

**Disparity Study & Consultant Services**  
**RFP: MA1216-1965**

**Questions & Answers**

**January 17, 2020**

**Please note: Below are additional questions received as of January 17, 2020 that are deemed relevant to present solicitation, with corresponding answers.**

	<b>QUESTIONS</b>	<b>ANSWERS</b>
<b>1</b>	What is the approximate number of contracts for the proposed study period for Suffolk County?	Suffolk County processes approximately 1,000 contracts per year
<b>2</b>	What is the approximate total dollar value for the contracts for the proposed study period for Suffolk County?	Suffolk County approximate total dollar value for contracts for the proposed study period is \$1 billion
<b>3</b>	Does Nassau County track the utilization of SDVOBs, both as prime vendors and as subcontractors/subconsultants/suppliers, on its contracts?	Nassau County does not track SDVOB utilization at present. Any contract award to a SDVOB would be recorded but not identified as such specifically in the financial system. Any SDVOB utilization as a subcontractor on a Department of Public Works contract would be recorded in subcontractor payment data
<b>4</b>	Does Suffolk County track the utilization of SDVBOs, both as prime vendors and as subcontractors/subconsultants/suppliers, on its contracts?	Suffolk County does not track SDVOB utilization at present. Suffolk County Legislation was passed in 2018 to include SDVOB's as part of MWBE initiatives but tracking the use of these companies has not commenced.

5	<p>Section III, Objectives of the Disparity Study and Consultant Services, subsection f, states “assess the level of employment of qualified minorities and women by county contractors, subcontractors and vendors that receive county construction, CRS, non-construction related services and commodity contracts against availability.” The term “employment” commonly refers to workforce. The availability of individuals by race and gender to perform as employees is not included in contracting disparity studies, as these are vastly different research projects. Do the counties mean the availability of businesses? If in fact workforce is what is intended, have the counties tracked the race and gender of all employees of its prime contractors, subcontractors and vendors?</p>	<p>The Counties do not expect a workforce analysis to be conducted.</p>
6	<p>On page 17 of the RFP under Section VII — RFP Submission Instructions, the third paragraph states, “Each response should be clearly numbered, and the full question listed.” Please clarify how Proposers should respond with the “full question listed” as the Mandatory Proposal Response Requirements and Appendix B requirements are all items listed as elements to be included in the proposal.</p>	<p>Each element listed in the Mandatory Proposal Response Requirements and Appendix B is to be numbered, reiterated, and then followed by the proposer’s response. Note that this does not include those required elements that are forms or attachments (e.g. disclosure forms, certifications, licenses, insurance, etc.).</p>
7	<p>Section IX — Mandatory Proposal Response Requirements, item 3 discusses the required forms (e.g., Business History Form, Principal Questionnaire Form, etc.). As the RFP posted on December 13, 2019 supersedes all previous versions, please confirm if Offerors may use the forms from the previous RFP or where Proposers may find current versions of the forms.</p>	<p>Vendor disclosure forms submitted in the Nassau County Vendor Portal are good for six months and are not limited to use in relation to a specific solicitation. Any vendor that intends to use previously submitted forms is advised to review the content of those forms to ensure that no revisions are required. In the event that a material change has occurred, the vendor must revise and recertify the affected form(s). In the event that no material change has occurred, the vendor must submit a sworn certification there has been no material change in the information contained in the previously submitted disclosure form.</p>
8	<p>For the Cost Proposal, should separate costs be provided for each County, or should a total cost be provided that would be split equally between the Counties?</p>	<p>The Counties are requesting three cost proposals:</p>

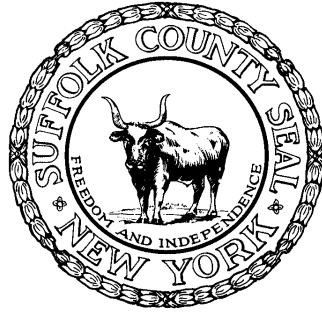
		<ol style="list-style-type: none"> <li>1) Cost proposal for performing a disparity study and consulting services for Nassau County alone;</li> <li>2) Cost proposal for performing a disparity study and consulting services for Suffolk County alone;</li> <li>3) Cost proposal for performing disparity studies and consulting services for both Nassau and Suffolk Counties.</li> </ol> <p>It is anticipated that the third cost proposal shall demonstrate the efficiency to be gained by conducting the studies collaboratively.</p>
9	On page 29, under Standard Requirements for Suffolk County Contracts, item a. references a form Disqualification of Non-responsible Bidders (LL 52-2012) and states that it is included in the Section entitled “Suffolk County Required Compliance Forms in Accordance with County Laws.” That form was not included in the RFP. Suffolk County has provided a PDF of all required documents	See included (pages 7-19) for Suffolk County Compliance Forms
10	In Section XVII, on Suffolk County Form 22, item 2, what should be listed as the Contracting Department’s Name and Address?	Suffolk County- 35 Yaphank Ave., Yaphank, NY 11980
11	On page 29, item c references Non-Collusive Offer Certification (FTS Form) and states that it is also included in the section entitled “Suffolk County Required Compliance Forms in Accordance with County Laws.” The form was not included in the RFP. Where can we obtain the form? Suffolk County has provided a PDF of all required documents	See included (pages 7-19) for Suffolk County Compliance Forms
12	In section IX, Mandatory Proposal Response Requirements, none of the Suffolk County forms are listed. However, in Appendix E, on page 29, it lists Suffolk County forms that are to be completed. Where should the Suffolk County forms be placed in the proposal response and are, they included in the 20-page maximum?	All forms required by Suffolk County as part of the proposal must be included in the vendor’s response to the solicitation. As with required Nassau County forms, the required Suffolk County forms may be referenced in the 20-page summary and then included in the appendices to the

		summary. See included (pages 7-19) for Suffolk County Compliance Forms
<b>13</b>	On page 17, it states that the response should be no more than 20 pages. Please clarify what parts of the proposal are included in the 20 pages. Also, does the 20-page maximum mean 20 sheets of paper printed single-sided, or 20 sheets printed on both sides, or 10 sheets printed on both sides?	Proposers are to address all elements required in the Mandatory Proposal Response Requirements and Appendix B in at least summary form in 20 pages (either 20 single-sided pages or 10 double-sided pages). Supplemental information may be referenced in the 20-page summary and attached as appendices.
<b>14</b>	Appendix B, item b, Staffing, it requests bios of firm principals and staff expected to be assigned to this project. Are the bios included in the 20-page maximum? Can detailed resumes be included in an Appendix?	Firm principals and key assigned staff should be identified in the 20-page summary. Detailed bios and/or resumes may be included in the Appendix.
<b>15</b>	On page 17, in the second paragraph, it states that the “20-page maximum may be exceeded for appropriate appendices and/or addendum with relevant information.” Please clarify what may be considered “appropriate appendices.”	Please see response to Question 14 above. “Appropriate appendices” include any information the proposer considers essential to demonstrate or clarify the proposer’s approach to the scope of work, capacity, or other required element of the solicitation or contract.
<b>16</b>	Page 10 – Workforce Data – Is there an expectation of a workforce analysis to be conducted? If so, please elaborate on the scope of work, as this is a separate methodology.	The Counties do not expect a workforce analysis to be conducted.
<b>17</b>	Is the data for each of the counties centralized so that we only need to collect all agencies from one source? Or decentralized where data may have to be collected from individual departments or agencies? If decentralized, please detail the data that is decentralized.	<p>Nassau County data generally is centralized in a few databases. The awarded vendor may find it useful to meet with one or more individual departments during the course of the analysis to understand the data collected and related processes.</p> <p>The Suffolk County Purchasing Office housed within the Suffolk County Department of Public Works are the main awarding agencies of Suffolk County and</p>

		maintains its own centralized data. Other Suffolk County awarding agencies may maintain their own data so the awarded vendor may find it useful to meet with one or more other County agencies.
<b>18</b>	Do each of the counties maintain all subcontractor data (SDVOBs and non-SDVOBs) and if so, what is the format of that data? (hard copy, PDF, Excel)	<p>Nassau County maintains in the financial system records of subcontractor payments for the Department of Public Works (the majority of such transactions).</p> <p>The Suffolk County Department of Public Works maintains subcontractor info for each of its projects. Furthermore, the Public Works Department requires the submission of a 'utilization plan' form listing subcontractors and/or suppliers detailing how the prime contractor plans on incorporating the use of MWBE's (SDVOBs data not maintained by the County yet). The utilization plan forms are scanned (PDF) per project and then the key data is transferred to an ongoing summary Excel spreadsheet that maintains such data for every applicable project within the Department.</p>
<b>19</b>	Do each of the counties maintain bidder data? In what format is that data? (hard copy, PDF, Excel).	<p>In Nassau County bid tabulations are maintained in spreadsheets and some are available as PDFs. Proposal response information historically has been maintained in hard copy; recently the County has begun collecting this information in PDFs.</p> <p>Suffolk County bid tabulations are maintained in hard copy, PDF and Excel.</p>
<b>20</b>	On page 29, under Standard Requirements for Suffolk County Contracts, item a. references a form Disqualification of Non-responsible Bidders (LL 52-2012) and states that it is included in the Section entitled "Suffolk County Required Compliance Forms	See included (pages 7-19) for Suffolk County Compliance Forms

	in Accordance with County Laws.” That form was not included in the RFP.	
<b>21</b>	On page 29, item c references Non-Collusive Offer Certification (FTS Form) and states that it is also included in the section entitled “Suffolk County Required Compliance Forms in Accordance with County Laws.” The form was not included in the RFP. Where can we obtain the form?	See included (pages 7-19) for Suffolk County Compliance Forms
<b>22</b>	Is study limited to Nassau or Suffolk county business only?	<p>This RFP is open to all businesses wishing to participate. Suffolk County has a local preference for businesses located within Suffolk and Nassau Counties.</p> <p>The scope of work requires a review of businesses located within the region including but not limited to Nassau and Suffolk Counties.</p>
<b>23</b>	Are the Counties working on the same timeline?	Both Counties are looking to work along similar timelines and collaborate as much as possible to maximize efficiency and promote common understanding of the region’s challenges and opportunities. Certain County-specific processes including public hearings will be held separately.
<b>24</b>	Are duly and complete financial statements needed to bid (certified financial statements will take too long to get prior to bid being due)?	Any vendor selected through this RFP shall demonstrate a significant track record of proven performance and capacity with respect to the scope of work. Financial capacity may in part be demonstrated by submission of recent tax returns, annual reports, or other evidence of the vendor’s sound financial condition.
<b>25</b>	Are the Counties’ MWBE data and vendor files up to date?	<p><u>Nassau</u> – The vendor file is current The County is updating its MWBE Data.</p> <p><u>Suffolk</u> – The vendor files are currently being reviewed to ensure they are up to date. The County is currently reviewing and updating its MWBE database.</p>

# SUFFOLK COUNTY

A stack of several white rectangular papers is shown, slightly offset to create a sense of depth. Overlaid on the papers is a large, light gray graphic of a balance scale. The words "COMPLIANCE" and "FORMS" are printed in a large, bold, black sans-serif font, centered over the scale graphic.

## COMPLIANCE FORMS

Revised 12/2019

# **SUFFOLK COUNTY COMPLIANCE FORMS**

## **INDEX**

### **A. Contractor Information Update**

#### **1. LL52-2012 Form –Disqualification of Non-responsible Bidders**

- Local Law 52-2012 - Article II of Chapter 189 of the Suffolk County Code - Disqualification of Non-responsible Bidders

#### **2. Suffolk County Form 22 -Contractor’s/Vendor’s Public Disclosure Statement**

- Suffolk County Administrative Code Section A5-8

#### **3. FTS Form – Statement of Non-Collusion in Bids or Proposals**

#### **4. LHE 1/2 Form – Lawful Hiring (*Revised 8/17*)**

- Suffolk County Local Law No 52-2006 entitled “A Local Law to require companies doing business with the County to certify compliance with Federal Law with respect to lawful hiring of employees.”

#### **5. LW1/38 - Suffolk County Living Wage (*Revised 8/17*) (*Legal Size Paper*)**

- Living Wage Law, Suffolk County Code, Chapter 575 (2001)

#### **6. DOL-LO1 Forms -Suffolk County Union Organizing Certification/Declaration**

- Suffolk County Local Law No. 26-2003, the Suffolk County Union Organizing Law.

#### **7. Lobbying Certification Form**

- Certification Regarding Lobbying on all contracts over \$100,000

For any questions regarding items 4, 5, or 6, you may contact the Department of Labor at:

- (631) 853-3808
- Or visit their website at: <http://www.suffolkcountyny.gov/Departments/Labor>

The Laws of Suffolk County can be accessed at: <http://www.ecode360.com/SU0867>



## CONTRACTOR INFORMATION UPDATE

Contractors are required to complete the following information and submit the form to the Suffolk County Purchasing Office. If you are typing this form on your computer, it will populate information into corresponding fields on other forms in this packet. Please be sure to fill in any remaining necessary information on forms not done automatically.

### CONTRACT INFORMATION

RFP, Bid, or Capital Project Number:

Title:

Brief Description of Project/Service:

Contract Amount:

Awarding Dept/Agency:

Projected Start Date:

Projected End Date:

### COMPANY NAME, ADDRESS AND CONTACT INFORMATION

Company Name:

Current Address:

City, State:

ZIP Code:

Fax #:

Contact Name:

Title:

Phone #:

Email:

Taxpayer or Federal ID No:

### PROCUREMENT ORDERING ADDRESS AND CONTACT INFORMATION

Current Address:

City, State:

ZIP Code:

Fax #:

Contact Name:

Title:

Phone #:

Email:

### PAYMENT ADDRESS AND CONTACT INFORMATION

Current Address:

City, State:

ZIP Code:

Fax #:

Contact Name:

Title:

Phone #:

Email:

I authorize the verification of the information provided on this form and give permission to make necessary changes in your financial system.

Signature of Company Representative:

Printed Name:

Date:



Suffolk County Purchasing Office  
335 Yaphank Avenue  
Yaphank, NY 11980  
631-852-5156

## DISQUALIFICATION OF NONRESPONSIBLE BIDDERS

PURSUANT TO CHAPTER 189, ARTICLE II OF THE SUFFOLK COUNTY CODE, THE FOLLOWING IS TO BE COMPLETED BY ALL BIDDERS/CONTRACTORS.

1. The authorized signatory for the entity signing this document acknowledges that s/he has read and is familiar with the provisions of Chapter 189, Article II of the Suffolk County Code which applies to the subject contract. For the purposes of this form, the terms “entity” and “convicted of” shall have the meanings set forth in section 189-4 of Chapter 189.
2. Has the entity, at any time during the ten years preceding the date of submission of the bid, been convicted of committing or attempting to commit an offense(s) relating to any of the following: extortion; coercion; bribery; theft; fraud; any violent crime relating to business, labor or commerce; sabotage, collusive bidding/bid rigging; any environmental crime including, but not limited to, the illegal use or disposal of toxic/hazardous waste or chemicals; combination in restraint of trade; conspiracy to commit one of these crimes; and/or criminal solicitation associated with one of the crimes listed above?

\_\_\_ Yes \_\_\_ No

3. If the answer to question 2 above is “Yes” the entity shall be determined to be a “non-responsible bidder” and disqualified from bidding on the County project or contract.
4. List **all** criminal convictions, dates of conviction, and courts of conviction rendered upon the entity, whether upon a verdict or plea of guilty or nolo contendere, within the ten years preceding the date of submission of the bid. Use a separate sheet if more space is necessary.

OFFENSE	DATE OF CONVICTION	COURT

5. Is the entity currently in compliance with applicable Suffolk County licensing laws if it has, or is required to have, a license issued by Suffolk County?

\_\_\_ Yes \_\_\_ No

6. If the answer to question 5 above is “No” the entity shall be determined to be a “non-responsible bidder” and disqualified from bidding on the County project or contract until the entity is in compliance with all applicable County licensing laws.

7. Has the entity, at any time during the ten years preceding the date of submission of the bid, been convicted under, or determined by the New York State Department of Labor or the Suffolk County Department of Labor to be in violation of Chapter 31 of the New York State Labor Law, Chapter 575 of the Suffolk County Code, or any provision of State or local law protecting workers' safety?

\_\_\_\_ Yes \_\_\_\_ No

8. If the answer to question 7 above is "Yes" please provide detailed information, on a separate sheet, regarding the violation(s), history of previous violation(s), and such other factors which the awarding agency may give due consideration when determining whether to disqualify the entity as a nonresponsible bidder.

9. Is the entity currently identified on a list established by the State of New York, pursuant to Executive Order No. 157-2016, as an institution or company that boycotts Israel?

\_\_\_\_ Yes \_\_\_\_ No

10. In the event the entity claims an exemption from the provisions of Chapter 189, Article II under section 189-9, provide the relevant written documentation of the request or command issued by the appropriate official of the United States Government.

11. Any contract entered into in violation of Chapter 189, Article II shall be null and void and any entity entering into such contract shall not be entitled to any compensation pursuant to said contract.

12. Any intentional or knowing misrepresentation made pursuant to the requirements of Chapter 189, Article II shall constitute an unclassified misdemeanor, and the person making such intentional or knowing misrepresentation shall be subject to punishment of a fine of \$1,000 and/or up to one year of imprisonment and shall be barred from bidding on future County contracts. Each such violation shall constitute a separate and distinct offense.

**I, \_\_\_\_\_ hereby declare under penalty of perjury under the Laws of the State of New York that I am authorized to provide this certification and that the above is true and correct.**

\_\_\_\_\_  
Name of Entity

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title of Authorized Representative

**Suffolk County Form 22**  
**Contractor's/Vendor's Public Disclosure Statement**

Pursuant to Section A5-8 of the Suffolk County Administrative Code, this Public Disclosure Statement must be completed by all Contractors/vendors that have a Contract with Suffolk County, **with the exception of hospitals; educational or governmental entities; not-for-profit corporations; and Contracts providing foster care, family day care providers, or child protective consulting services, who do not have to fill out this form at all.**

1. Contractor's/Vendor's Name \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_ Zip Code \_\_\_\_\_
2. Contracting Department's Name \_\_\_\_\_  
Address \_\_\_\_\_
3. Payee Identification or Social Security No. \_\_\_\_\_
4. Type of Business: \_\_\_\_\_ Corporation \_\_\_\_\_ Partnership \_\_\_\_\_ Sole Proprietorship \_\_\_\_\_ Other \_\_\_\_\_
- 5.a Is Contractor/vendor entering into or has Contractor/vendor entered into a Contract with Suffolk County in excess of \$1,000? \_\_\_\_\_ Yes \_\_\_\_\_ No.
- 5.b Has Contractor/vendor entered into three or more Contracts, including the one for which you are now completing this form, with Suffolk County, any three of which, when combined, exceed \$1,000?  
\_\_\_\_\_ Yes \_\_\_\_\_ No.
6. Table of Organization. List names and addresses of all principals; that is, all individuals serving on the Board of Directors or comparable body, names and addresses of all partners, and names and addresses of all corporate officers. Conspicuously identify any person in this table of organization who is also an officer or an employee of Suffolk County. (Attach additional sheet if necessary.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. List all names and addresses of those individual shareholders holding more than five percent (5%) interest in the Contractor/vendor. Conspicuously identify any shareholder who is also an officer or an employee of Suffolk County. (Attach additional sheet if necessary).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Does Contractor/vendor derive 50% or more of its total revenues from its contractual or vendor relationship with Suffolk County? \_\_\_\_\_ Yes \_\_\_\_\_ No.
9. If you answered yes to 8 above, you must submit with this disclosure statement, a complete financial statement listing all assets and liabilities as well as a profit and loss statement. These statements must be certified by a Certified Public Accountant. (Strike this out if not applicable.)
10. The undersigned shall include this Contractor's/Vendor's Public Disclosure Statement with the Contract. (Describe general nature of the Contract \_\_\_\_\_  
\_\_\_\_\_)
11. **Remedies.** The failure to file a verified public disclosure statement as required under local law shall constitute a material breach of Contract. Suffolk County may resort, use or employ any remedies contained in Article II of the Uniform Commercial Code of the State of New York. In addition to all legal remedies, Suffolk County

shall be entitled, upon a determination that a breach has occurred, to damages equal to fifteen percent (15%) of the amount of the Contract.

- 12. Verification.** This section must be signed by an officer or principal of the Contractor/vendor authorized to sign for the company for the purpose of executing Contracts. The undersigned being sworn, affirms under the penalties of perjury, that he/she has read and understood the foregoing statements and that they are, to his/her own knowledge, true.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_  
Printed Name of Signer: \_\_\_\_\_  
Title of Signer: \_\_\_\_\_  
Name of Contractor/Vendor: \_\_\_\_\_

**UNIFORM CERTIFICATE OF ACKNOWLEDGMENT**

**(Within New York State)**

STATE OF NEW YORK)  
COUNTY OF \_\_\_\_\_ ) ss.:

On the \_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_ before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
(Signature and office of individual taking acknowledgement)  
(Notary Public)

**UNIFORM CERTIFICATE OF ACKNOWLEDGEMENT**

**(Without New York State)**

STATE OF \_\_\_\_\_ )  
 )ss.:  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_ before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual(s) made such appearance before the undersigned in \_\_\_\_\_

\_\_\_\_\_  
(Insert the city or other political subdivision and the state or country or other place the acknowledgement was taken)

\_\_\_\_\_  
(Signature and office of individual taking acknowledgement)  
(Notary Public)

**Statement of Non-Collusion in Bids or Proposals [General Municipal Law §103-d]**

By submission of this bid, each Bidder/Proposer and each person signing on behalf of any Bidder 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 their knowledge and belief:

1. The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other Bidder/Proposer or with any competitor;
2. Unless otherwise required by law, the prices which have been quoted in the bid have not been knowingly disclosed by the Bidder/Proposer and will not knowingly be disclosed by the Bidder/Proposer prior to opening directly or indirectly to any other Bidder/Proposer or to any competitor; and
3. No attempt has been made or will be made by the Bidder/Proposer to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

No bid/proposal will be considered for award nor shall any award be made where paragraphs 1, 2, and 3 above have not been complied with; provided however, that if in any case the bidder/proposer cannot make the foregoing certification, the bidder/proposer shall so state and shall furnish with the bid/proposal a signed statement which sets forth in detail the reasons therefor. Where paragraphs 1, 2 and 3 above have not been complied with, the bid/proposal shall not be considered for award nor shall any award be made unless the County determines that such disclosure was not made for the purpose of restricting competition.

The fact that a Bidder/Proposer: a) has published price lists, rates, or tariffs covering items being procured, b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or c) has sold the same items to other customers at the same prices being bid/proposed does not constitute, without more, a disclosure hereunder.

**I, \_\_\_\_\_ hereby affirm under penalty of perjury under the Laws of the State of New York that I am authorized to provide this certification and that the above is true and correct.**

\_\_\_\_\_  
Name of Entity

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

Steven Bellone  
Suffolk County Executive



Frank Nardelli  
Commissioner

## SUFFOLK COUNTY DEPARTMENT OF LABOR, LICENSING, & CONSUMER AFFAIRS

### NOTICE OF APPLICATION TO CERTIFY COMPLIANCE WITH FEDERAL LAW (8 U.S.C. SECTION 1324A) WITH RESPECT TO LAWFUL HIRING OF EMPLOYEES, Suffolk County Code, Chapter 353 (2006)

To Be Completed By Applicant/Covered Employer/Owner

EMPLOYER/CORP/BUSINESS/COMPANY NAME (Primary): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CONTACT NAME: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_ AWARDING AGENCY: \_\_\_\_\_

VENDOR, FEDERAL ID OR SOCIAL SECURITY #: \_\_\_\_\_ CONTRACT ID: \_\_\_\_\_

NOT-FOR-PROFIT: YES \_\_\_\_\_ NO \_\_\_\_\_ (Submit Proof of IRS Not-for-Profit Status)

TERM OF CONTRACT OR EXTENSION (PROVIDE DATES): \_\_\_\_\_ to \_\_\_\_\_

BRIEF DESCRIPTION OF COMPENSATION, PROJECT OR SERVICE: \_\_\_\_\_

SUBCONTRACTOR NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

VENDOR, FEDERAL ID OR SOCIAL SECURITY #: \_\_\_\_\_ TELEPHONE #: \_\_\_\_\_

CONTACT NAME: \_\_\_\_\_ DESCRIPTION OF COMPENSATION, PROJECT OR SERVICE: \_\_\_\_\_

#### EVIDENCE OF COMPLIANCE:

Copies of the following must be maintained by covered employers or the owners thereof for each employee for the time periods set forth in Suffolk County Code, Section 353-14 (A):

- A. United States passport; *or*
- B. Resident alien card or alien registration card; *or*
- C. Birth certificate indicating that person was born in the United States; *or*
- D. (1) A driver's license, if it contains a photograph of the individual; *and*  
(2) A social security account number card (other than such a card which specifies on its face that the issuance of the card does not authorize employment in the United States); *or*
- E. Employment authorization documents such as an H-1B visa, H-2B visa, and L-1 visa, or other work visa as may be authorized by the United States Government at the time the County contract is awarded for all covered employees.

#### AFFIDAVIT OF COMPLIANCE WITH THE REQUIREMENTS OF 8 U.S.C. SECTION 1324a WITH RESPECT TO LAWFUL HIRING OF EMPLOYEES

State of New York )

ss:

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

\_\_\_\_\_, being duly sworn, deposes and says:

(Print Name of Deponent)

1. I am owner/authorized representative of \_\_\_\_\_.  
(Circle one) (Name of Corp., Business, Company)
2. I certify that I have complied, in good faith, with the requirements of Title 8 of the United States Code (U.S.C.) section 1324a (Aliens and Nationality) with respect to the hiring of covered employees and with respect to the alien and nationality status of the owners thereof, as set forth in Suffolk County Code Chapter 353 (2006).

Sworn to before me this \_\_\_\_\_ day

\_\_\_\_\_  
(Signature of Deponent)

of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Notary Public)



SUFFOLK COUNTY DEPARTMENT OF LABOR, LICENSING & CONSUMER AFFAIRS

NOTICE OF APPLICATION FOR COUNTY COMPENSATION  
LIVING WAGE CERTIFICATION/DECLARATION – SUBJECT TO AUDIT

If either of the following definitions of ‘compensation’ (*Living Wage Law Chapter 575 – 2*) applies to the contractor’s/recipient’s business or transaction with Suffolk County, the contractor/recipient must complete Sections 1, 3, 4 below. If the following definitions do not apply, the contractor/recipient must complete Sections 2, 3 and 4 below. Completed forms must be submitted to the awarding agency.

“Any grant, loan, tax incentive or abatement, bond financing subsidy or other form of compensation of more than \$50,000 which is realized by or provided to an employer of at least ten (10) employees by or through the authority or approval of the County of Suffolk,” or  
“Any service contract or subcontract let to a contractor with ten (10) or more employees by the County of Suffolk for the furnishing of services to or for the County of Suffolk (except contracts where services are incidental to the delivery of products, equipment or commodities) which involve an expenditure equal to or greater than \$10,000. For the purposes of this definition, the amount of expenditure for more than one contract for the same service shall be aggregated. A contract for the purchase or lease of goods, products, equipment, supplies or other property is not ‘compensation’ for the purposes of this definition.”

Section I

☐

Check if applicable

The *Living Wage* Law applies to this contract. I/we hereby agree to comply with all the provisions of Suffolk County Local Law No. 12-2001, the Suffolk County *Living Wage* Law (the Law) and, as such, will provide to all full, part-time or temporary employed persons who perform work or render services on or for a project, matter, contract or subcontract where this company has received compensation, from the County of Suffolk as defined in the Law (compensation) a wage rate of no less than \$13.00 per hour worked with health benefits, as described in the Law, or otherwise \$14.45 per hour or the rates as may be adjusted annually in accordance with the Law. (**Chapter 575-3 B**)

I/we further agree that any tenant or leaseholder of this company that employs at least ten (10) persons and occupies property or uses equipment or property that is improved or developed as a result of compensation or any contractor or subcontractor of this company that employs at least ten (10) persons in producing or providing goods or services to this company that are used in the project or matter for which this company has received compensation shall comply with all the provisions of the Law, including those specified above. (**Chapter 575-2**)

I/we further agree to permit access to work sites and relevant payroll records by authorized County representatives for the purpose of monitoring compliance with regulations under this Chapter of the Suffolk County Code, investigating employee complaints of noncompliance and evaluating the operation and effects of this Chapter, including the production for inspection & copying of payroll records for any or all employees for the term of the contract or for five (5) years, whichever period of compliance is longer. All payroll and benefit records required by the County will be maintained for inspection for a similar period of time. (**Chapter 575-7 D**)

The Suffolk County Department of Labor, Licensing & Consumer Affairs shall review the records of any Covered Employer at least once every three years to verify compliance with the provisions of the Law. (**Chapter 575-4 C**)

IMPORTANT! IF SECTION I IS CHECKED, APPLICANT MUST PROVIDE THE FOLLOWING INFORMATION:

Projected Wage Levels:

Complete the chart below listing hourly wage rates, number of hours worked per week, compensated days off received yearly and indicate if medical benefits are received for each employee dedicated to fulfilling the terms of this contract.

Note: Complete the following chart only if the Living Wage Law applies and if Section I above is checked.

Employee Name and Title	Hourly Wage Rate	Works <u>less</u> <u>than 20 hours</u> per week (Yes or No)	Works <u>20</u> <u>hours or more</u> per week (Yes or No)	Employee actually receives health benefits (Yes or No)	Full-time employees receive at least 12 compensated days off per year. Part-time employees receive prorated compensated time off in increments proportional to full- time employees (Yes or No)

☐

Check if applicable

Section II The *Living Wage* Law does not apply to this contract for the following reason(s): (Please check all that apply to this contract.)

- ☐ Employ less than 10 employees
- ☐ Grant, loan, tax incentive or abatement,  
bond subsidy or other form of  
compensation is \$50,000 or less.
- ☐ Amount of Compensation is less than \$10,000.  
for the furnishing of services
- ☐ Do not have any employees working in  
Suffolk or Nassau Counties
- ☐ Pay prevailing wage rates
- ☐ Other: \_\_\_\_\_
- ☐ No cost to Suffolk County

Section III Contractor Name: \_\_\_\_\_ Federal Employer ID or SSN#: \_\_\_\_\_

Contractor Address: \_\_\_\_\_ Amount of Compensation: \_\_\_\_\_

\_\_\_\_\_ Term of Contract: \_\_\_\_\_ to \_\_\_\_\_

Contact Name: \_\_\_\_\_ Contractor Phone # \_\_\_\_\_ Awarding Agency: \_\_\_\_\_

Contract ID #: \_\_\_\_\_ Description of project or service: \_\_\_\_\_

Section IV

I declare under penalty of perjury under the Laws of the State of New York that the undersigned is authorized to provide this certification, and that the above is true and correct.

Authorized Signature

Date

Print Name and Title of Authorized Representative



Steven Bellone  
Suffolk County Executive



Frank Nardelli  
Commissioner

## **SUFFOLK COUNTY DEPARTMENT OF LABOR, LICENSING & CONSUMER AFFAIRS**

P.O. Box 6100, Hauppauge, NY 11788-0099 (631) 853-4600 FAX (631) 853-4825

### **UNION ORGANIZING CERTIFICATION/DECLARATION – SUBJECT TO AUDIT**

If the following definition of “County Contractor” ([Union Organizing Law Chapter 803](#)) applies to the contractor’s/beneficiary’s business or transaction with Suffolk County, the contractor/beneficiary must complete Sections I, III, and IV below. If the following definitions do not apply, the contractor/beneficiary must complete Sections II, III and IV below. Completed forms must be submitted to the awarding agency.

**County Contractor:** “Any employer that receives more than \$50,000 in County funds for supplying goods or services pursuant to a written contract with the County of Suffolk or any of its agencies; pursuant to a Suffolk County grant; pursuant to a Suffolk County program; pursuant to a Suffolk County reimbursement for services provided in any calendar year; or pursuant to a subcontract with any of the above.”

#### **Section I**

☐  
Check if  
Applicable

The Union Organizing Law applies to this contract. I/we hereby agree to comply with all the provisions of Suffolk County Local Law No. 26-2003, the Suffolk County Union Organizing Law (the law) and, as to the goods and/or services that are the subject of the contract with the County of Suffolk shall not use County funds to assist, promote, or deter union organizing ([Chapter 803-3](#)), nor seek reimbursement from the County for costs incurred to assist, promote, or deter union organizing.

I/we further agree to take all action necessary to ensure that County funds are not used to assist, promote, or deter union organizing.

I/we further agree that I/we will not use County property to hold meetings to assist, promote, or deter union organizing.

I/we further agree that if any expenditures or costs incurred to assist, promote, or deter union organizing are made,

I/we shall maintain records sufficient to show that no County funds were used for those expenditures and, as applicable, that no reimbursement from County funds has been sought for such costs. I/we agree that such records shall be made available to the pertinent County agency or authority, the County Comptroller, or the County Department of Law upon request.

I/we further affirm to the following as to the goods and/or services that are the subject of the contract with the County of Suffolk:

- I/we will not express to employees any false or misleading information that is intended to influence the determination of employee preferences regarding union representation;
- I/we will not coerce or intimidate employees, explicitly or implicitly, in selecting or not selecting a bargaining representative;
- I/we will not require an employee, individually or in a group, to attend a meeting or an event that is intended to influence his or her decision in selecting or not selecting a bargaining representative;
- I/we understand my/our obligation to limit disruptions caused by pre-recognition labor disputes through the adoption of non-confrontational procedures for the resolution of pre-recognition labor disputes with employees engaged in the production of goods or the rendering of services for the County; and
- I/we have or will adopt any or all of the above-referenced procedures, or their functional equivalent, to ensure the efficient, timely, and quality provision of goods and services to the County. I/we shall include a list of said procedures in such certification.

#### **Section II**

☐  
Check if  
Applicable

The Union Organizing Law does not apply to this contract for the following reason(s): \_\_\_\_\_

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

**Section III**

Contractor Name: \_\_\_\_\_ Federal Employer ID#: \_\_\_\_\_  
Contractor Address: \_\_\_\_\_ Amount of Assistance: \_\_\_\_\_  
\_\_\_\_\_  
Vendor #: \_\_\_\_\_  
Contractor Phone #: \_\_\_\_\_  
Description of project or service: \_\_\_\_\_

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**Section IV**

In the event any part of the Union Organizing Law, Chapter 803 of the Laws of Suffolk County, is found by a court of competent jurisdiction to be preempted by federal and/or state law, this certification/declaration shall be void *ab initio*.

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**Section V**

I declare under penalty of perjury under the Laws of the State of New York that the undersigned is authorized to provide this certification, and that the above is true and correct.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title of Authorized Representative

## **Certification Regarding Lobbying for Contracts, Grants, Loans and Cooperative Agreements**

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No State or Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence legislation or appropriation actions pending before local, State and Federal executive and/or legislative bodies in connection with the awarding of any contract, the making of any grant, the making of any loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any contract, grant, loan, or cooperative agreement.
2. If any funds other than State or Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence legislation or appropriation actions pending before local, State and Federal executive and/or legislative bodies in connection with this contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Failure to file the required certification shall be subject to civil penalty by the Federal government of not less than \$10,000 and not more than \$100,000 for each such failure.

**Provider:** \_\_\_\_\_

**Agreement Number:** \_\_\_\_\_

**Sign:** \_\_\_\_\_

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

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

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