

NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Statement of Procurement Policy and Procedures

This Statement of Procurement Policy and Procedures is adopted pursuant to Section 104-b of the New York State General Municipal Law (“GML”) and Section 2824 of the Public Authorities Law

Scope: In accordance with Section 2824 of the Public Authorities Law and Section 104-b of the GML, the Nassau County Industrial Development Agency (the “Agency”) is required to adopt procurement policies with respect to the procurement of goods and services paid for by the Agency for its own use and account. Procurements for the benefit of a third party and for which payment is made from funds provided by such third party or any other person or entity other than the Agency, shall not be subject to the requirements of this Statement of Procurement Policy and Procedures (this “Policy”).

Although the Agency is not obligated pursuant to the GML to require competitive bidding on its contracts, the Agency finds that its objectives are advanced by requiring competitive bidding in certain instances.

This Policy shall not apply to “projects” (as defined in Article 18-A of the GML) undertaken by agents of the IDA nor shall it apply to or alter any contractual obligations of the Agency in connection with such projects.

Purpose: The primary objectives of this Policy are to assure the prudent and economical use of Agency moneys, to facilitate the acquisition by the Agency of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

Procurement Process Oversight: The Finance Committee of the Agency shall oversee any procurement process undertaken by the Chief Executive Officer / Executive Director on behalf of the Agency. Unless otherwise determined by the members of the Agency, the Chief Executive Officer / Executive Director shall be the Contracting Officer of the Agency and any reference herein to the Chief Executive Officer / Executive Director shall also be deemed to mean the Contracting Officer. The name of the current Chief Executive Officer / Executive Director is posted on the Agency’s website and is updated periodically but in no event less than biennially.

Procedures: The Agency shall, unless the members of the Agency adopt a resolution providing otherwise, adhere to the following procedures:

I. Pre-Procurement Determination

Prior to the commencement of any procurement, the Chief Executive Officer / Executive Director shall prepare a written statement setting forth the basis for (a) any determination that a competitive process is not required for such procurement, or (2) any determination that such procurement is not subject to one (1) or more other requirements of this Policy.

The Chief Executive Officer / Executive Director shall advise the Finance Committee of the initiation of any procurement process by the Chief Executive Officer / Executive Director on behalf of the Agency and his or her intended method of procuring the required goods or services. The Chief Executive Officer / Executive Director shall keep the Finance Committee advised as to the status of each procurement process.

II. Competitive Procurement

A. Rule: Except as otherwise set forth in this Policy, a competitive process is required for the procurement of the following contracts:

- (i) a “public work contract” involving an expenditure of more than \$35,000. A “public work contract” means a contract between the Agency and a contractor pursuant to which the contractor provides services (including construction services) or labor to the Agency for the Agency’s own use or account.
- (ii) a “purchase contract” involving an expenditure of more than \$20,000. A “purchase contract” means a contract between the Agency and a contractor pursuant to which the Agency acquires commodities, materials, supplies or equipment from a contractor for the Agency’s own use or account.

In determining whether a purchase is an expenditure in excess of the above thresholds, the Chief Executive Officer / Executive Director shall consider the reasonably expected aggregate amount of all purchases of the same service, labor, commodity, material, supply or equipment to be made within the twelve-month period commencing on the date of purchase. Purchases of the same services, labor, commodities, materials, supplies or equipment shall not be artificially divided for the purpose of remaining below the above thresholds.

B. Competitive Process: The competitive process to be utilized shall, unless the members of the Agency adopt a resolution providing otherwise, be overseen by the Chief Executive Officer / Executive Director and comply with the following:

- (i) All solicitations and requests for proposals should be in writing and should incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description should not contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, should set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a brand name or equal description may be used as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerors should be clearly stated and should identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

- (ii) Requests for bids/proposals should be publicly advertised by placing them on the Agency and/or the Nassau County website and/or by placing notice in either a newspaper of general circulation or a trade journal, if appropriate. The goal of this Policy is to seek the widest, cost-effective distribution of the request for bids/proposals.
 - (iii) Bids/proposals should be solicited from an adequate number of qualified sources.
 - (iv) The Chief Executive Officer / Executive Director should establish a method for conducting evaluations of the bids/proposals received and for selecting awardees for the procurement in accordance with this Policy.
- C. Exceptions: Notwithstanding the provisions of Section II.A. above, a competitive process is not required:
- (i) for certain purchases made through Nassau County or other counties in New York State pursuant to Section 103(3) of the GML;
 - (ii) for certain purchase made through the State of New York pursuant to Section 104 of the GML;
 - (iii) for certain purchase made from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law;
 - (iv) for certain purchases of articles manufactured in correctional institutions pursuant to Section 186 of the Correction Law;
 - (v) in the event of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or life, health, safety or property of some or all of the inhabitants of Nassau County require immediate action which cannot await a competitive procurement;
 - (vi) for the purchase of surplus and second-hand supplies, material or equipment, which may be purchased from the federal government, the State of New York or from any political subdivision, district or public benefit corporation of the State of New York pursuant to applicable law;
 - (vii) where the members of the Agency adopt a resolution waiving the competitive process because such process is deemed impracticable under the circumstances; and
 - (viii) where there is only one possible source from which to procure the required good or service and it is determined by resolution of the members of the Agency that the required good or service has unique benefits, the cost is reasonable for the good or service and there is no competition reasonably available.

III. Non-Competitive Bidding Procurement for Purchase Contracts Under \$20,000

- A. Purchase Contracts Valued at \$1,000 and Under. All purchase contracts valued at \$1,000 and under shall be awarded by the Chief Executive Officer / Executive Director using his/her judgment as to the most appropriate vendor, without further documentation. The members of the Agency find that the time and expense required to purchase through the competitive bidding requirements or price quotation requirements of this Policy may be more costly than the item itself and, therefore, the members give weight to the Chief Executive Officer / Executive Director's overall knowledge of available products in establishing this threshold. The Chief Executive Officer / Executive Director shall utilize good business judgment in obtaining products at the best overall value to the Agency.
- B. Purchase Contracts Valued at over \$1,000 but Not Exceeding \$5,000. The Chief Executive Officer / Executive Director shall use reasonable efforts to obtain at least three (3) verbal bids or price quotations for such procurement. The Chief Executive Officer / Executive Director shall document, in reasonable detail, such efforts and the result.
- C. Purchase Contracts Valued at over \$5,000 but Not Exceeding \$20,000. The Chief Executive Officer / Executive Director shall use reasonable efforts to obtain at least three (3) written/fax bids or price quotations for such procurement. The Chief Executive Officer / Executive Director shall document, in reasonable detail, such efforts and the result.

IV. Non-Competitive Bidding Procurement for Public Work Contracts Under \$35,000

- A. Public Work Contracts Valued at \$1,000 and Under. All public work contracts valued at \$1,000 and under shall be awarded by the Agency's Chief Executive Officer / Executive Director using his/her judgment as to the most appropriate vendor, without further documentation. The members of the Agency find that the time and expense required to purchase through the competitive bidding requirements or price quotation requirements of this Policy may be more costly than the service itself and, therefore, the members give weight to the Chief Executive Officer / Executive Director's overall knowledge of available services in establishing this threshold. The Chief Executive Officer / Executive Director shall utilize good business judgment in obtaining services at the best overall value to the Agency.
- B. Public Work Contracts Valued at over \$1,000 but Not Exceeding \$5,000. The Chief Executive Officer / Executive Director shall use reasonable efforts to obtain at least three (3) verbal bids or price quotations for such procurement. The Chief Executive Officer / Executive Director shall document, in reasonable detail, such efforts and the result.
- C. Public Work Contracts Value at Over \$5,000 but Not Exceeding \$35,000. The Chief Executive Officer / Executive Director shall use reasonable efforts to obtain at least three (3) written/fax bids or price quotations for such procurement. The Chief Executive Officer / Executive Director shall document, in reasonable detail, such efforts and the result.

D. Exceptions.

- (i) Professional Services. Contracts for professional, creative or technical services (collectively, “professional services”) involving application of specialized expertise, the use of professional judgment and/or a high degree of creativity shall not be subject to the competitive bidding process above. The individual, company or firm should be chosen based on accountability, reliability, responsibility, skills, qualifications, conflicts of interest, reputation, education and training, judgment, integrity, continuity of service, moral worth and suitability for the needs of the Agency. Furthermore, certain professional services (e.g., legal and accounting services) involve liability issues of the Agency and its members. These qualifications and the concerns of the Agency regarding its liability and the liability of its members are not necessarily found or addressed in the individual, company or firm that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive bidding procedures or price quotations.

Accordingly, it may not be in the best interest of the Agency to solicit alternative bids or quotations or to document the basis for not accepting the lowest bid in connection with the procurement of professional services. However, use of a request for proposals or request for statement of qualifications is recommended because it provides opportunities for the following: (i) review of services and/or technology currently available in the market, (ii) evaluation of different approaches to accomplish the requested goals of the Agency, and (iii) competition for the Agency’s business which may lead to better service, best qualifications and lower cost.

In determining whether a service constitutes professional services, the Agency shall take into consideration the following: (i) whether the services are subject to licensing or testing requirements, (ii) whether substantial formal education or training is a necessary prerequisite to the performance of the services, and (iii) whether services require a personal relationship between the individual, company or firm and the members of the Agency.

Examples of professional services include: (i) legal counseling and representation (including general and bond counsel); (ii) accounting and auditing services; (iii) medical services; (iv) engineering and architectural services; (v) lobbying, legislative and intergovernmental relations advice and representation; (vi) investment management services; (vii) printing services involving extensive writing, editing or artwork; (viii) computer software or programming services for customized programs, or services involving substantial modification or customization of pre-packaged software; and (ix) public relations services.

- (ii) Insurance. All insurance policies shall be procured in accordance with the following procedures:
 - (a) Premium not exceeding \$10,000. The Chief Executive Officer / Executive Director shall use reasonable efforts to obtain verbal quotations from at least three (3) agents or insurance companies. The Chief Executive Officer / Executive Director shall document, in reasonable detail, such efforts and the result.
 - (b) Premium exceeding \$10,000. The Chief Executive Officer / Executive Director shall use reasonable efforts to obtain written/fax quotations from at least three (3) agents or insurance companies. The Chief Executive Officer / Executive Director shall document, in reasonable detail, such efforts and the result.
- (iii) True Leases - Price will be obtained through quotations whenever possible. The award shall be made on the basis of goods and/or services to be provided, ability to meet requirements and price.
- (iv) Marketing. Contracts for marketing, promotional advertising and sponsorship of charitable and civic events and similar services shall not be subject to the competitive process set forth above, provided that the members of the Agency shall determine by resolution that such contract is in furtherance of the purposes of the Agency. Notwithstanding the foregoing, the award of contracts, of up to \$3,000 each, for marketing, promotional advertising, sponsorship and similar services may be awarded by the Chief Executive Officer / Executive Director using his/her judgment, in keeping with the best interests of the Agency.

V. Award/Documentation of Contracts

- A. Basis for Award of Contracts. Contracts will be awarded to the lowest cost responsible offeror/bidder who meets the specifications for the procurement, except in circumstances that the Chief Executive Officer / Executive Director determines justify an award to other than the lowest cost responsible offeror/bidder.
- B. Justification of Award to Other Than Lowest Cost Offer/Bid. In making a determination to award a contract to other than the lowest cost responsible offeror/bidder, the Chief Executive Officer / Executive Director shall consider relevant factors, including, without limitation:
 - (i) Delivery requirements;
 - (ii) Quality requirements;
 - (iii) Past vendor performance and/or experience;
 - (iv) Quality;

- (v) The unavailability of three (3) or more contractors/vendors who are able to quote/bid on the procurement; and
- (vi) That it may be in the best interest of the Agency to consider only one (1) contractor/vendor who has previous expertise with respect to a particular procurement.

C. Documentation.

- (i) A record of all solicitations for proposals or quotations, the response (if applicable), and any determinations pursuant thereto shall be maintained in the Agency's procurement file.
- (ii) For each procurement, the Chief Executive Officer / Executive Director shall set forth in writing the category of procurement being made and what method of procurement is being utilized.
- (iii) For procurements not subject to the competitive process, documentation should include a memo to the Agency's procurement file which details why the procurement is not subject to the competitive process and include, as applicable, a description of the facts and circumstances giving rise to the exception.
- (iv) Whenever a contract is awarded to other than the lowest cost responsible offeror/bidder, the reasons therefore shall be set forth in writing and maintained in the procurement file.
- (v) Whenever the specified number of quotations/bids cannot or will not be obtained, the reasons therefore shall be set forth in writing and maintained in the procurement file.

VI. Miscellaneous Provisions

- A. Minority and Women-Owned Business Enterprises. The Agency shall comply with all applicable legal requirements relating to the hiring of such businesses.
- B. Procurement Lobbying Law. In accordance with Chapter 1 of the 2005 Laws of New York (the "Procurement Lobbying Law"), the Agency shall implement the provisions of such Procurement Lobbying Law for any contract or other agreement for any procurement involving an estimated annualized expenditure in excess of \$15,000.

The person authorized to be the contact for the Agency with respect to all procurements covered by the Procurement Lobbying Law (i.e., the Contracting Officer unless otherwise determined by the members of the Agency) shall be as set forth in Section 139-j(2)(a) of the Public Authorities Law and the activities of such contact person shall be reviewed at least annually by the Finance Committee to ensure that said person's activities with respect to Agency's procurements are in full compliance with applicable law. Such person shall be responsible for making a determination of responsibility of a proposed awardee.

Potential offerors/bidders shall be advised by the Contracting Officer that they are not permitted to contact any other Agency personnel in contravention of Section 139-j(10) of the Public Authorities Law. Each member, officer, director, agent and employee of the Agency shall report any such unauthorized contact to the general counsel to the Agency. General counsel to the Agency shall investigate any allegations of unauthorized contact and report in writing the findings of such investigation to the members of the Agency.

In accordance with the Procurement Lobbying Law, the Contracting Officer shall require that respondents disclose any prior non-responsibility determinations due to violations of permissible contacts provisions or the intentional provision of false or inaccurate information to a governmental entity. The Contracting Officer shall require written affirmation from respondents as to their understanding of and agreement to comply with the Agency's procedures relating to permissible contacts.

If any member, officer or employee of the Agency believes that a respondent violated the Agency's permissible contacts provisions, such person shall immediately notify the Agency's general counsel, ethics officer or the New York State Inspector General of such violation. If reported to the Agency's general counsel or ethics officers, such official shall review and investigate such allegation and, if sufficient cause exists to believe that the allegation is true, must give the respondent reasonable notice that an investigation is ongoing and give such respondent an opportunity to be heard in response to the allegation. If such official determines that a violation occurred, such official shall make a report in writing to the members of the Agency, which shall include such official's recommendation as to sanctions. The determination of whether sanctions will be imposed and what sanctions will be imposed shall be made by the members of the Agency.

Upon a finding of non-responsibility or debarment, the Agency shall notify the New York State Office of General Services of such finding.

- C. Comments concerning this Policy shall be solicited from the members of the Agency from time to time and the Agency should review this Policy annually.
- D. The Chief Executive Officer / Executive Director shall present any legal issues regarding the applicability of the provisions of this Policy to the Agency's General Counsel.
- E. Subject to the foregoing limitations on the awards of contracts for goods and services, the Chief Executive Officer / Executive Director and Administrative Director are authorized and empowered to request proposals and/or qualifications and otherwise obtain information regarding potential Agency contracts.
- F. THE FOREGOING PROCEDURES ARE IN ADDITION TO AND NOT IN LIEU OF THE SAFEGUARDS AND PROCEDURES ADOPTED BY THE AGENCY FROM TIME TO TIME REGARDING CHECK WRITING AUTHORITY AND THE AGENCY'S BUDGET PROCESS.
- G. In the absence or unavailability of the Agency's Chief Executive Officer / Executive Director to act as aforesaid, the Chairman or Vice Chairman may, orally or in writing,

authorize the Administrative Director to award any contracts with the same authority of the Chief Executive Officer / Executive Director as aforesaid.

- H. The Agency may, from time to time, adopt different procedures, or deviate from any of the above procedures, on a case-by-case basis.
- I. Pursuant to Section 104-b of the GML, the unintentional failure to fully comply with the provisions of this Policy shall not be grounds to void action taken or give rise to a cause of action against the Agency or any member, officer or employee thereof.
- J. For any procurement (i) that is conducted using a competitive bidding process, (ii) for which a written or electronic offer/bid/response is submitted, whether pursuant to a request for proposals, statement of qualifications or otherwise, (iii) which is conducted pursuant to an Exception under Section II.C.(vii) or (viii) of this Policy, or (iv) which is conducted pursuant to an Exception under Section IV.D. of this Policy, all offerors/bidders/ respondents must submit with their offer/bid/response a Non-Collusion Certification in the form approved by the Agency. The form attached hereto as Exhibit A may be used, or such other form as is approved by the Chief Executive Officer / Executive Director of the Agency.
- K. For any procurement (i) that is conducted using a competitive bidding process, (ii) for which a written or electronic offer/bid/response is submitted, whether pursuant to a request for proposals, statement of qualifications or otherwise, (iii) which is conducted pursuant to an Exception under Section II.C.(vii) or (viii) of this Policy, or (iv) which is conducted pursuant to an Exception under Section IV.D. of this Policy, all offerors/bidders/ respondents must submit with their offer/bid/response a Respondent Disclosure in the form attached hereto as Exhibit B, or such other form as is approved by the Chief Executive Officer / Executive Director of the Agency, unless otherwise determined by the Contracting Officer.
- L. For any procurement (i) that is conducted using a competitive bidding process, (ii) for which a written or electronic offer/bid/response is submitted, whether pursuant to a request for proposals, statement of qualifications or otherwise, (iii) which is conducted pursuant to an Exception under Section II.C.(vii) or (viii) of this Policy, or (iv) which is conducted pursuant to an Exception under Section IV.D. of this Policy, all offerors/bidders must cause their principal owners to submit with the offer/bid a Principal Disclosure Questionnaire in the form attached hereto as Exhibit C, or such other form as is approved by the Chief Executive Officer / Executive Director of the Agency, unless otherwise determined by the Contracting Officer.

Re-adopted by the members of the Agency as of the 25th day of February, 2021.

EXHIBIT A

NON-COLLUSION CERTIFICATION

By submission of this [Statement], the [Respondent] and each person signing on behalf of the [Respondent] certifies, and in the case of a joint [Statement], each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his or her knowledge and belief:

The prices, cost estimates and other elements of this Statement have been arrived at independently without collusion, consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to the same with any other [Respondent] or with any competitor; and

Unless otherwise required by law, the prices, cost estimates and other elements of this [Statement] have not been knowingly disclosed by the Respondent and will not knowingly be disclosed by the [Respondent] prior to award, directly or indirectly, to any other [Respondent] or to any competitor; and

No attempt has been made or will be made by or on behalf of the [Respondent] (or any of its partner or subcontractor firms) to induce any other person, partnership or corporation to submit or not to submit a [Statement] for the purpose of restricting competition.

The undersigned hereby certifies his or her compliance and/or agreement with the above statements.

NAME OF [RESPONDENT]: _____

SUBMITTED BY (signature): _____

PRINT NAME: _____

TITLE: _____

DATE: _____

EXHIBIT B

RESPONDENT DISCLOSURE QUESTIONNAIRE
(RFP # 20__ - __)

Instructions: Each Respondent shall complete and submit this Questionnaire and shall also cause any partner or subcontractor firm, if applicable to complete and submit this Questionnaire. In the case of partner and subcontractor firms, the term "Respondent" shall mean and refer to such partner or subcontractor firm. This Questionnaire shall be filled out by the owner of a sole proprietorship or by an authorized representative of the firm, corporation or partnership submitting the [Proposal/Statement]. Do not leave any blank spaces. If a question does not pertain to you or your firm, write "not applicable" in the space. All signatures must be original.

Personal Information Notification

The information will be used in determining the reliability, responsibility and capacity of the Respondent (and any partner or subcontractor firms) to perform the work required in the [Proposal/Statement]. If the information is not complete, the [Proposal/Statement] will not be considered. The information will be maintained in the files of the Agency. This information may be disclosed pursuant to the provisions of the Freedom of Information Law.

(PROVIDE A DETAILED RESPONSE TO ALL QUESTIONS CHECKED "YES". IF YOU NEED MORE SPACE, PHOTOCOPY THE APPROPRIATE PAGE AND ATTACH IT TO THE QUESTIONNAIRE. USE ADDITIONAL SHEETS IF NECESSARY IN ORDER TO FULLY ANSWER EACH QUESTION.)

Date:

1) Legal Name:

2) Respondent is a (check one):

- Sole Proprietorship
- Partnership
- Corporation
- Limited Liability Company
- Other (Describe)

State/Date of Formation/Organization: _____ (if applicable)

3) Federal EIN or Social Security Number:

4) Dun and Bradstreet number:

5) Other names under which the Respondent has done business in the past 5 years:

6) Address of Place of Business:

List all other business addresses used within last five years:

Mailing Address (if different than above):

7) Telephone No:

8) The following information with respect to principal owners (i.e., a person or entity that owns 10% or more of equity/voting rights in the entity, firm or business in question) and officers of the Respondent:

| <u>Name</u> | <u>Date of Birth</u> | <u>SSN/TIN</u> | <u>Address</u> |
|-------------|----------------------|----------------|----------------|
|-------------|----------------------|----------------|----------------|

9) Does the Respondent share office space, staff, or equipment expenses with any other business?

Yes __ No __

If Yes, please provide details:

10) Does the Respondent control one or more other businesses?

Yes __ No __

If Yes, please provide details (including name, address, contact information, EIN and the names, addresses, contact information, SSN/TIN of principals and officers).

11) Does the Respondent have one or more affiliates, and/or is it a subsidiary of, or controlled by, any other business?

Yes __ No __

If Yes, provide details (including name, address, contact information, EIN and the names, addresses, contact information, SSN/EIN of principals and officers).

12) Has the Respondent ever had a bond or surety cancelled or forfeited, or a contract or license with Nassau County, the Agency or any other government entity terminated?

Yes __ No __

If yes, state the name of bonding agency, (if a bond), date, amount of bond and reason for such cancellation or forfeiture: or details regarding the termination (if a contract or license).

13) Has the Respondent filed a bankruptcy petition and/or been the subject of involuntary bankruptcy proceedings during the past 7 years, and/or for any portion of the last 7 year period, been in a state of bankruptcy as a result of bankruptcy proceedings initiated more than 7 years ago and/or is the Respondent now the subject of any pending bankruptcy proceedings, whenever initiated?

Yes ___ No ___.

If Yes, state date, court jurisdiction, amount of liabilities and amount of assets.

14) Is the Respondent and/or any of its owners and/or officers and/or any affiliated business, the subject of a pending criminal investigation or proceeding and/or a civil anti-trust investigation or proceeding by any federal, state or local prosecuting or investigative agency?

Yes ___ No ___

If Yes, provide details.

15) Is any owner and/or officer of any affiliated business the subject of a pending criminal investigation or proceeding and/or a civil anti-trust investigation proceeding by any federal, state or local prosecuting or investigative agency, where such investigation or proceeding is related to activities performed at, for, or on behalf of an affiliated business?

Yes ___ No ___

If Yes, provide details.

16) In the past 5 years, has the Respondent and/or any of its owners and/or officers and/or any affiliated business been the subject of a non-criminal investigation or proceeding by any government agency, including but not limited to federal, state and local regulatory agencies?

Yes ___ No ___

If Yes, provide details.

17) In the past 5 years, has any owner and/or officer of an affiliated business been the subject of a non-criminal investigation or proceeding by any government agency, including but not limited to federal, state and local regulatory agencies, for matters pertaining to that individual's position at or relationship to an affiliated business.

Yes ___ No ___

If yes, provide details.

18) Has any current or former director, owner or officer or managerial employee of the Respondent had, either before or during such person's employment, or since such employment if

the charges pertained to events that allegedly occurred during the time of employment by the submitting business, and allegedly related to the conduct of that business:

a) Any felony charge pending? No ___ Yes ___ If Yes, provide details for each such charge.

b) Any misdemeanor charge pending? No ___ Yes ___ If Yes, provide details for each such charge.

c) In the past 10 years, been convicted, after trial or by plea, of (i) any felony, and/or (ii) any other crime an element of which relates to truthfulness or the underlying facts of which related to the conduct of business? No ___ Yes ___. If Yes, provide details for each such conviction

d) In the past 5 years, been convicted, after trial or by plea, of a misdemeanor? No ___ Yes ___. If Yes, provide details for each such conviction.

e) In the past 5 years, been found in violation of any administrative, statutory, or regulatory provisions? No ___ Yes ___. If Yes, provide details for each such occurrence.

19) In the past (5) years, has the Respondent or any of its owners or officers, or any other affiliated business had any sanction imposed as a result of judicial or administrative proceedings with respect to any professional license held?

Yes ___ No ___.

If Yes, provide details for each such instance.

20) For the past (5) tax years, has the Respondent failed to file any required tax returns or failed to pay any applicable federal, state or local taxes or other assessed charges, including but not limited to water and sewer charges?

Yes ___ No ___

If Yes, provide details for each such year.

21) Is the Respondent or any of its property subject to any lien or warrant for unpaid federal, state or local taxes or assessed charges?

Yes ___ No ___

If Yes, provide details.

22) Is the Respondent or any of its property subject to any judgment, injunction, order or decree that would have a material adverse effect on its financial condition or that would impair the its ability to perform under an Agreement?

Yes ___ No ___

If Yes, provide details.

23) Conflicts of Interest:

a) Please disclose:

(i) Any material financial relationships that the Respondent or any employee of the Respondent has that may create a conflict of interest or the appearance of a conflict of interest in acting as a contractor of the Agency.

(ii) Any family relationship that any principal owner, officer or employee of the Respondent has with any Agency member, officer or employee that may create a conflict of interest or the appearance of a conflict of interest in acting as a contractor of Agency.

(iii) Any other matter that the Respondent believes may create a conflict of interest or the appearance of a conflict of interest in acting as a contractor of the Agency.

b) Please describe any procedures the Respondent has, or would adopt, to assure the Agency that a conflict of interest would not exist for the Respondent in the future.

24) Prior Findings of Non-Responsibility:

(For purposes of this question, capitalized terms used but not otherwise defined in this Questionnaire shall have the meanings ascribed thereto in Section 139-k of the New York State Finance Law.)

a) Has the Respondent or any principal owner, officer, employee, agent, consultant or person acting on behalf of the Respondent or any affiliate been the subject of a finding of “non-responsibility” (as such term is used in Section 139-k of the New York State Finance Law) made by a Governmental Entity within the past four (4) years?

No ___ Yes ___.

b) If the Respondent answered yes to Question a), was the finding of “non-responsibility” due to a violation of Section 139-j of the New York State Finance Law?

No ___ Yes ___ . If Yes, provide details.

c) If the Respondent answered yes to Question a), was the finding of “non-responsibility” due to the intentional provision of false, inaccurate or incomplete information to a Governmental Entity?

No ___ Yes ___. If Yes, provide details.

d) Has any Governmental Entity terminated or withheld a contract or license from the Respondent due to the intentional provision of false, inaccurate or incomplete information to a Governmental Entity?

No ___ Yes ___. If Yes, provide details.

25) In the past (5) years, has the Respondent or any affiliate:

a. Been debarred by any government agency from entering into contracts or licenses with that agency?

NO ___ YES ___. If Yes, provide details for each such instance.

b. Been declared in default, suspended and/or terminated for cause on any contract or license, and/or had any contract or license cancelled for cause?

NO ___ YES ___. If Yes, provide details for each such instance.

c. Been denied the award of a contract or license and/or the opportunity to bid on a contract or license, including, but not limited to, failure to meet pre-qualification standards?

NO ___ YES ___. If Yes, provide details for each such instance.

d. Been suspended by any government agency from entering into or determined to be ineligible to enter into any contract or license with it; and/or is any action pending that could formally debar or otherwise affect such business's ability to bid or propose on contracts or licenses?

NO ___ YES ___. If Yes, provide details for each such instance.

26) Is any owner, director, officer or employee of the Respondent, or of any of its affiliates or subsidiaries, a public officer or public official?

Yes ___ No ___. If Yes, provide details.

27) Is the Respondent or any of its affiliates or subsidiaries involved in any litigation or aware of any threatened litigation that, if adversely determined, would have a material adverse effect on such party's financial condition or would impair the Respondent's ability to perform under an Agreement?

Yes ___ No ___. If Yes, provide details.

28) Is the Respondent or any of its affiliates or subsidiaries a “Prohibited Person”?

Yes ___ No ___. If Yes, provide details.

“Prohibited Person” means (i) any person or entity (A) that is in default or in breach, beyond any applicable grace or cure period, of its obligations under any written agreement with the Agency or the County of Nassau, or (B) that directly or indirectly controls, is controlled by or is under common control with a person or entity that is in default or in breach, beyond any applicable grace or cure period, of its obligations under any written agreement with the Agency or the County of Nassau, unless such default or breach has been waived in writing by the Agency or the County of Nassau, as the case may be, and (ii) any person or entity (A) that has been convicted in a criminal proceeding for a felony or any crime involving moral turpitude or that is an organized crime figure or is reputed to have substantial business or other affiliations with an organized crime figure, or (B) that directly or indirectly controls, is controlled by or is under common control with a person or entity that has been convicted in a criminal proceeding for a felony or any crime involving moral turpitude or that is an organized crime figure or is reputed to have substantial business or other affiliations with an organized crime figure.

29) Name and address of any person or entity that the Respondent or any affiliate has retained or employed to cause the Agency to award a contract or to influence the Agency to award a contract to the Respondent or any affiliate.

Provide a detailed response to all questions checked 'YES'. If you need more space, photocopy the appropriate page and attach it to the questionnaire.

Please provide any other information which would be appropriate and helpful in determining the Respondent’s capacity and reliability to perform these services.

CERTIFICATION

A MATERIALLY FALSE STATEMENT WILLFULLY OR FRAUDULENTLY MADE IN CONNECTION WITH THIS QUESTIONNAIRE MAY RESULT IN RENDERING THE RESPONDENT NOT RESPONSIBLE WITH RESPECT TO THE [PROPOSAL/STATEMENT], THE TERMINATION OF ANY AWARD, AND, IN ADDITION, MAY SUBJECT THE PERSON MAKING THE FALSE STATEMENT TO CRIMINAL CHARGES.

I, _____, being duly sworn, state that I have read and understand all the items contained in the foregoing pages of this Questionnaire and the following pages of attachments; that I supplied full and complete answers to each item therein to the best of my knowledge, information and belief; that I will notify the Agency in writing of any change in circumstances occurring after the submission of this Questionnaire and before the execution of an Agreement; and that all information supplied by me is true to the best of my knowledge,

information and belief. I understand that the Agency will rely on the information supplied in this Questionnaire as additional inducement to enter into an Agreement with the Respondent.

Dated: _____

For: (Name of Respondent) _____

By: (Signature of Authorized Person) _____

Name and Title: _____

Sworn to before me this ____ day of ____ 20__

Notary Public

EXHIBIT C

PRINCIPAL DISCLOSURE QUESTIONNAIRE
(RFP # 20__ - __)

Instructions: Each principal owner of the Respondent shall complete and submit this Questionnaire and shall cause the principal(s) owners of partner or subcontractor firm to complete and submit this Questionnaire. In the case of principal owners of partner and subcontractor firms, the term "Respondent" shall mean and refer to such partner or subcontractor firm. If a question does not pertain to a principal owner, write "not applicable" in the space. All signatures must be original.

For purposes of this Questionnaire, the term "principal owner" means a person or entity that owns 10% or more of equity/voting rights in the entity, firm or business in question.

Personal Information Notification

The information will be used in determining the reliability and capacity of the Respondent (and any partner or subcontractor firms) to perform the work required in the [Proposal/Statement]. If the information is not complete, the [Proposal/Statement] will not be considered. The information will be maintained in the files of the Agency. This information may be disclosed pursuant to the provisions of the Freedom of Information Law.

(PROVIDE A DETAILED RESPONSE TO ALL QUESTIONS CHECKED "YES". IF YOU NEED MORE SPACE, PHOTOCOPY THE APPROPRIATE PAGE AND ATTACH IT TO THE QUESTIONNAIRE. USE ADDITIONAL SHEETS IF NECESSARY IN ORDER TO FULLY ANSWER EACH QUESTION.)

1. Principal Name:

SSN _____

Date of birth:

Home address:

Telephone:

Business address:

Telephone:

Other present address(es):

Telephone:

2. Positions held in Respondent and starting date of each (check all applicable)

President ___ / ___ / ___ Treasurer ___ / ___ / ___
Chairman of Board ___ / ___ / ___ Shareholder ___ / ___ / ___
Chief Exec. Officer ___ / ___ / ___ Secretary ___ / ___ / ___
Chief Financial Officer ___ / ___ / ___ Partner ___ / ___ / ___
Vice President ___ / ___ / ___
Other (specify) _____ ___ / ___ / ___

3. Do you have an equity interest in Respondent?

Yes ___ No ___

If Yes, provide details.

4. Are there any outstanding loans, guarantees or any other form of security or lease or any other type of contribution made in whole or in part between you and the business submitting the questionnaire?

Yes ___ No ___

If Yes, provide details.

5. Within the past 3 years, have you been a principal owner or officer of any business or not-for-profit organization other than the Respondent?

Yes ___ No ___

If Yes, provide details.

6. Has any governmental entity awarded any contracts or licenses to a business or organization listed in Section 5 in the past 3 years while you were a principal owner or officer?

Yes ___ No ___

If Yes, provide details.

NOTE: An affirmative answer is required below whether the sanction arose automatically, by operation of law, or as a result of any action taken by a government agency. Provide a detailed response to all questions checked "YES". If you need more space, photocopy the appropriate page and attach it to the questionnaire.

7. In the past (5) years have you and/or any affiliated businesses or not-for-profit organizations listed in Section 5 in which you have been a principal owner or officer:

a. Been debarred by any government agency from entering into contracts or licenses with that agency?

NO ___ YES ___. If Yes, provide details for each such instance.

b. Been declared in default, suspended and/or terminated for cause on any contract or license, and/or had any contract or license cancelled for cause?

NO ___ YES ___. If Yes, provide details for each such instance.

c. Been denied the award of a contract or license and/or the opportunity to bid on a contract or license, including, but not limited to, failure to meet pre-qualification standards?

NO ___ YES ___. If Yes, provide details for each such instance.

d. Been suspended by any government agency from entering into any contract or license with it; and/or is any action pending that could formally debar or otherwise affect such business's ability to bid or propose on contracts or licenses?

NO ___ YES ___. If Yes, provide details for each such instance.

8. Have any of the businesses or organizations listed in response to Question 5 filed a bankruptcy petition and/or been the subject of involuntary bankruptcy proceedings during the past 7 years, and/or for any portion of the last 7 year period, been in a state of bankruptcy as a result of bankruptcy proceedings initiated more than 7 years ago and/or is any such business now the subject of any pending bankruptcy proceedings, whenever initiated?

Yes ___ No ___.

If Yes, provide details. If 'Yes', provide details for each such instance. (Provide a detailed response to all questions checked "YES". If you need more space, photocopy the appropriate page and attach it to the questionnaire.)

9. Are any of the following statements true with respect to you?

a) Is there any felony charge pending against you?

NO ___ YES ___. If Yes, provide details for each such charge.

b) Is there any misdemeanor charge pending against you?

NO __ YES __. If Yes, provide details for each such charge.

c) Is there any administrative charge pending against you?

NO __ YES __. If Yes, provide details for each such charge.

d) In the past 10 years, have you been convicted, after trial or by plea, of (i) any felony, or (ii) any other crime an element of which relates to truthfulness or the underlying facts of which related to the conduct of business?

NO __ YES __.

If Yes, provide details for each such conviction.

e) In the past 5 years, have you been convicted, after trial or by plea, of a misdemeanor?

NO __ YES __. If Yes, provide details for each such conviction.

f) In the past 5 years, have you been found in violation of any administrative or statutory charges?

NO __ YES __. If Yes, provide details for each such occurrence.

10. In addition to the information provided in response to the previous questions, are you the subject of a pending criminal investigation or proceeding and/or a civil antitrust investigation or proceeding by any federal, state or local prosecuting or investigative agency and/or the subject of an investigation or proceeding where such investigation or proceeding is related to activities performed at, for, or on behalf of the submitting business entity and/or an affiliated business listed in response to Question 5?

Yes __ No __

If Yes, provide details for each such investigation or proceeding.

11. In addition to the information provided, is any business or organization listed in response to Question 5, the subject of a pending criminal investigation or proceeding and/or a civil antitrust investigation proceeding and/or any other type of investigation or proceeding by any government agency, including but not limited to federal, state, and local regulatory agencies?

Yes __ No __.

If Yes; provide details for each such investigation or proceeding.

12. In the past 5 years, have you or the Respondent, or any other affiliated business listed in response to Question 5 had any sanction imposed as a result of judicial or administrative proceedings with respect to any professional license held?

Yes ___ No ___.

If Yes; provide details for each such instance.

13. For the past 5 tax years, have you failed to file any required tax returns or failed to pay any applicable federal, state or local taxes or other assessed charges, including but not limited to water and sewer charges?

Yes ___ No ___. If Yes, provide details for each such year.

14. Are you or is any of your property subject to any lien or warrant for unpaid federal, state or local taxes or assessed charges?

Yes ___ No ___

If Yes, provide details.

15. Are you or is any of your property subject to any judgment, injunction, order or decree that would have a material adverse effect on your financial condition or that would impair the Respondent's ability to perform under an Agreement?

Yes ___ No ___

If Yes, provide details.

16. Are you involved in any litigation or aware of any threatened litigation that, if adversely determined, would have a material adverse effect on your financial condition or would impair the Respondent's ability to perform under an Agreement?

Yes ___ No ___. If Yes, provide details.

17. Are you a "Prohibited Person"?

Yes ___ No ___. If Yes, provide details.

"Prohibited Person" means (i) any person or entity (A) that is in default or in breach, beyond any applicable grace or cure period, of its obligations under any written agreement with the Agency or the County of Nassau, or (B) that directly or indirectly controls, is controlled by or is under common control with a person or entity that is in default or in breach, beyond any applicable grace or cure period, of its obligations under any written agreement with the Agency or the County of Nassau, unless such default or breach has been waived in writing by the Agency or the County of Nassau, as the case

may be, and (ii) any person or entity (A) that has been convicted in a criminal proceeding for a felony or any crime involving moral turpitude or that is an organized crime figure or is reputed to have substantial business or other affiliations with an organized crime figure, or (B) that directly or indirectly controls, is controlled by or is under common control with a person or entity that has been convicted in a criminal proceeding for a felony or any crime involving moral turpitude or that is an organized crime figure or is reputed to have substantial business or other affiliations with an organized crime figure.

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I, _____, being duly sworn, state that I have read and understand all the items contained in the foregoing pages of this Questionnaire and the following pages of attachments; that I supplied full and complete answers to each item therein to the best of my knowledge, information and belief; that I will notify the Agency in writing of any change in circumstances occurring after the submission of this Questionnaire and before the execution of the Agreement; and that all information supplied by me is true to the best of my knowledge, information and belief. I understand that the Agency will rely on the information supplied in this Questionnaire as additional inducement to enter into an Agreement with the Respondent.

Name of Respondent

Print name

Signature

Title

Date

Sworn to before me this _____ day of _____ 20__.

Notary Public