYEES:** Record the total number of all persons employed in each FOC during the reporting period, regardless of ethnicity (either working on the specific contract OR in the contractor's total work force, based on the type of report indicated above). Report the total number of male (M) employees in column (1) and the total number of female (F) employees in column (2) for each FOC. In columns (3) through (10) report the numbers of male and female minority group members employed, based on the following defined groups:

- Black (not of Hispanic origin): all persons having origins in any of the Black African racial groups;
- Hispanic: all persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American or descent of either Indian or Hispanic origin, regardless of race;
- Asian or Pacific Islander: all persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands;
- Native American or Alaskan Native: all persons having origins in any of the original peoples of North America.

**TOTAL PERCENT MINORITY:** The sum of all minority group members (male and female) employed in the FOC divided by the total number of all employees in that FOC (column 1 + column 2).

**TOTAL PERCENT FEMALE:** The total number of female employees in the FOC (column 2) divided by the total number of all employees in that FOC (column 1 + column 2).

**TOTALS:** The column totals should be calculated (sum each column) for all FOC's combined. Total minority and female percentages should be calculated as shown above, based on the column totals.

**SUBMISSION:** The work force utilization report is to be completed by both prime and subcontractors and signed and dated by an authorized representative before submission. This Company Official's name, official title, and telephone number should be printed or typed where indicated on the bottom of the form.

The prime contractor shall complete a report for its own work force, collect reports completed by each subcontractor, and prepare a summary report for the entire combined contract work force. The reports shall include the total number of employees in each occupational category for all payrolls completed in the reporting period. The prime contractor shall submit the summary report to the contracting agency as required by Part 142 of Title 5 of the NYCRR pursuant to Article 15-A of the Executive Law.

## **ATTACHMENT G**

### **Legal Forms:**

**Compliance with State Finance Law §139j and §139k  
Certificate of Worker's Compensation Insurance  
ST-220CA or TD Tax Certification  
Vendor Responsibility Questionnaire**

## **Contractor's Certification of Compliance with State Finance Law §139-k(5)**

### **Background:**

New York State Finance Law §139-k(5) requires that every Procurement Contract award subject to the provisions of State Finance Law §§139-k or 139-j shall contain a certification by the Contractor that all information provided to the Division of Parole with respect to State Finance Law §139-k is complete, true and accurate (Attachment 1). In addition, State Finance Law §139-j(6) requires that the Division of Parole incorporate a summary of its policy and prohibitions regarding permissible Contacts during a covered procurement.

State Finance Law §§139-j and 139-k, also imposes certain restrictions on communications between the Division of Parole and Contractors during the procurement process. Potential Contractors are restricted from making contacts from the earliest notice of intent to solicit offers pursuant to the "Request for Proposal (RFP)" through final award and approval of the Procurement Contract by the Division of Parole and, if applicable, Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Regarding this RFP process you may only contact Barbara Farley, Contract Management Specialist II. Indicate your concurrence with this requirement in Attachment 2. Please note that during the RFP process that the Division of Parole is required to determine the responsibility of "the proposed Contractor" pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4-year period the Contractor is debarred from obtaining governmental Procurement Contracts.

Lastly, New York State Finance Law §139-k(2) obligates the Division of Parole to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j (Attachment 3). This information must be collected in addition to the information that is separately obtained pursuant to State Finance Law §163(9). In accordance with State Finance Law §139-k, potential Contractor must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by the Division due to: (a) a violation of State Finance to the Division of Parole. The terms "Offerer" and "Governmental Entity" are defined in State Finance Law § 139-k(1). State Finance Law §139-j sets forth detailed requirements about the restrictions on Contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible Contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such Contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether a Contractor fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with law, no Procurement Contract shall be awarded to any Contractor that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Contractor is necessary to protect public property or public health safety, and that the Contractor is the only source capable of supplying the required Article of Procurement within the necessary timeframe.

**Instructions:**

The Division of Parole must obtain the required certifications that the information in your proposal is complete, true and accurate and if any prior findings of non-responsibility, such as non-responsibility pursuant to State Finance Law §139-j exist. Accordingly, all potential Contractors submitting a proposal pursuant to this RFP must provide the four attached completed certification forms with their proposal.

**Contractor's Certification of Compliance  
with State Finance Law §139-k(5)\***

Contractor's Certification:

*I certify that all information provided to The Division of Parole with respect to State Finance Law §139-k is complete, true and accurate.*

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Contractor Address: \_\_\_\_\_

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

**Attachment 2**

**Contractor's Affirmation of Understanding of and Agreement  
pursuant to State Finance Law §139-j (3) and §139-j (6) (b)**

Contractor affirms that it understands and agrees to comply with the procedures of the Division of Parole relative to permissible Contacts as required by State Finance Law §139-j (3) and §139-j (6) (b).

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Contractor Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Contractor's Disclosure of Prior Non-Responsibility Determinations

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Name and Title of Person Submitting this Form: \_\_\_\_\_

\_\_\_\_\_

Contract Procurement Number: \_\_\_\_\_

Date: \_\_\_\_\_

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):

No Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):

No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle):

No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity: \_\_\_\_\_

Date of Finding of Non-responsibility: \_\_\_\_\_

Basis of Finding of Non-Responsibility: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Add additional pages as necessary)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle):

No Yes

6. If yes, please provide details below.

Governmental Entity: \_\_\_\_\_

Date of Termination or Withholding of Contract: \_\_\_\_\_

Basis of Termination or Withholding: \_\_\_\_\_

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

(Add additional pages as necessary)

Offerer certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By: \_\_\_\_\_ Date: \_\_\_\_\_

Signature

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**CONTRACT TERMINATION PROVISION**

The Division of Parole reserves the right to terminate this contract in the event it is found that the certification filed by the Offerer in accordance with New York State Finance Law § 139-k was intentionally false or intentionally incomplete. Upon such finding, the Division of Parole may exercise its termination right by providing written notification to the Offerer in accordance with the written notification terms of this contract.

By: \_\_\_\_\_

Signature

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

NYS WCB WC/DB100/101 100 Broadway Menands ALBANY 12241 (866) 750-5157 Fax# (518) 473-9166	NYS WCB WC/DB100/101 State Office Building 44 Hawley Street BINGHAMTON 13901 (866) 802-3604 Fax# (607) 721-8464	NYS WCB WC/DB100/101 111 Livingston St. 22nd Floor BROOKLYN 11201 (800) 877-1373 Fax# (718) 802-6642	NYS WCB WC/DB100/101 107 Delaware Ave. BUFFALO 14202 (866) 211-0645 Fax# (716) 842-2155	NYS WCB WC/DB100/101 220 Rabro Drive Suite 100 HAUPPAUGE 11788 (866) 681-5354 Fax# (631) 952-7966	NYS WCB WC/DB100/101 175 Fulton Ave. HEMPSTEAD 11550 (866) 805-3630 Fax# (516) 560-7807	NYS WCB WC/DB100/101 215 W. 125th St. 3rd Floor NEW YORK 10027 (800) 877-1373 Fax# (212) 316-9183	NYS WCB WC/DB100/101 41 North Division St. PEEKSKILL 10566 (866) 746-0552 Fax# (914) 788-5793	NYS WCB WC/DB100/101 168-46 91st Ave. 3rd Floor QUEENS 11432 (800) 877-1373 Fax# (718) 291-7248	NYS WCB WC/DB100/101 130 Main St. ROCHESTER 14614 (866) 211-0644 Fax# (585) 238-8341	NYS WCB WC/DB100/101 935 James St. SYRACUSE 13203 (866) 802-3730 Fax# (315) 423-2938
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**Affidavit For New York Entities With No Employees And Certain Out Of State Entities, That New York State Workers' Compensation And/Or Disability Benefits Insurance Coverage Is Not Required**

*(Please contact an attorney if you have any questions regarding this form.)*

Because this is a sworn affidavit, employees of the Workers' Compensation Board cannot assist applicants in answering questions about this form.

**\*\*This form cannot be used to waive the workers' compensation rights or obligations of any party.\*\***

The applicant may use this Affidavit **ONLY** to show a government entity that New York State specific workers' compensation and/or disability benefits insurance is not required. The applicant may **NOT** use this form to show either other businesses or those businesses' insurance carriers that such insurance is not required.

Applicant must either fax or mail this completed form to the closest New York State Workers' Compensation Board office at the fax number or address listed on the top of this form

**Incomplete forms will be returned, UNSTAMPED.**

Please note: This statement **must FIRST be notarized** and THEN sent to be **stamped** as received by the New York State Workers' Compensation Board. This affidavit will not be accepted by government officials one year after the date stamped as received by the Workers' Compensation Board.

**UPON RECEIPT OF A FULLY COMPLETED FORM WC/DB-100**, the Workers' Compensation Board will stamp this form as received and return it to you by either mail or fax **within 5 business days**. Please provide a copy (or the original, if required by the government entity) of this stamped form to the government entity from which you are requesting a permit, license or contract.

In the Application of (Business Name and Address)

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

for a \_\_\_\_\_ permit/license/contract

State of \_\_\_\_\_ )

) ss.:

County of \_\_\_\_\_ )

▶ 1. \_\_\_\_\_ (applicant's name) being duly sworn, deposes and says:

1a) I am the \_\_\_\_\_ (position) with the above-named business, a/an \_\_\_\_\_ (nature of business—e.g., building contractor, occupational therapist, food cart vendor, etc). The telephone number of the business is (\_\_\_\_\_) \_\_\_\_\_. The Federal Employer Identification Number of the business (or the Social Security Number of the business owner) is \_\_\_\_\_. I affirm that due to my position with the above-named business I have the knowledge, information and authority to make this affidavit.

2. My personal address is \_\_\_\_\_ and my home telephone number is (\_\_\_\_\_) \_\_\_\_\_.

3. That the above named business is applying for a \_\_\_\_\_ (type of permit/ license/contract applying for) from \_\_\_\_\_ (governmental entity issuing the permit/ license/contract).

3a){Optional -- Location of where work will be performed in New York State \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (dates necessary to complete work associated with permit/license/contract). The estimated dollar amount of project is \_\_\_\_\_.

4. That the above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE SPECIFIC WORKERS' COMPENSATION INSURANCE COVERAGE** for the following reason (to be eligible for exemption, applicant must be able to truthfully check **ONE** of the boxes from 4a. through 4i.):

4a.) the business is owned by one individual and is not a corporation. Other than the owner, there are no employees, day labor, leased employees, borrowed employees, part-time employees, unpaid volunteers (including family members) or subcontractors.

- 4b.) the business is a LLC, LLP, PLLC, PLLP or a RLLP; OR is a partnership under the laws of New York State and is not a corporation. Other than the partners or members, there are no employees, day labor, leased employees, borrowed employees, part-time employees, unpaid volunteers (including family members) or subcontractors. *(Must attach separate sheet with a list of all the partners/members names and also with the signatures of all the partners/members – Limited Partnerships must ONLY list General Partners.)*
- 4c.) the business is a one person owned corporation, with that individual owning all of the stock and holding all offices of the corporation. Other than the corporate owner, there are no employees, day labor, leased employees, borrowed employees, part-time employees, unpaid volunteers (including family members) or subcontractors.
- 4d.) the business is a two person owned corporation, with those individuals owning all of the stock and holding all offices of the corporation (each individual must own at least one share of stock). Other than the corporate owners, there are no employees, day labor, leased employees, borrowed employees, part-time employees, unpaid volunteers (including family members) or subcontractors. *(Must attach separate sheet with a list of the names of both owners, and also with both owners' signatures.)*
- 4e.) the applicant is a nonprofit entity (under IRS rules). With the exception of clergy or teachers, the nonprofit has no compensated individuals providing any services including subcontractors.
- 4f.) the business is a farm with less than \$1,200 in payroll the preceding calendar year.
- 4g.) the applicant is a homeowner serving as the general contractor for his/her primary/secondary personal residence. The homeowner has no employees, day labor, leased employees, borrowed employees, part-time employees or subcontractors.
- 4h.) other than the business owner(s) and individuals obtained from a registered temporary service agency, there are no employees, day labor, leased employees, borrowed employees, part-time employees, unpaid volunteers (including family members) or subcontractors. Other than the business owner(s), all individuals providing services to the business are obtained from a registered temporary service agency and that agency has covered these individuals for New York State workers' compensation insurance. In addition, the business is owned by one individual or is a partnership under the laws of New York State and is not a corporation; or is a one or two person owned corporation, with those individuals owning all of the stock and holding all offices of the corporation.
- 4i.) the out-of-state entity has no NYS employees and/or NYS subcontractors AND ALL work related to the permit, license or contract is done outside of NYS; OR ALL employees are direct employees of a government entity outside of New York *(Applicant **MUST** attach a certificate of insurance from its foreign or other State's workers' compensation insurance policy to this Affidavit).*

5. That the above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE DISABILITY BENEFITS INSURANCE COVERAGE** for the following reason (to be eligible for exemption, applicant must be able to truthfully check **ONE** of the boxes from 5a. through 5f.):

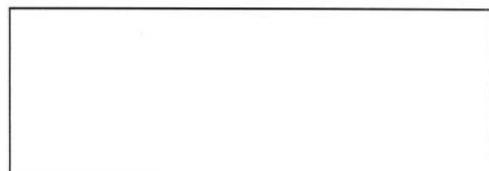
- 5a.) the business is owned by one individual or is a partnership under the laws of New York State and is not a corporation; or is a one or two person owned corporation, with those individuals owning all of the stock and holding all offices of the corporation or is a business with no NYS location. In addition, the business does not require disability benefits coverage at this time since it has not employed one or more individuals on at least 30 days in any calendar year in New York State. *(Independent contractors are not considered to be employees under the Disability Benefits Law.)*
- 5b.) the applicant is a political subdivision that is legally exempt from providing statutory disability benefits coverage.
- 5c.) the applicant is a nonprofit with NO compensated individuals providing services; or is a religious, charitable or educational nonprofit with no compensated individuals providing services except for executive officers, clergy, sextons, teachers or professionals.
- 5d.) the business is a farm and all employees are farm laborers.
- 5e.) the applicant is a homeowner serving as the general contractor for his/her primary/secondary personal residence. The homeowner has not employed one or more individuals on at least 30 days in any calendar year in New York State. *(Independent contractors are not considered to be employees under the Disability Benefits Law.)*
- 5f.) other than the business owner(s) and individuals obtained from the temporary service agency, there are no other employees. Other than the business owner(s), all individuals providing services to the business are obtained from a registered temporary service agency and that agency has covered these individuals for New York State disability benefits insurance. In addition, the business is owned by one individual or is a partnership under the laws of New York State and is not a corporation; or is a one or two person owned corporation, with those individuals owning all of the stock and holding all offices of the corporation.

6. By signing my name below, **I hereby affirm that the statements made herein are true, that I have not made any materially false statements and I make this affidavit under the penalties of perjury.** I further affirm that I understand that any false statement, representation or concealment will subject me to **felony** criminal prosecution, including jail and civil liability in accordance with the Workers' Compensation Law and all other New York State laws. **I also hereby affirm that** if circumstances change so that workers' compensation insurance and/or disability benefits coverage is required, the above-named business will immediately acquire appropriate New York State specific workers' compensation insurance and/or disability benefits coverage and also immediately furnish proof of that coverage on forms approved by the Chair of the Workers' Compensation Board to the government entity listed in item 3 on the front of this form

\_\_\_\_\_  
*(Applicant's Signature -- first and last name)*

Sworn to before me this \_\_\_\_\_  
 Day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
 Notary Public



NYS Workers' Compensation Board Received Stamp



# Contractor Certification to Covered Agency

(Pursuant to Section 5-a of the Tax Law, as amended, effective April 26, 2006)

# ST-220-CA

(6/06)

For information, consult Publication 223, *Questions and Answers Concerning Tax Law Section 5-a* (see *Need Help?* on back).

Contractor name		For covered agency use only	
Contractor's principal place of business		City	State
Contractor's mailing address (if different than above)		Contract number or description	
Contractor's federal employer identification number (EIN)		Estimated contract value over the full term of contract (but not including renewals)	
Contractor's sales tax ID number (if different from contractor's EIN)		\$	
Contractor's telephone number	Covered agency name		
Covered agency address		Covered agency telephone number	

I, \_\_\_\_\_, hereby affirm, under penalty of perjury, that I am \_\_\_\_\_

(name)

(title)

of the above-named contractor, that I am authorized to make this certification on behalf of such contractor, and I further certify that:

(Mark an X in only one box)

The contractor has filed Form ST-220-TD with the Department of Taxation and Finance in connection with this contract and, to the best of contractor's knowledge, the information provided on the Form ST-220-TD, is correct and complete.

The contractor has previously filed Form ST-220-TD with the Tax Department in connection with \_\_\_\_\_

(insert contract number or description)

and, to the best of the contractor's knowledge, the information provided on that previously filed Form ST-220-TD, is correct and complete as of the current date, and thus the contractor is not required to file a new Form ST-220-TD at this time.

Sworn to this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

(sign before a notary public)

(title)

## Instructions

### General information

Tax Law section 5-a was amended, effective April 26, 2006. On or after that date, in all cases where a contract is subject to Tax Law section 5-a, a contractor must file (1) Form ST-220-CA, *Contractor Certification to Covered Agency*, with a covered agency, and (2) Form ST-220-TD with the Tax Department before a contract may take effect. The circumstances when a contract is subject to section 5-a are listed in Publication 223, Q&A 3. This publication is available on our Web site, by fax, or by mail. (See *Need help?* for more information on how to obtain this publication.) In addition, a contractor must file a new Form ST-220-CA with a covered agency before an existing contract with such agency may be renewed.

If you have questions, please call our information center at 1 800 698-2931.

**Note:** Form ST-220-CA must be signed by a person authorized to make the certification on behalf of the contractor, and the acknowledgement on page 2 of this form must be completed before a notary public.

### When to complete this form

As set forth in Publication 223, a contract is subject to section 5-a, and you must make the required certification(s), if:

- i. The procuring entity is a *covered agency* within the meaning of the statute (see Publication 223, Q&A 5);
- ii. The contractor is a *contractor* within the meaning of the statute (see Publication 223, Q&A 6); and
- iii. The contract is a *contract* within the meaning of the statute. This is the case when it (a) has a value in excess of \$100,000 and (b) is a contract for *commodities* or *services*, as such terms are defined for purposes of the statute (see Publication 223, Q&A 8 and 9).

Furthermore, the procuring entity must have begun the solicitation to purchase on or after January 1, 2005, and the resulting contract must have been awarded, amended, extended, renewed, or assigned *on or after April 26, 2006* (the effective date of the section 5-a amendments).

Individual, Corporation, Partnership, or LLC Acknowledgment

STATE OF }
: SS.:
COUNTY OF }

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument, who, being duly sworn by me did depose and say that \_he resides at \_\_\_\_\_,

Town of \_\_\_\_\_,

County of \_\_\_\_\_,

State of \_\_\_\_\_; and further that:

[Mark an X in the appropriate box and complete the accompanying statement.]

- (If an individual): \_he executed the foregoing instrument in his/her name and on his/her own behalf.
(If a corporation): \_he is the \_\_\_\_\_ of \_\_\_\_\_, the corporation described in said instrument; that, by authority of the Board of Directors of said corporation, \_he is authorized to execute the foregoing instrument on behalf of the corporation for purposes set forth therein; and that, pursuant to that authority, \_he executed the foregoing instrument in the name of and on behalf of said corporation as the act and deed of said corporation.
(If a partnership): \_he is a \_\_\_\_\_ of \_\_\_\_\_, the partnership described in said instrument; that, by the terms of said partnership, \_he is authorized to execute the foregoing instrument on behalf of the partnership for purposes set forth therein; and that, pursuant to that authority, \_he executed the foregoing instrument in the name of and on behalf of said partnership as the act and deed of said partnership.
(If a limited liability company): \_he is a duly authorized member of \_\_\_\_\_, LLC, the limited liability company described in said instrument; that \_he is authorized to execute the foregoing instrument on behalf of the limited liability company for purposes set forth therein; and that, pursuant to that authority, \_he executed the foregoing instrument in the name of and on behalf of said limited liability company as the act and deed of said limited liability company.

Notary Public

Registration No.

Privacy notification

The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 5-a, 171, 171-a, 287, 308, 429, 475, 505, 697, 1096, 1142, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 405(c)(2)(C)(i).
This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.
Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention, support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.
Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.
This information is maintained by the Director of Records Management and Data Entry, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone 1 800 225-5829. From areas outside the United States and outside Canada, call (518) 485-6800.

Need help?

Internet access: www.nystax.gov (for information, forms, and publications)
Fax-on-demand forms: 1 800 748-3676
Telephone assistance is available from 8:00 A.M. to 5:00 P.M. (eastern time), Monday through Friday. 1 800 698-2931
To order forms and publications: 1 800 462-8100
From areas outside the U.S. and outside Canada: (518) 485-6800
Hearing and speech impaired (telecommunications device for the deaf (TDD) callers only): 1 800 634-2110
Persons with disabilities: In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, please call 1 800 972-1233.



# Contractor Certification

(Pursuant to Section 5-a of the Tax Law, as amended, effective April 26, 2006)

# ST-220-TD

(5/07)

For information, consult Publication 223, *Questions and Answers Concerning Tax Law Section 5-a* (see *Need help?* below).

Contractor name				
Contractor's principal place of business		City	State	ZIP code
Contractor's mailing address (if different than above)				
Contractor's federal employer identification number (EIN)		Contractor's sales tax ID number (if different from contractor's EIN)		Contractor's telephone number ( )
Covered agency or state agency	Contract number or description		Estimated contract value over the full term of contract (but not including renewals) \$	
Covered agency address			Covered agency telephone number	

## General information

Section 5-a of the Tax Law, as amended, effective April 26, 2006, requires certain contractors awarded certain state contracts valued at more than \$100,000 to certify to the Tax Department that they are registered to collect New York State and local sales and compensating use taxes, if they made sales delivered by any means to locations within New York State of tangible personal property or taxable services having a cumulative value in excess of \$300,000, measured over a specified period. In addition, contractors must certify to the Tax Department that each affiliate and subcontractor exceeding such sales threshold during a specified period is registered to collect New York State and local sales and compensating use taxes. Contractors must also file a Form ST-220-CA, certifying to the procuring state entity that they filed Form ST-220-TD with the Tax Department and that the information contained on Form ST-220-TD is correct and complete as of the date they file Form ST-220-CA.

All sections must be completed including all fields on the top of this page, all sections on page 2, Schedule A on page 3, if applicable, and Individual, Corporation, Partnership, or LLC Acknowledgement on page 4. If you do not complete these areas, the form will be returned to you for completion.

For more detailed information regarding this form and section 5-a of the Tax Law, see Publication 223, *Questions and Answers Concerning Tax Law Section 5-a*, (as amended, effective April 26, 2006), available at [www.nystax.gov](http://www.nystax.gov). Information is also available by calling the Tax Department's Contractor Information Center at 1 800 698-2931.

**Note:** Form ST-220-TD must be signed by a person authorized to make the certification on behalf of the contractor, and the acknowledgement on page 4 of this form must be completed before a notary public.

Mail completed form to:

**NYS TAX DEPARTMENT  
DATA ENTRY SECTION  
W A HARRIMAN CAMPUS  
ALBANY NY 12227**

## Privacy notification

The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 5-a, 171, 171-a, 287, 308, 429, 475, 505, 697, 1096, 1142, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 405(c)(2)(C)(i).

This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.

Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention, support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Director of Records Management and Data Entry, NYS Tax Department, W A Harriman Campus, Albany NY 12227.

## Need help?

 **Internet access:** [www.nystax.gov](http://www.nystax.gov)  
(for information, forms, and publications)

 **Fax-on-demand forms:** 1 800 748-3676

 **Telephone assistance** is available from 8:00 A.M. to 5:00 P.M. (eastern time), Monday through Friday.

To order forms and publications: 1 800 462-8100

**Sales Tax Information Center:** 1 800 698-2909

From areas outside the U.S. and outside Canada: (518) 485-6800

**Hearing and speech impaired** (telecommunications device for the deaf (TDD) callers only): 1 800 634-2110

 **Persons with disabilities:** In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, please call 1 800 972-1233.

I, \_\_\_\_\_, hereby affirm, under penalty of perjury, that I am \_\_\_\_\_  
(name) (title)  
of the above-named contractor, and that I am authorized to make this certification on behalf of such contractor.

**Complete Sections 1, 2, and 3 below. Make only one entry in each section.**

**Section 1 — Contractor registration status**

- The contractor has made sales delivered by any means to locations within New York State of tangible personal property or taxable services having a cumulative value in excess of \$300,000 during the four sales tax quarters which immediately precede the sales tax quarter in which this certification is made. The contractor is registered to collect New York State and local sales and compensating use taxes with the Commissioner of Taxation and Finance pursuant to sections 1134 and 1253 of the Tax Law, and is listed on Schedule A of this certification.
- The contractor has not made sales delivered by any means to locations within New York State of tangible personal property or taxable services having a cumulative value in excess of \$300,000 during the four sales tax quarters which immediately precede the sales tax quarter in which this certification is made.

**Section 2 — Affiliate registration status**

- The contractor does not have any affiliates.
- To the best of the contractor's knowledge, the contractor has one or more affiliates having made sales delivered by any means to locations within New York State of tangible personal property or taxable services having a cumulative value in excess of \$300,000 during the four sales tax quarters which immediately precede the sales tax quarter in which this certification is made, and each affiliate exceeding the \$300,000 cumulative sales threshold during such quarters is registered to collect New York State and local sales and compensating use taxes with the Commissioner of Taxation and Finance pursuant to sections 1134 and 1253 of the Tax Law. The contractor has listed each affiliate exceeding the \$300,000 cumulative sales threshold during such quarters on Schedule A of this certification.
- To the best of the contractor's knowledge, the contractor has one or more affiliates, and each affiliate has not made sales delivered by any means to locations within New York State of tangible personal property or taxable services having a cumulative value in excess of \$300,000 during the four sales tax quarters which immediately precede the sales tax quarter in which this certification is made.

**Section 3 — Subcontractor registration status**

- The contractor does not have any subcontractors.
- To the best of the contractor's knowledge, the contractor has one or more subcontractors having made sales delivered by any means to locations within New York State of tangible personal property or taxable services having a cumulative value in excess of \$300,000 during the four sales tax quarters which immediately precede the sales tax quarter in which this certification is made, and each subcontractor exceeding the \$300,000 cumulative sales threshold during such quarters is registered to collect New York State and local sales and compensating use taxes with the Commissioner of Taxation and Finance pursuant to sections 1134 and 1253 of the Tax Law. The contractor has listed each subcontractor exceeding the \$300,000 cumulative sales threshold during such quarters on Schedule A of this certification.
- To the best of the contractor's knowledge, the contractor has one or more subcontractors, and each subcontractor has not made sales delivered by any means to locations within New York State of tangible personal property or taxable services having a cumulative value in excess of \$300,000 during the four sales tax quarters which immediately precede the sales tax quarter in which this certification is made.

Sworn to this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
(sign before a notary public)

\_\_\_\_\_  
(title)



Individual, Corporation, Partnership, or LLC Acknowledgment

STATE OF }
: SS.:
COUNTY OF }

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_, before me personally appeared \_\_\_\_\_,
known to me to be the person who executed the foregoing instrument, who, being duly sworn by me did depose and say that
\_he resides at \_\_\_\_\_,
Town of \_\_\_\_\_,
County of \_\_\_\_\_,
State of \_\_\_\_\_; and further that:

[Mark an X in the appropriate box and complete the accompanying statement.]

- (If an individual): \_he executed the foregoing instrument in his/her name and on his/her own behalf.
(If a corporation): \_he is the \_\_\_\_\_ of \_\_\_\_\_, the corporation described in said instrument; that, by authority of the Board of Directors of said corporation, \_he is authorized to execute the foregoing instrument on behalf of the corporation for purposes set forth therein; and that, pursuant to that authority, \_he executed the foregoing instrument in the name of and on behalf of said corporation as the act and deed of said corporation.
(If a partnership): \_he is a \_\_\_\_\_ of \_\_\_\_\_, the partnership described in said instrument; that, by the terms of said partnership, \_he is authorized to execute the foregoing instrument on behalf of the partnership for purposes set forth therein; and that, pursuant to that authority, \_he executed the foregoing instrument in the name of and on behalf of said partnership as the act and deed of said partnership.
(If a limited liability company): \_he is a duly authorized member of \_\_\_\_\_ LLC, the limited liability company described in said instrument; that \_he is authorized to execute the foregoing instrument on behalf of the limited liability company for purposes set forth therein; and that, pursuant to that authority, \_he executed the foregoing instrument in the name of and on behalf of said limited liability company as the act and deed of said limited liability company.

Notary Public
Registration No. \_\_\_\_\_

Vendors are invited to file the required Vendor Responsibility Questionnaire online via the New York State VendRep System or may choose to complete and submit a paper questionnaire. To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep) or go directly to the VendRep System online at <https://portal.osc.state.ny.us>. For direct VendRep System user assistance, the OSC Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email at [helpdesk@osc.state.ny.us](mailto:helpdesk@osc.state.ny.us). Vendors opting to file a paper questionnaire can obtain the appropriate questionnaire from the VendRep website [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep) or may contact the Division of Parole or the Office of the State Comptroller for a copy of the paper form.