

Attachment A: Administrative Forms

A-1: COVER PAGE

This form shall be completed and attached to your proposal. Failure to complete and submit this form may result in a determination of non-responsiveness and disqualification of the proposal.

The Firm is applying to perform legal services for EFC with respect to the following programs (check all that apply):

- Financing Programs**
- General Corporate Matters**

RFP Name: Legal Services

Proposal Submission Date: October 18, 2023

1. Information Regarding the Firm

Firm Name:

Address:

City, State, Zip Code:

Telephone Number:

Website:

2. Primary Contact Concerning this Proposal:

Name:

Title:

Address:

City, State, Zip Code:

Direct Telephone:

E-mail Address:

3. Irrevocable Offer:

The price quoted is a final and irrevocable offer that is good for 180 days from the date of submission.

Yes No

4. Willingness to Perform All Services:

The Firm is willing to, and capable of performing all of the deliverables and Services described, and applied for, in this RFP. The Firm is available to perform Services as early as January 1, 2024.

Yes No

5. Compliance with Article 15-A:

The Firm agrees, in addition to any other nondiscrimination provision of the Contract and at no additional cost to EFC, to fully comply and cooperate with EFC in the implementation of State Executive Law Article 15-A. Firm's demonstration of "good faith efforts" pursuant to 5 NYCRR § 142.8 shall be a part of these requirements. Yes No

6. Attachment C:

The Firm has read, understands, and accepts all terms and conditions of Attachment C, EFC’s Standard Contract. If not, please provide explanation. Yes No

7. Certification Status:

Is Firm a State Certified Minority-owned Business? Yes No

Is Firm a State Certified Women-owned Business? Yes No

Is Firm a State Certified Service-Disabled Veteran-owned Business? Yes No

8. Vendor Responsibility Questionnaire Requirement:

The Firm has (Please check the appropriate box):

Certified and filed the Vendor Responsibility Questionnaire on-line via the State VendRep System (see Section 8 (M)).

OR

Included a properly executed paper copy of the Vendor Responsibility Questionnaire with the Bid.

By my signature on this Cover Page, I certify that I am authorized to bind the Firm contractually and that the above information is true and accurate.

Name of Authorized Representative of the Firm

Title/Position of Authorized Representative of the Firm

Signature

Date

A-2: NON-COLLUSIVE BIDDING CERTIFICATION

In accordance with State Public Authorities Law § 2878, by submitting its bid, each Firm and each person signing on behalf of any other Firm certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his or her knowledge and belief:

[1] The prices of this bid have been arrived at independently, without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other Firm or with any competitor;

[2] Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the Firm and will not knowingly be disclosed by the Firm prior to opening, directly or indirectly, to any other Firm or to any competitor; and

[3] No attempt has been made or will be made by the Firm to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

Legal Name of Firm:

Signature:

Name:

Title:

Joint or combined bids by Firms must be certified on behalf of each participant.

Legal Name of Firm

Legal Name of Firm

Signature:

Signature:

Name:

Name:

Title:

Title:

A-3: CERTIFICATION PURSUANT TO STATE FINANCE LAW §§ 139-j and 139-k

This form shall be completed and submitted with your proposal. Failure to complete and submit this form may result in a determination of non-responsiveness and disqualification of the proposal.

1. Affirmation relating to procedures governing permissible contacts:

Firm understands and has to date agrees hereinafter to comply with the EFC's procedures relative to permissible contacts for this procurement as required by State Finance Law § 139-j(3) and § 139-j(6)(b).

Affirms Does not affirm

2. Disclosure of Findings of Non-Responsibility and Prior Contract Terminations or Withholding under the Procurement Lobbying Law:

- a. Has any "governmental entity," as defined by State Finance Law § 139-j and § 139-k, made a finding in the last four years that the firm was not responsible? Yes No
- b. If yes, was the basis for any such finding(s) the intentional provision of false or incomplete information required by State Finance Law § 139-j and § 139-k, and/or the failure to comply with the requirements of State Finance Law § 139-j(3) relating to permissible contacts?
 Yes No

If yes, please provide details regarding each finding of non-responsibility below. (Attach additional pages, if necessary)

Governmental Entity:

Date of Finding:

Basis of Finding:

- c. Has any "governmental entity" as defined in State Finance Law §139-j and §139-k terminated or withheld a procurement contract with the firm due to the intentional provision of false or incomplete information required by such Laws and/or the failure to comply with the requirements of State Finance Law § 139-j(3) relating to permissible contacts?
 Yes No

If yes, please provide details below. (Attach additional pages, if necessary)

Governmental Entity:

Date of Termination or Withholding of Contract:

Basis of Termination or Withholding of Contract:

The undersigned acknowledges and states that all information provided to EFC with respect to State Finance Law § 139-j and § 139-k is complete, true and accurate.

Signature of Authorized Officer

Date

Title

Address

A-4.1: MWBE UTILIZATION PLAN

INSTRUCTIONS: This form MUST be submitted prior to contract award. This Utilization Plan must contain a detailed description of the supplies and/or services to be provided by each Certified Minority- and Women-owned Business Enterprise (MWBE) under the contract and reflect the agency goals of 30% MWBE participation, unless otherwise specified in Contract or procurement document. Firms that do not perform commercially useful functions may not be counted toward MWBE utilization.

1. Contractor Information

Name:

Street Address:

City, State, Zip Code:

Telephone:

Email:

Federal I.D. No:

Solicitation Name:

2. Certified MWBE #1

Name:

Address:

City, State, Zip Code:

Direct Telephone:

Federal I.D. No:

- a. Classification (check all applicable): NYS ESD Certified: MBE WBE
- b. Description of Work (Subcontracts/Supplies/Services)

c. Annual Dollar Value or % of Subcontracts/Supplies/Services:

3. Certified MWBE #2

Name:

Address:

City, State, Zip Code:

Direct Telephone:

Federal I.D. No:

- a. Classification (check all applicable): NYS ESD Certified: MBE WBE
- b. Description of Work (Subcontracts/Supplies/Services)

c. Annual Dollar Value or % of Subcontracts/Supplies/Services

PREPARED BY (Signature):

DATE:

PRINT NAME:

SUBMISSION OF THIS FORM CONSTITUTES THE CONTRACTOR'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE MWBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A, 5 NYCRR PART 143, AND THE ABOVE REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND POSSIBLE TERMINATION OF YOUR CONTRACT.

4. FOR AUTHORIZED USE ONLY

a. Proposed Goals

MBE (%):

EEO-Minorities (%):

Approved Disapproved

Date:

Initials:

WBE (%):

EEO-Female (%):

Approved Disapproved

Date:

Initials:

A-4.2: MWBE REQUEST FOR WAIVER

INSTRUCTIONS: SEE PAGE 2 OF THIS ATTACHMENT FOR REQUIREMENTS AND DOCUMENT SUBMISSION INSTRUCTIONS.

Firm Name:

Federal I.D. No:

Address:

City, State, Zip Code:

Procurement Name:

MWBE Subcontract Goals: 30%

By submitting this form and the required information, the company certifies that every Good Faith Effort has been taken to promote MWBE participation pursuant to the MWBE requirements set forth under this procurement.

Firm is requesting a:

1. **MBE Waiver – A Total Partial (%) waiver of the MBE Goal for this procurement is requested.**

2. **WBE Waiver – A Total Partial (%) waiver of the WBE Goal for this procurement is requested.**

3. **ESD Certification Waiver – A waiver of the requirement that the MBE/WBE be certified by Empire State Development (ESD). (Check here if MBE/WBE is NOT ESD certified.)**

4. **Conditional Waiver – (Attach separate sheet outlining special conditions or extenuating circumstances.)**

Prepared By (Signature):

Date:

Name of Preparer:

Title of Preparer:

Telephone:

Email:

SUBMISSION OF THIS FORM CONSTITUTES THE FIRM'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE MWBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN NONCOMPLIANCE AND/OR PROPOSAL DISQUALIFICATION.

FOR EFC USE ONLY

Reviewed By:

Date:

MWBE Certified

MWBE Not Certified

A-4.2 (continued)

MWBE REQUIREMENTS AND WAIVER SUBMISSION

When completing the MWBE Request for Waiver form please check all boxes that apply. To be considered, the MWBE Request for Waiver form must be accompanied by documentation for items 1 – 10, as listed below. Copies of the following information and all relevant supporting documentation must be submitted along with the request:

- A brief letter of explanation setting forth your basis for requesting a partial or total waiver and detailing the good faith efforts that were made.
- The names of general circulation, trade association, and MWBE-oriented publications in which you solicited MWBEs for the purposes of complying with your participation goals.
- A list identifying the date(s) that all solicitations for MWBE participation were published in any of the above publications.
- A list of all MWBEs appearing in the [NYS Directory of Certified Firms](#) that were solicited for purposes of complying with your MWBE participation levels.
- Copies of notices, dates of contact, letters, and other correspondence as proof that solicitations were made in writing and copies of such solicitations, or a sample copy of the solicitation if an identical solicitation was made to all MWBEs.
- Provide copies of responses made by MWBEs to your solicitations.
- Provide a description of any contract documents, plans, or specifications made available to MWBEs for purposes of soliciting their bids and the date and way these documents were made available.
- Provide documentation of any negotiations between you, the contractor, and the MWBEs undertaken for purposes of complying with your MWBE participation goals.
- Provide any other information you deem relevant which may help us in evaluating your request for a waiver.
- Provide the name, title, address, telephone number, and email address of contractor's representative authorized to discuss this waiver request.

Note: Unless a total waiver has been granted, Firms will be required to submit all reports and documents pursuant to the provisions set forth in the procurement and/or contract, as deemed appropriate by EFC, to determine MWBE compliance. In cases where EFC grants a full or partial waiver of MWBE participation goals, the waiver request will be posted to EFC's [website](#).

**A-4.3: MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES – EQUAL
EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

MWBE AND EEO POLICY STATEMENT

I, _____, the (Contractor/Firm) _____ agree to adopt the following policies with respect to the project being developed or services rendered for the NYS Environmental Facilities Corporation

MWBE: This organization will and will cause its contractors and subcontractors to take good faith actions to achieve the MWBE contract participations goals set by the State for that area in which the State-funded project is located, by taking the following steps:

- Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to MWBE contractor associations.
- Request a list of State-certified MWBEs from EFC and solicit bids from them directly.
- Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective MWBEs.
- Where feasible, divide the work into smaller portions to enhanced participations by MWBEs and encourage the formation of joint venture and other partnerships among MWBE contractors to enhance their participation.
- Document and maintain records of bid solicitation, including those to MWBEs and the results thereof. The contractor will also maintain records of actions that its subcontractors have taken toward meeting MWBE contract participation goals.
- Ensure that progress payments to MWBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives developed to encourage MWBE participation.

EEO. (a) This organization 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 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 contracts.

(b) This organization shall state in all solicitation 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 disability or marital status.

(c) At the request of the contracting agency, this organization shall request each employment agency, labor union, or authorized 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 this organization's obligations herein.

(d) The contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. The contractor and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

(e) This organization will include the provisions of sections (a) through (d) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the State contract.

By:

Title:

Date:

_____ is designated as the Minority Business Enterprise

(Name of Designated Liaison)

Liaison responsible for administering the Minority- and Women-Owned Business Enterprises-Equal Employment Opportunity (MWBE-EEO) program.

MWBE Contract Goals

30%

(Authorized Representative)

Title:

Date:

A-4.4: EEO STAFFING PLAN

Submit with Bid or Proposal – Instructions on page 2

Solicitation Name:

Reporting Entity:

- Report includes Firm's/Subcontractor's: Work force to be utilized on this contract
 Total work force
 Offeror
 Subcontractor
 Subcontractor's Name

Offeror's Name:

Offeror's Address:

1. EEO-Job Categories

Enter the total number of employees for each classification in each of the EEO-Job Categories identified.

a. Officials/Administrators

Workforce Information	White	Black	Hispanic	Asian	Native American	Disabled	Veteran	Totals
Total Workforce								
Male								
Female								

b. Professionals

Workforce Information	White	Black	Hispanic	Asian	Native American	Disabled	Veteran	Totals
Total Workforce								
Male								
Female								

c. Technicians

Workforce Information	White	Black	Hispanic	Asian	Native American	Disabled	Veteran	Totals
Total Workforce								
Male								
Female								

d. Sales Workers

Workforce Information	White	Black	Hispanic	Asian	Native American	Disabled	Veteran	Totals
Total Workforce								
Male								
Female								

e. Office/Clerical

Workforce Information	White	Black	Hispanic	Asian	Native American	Disabled	Veteran	Totals
Total Workforce								
Male								
Female								

f. Craft Workers

Workforce Information	White	Black	Hispanic	Asian	Native American	Disabled	Veteran	Totals
Total Workforce								
Male								
Female								

g. Laborers

Workforce Information	White	Black	Hispanic	Asian	Native American	Disabled	Veteran	Totals
Total Workforce								
Male								
Female								

h. Service Workers

Workforce Information	White	Black	Hispanic	Asian	Native American	Disabled	Veteran	Totals
Total Workforce								
Male								
Female								

i. Temporary /Apprentices

Workforce Information	White	Black	Hispanic	Asian	Native American	Disabled	Veteran	Totals
Total Workforce								
Male								
Female								

Prepared By:

Date:

Name and Title of Preparer:

Telephone No:

Email:

Submit completed with bid or proposal MWBE (Rev 03/11)

General instructions: All Offerors and each subcontractor identified in the bid or proposal must complete an EEO Staffing Plan (MWBE 101) and submit it as part of the bid or proposal package. Where the work force to be utilized in the performance of the State contract can be separated out from the contractor's and/or subcontractor's total work force, the Offeror shall complete this form only for the anticipated work force to be utilized on the State contract. Where the work force to be utilized in the performance of the State contract cannot be separated out from the contractor's and/or subcontractor's total work force, the Offeror shall complete this form for the contractor's and/or subcontractor's total work force.

Instructions for completing:

1. Enter the Solicitation number that this report applies to along with the name and address of the Offeror.
2. Check off the appropriate box to indicate if the Offeror completing the report is the contractor or a subcontractor.
3. Check off the appropriate box to indicate work force to be utilized on the contract or the Offerors' total work force.
4. Enter the total work force by EEO job category. Data should be broken down by gender, race/ethnic identification, and on disabled or veterans. Contact the Permissible contact(s) for the solicitation if you have any questions.
5. Enter information on disabled or veterans included in the anticipated work force under the appropriate headings.
6. Enter the name, title, phone number and email address for the person completing the form. Sign and date the form in the designated boxes.

RACE/ETHNIC IDENTIFICATION

Race/ethnic designations as used by the Equal Employment Opportunity Commission do not denote scientific definitions of anthropological origins. For the purposes of this form, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic group.

The race/ethnic categories for this survey are:

- **WHITE:** (Not of Hispanic origin) All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- **BLACK:** a person, not of Hispanic origin, who has origins in any of the black racial groups of the original peoples of Africa.
- **HISPANIC:** a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

- ASIAN & PACIFIC ISLANDER: a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.
- NATIVE INDIAN (NATIVE AMERICAN/ ALASKAN NATIVE): a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.
- DISABLED INDIVIDUAL: any person who: has a physical or mental impairment that substantially limits one or more major life activity(ies); has a record of such an impairment; or is regarded as having such an impairment.
- VIETNAM ERA VETERAN: a veteran who served at any time between and including January 1, 1963 and May 7, 1975.
- GENDER: Male or Female

A-5: DIVERSITY PRACTICES QUESTIONNAIRE

I, _____, as _____ (title) of _____ Firm or company (hereafter referred to as the Firm), swear and/or affirm under penalty of perjury that the answers submitted to the following questions are complete and accurate to the best of my knowledge:

1. Does your Firm have a Chief Diversity Officer or other individual who is tasked with supplier diversity initiatives? Yes No

If Yes, provide the name, title, description of duties, and evidence of initiatives performed by this individual or individuals.

2. What percentage of your Firm's gross revenues (from your prior fiscal year) was paid to State certified minority and/or women-owned business enterprises as subcontractors, suppliers, joint-ventures, partners or other similar arrangement for the provision of goods or services to your Firm's clients or customers?

3. What percentage of your Firm's overhead (i.e. those expenditures that are not directly related to the provision of goods or services to your Firm's clients or customers) or non-contract-related expenses (from your prior fiscal year) was paid to State certified minority- and women-owned business enterprises as suppliers/contractors?¹

4. Does your Firm provide technical training² to minority- and women-owned business enterprises? Yes No

If Yes, provide a description of such training which should include, but not be limited to, the date the program was initiated, the names and the number of minority- and women-owned business

¹ Do not include onsite project overhead.

² Technical training is the process of teaching employees how to more accurately and thoroughly perform the technical components of their jobs. Training can include technology applications, products, sales and service tactics, and more. Technical skills are job-specific as opposed to soft skills, which are transferable.

enterprises participating in such training, the number of years such training has been offered and the number of hours per year for which such training occurs.

5. Is your Firm participating in a government approved minority- and women-owned business enterprise mentor-protégé program? Yes No

If Yes, identify the governmental mentoring program in which your Firm participates and provide evidence demonstrating the extent of your Firm's commitment to the governmental mentoring program.

6. Does your Firm include specific quantitative goals for the utilization of minority- and women-owned business enterprises in its non-government procurements? Yes No

If Yes, provide a description of such non-government procurements (including time period, goal, scope and dollar amount) and indicate the percentage of the goals that were attained.

7. Does your Firm have a formal minority- and women-owned business enterprise supplier diversity program? Yes No

If Yes, provide documentation of program activities and a copy of policy or program materials.

8. Does your Firm plan to enter into partnering or subcontracting agreements with State certified minority- and women-owned business enterprises if selected as the successful respondent?

Yes No

If Yes, complete the attached Utilization Plan.

All information provided in connection with the questionnaire is subject to audit and any fraudulent statements are subject to criminal prosecution and debarment.

Signature of Owner/Official:

Printed Name of Signatory:

Title:

Name of Business:

Address:

City, State, Zip:

STATE OF _____

COUNTY OF _____) ss:

On the _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the State of _____, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to this certification and said person executed this instrument.

Notary Public

A-5.1: DIVERSITY PRACTICES SCORING MATRIX (FOR EFC USE ONLY)

1. CDO or other person tasked with function

- Yes = 5 points
- No = 0 points

2. Percentage of prior yr. revenues that involved MWBEs as subs or JVs/partners

- 20%+ = 20 points
- 15-19% = 14 points
- 10-14% = 10 points
- 5-9% = 6 points
- 1-4% = 2 points
- 0% = 0 points

3. Percentage of overhead expenses paid to MWBEs

- 20%+ = 16 points
- 15-19% = 10 points
- 10-14% = 7 points
- 5-9% = 4 points
- 1-4% = 1 points
- 0% = 0 points

4. MWBE Training

- Robust = 16 points
- Moderate = 8 points
- Minimum = 4 points
- None = 0 points

5. MWBE Mentoring

- Robust = 12 points
- Moderate = 8 points
- Minimum = 4 points
- None = 0 points

6. Written MWBE goals included in the Company's procurements

- Robust = 20 points
- Moderate = 12 points
- Minimum = 6 points
- None = 0 points

7. Formal Supplier Diversity Program

- Robust = 6 points
- Moderate = 4 points
- Minimum = 2 points
- None = 0 points

8. Utilization Plan

- Robust = 5 points
- Moderate = 3 points
- Minimum = 1 points
- None = 0 points

Total Diversity Score (Max 100 points) =

Weighted Score (up to 8% of Technical Points) =

A-6: ENCOURAGING USE OF NEW YORK STATE BUSINESSES IN CONTRACT PERFORMANCE

State businesses have a substantial presence in State contracts and strongly contribute to the economies of the State and nation. In recognition of their economic activity and leadership in doing business in the State, Firms who submit proposals for this contract for commodities, services or technology are strongly encouraged and expected to consider State businesses in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.

Firms need to be aware that all authorized users of this contract will be strongly encouraged, to the maximum extent practical and consistent with legal requirements, to use responsible and responsive State businesses in purchasing commodities that are of equal quality and functionality and in utilizing services and technology. Furthermore, Firms are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

Utilizing State businesses in State contracts will help create more private sector jobs, rebuild the State's infrastructure, and maximize economic activity to the mutual benefit of the Firm and its State business partners. State businesses will promote the Firm's optimal performance under the contract, thereby fully benefiting the public sector programs that are supported by associated procurements.

Public procurements can drive and improve the State's economic engine through promotion of the use of State businesses by its contractors. The State therefore expects Firms to provide maximum assistance to State businesses in their use of the contract. The potential participation by all kinds of State businesses will deliver great value to the State and its taxpayers.

Firms can demonstrate their commitment to the use of State businesses by responding to the question below:

Will State businesses be used in performance of this contract? Yes No

If yes, identify State businesses that will be used and attach identifying information.

A-7: VENDOR ASSURANCE OF NO CONFLICT OF INTEREST OR DETRIMENTAL EFFECT

The Firm offering to provide services pursuant to this [RFP/Contract], as a contractor, joint venture contractor, subcontractor, or consultant, attests that its performance of the services outlined in this [RFP/Contract] does not and will not create a conflict of interest with nor position the Firm to breach any other contract currently in force with the State.

Furthermore, the Firm attests that it will not act in any manner that is detrimental to any State project on which the Firm is rendering services. Specifically, the Firm attests that:

The fulfillment of obligations by the Firm, as proposed in the response, does not violate any existing contracts or agreements between the Firm and the State;

The fulfillment of obligations by the Firm, as proposed in the response, does not and will not create any conflict of interest, or perception thereof, with any current role or responsibility that the Firm has with regard to any existing contracts or agreements between the Firm and the State;

The fulfillment of obligations by the Firm, as proposed in the response, does not and will not compromise the Firm's ability to carry out its obligations under any existing contracts between the Firm and the State;

The fulfillment of any other contractual obligations that the Firm has with the State will not affect or influence its ability to perform under any contract with the State resulting from this RFP;

During the negotiation and execution of any contract resulting from this RFP, the Firm will not knowingly take any action or make any decision which creates a potential for conflict of interest or might cause a detrimental impact to the State as a whole including, but not limited to, any action or decision to divert resources from one State project to another;

In fulfilling obligations under each of its State contracts, including any contract which results from this RFP, the Firm will act in accordance with the terms of each of its State contracts and will not knowingly take any action or make any decision which might cause a detrimental impact to the State as a whole including, but not limited to, any action or decision to divert resources from one State project to another;

No former officer or employee of the State who is now employed by the Firm, nor any former officer or employee of the Firm who is now employed by the State, has played a role with regard to the administration of this contract procurement in a manner that may violate section 73(8)(a) of the State Ethics Law; and

The Firm has not and shall not offer to any employee, member or director of the State any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence said employee, member or director, or could reasonably be expected to influence said employee, member or director, in the performance of the official duty of said

employee, member or director or was intended as a reward for any official action on the part of said employee, member or director.

Firms responding to this [RFP/Contract] should note that the State recognizes that conflicts may occur in the future because a Firm may have existing or new relationships. The State will review the nature of any such new relationship and reserves the right to terminate the contract for cause if, in its judgment, a real or potential conflict of interest cannot be cured.

Name, Title:

Signature:

Date:

This form must be signed by an authorized executive or legal representative.

A-8: EXECUTIVE ORDER NO. 177 CERTIFICATION

The New York State Human Rights Law, Article 15 of the Executive Law, prohibits discrimination and harassment based on age, race, creed, color, national origin, sex, pregnancy or pregnancy-related conditions, sexual orientation, gender identity, disability, marital status, familial status, domestic violence victim status, prior arrest or conviction record, military status or predisposing genetic characteristics.

The Human Rights Law may also require reasonable accommodation for persons with disabilities and pregnancy-related conditions. A reasonable accommodation is an adjustment to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner. The Human Rights Law may also require reasonable accommodation in employment on the basis of Sabbath observance or religious practices.

Generally, the Human Rights Law applies to:

- all employers of four or more people, employment agencies, labor organizations and apprenticeship training programs in all instances of discrimination or harassment;
- employers with fewer than four employees in all cases involving sexual harassment; and,
- any employer of domestic workers in cases involving sexual harassment or harassment based on gender, race, religion or national origin.

In accordance with Executive Order No. 177, the Bidder hereby certifies that it does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected status under the Human Rights Law. Executive Order No. 177 and this certification do not affect institutional policies or practices that are protected by existing law, including but not limited to the First Amendment of the United States Constitution, Article 1, Section 3 of the New York State Constitution, and Section 296(11) of the New York State Human Rights Law.

Contractor:

Prepared By (Signature):

Name:

Title:

Date: