

# **REQUEST FOR QUALIFICATIONS**

## **CONTRACT GE-355**

### **RECONSTRUCTION AND REPLACEMENT OF BROKEN WATER MAINS ON AN EMERGENCY BASIS, SYSTEM WIDE**

#### **I. GENERAL INFORMATION**

##### **Scope of Work**

The Department of Design and Construction (“DDC” or the “Department”) is in the process of establishing a pre-qualified list (“PQL”) of contractors for furnishing all labor, materials and equipment, necessary and required for the reconstruction and replacement, as ordered by the Engineer, of broken water mains of the City-owned water supply distribution system and do other ancillary restoration work, on an emergency basis, system wide.

DDC will be utilizing this PQL to solicit bids for Contract GE-355. The contractor, by the nature of the scope of work and for the duration of the contract, must be able to respond promptly, within six (6) hours after notification to make emergency water main repairs throughout any 24-hour period, day and night, 7 days a week, including Saturdays, Sundays and Holidays, and complete the work within the time period stated in the work order.

Qualified firms are encouraged to take advantage of this opportunity and submit an application for this PQL detailing their credentials. The prequalification process is designed to ensure that bids for the various projects are only received from contractors that are highly qualified and possess the requisite prior experience.

##### **Amounts Payable**

Because the quantities involved in the work to be done are indefinite, the basis for payment will be the actual and reasonable costs to the contractor for the services performed to which will be added a percentage allowance, as submitted by the contractor in its bid, to cover overhead costs and profit.

#### **II. QUALIFICATION PROCEDURE**

To be able to establish a list of pre-qualified contractors, the Department is advertising this **Request for Qualifications (“RFQ”)** in the City Record.

An evaluation committee will review and evaluate whether the submissions from the PQL Applicant demonstrate that the Applicant has the requisite experience and possesses other qualifications the City must evaluate pursuant to the New York City Procurement Policy Board (“PPB”) Rules and N.Y. General Municipal Law Section 103(15), in establishing a PQL.

### **III. REQUEST FOR QUALIFICATIONS**

(A) The Applicant for this PQL must, during the past consecutive five (5) years prior to being accepted on the PQL, have successfully completed at least three (3) projects involving installation of water mains 20 inches and larger in diameter. Such prior projects may have been performed as a prime contractor or subcontractor.

(B) Pursuant to the PPB Rules, Section 3-10(d) and N.Y. General Municipal Law Section 103(15), please provide the following:

- a. Completed **Exhibit A**, PQL Applicant information;
  - i. In addition, on a separate sheet, please provide concise, easily understandable and verifiable information as follows:
    1. PQL Applicant's management and supervisory personnel
      - a. Name and assigned responsibility
      - b. Background
      - c. Years of experience
    2. PQL Applicant's quality assurance organization
      - a. Person in charge, name, and background
      - b. Personnel on staff
      - c. Past record
    3. PQL Applicant's safety organization
      - a. Person in charge, name and background
      - b. Personnel on staff
  - ii. Special Experience Requirements:
    - i. Proof of Applicant's experience and capabilities in water main installation work
      1. Provide a summary list of at least three (3) and no more than 12, projects that best represent the contractor's experience, listed in Part III (A) above.
      2. Complete **Exhibit B** for each project on the summary list.
    - ii. In addition, the PQL Applicant shall demonstrate and/or provide:
      1. Experience and capability to respond to emergency work orders;
      2. Expertise and ability to perform street reconstruction on all types of roadways, curbing, paving materials, traffic planning, etc.;
      3. Expertise and ability to locate and protect private and public utilities, and ability to maintain services during construction operations;
      4. An adequate labor force with capability to fulfill contract requirements on an emergency basis
        - a. Submit a detailed breakdown of the labor force
      5. Ability to cope with unusual circumstances, such as repairing subaqueous mains or mains on bridges
      6. A minimum of 100 cubic yards of clean sand, kept in storage at the PQL Applicant's own yard or the demonstrated ability of such material for backfill purposes around the clock, 7 days a week, including Saturdays, Sundays, and Holidays, for the duration of a contract;
        - a. Submit probable stockpile sites on a map.
      7. Immediate availability to perform emergency work with adequate equipment which shall include, but shall not be limited to the following:
        - a. 2 – Payloaders, rubber tire (equivalent to Caterpillar 966)

- b. 3 – Dump Trucks (10 CY or greater)
    - c. 1 – Boom Truck (minimum capacity 4 ton)
    - d. 2 – Compressors (185 cfm minimum each)
    - e. 2 – Multi-hoes (equivalent to Dynahoe 190-4)
    - f. 1 – Backhoe, crawler mounted (equivalent to Caterpillar 235)
  - 8. Overview of the general site maintenance
- iii. In the event the Applicant is an entity which was formed within the last consecutive five (5) years prior to being accepted on the PQL, the Department may, in determining compliance with the special experience requirements set forth above, consider prior projects completed by the principal(s) of the Applicant while such principal was affiliated with another entity, subject to the following conditions:
  - 1. If the Applicant is relying on the prior experience of only one principal, that principal must hold an ownership interest of 51% or greater in the entity submitting the bid;
  - 2. If the Applicant is relying on the prior experience of more than one of its principals, such principals must each hold an ownership interest of 20% or greater in the entity submitting the bid, AND such principals must collectively hold an ownership interest of 51% or greater in the entity submitting the bid, and
  - 3. Any principal on whose prior experience the Applicant is relying to demonstrate compliance with this special experience requirements must meet the following criteria: (1) such individual must have held a significant management role in the prior entity with which he/she was affiliated, and (2) such individual must have been a principal of the entity submitting the bid for a period of six months or from the inception of the bidding entity.
- c. Documents relating to Applicant’s financial capability, responsibility and reliability
  - i. Audited Financial Statements for the three most recent fiscal years, including the auditor’s standard report
    - 1. If the Applicant does not have audited financial statements, it must submit (a) an affidavit attesting to the fact that the contractor does not have such statements; (b) signed federal tax returns for the last three years; (c) unaudited financial statements for the last three years; and (d) a “certified review letter” from a certified public account (CPA) verifying the unaudited financial statements
  - ii. Schedule of Aged Accounts Receivable, including portion due within ninety (90) days
- d. Completed **Exhibit C**, Safety Questionnaire;
- e. Completed **Exhibit D**, PQL Applicant Employment Questionnaire;
- f. Completed **Exhibit E**, PQL Applicant Business Integrity Questionnaire; and
- g. Completed **Exhibit F**, PQL Applicant Certification

**Six copies of the RFQ Submissions shall be submitted in a sealed envelope to:**

**Department of Design and Construction  
30-30 Thomson Avenue, 1st Floor  
Long Island City, New York 11101  
Attn.: Lorraine Holley, Deputy ACCO**

**IV. DENIAL OF PREQUALIFICATION**

Pursuant to PPB Rules, Section 3-10(l), any PQL Applicant whose qualifications fail to meet the requirements and criteria established by this RFQ shall be denied prequalification, and the Agency Chief Contracting Officer (“ACCO”) will notify the PQL Applicant in writing of the denial of prequalification. The PQL Applicant may appeal ACCO’s determination denying prequalification pursuant to the process established in PPB Rules, Section 3-10(m).

**V. SOLICITATIONS OF BIDS**

All submissions in response to the RFQ must be received no later than **4:00 pm, May 8, 2015 (Extended Date)**. After the PQL has been established, bid solicitation for Contract GE-355 will be solicited from the contractors on this PQL. The responsible and responsive bidder submitting the lowest overhead and profit rate based on the Contract estimate of \$11,500, 000.00 will be selected.

Please note that New York City agencies other than DDC may solicit bids from this PQL.

**EXHIBIT A**

**PQL APPLICANT INFORMATION**

NAME OF PQL: **RECONSTRUCTION AND REPLACEMENT OF BROKEN WATER MAINS  
ON AN EMERGENCY BASIS, SYSTEM WIDE**

Name of PQL Applicant: \_\_\_\_\_

PQL Applicant's Employer Identification Number (EIN): \_\_\_\_\_

PQL Applicant is: (Check one, whichever applies) Individual ( ) Partnership ( ) Corporation ( )

PQL Applicant's Corporate Headquarters Address: \_\_\_\_\_

PQL Applicant's Local Place of Business: \_\_\_\_\_

PQL Applicant's Telephone Number: \_\_\_\_\_

Residence of PQL Applicant (If Individual): \_\_\_\_\_

If PQL Applicant is a Partnership, fill in the following blanks:

Names of Partners

Residence of Partners

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If PQL Applicant is a Corporation, fill in the following blanks:

Organized under the laws of the State of \_\_\_\_\_

Name and Home Address of President: \_\_\_\_\_

\_\_\_\_\_

Name and Home Address of Secretary: \_\_\_\_\_

\_\_\_\_\_

Name and Home Address of Treasurer: \_\_\_\_\_

\_\_\_\_\_

**EXHIBIT B**

**QUALIFICATION FORM**

List previous projects completed to meet the special experience requirements for this PQL. A separate Qualification Form should be submitted for each project. Please photocopy this form for submission of all required projects.

Name of PQL Applicant: \_\_\_\_\_

Name of Project: \_\_\_\_\_

Contract/Project Number (if applicable): \_\_\_\_\_

Location of Project: \_\_\_\_\_

Owner or Owner's representative (Architect or Engineer) who is familiar with the work performed:

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

Title: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Brief description of work completed (please include the diameter, material, and length of the water main):

\_\_\_\_\_  
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Was the work was performed as a prime or a subcontractor: \_\_\_\_\_

Dollar Amount of Contract: \_\_\_\_\_

Planned Duration of the Project: \_\_\_\_\_

Actual Duration of the Project: \_\_\_\_\_

Date of Completion: \_\_\_\_\_

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**EXHIBIT C**

**SAFETY QUESTIONNAIRE**

The PQL Applicant must include, with its PQL application, all information requested on this Safety Questionnaire.

**1. PQL Applicant Information:**

PQL Applicant Name: \_\_\_\_\_

DDC PQL Name: \_\_\_\_\_

PQL Applicant Size<sup>1</sup>: \_\_\_\_\_ Ten (10) employees or fewer  
\_\_\_\_\_ Greater than ten (10) employees

PQL Applicant has previously worked for DDC \_\_\_\_\_ YES \_\_\_\_\_ NO

Corporate Safety Program \_\_\_\_\_ YES \_\_\_\_\_ NO

(If yes, attach a copy of the Corporate Safety Program. If no, explain why PQL Applicant does not have a Corporate Safety Program established)

Name/Title of Individual in charge of the Corporate Safety Program: \_\_\_\_\_

**2. Type(s) of Construction Work**

TYPE OF WORK	LAST 3 YEARS
General Building Construction	_____
Residential Building Construction	_____
Nonresidential Building Construction	_____
Heavy Construction, except building	_____
Highway and Street Construction	_____
Heavy Construction, except highways	_____
Plumbing, Heating, HVAC	_____
Painting and Paper Hanging	_____
Electrical Work	_____
Masonry, Stonework and Plastering	_____
Carpentry and Floor Work	_____
Roofing, Siding, and Sheet Metal	_____
Concrete Work	_____
Specialty Trade Contracting	_____
Asbestos Abatement	_____
<b>Other (specify)</b>	_____
_____	_____

<sup>1</sup> Number of employees in the entire company, including administrative and/or office staff.

**3. Experience Modification Rate:**

The Experience Modification Rate (EMR) is a rating generated by the National Council of Compensation Insurance (NCCI). This rating is used to determine the PQL Applicant’s premium for worker’s compensation insurance. The PQL Applicant may obtain its EMR by contacting its insurance broker or the NCCI. If the PQL Applicant cannot obtain its EMR, it must submit a written explanation as to why.

The PQL Applicant must indicate its Intrastate and Interstate EMR for the past three years. [Note: For PQL Applicants with less than three years of experience, the EMR will be considered to be 1.00].

YEAR	<u>INTRASTATE</u> RATE	<u>INTERSTATE</u> RATE
_____	_____	_____
_____	_____	_____
_____	_____	_____

**If the Intrastate and/or Interstate EMR for any of the past three years is greater than 1.00, the PQL Applicant must attach, to this questionnaire, a written explanation for the rating and identify what corrective action was taken to correct the situation resulting in that rating.**

**4. OSHA Information:**

- YES       NO      PQL Applicant has received a willful violation issued by OSHA or New York City Department of Buildings (NYCDOB) within the last three years.
- YES       NO      PQL Applicant has had an incident requiring OSHA notification within 8 hours (all work-related fatalities) or an incident requiring OSHA notification within 24 hours (all work-related impatient hospitalizations, all amputations and all losses of an eye).

The Occupational Safety and Health Act (OSHA) of 1970 requires employers with ten or more employees, on a yearly basis to complete and maintain on file the form entitled “Log of Work-related Injuries and Illnesses”. This form is commonly referred to as the OSHA 300 Log (OSHA 200 Log for 2001 and earlier).

The OSHA 300 Log must be submitted for the last three years for contractors with more than ten employees.

The PQL Applicant must indicate the total number of hours worked by its employees, as reflected in payroll records for the past three years.

**The PQL Applicant must submit the Incident Rate for Lost Time Injuries (the Incident Rate) for the past three years. The Incident Rate is calculated in accordance with the formula set forth below. For each given year, the total number of incidents is the total number of non-fatal injuries and illnesses reported on the OSHA 300 Log. The 200,000 hours represents the equivalent of 100 employees working forty hours a week, fifty weeks per year.**

Incident Rate = 
$$\frac{\text{Total Number of Incidents X 200,000}}{\text{Total Number of Hours Worked by Employee}}$$

YEAR	TOTAL NUMBERS OF HOURS WORKED BY EMPLOYEES	INCIDENT RATE
_____	_____	_____
_____	_____	_____
_____	_____	_____

**If the PQL Applicant’s Incident Rate for any of the past three years is one point higher than the Incident Rate for the type of construction it performs (listed below), the PQL Applicant must attach, to this questionnaire, a written explanation for the relatively high rate.**

General Building Construction	8.5
Residential Building Construction	7.0
Nonresidential Building Construction	10.2
Heavy Construction, except building	8.7
Highway and Street Construction	9.7
Heavy Construction, except highways	8.3
Plumbing, Heating, HVAC	11.3
Painting and Paper Hanging	6.9
Electrical Work	9.5
Masonry, Stonework and Plastering	10.5
Carpentry and Floor Work	12.2
Roofing, Siding, and Sheet Metal	10.3
Concrete Work	8.6
Specialty Trade Contracting	8.6

**5. Safety Performance on Previous DDC Project(s)**

YES  NO PQL Applicant previously audited by the DDC Office of Site Safety.  
 DDC Project Number(s): \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

YES  NO Accident on previous DDC Project(s).  
 DDC Project Number(s): \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

YES  NO Fatality or Life-altering Injury on DDC Project(s) within the last three years.  
 [Examples of a life-altering injury include loss of limb, loss of a sense (e.g., sight, hearing), or loss of neurological function].  
 DDC Project Number(s): \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

**EXHIBIT D**

**PQL APPLICANT EMPLOYMENT QUESTIONNAIRE**

1. \_\_\_\_\_  
PQL Applicant Name
2. If the PQL Applicant is certified as an **MBE**<sup>2</sup>, **WBE**<sup>3</sup>, **LBE**<sup>4</sup>, **EBE**<sup>5</sup> or **DBE**<sup>6</sup>, state the city/state agency that issued the certification: \_\_\_\_\_
3. Has the PQL Applicant been reviewed by the New York City Small Business Services, Division of Labor Services, within the past 36 months and issued a Certificate of Approval? **Yes**\_\_\_\_  
**No**\_\_\_\_
- If **yes**, attach a copy of certificate.
4. Has the PQL Applicant, within the past 36 months, been audited by the United States Department of Labor, Office of Federal Contract Compliance Programs (OFCCP)? **Yes**\_\_\_\_  
**No**\_\_\_\_
- If **yes**,
- (a) Name and address of OFCCP office:\_\_\_\_\_
- (b) Was a Certificate of Equal Employment Compliance issued within the past 36 months?  
**Yes**\_\_\_\_ **No**\_\_\_\_  
If **yes**, attach a copy of such certificate.
- (c) Were any corrective actions required or agreed to?  
**Yes**\_\_\_\_ **No**\_\_\_\_  
If **yes**, attach a copy of such requirements or agreements.
- (d) Were any deficiencies found?  
**Yes**\_\_\_\_ **No**\_\_\_\_  
If **yes**, attach a copy of such findings.
5. Has the PQL Applicant, within the past three years, been named as a defendant (or respondent) in any administrative or judicial action where the complainant (plaintiff) alleged violation of any antidiscrimination or affirmative action laws? **Yes**\_\_\_\_ **No**\_\_\_\_

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<sup>2</sup> Minority Owned Business Enterprise  
<sup>3</sup> Women Owned Business Enterprise  
<sup>4</sup> Locally Based Enterprise  
<sup>5</sup> Emerging Business Enterprise  
<sup>6</sup> Disadvantaged Business Enterprise

If yes, attach an explanation.

6. Has the PQL Applicant, within the past three years, been named as a defendant in any judicial action involving unpaid union benefits for the Company's employees or subcontractors? **Yes**\_\_\_ **No**\_\_\_

If **yes**, attach an explanation.

7. Has the PQL Applicant, within the past three years, been named as a defendant in any judicial action involving unpaid wages to the Company's employees? **Yes**\_\_\_ **No**\_\_\_

If **yes**, attach an explanation.

8. Has the PQL Applicant, within the past three years, been named as a defendant in any judicial action involving nonpayment to the PQL Applicant's subcontractors, suppliers or materialmen? **Yes**\_\_\_ **No**\_\_\_

If **yes**, attach an explanation.

9. Are there or have there been any judgments or liens within the past three years against the PQL Applicant relating to unpaid union benefits for the PQL Applicant's employees or subcontractors? **Yes**\_\_\_ **No**\_\_\_

If **yes**, attach an explanation.

10. Are there or have there been any judgments or liens within the past three years against the PQL Applicant relating to unpaid wages to the PQL Applicant's employees? **Yes**\_\_\_ **No**\_\_\_

If **yes**, attach an explanation.

11. Are there or have there been any judgments or liens within the past three years against the PQL Applicant relating to nonpayment to the PQL Applicant's subcontractors, suppliers or materialmen? **Yes**\_\_\_ **No**\_\_\_

If **yes**, attach an explanation.

## EXHIBIT E

### PQL APPLICANT BUSINESS INTEGRITY QUESTIONNAIRE

Answer all below questions. And, if answer is “Yes”, provide backup documentation detailing the occurrence and outcome (i.e. copies of official correspondence, stipulation of settlement, plea agreement, etc.).

All words in bold are defined on the “Definitions” pages following this Business Integrity Questionnaire.

1. Has the PQL Applicant submitted **VENDEX** Questionnaires to the NYC Mayor’s Office of Contract Services?  
Yes \_\_\_ No\_\_\_ If yes, what is the most recent submission date? \_\_\_\_\_
2. At any time during the past five (5) years, has the submitting PQL Applicant or any of its **affiliates**, been subject to any of the following actions, whether pending or completed:
  - a. debarred from entering into any government **contract**? Yes \_\_\_ No\_\_\_
  - b. found **non-responsible** on any government **contract**? Yes \_\_\_ No\_\_\_
  - c. declared in default and/or terminated for cause? Yes \_\_\_ No\_\_\_
  - d. determined to be ineligible to bid or propose on any **contract**? Yes \_\_\_ No\_\_\_
  - e. suspended from bidding or entering into any government **contract**? Yes \_\_\_ No\_\_\_
  - f. received an overall unsatisfactory performance rating from any government **agency** on any **contract**? Yes \_\_\_ No\_\_\_
3. Are there or have there been any judgments, injunctions, or liens, including, but not limited to, judgments based on taxes owed, fines and penalties assessed by any government **agency**, elected official, or the New York City Council initiated against the submitting PQL Applicant and/or any **affiliate**:
  - a. at any time within the past five (5) years? Yes \_\_\_ No\_\_\_
  - b. that remain open, unsatisfied, or in effect today? Yes \_\_\_ No\_\_\_
4. Have any bankruptcy proceedings been initiated by or against the submitting PQL Applicant or its **affiliates** within the past seven (7) years (whether or not closed) or is any bankruptcy proceeding pending by or against the submitting PQL Applicant or its **affiliates** regardless of date of filing? Yes \_\_\_ No\_\_\_
5. In the past five (5) years, has the submitting PQL Applicant, any of its **principal owners** or **officers**, or any **affiliate**:

- a. had any permit, license, concession, franchise or lease terminated for cause or revoked?  
Yes \_\_\_\_ No \_\_\_\_
  - b. been disqualified for cause as a bidder on any permit, license, concession, franchise or lease?  
Yes \_\_\_\_ No \_\_\_\_
6. In the past five (5) years, have any of the submitting PQL Applicants or any of the submitting PQL Applicants' **affiliates** or any **individual** currently or within that period serving as a **principal owner, officer** or **managerial employee** been **investigated** by any government **agency**, including, but not limited to, federal, state and local regulatory agencies? Yes \_\_\_\_ No \_\_\_\_
7. Has the submitting PQL Applicant, any **affiliate**, or any of their current or former **principal owners** or **officers** or **managerial employees**:
- a. been convicted of a misdemeanor and/or found in violation of any administrative, statutory, or regulatory provisions in the past five (5) years? Yes \_\_\_\_ No \_\_\_\_
  - b. been convicted of a felony, and/or any crime related to truthfulness and/or business conduct in the past ten (10) years? Yes \_\_\_\_ No \_\_\_\_
  - c. have any felony, misdemeanor and/or **administrative charges** currently pending?  
Yes \_\_\_\_ No \_\_\_\_
8. For the past five (5) years, has the submitting PQL Applicant or any of its **principal owners, officers**, or any **affiliate** had any **sanction** imposed as a result of judicial or administrative disciplinary proceedings with respect to any professional license held? Yes \_\_\_\_ No \_\_\_\_
9. Is the submitting PQL Applicant exempt from income taxes under the Internal Revenue Code? Yes \_\_\_\_ No \_\_\_\_
10. During the past five (5) years, has the submitting PQL Applicant failed to:
- a. file any applicable federal, state or New York City tax returns? Yes \_\_\_\_ No \_\_\_\_
  - b. pay any applicable federal, state or New York City taxes or other assessed New York City charges, including but not limited to water and sewer charges? Yes \_\_\_\_ No \_\_\_\_

## DEFINITIONS

### **Administrative Charge**

When an **agency** charges an entity with violating the agency's regulations. These charges include, but are not limited to violations of prevailing wage laws, workers' compensation laws, Occupational Safety and Health Administration (OSHA) violations and tax offenses.

### **Affiliate**

An **entity** in which the **parent** of the submitting PQL Applicant owns more than fifty (50) percent of the voting stock and/or an **entity** in which a group of **principal owners** or **officers** that owns more than fifty

(50) percent of the submitting PQL Applicant also owns more than fifty (50) percent of the voting stock.

### **Agency**

Any government body, whether Federal, State, City, County, Borough, local agency or other office, position, administration, department, division, bureau, commission, authority, corporation, advisory committee or other agency of government, including departments, offices, quasi-public agencies, public authorities, public corporations, public development corporations, local development corporations and others. New York City agencies are those agencies for which expenses are paid in whole or in part from the city treasury, and include but are not be limited to, the City Council, the offices of each elected official, the Department of Education, the School Construction Authority, community boards, the Financial Services Corporation, the Health and Hospitals Corporation, the Economic Development Corporation, and the New York City Housing Authority, but do not include any court or any corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility.

### **Contract**

Any agreement between a New York City agency, New York City affiliated **agency**, elected official or the Council and an **individual** or **entity**, which (a) is for the provision of goods, services, or construction and has a value that when aggregated with the values of all other such agreements with the same **individual** or **entity** or **subcontractor** during the immediately preceding twelve (12) month period is valued at one hundred thousand dollars (\$100,000) or more; or (b) is for the provision of goods and/or services, was awarded on a sole source basis and is valued at ten thousand dollars (\$10,000) or more; or (c) is a concession and has a value that when aggregated with the value of all other contracts/agreements held by the same concessionaire is valued at one hundred thousand dollars (\$100,000) or more; or (d) is a franchise.

### **Entity**

Any joint venture, sole proprietorship, general partnership, limited liability partnership, limited partnership, limited liability company, professional limited liability company, business corporation, professional business corporation, or others.

### **Individual**

Any person (not an **entity**).

### **Investigated**

An **individual** or **entity** has been **investigated** if there has been any inquiry by any prosecutorial, investigative or regulatory agency concerning such **individual** or **entity** or the activities and/or the business practices thereof. An “inquiry” includes, but is not limited to the following:

1. an appearance before a grand jury by the **individual** or any current or former representative of the **entity** or its **affiliates** has been made or been sought;
2. a subpoena requiring testimony has been issued and/or received;
3. a subpoena for the production of documents in a criminal proceeding or criminal investigation has been issued and/or received;
4. a search warrant at any location occupied or used by **individual/entity**, any **affiliate**, or any of

their **principal owners** or **officers** has been executed;

5. notice has been received that the communications or activities of the **individual** or any current or former representative of the **entity** or its **affiliates** have been monitored under a court order;

6. notice has been received that the **individual/entity**, or any current or former representative of the **entity** or its **affiliates** is the subject or target of an investigation;

7. any questioning of an employee concerning the **individual/entity**, or the conduct of the **individual/entity's** or the **affiliate's** business which relates to the possible commission of any act or acts that could expose the **individual**, the **entity**, or its **affiliates** to either criminal or civil liability;

8. any investigation into compliance with prevailing wage laws or regulations;

The following are not inquiries:

1. background investigations for employment;

2. contact with the contracting **agency** relating to performance or routine aspects of an existing contract;

3. **agency** communications relating to constituent complaints; d) routine non-forensic program or financial audits.

### **Managerial Employees or Managerial Capacity**

Employees in a supervisory capacity who, either by virtue of their title or their duties, operate with discretion over solicitation, letting, or management of **contracts** with New York City.

### **Non-Responsible**

When an **individual** or **entity** lacks the capability in all respects to fully perform the contract requirements and/or lacks the business integrity to justify the award of public tax dollars.

### **Officer**

Any **individual** who serves as or performs the functions of chief executive officer, chief financial officer, or chief operating officer of the submitting PQL Applicant, without regard to such **individual's** title e.g., president, vice president, secretary, treasurer, board chairperson, trustee, (**individual** or **entity** who administers a trust) or their equivalents.

### **Parent**

Any **entity** including, but not limited to any **individual**, partnership, joint venture or corporation which owns more than fifty (50) percent of the voting stock of another **entity**.

### **Principal Owner**

An **individual**, partnership, joint venture or corporation that holds a ten (10) percent or greater ownership interest in a submitting PQL Applicant or **subcontractor**.

### **Sanction**

Any fine, penalty, judgment, injunction, violation, debarment or suspension.

**Subcontract**

An agreement between an **individual** or **entity** that is party to a **contract** and another **individual** or **entity** which (a) is for the provision of goods, services or construction pursuant to that **contract**, and has a value that when aggregated with the values of all other such agreements with the same **individual** or **entity** and **subcontractor** during the immediately preceding twelve (12) month period is valued at one hundred thousand dollars (\$100,000) or more; or (b) is for the provision of goods and/or services, was awarded on a sole source basis and is valued at ten thousand dollars (\$10,000) or more; or (c) is a concession and has a value that when aggregated with the value of all other **contracts/agreements** held by the same concessionaire is valued at one hundred thousand dollars (\$100,000) or more; or (d) is a franchise.

**Subcontractor**

Any **individual** or **entity** engaged under a **subcontract**.

**VENDEX**

The Vendor Information Exchange System, a legally required computerized data system that contains information for every New York City franchise, concession, and **contract** over one hundred thousand dollars (\$100,000). Information is collected on the vendor, principal and changed questionnaires.

**EXHIBIT F**

**PQL APPLICANT CERTIFICATION**

**A materially false statement willfully or fraudulently made in connection with this Request for Qualifications (“RFQ”) may result in denial of prequalification to the Pre-Qualified List (“PQL”) Applicant.**

**Name of PQL Applicant:** \_\_\_\_\_

I, \_\_\_\_\_ (name), serving as \_\_\_\_\_ (title) for \_\_\_\_\_ (submitting PQL Applicant), hereby certify that:

- (i) I have the authority to respond to this RFQ on behalf of the PQL Applicant;
- (ii) I have read and understand all of the requirements contained in the foregoing \_\_\_\_ pages of this RFQ and in the included Exhibits A through E;
- (iii) I have supplied full and complete responses to each question or requirement therein to the best of my knowledge, information and belief; and
- (iv) I understand that City of New York, by and through its Department of Design and Construction, will rely on the information supplied in response to this RFQ and on the attached Exhibits to prequalify the PQL Applicant for this specific PQL.

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Print Name)

\_\_\_\_\_ (Date)

State of New York )

) ss.:

County of . . . . . )

Sworn to or affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_;

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