

Vendor's Guide to VENDEX

Table of Contents

PREFACE _____	1
REQUIREMENTS AND INSTRUCTIONS FOR VENDEX QUESTIONNAIRES _____	2
WHO SHOULD COMPLETE AND SIGN THE VENDOR QUESTIONNAIRE ? _____	3
WHO MUST COMPLETE A PRINCIPAL QUESTIONNAIRE? _____	4
WHO SHOULD COMPLETE AND SIGN A CERTIFICATION OF NO CHANGE ? _____	4
DEFINITIONS _____	5
FREQUENTLY ASKED QUESTIONS WITH ANSWERS _____	11
PROCESS OF SUBMISSION OF VENDEX QUESTIONNAIRES _____	11
ELEMENTS REQUIRED TO DO BUSINESS WITH NEW YORK CITY _____	12
WHO MUST SUBMIT A QUESTIONNAIRE? WHICH QUESTIONNAIRE MUST BE SUBMITTED? _____	12
INVESTIGATION RELATED _____	14
UPDATING PREVIOUSLY SUBMITTED QUESTIONNAIRES _____	15
TIMING RELATED _____	15

PREFACE

The City is legally required to use the Vendor Information Exchange System (**VENDEX**), a computerized data system, to help it make decisions regarding vendor responsibility as required by law. A responsible contractor is one which has the capability in all respects to perform fully the contract requirements and the business integrity to justify the award of public tax dollars.

The **VENDEX** Questionnaires consist of the **vendor** and **principal questionnaires**. This vendor's guide provides instructions to assist in completing and submitting these questionnaires. If further assistance is required, visit the New York City web site (<http://www.nyc.gov/vendex>) or contact the VENDEX Unit at (212) 341-0933.

REQUIREMENTS AND INSTRUCTIONS FOR VENDEX QUESTIONNAIRES

The **vendor** and **principal questionnaire(s)** are valid for three (3) years from the date of signature on the certification page(s) of the questionnaires.

Vendors are required to complete the **VENDEX** questionnaires if they have **contracts** or subcontracts:

1. Valued at \$100,000 or more;
2. That are sole source contracts valued at \$10,000 or more and/or;
3. Whose aggregate business with the City in the preceding 12 months totals 100,000 or more;

In addition, vendors are required to complete the **VENDEX** questionnaires if they are:

1. Applicants for franchises, regardless of dollar amount or;
2. Applicants for concessions which, singly or in combination with other **contracts** held by the vendor, are valued at \$100,000 or more.

Please note that, the City, In its sole discretion, may require that other **entities/principals** complete **VENDEX questionnaires**.

Vendors who have **parent** or other **controlling entities** will be required to submit **vendor questionnaires** for these **entities**. **Principal questionnaires** for **parent** or **controlling entities** are not required.

If during the three (3) years, the submitting vendor is awarded another contract and any of the **submitting vendor's** or **principal's** circumstances change, causing a change to any answers in the previously submitted **vendor** and/or **principal questionnaire**, the **submitting vendor** must update those answers at the time of award of the subsequent contract by resubmitting to the **VENDEX** Unit:

1. The first page of the relevant questionnaire with the box "**changed questionnaire**" selected;
2. The question pages where information has changed along with their corresponding supplemental pages if necessary;
3. A signed and notarized certification page.

If there have been changes to the **submitting vendor's vendor questionnaire** but no changes to the **principal questionnaire** the **submitting vendor** is required to submit a changed questionnaire along with a certification of no change for the principals to MOCS. Such updates must be done by the time the **submitting vendor** enters into its next contract with a New York City **agency**.

1. When completing questionnaires, err on the side of full disclosure. Non-disclosure of relevant material may lead to a finding of **non-responsibility** or

criminal charges against an **individual/vendor**. If there is a question about whether or not a particular matter should be disclosed, please contact the Mayor's Office of Contract Services at 212-341-0933.

2. Questionnaires may be obtained from the VENDEX Unit at 212-341-0933 or downloaded from the New York City web site <http://www.nyc.gov/vendex>
3. Vendors may not edit, alter or change questionnaires in any way including, file conversions. Any such changes will render the questionnaires void.
4. Answers must be either typewritten or handwritten in ink. If additional space is needed to complete a question, check the box indicating that additional information is attached, and attach the supplemental pages to the questionnaire. All questions must be answered. Questions answered "no" do not require additional information. A response of "not applicable (N/A)", or the equivalent, will not be accepted both on **vendor & principal questionnaires**. Please attach any additional relevant documentation e.g. correspondence, to the back of the form.
5. Certification - A materially false statement willfully or fraudulently made in connection with any **VENDEX questionnaire** may result in a finding of non-responsibility. In addition, this may subject the **individual** making the false statement to criminal charges. The individual who completes the questionnaire must sign the certification in the presence of a notary public.
6. Submitted certification pages must have original signatures.
7. Questionnaires are considered complete when all questions are answered, and the original questionnaires are signed and notarized.
8. Completed original questionnaires may be delivered via U.S. Mail or hand delivery to: The Mayor's Office of Contract Services, VENDEX Unit, 253 Broadway, 9th Floor, NY, NY 10007.
9. The **VENDEX** Unit will notify the **submitting vendor** if a questionnaire is incomplete. In this circumstance, the submitting vendor will have five (5) business days to answer the question completely and resubmit the questionnaire or to confirm that the requested information is being sent to MOCS, unless otherwise specified. If the **submitting vendor** and/or **principal** does not adhere to this timeframe, its **VENDEX** submission will be rejected.
10. The **submitting vendor** should keep a copy of the completed questionnaires.

WHO SHOULD COMPLETE AND SIGN THE VENDOR QUESTIONNAIRE?

The person who completes the **vendor questionnaire** on behalf of the **submitting vendor** must provide their title, telephone/ fax number and e-mail address on page 1 of the **vendor questionnaire**. The person who signs the certification on behalf of the **submitting vendor** should be either the Chief Executive, Executive Director, Chief Administrator, President, Vice President, Treasurer, Secretary, Chair of the Board of Directors, or the principal owner or officer responsible for administering the **submitting vendor's contract**.

WHO MUST COMPLETE A PRINCIPAL QUESTIONNAIRE?

All **principal owners** and **officers** listed in response to question number 6a in the **vendor questionnaire** must complete **principal questionnaires**, with the following exceptions:

1. If the **submitting vendor** is a partnership, all partners should be listed, but only the partners performing on the contract and those who have a (10) percent or greater ownership interest in the partnership need to complete **principal questionnaires**.
2. If another **entity** controls ten (10) percent or more of the **submitting vendor** that **entity** must complete a **vendor questionnaire** instead of a **principal questionnaire**. **Principal questionnaires** are not required for the **principal owners** or **officers** of that entity. Under these circumstances, a submitting vendor is still required to submit principal questionnaires for its top three officers listed in response to question 6A regardless of ownership interest.
3. If the **principal owner** or **officer** is an estate or trust, then the executor or trustee must complete a **principal questionnaire**.

The City, in its sole discretion, may require that other principal owners or officer complete a VENDEX questionnaire.

WHO SHOULD COMPLETE AND SIGN A CERTIFICATION OF NO CHANGE?

1. Two original signed, notarized **certifications of no change** must be executed for both the **submitting vendor** and if applicable the **parent**.
2. **Certifications of No Change** are to be sent directly to the agency with which the **submitting vendor** is seeking to do business. **Certifications of No Change** should not be sent to the Mayor's Office of Contract Services. (Unless it is a certification of no change for principals on a changed questionnaire as described on page 2 of 14).
3. The **individual** signing the **certification of no change** on behalf of the vendor certifies that both the **vendor** and **principal questionnaires** are complete and accurate.
4. It is recommended that one of the **principal owners/officers** listed in response to question #6a execute the **certification of no change** on behalf of the **vendor**.
5. If you are completing the **certification of no change** on behalf of the **parent entity** you are not required to provide principal information.
6. The **submitting vendor** must also report to the contracting **agency** information on all **subcontractors** that will work on the proposed **contract**.

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 vendor 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 vendor** 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.

Business Addresses

The address and telephone numbers for the location(s) at which the **submitting vendor** conducts its activities. See definition for telephone number(s).

Certification of No Change

Replaced Affidavits of No Change- certifies that information contained in vendor questionnaires, principal questionnaires or any changed questionnaires for this vendor are complete and accurate.

Changed Questionnaire

The revised **VENDEX** questionnaire submitted within the three year **VENDEX** cycle to document changes occurring to any of the information collected on either the **principal questionnaire** or **vendor questionnaire**, or both. This is comprised of the questionnaire's top page (checking the **changed questionnaire** box), newly signed and notarized certification page and the appropriate pages where the information has changed, along with any necessary additional information. If there have been

changes to the **submitting vendor's vendor questionnaire** but no changes to the **principal questionnaire** the **submitting vendor** is required to submit a **changed questionnaire** along with the **certification of no change** for the principals to MOCS.

Consulting Capacity

Serving in a capacity to act on behalf of or assist the **submitting vendor** with services including, but not limited to legal, engineering or architectural.

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.

Control (Controlling Entity)

The **submitting vendor** is controlled by another **entity** when:

- the other **entity** holds ten (10) percent or greater ownership interest, or
- the other **entity** directs or has the right to direct daily operations

The **submitting vendor** controls another **entity** when:

- it holds ten (10) percent or more of the voting stock of the other **entity**, or
- it directs or has the right to direct daily operations

DBA

An acronym that stands for doing business as, a formal notice filed with a county clerk that an **individual** or **entity** is conducting business under an assumed name.

DUNS

The D&B number, formerly known as the Dun and Bradstreet number.

Employer identification number (EIN)

A nine digit number assigned by the Internal Revenue Service to sole proprietors, corporations, partnerships, estates, trusts, and other **entities** for tax filing and reporting business purposes. See definitions for **TIN** and **SSN**.

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. This also includes any **not-for-profit corporation**.

Immediate Family

Includes former or current husband(s), and or wife(ves), son(s), daughter(s), stepson(s), stepdaughter(s), adopted child(ren), grandchild(ren), parent(s), brother(s), sister(s), grandparent(s), mother(s)-in-law, father(s)-in-law, brother(s)-in-law and sister(s)-in-law.

Individual

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

Internal Revenue Code

The set of rules and regulations established by the United States Internal Revenue Service (IRS).

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.

Material Weakness

A reportable condition in which the design or operation of one or more of the components of internal control does not reduce to a relatively low level the risk that errors and irregularities in amounts that would be material in relation to the general purpose financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

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.

Not-for-Profit Corporation

Any group incorporated under the New York State Not-For-Profit Corporation Law and/or registered with the Secretary of the State as a Not-For-Profit Corporation in accordance with Article 13 of that law, and/or exempt from taxation under section 501 of the **Internal Revenue Code**.

Officer

Any **individual** who serves as or performs the functions of chief executive officer, chief financial officer, or chief operating officer of the **submitting vendor**, 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**.

Primary Place of Business

The most important location from which the **submitting vendor** conducts its business in the New York City metropolitan area. See **business address** definition.

Prime

The **entity** awarded the contract.

Principal Executive Office

The location at which the **submitting vendor's principals** are located. See also the definitions for **primary place of business**, **business address** and **telephone numbers**.

Principal Owner

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

Principal Questionnaire

The **VENDEX** questionnaire collecting information on the **submitting vendor's principals** and/ or **officers**.

Responsibility Determination

A conclusion reached by any government **agency** or quasi-governmental **agency**, concerning the responsibility of an **entity**. A **responsibility determination** is based on several factors including, but not limited to an **entity's** financial resources, business integrity, and performance.

Sanction

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

Share

To have space, staff, equipment, **expenses**, etc., or use such items, in common with one or more other **entities**. See **shared equipment**, **shared space**, **shared staff** and **shared expenses** definitions.

Shared Equipment

Equipment is considered to be the items used in an **individual** or **entity's** operation or activity that include, but are not limited to telephone(s) and telephone systems, photocopiers, computer, motor vehicles and construction machinery. These items are considered shared whenever the **submitting vendor** shares the ownership and/or the use of any **equipment** with any other **entity**. **Equipment** should not be considered to be **shared** under the following three circumstances: (1) when, although the **equipment** is owned by another **entity**, the **submitting vendor** has

entered into a formal lease for the use of the **equipment** and exercises exclusive use of the **equipment**; or (2) when the **submitting vendor** owns **equipment** that it has formally leased to another **entity**, and for the duration of such lease the **submitting vendor** has relinquished all right to the use of such leased **equipment**; or (3) when the **submitting vendor** out-sources internal administrative functions, such as payroll.

Shared Expenses

Expenses are costs, charges, fees, etc. When the **submitting vendor** and any other **entity** jointly incur or pay for expenses, they are considered shared.

Shared Space

Space is considered to be shared when any part of the space utilized by the **submitting vendor**, at any of its sites, is also utilized on a regular or intermittent basis for any purpose by any other **entity**, and where there is no lease or sublease in effect between the **submitting vendor**, and any other **entity**, that is sharing space with the **submitting vendor**.

Shared Staff

Staff should be considered to be shared when any **individual** provides the services of an employee (including services of any type or level, managerial or supervisory, whether paid or unpaid) to the **submitting vendor**, and also, on either a regular or irregular basis, provides the services of an employee, paid or unpaid, to one or more other **entities**, if such services are provided during any part of the same hours the **individual** is providing services to the **submitting vendor**. This type of **sharing** may include, but is not limited to, **individuals** who provide the following services: telephone answering, receptionist, delivery, custodial, and driving.

Social Security Number (SSN)

The unique nine digit number assigned by the Social Security Administration that assists in maintaining an accurate record of wages or self-employment earnings that are covered under the Social Security Act, and used by the Internal Revenue Service for tax administration purposes. See **EIN** and **TIN** definitions.

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**.

Submitting Vendor

The **entity** submitting the **vendor questionnaire**

Subsidiary

An **entity** in which the majority of the voting stock is owned by a **parent**.

Telephone Numbers

The telephone numbers of an **individual**, **entity** and/or **submitting vendor** at the **primary place of business address**, **principal executive office address** and **business addresses**.

Taxpayer Identification Number (TIN)

A generic term used by the Internal Revenue Service for identification in the administration of tax laws, which includes **SSN** and/or **EIN**, among others. See **EIN** and **SSN** definitions.

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**.

Vendor Questionnaire

VENDEX questionnaire collecting information on the **submitting vendor**.

FREQUENTLY ASKED QUESTIONS WITH ANSWERS

PROCESS OF SUBMISSION OF VENDEX QUESTIONNAIRES

1. Question: If a **VENDEX** questionnaire has already been completed and submitted within the last three years and the **submitting vendor** is seeking a new contract, does the new **VENDEX** questionnaire have to be completed and submitted?

Answer: The **VENDEX** questionnaires remain current for three years from the date of the notarized signature on the certification page. However, if, during the three (3) years, any of the **submitting vendor's** circumstances change causing modifications to any answers in the vendor and/or **principal questionnaire(s)** previously provided, the **submitting vendor** **MUST** update the appropriate questionnaire at the time of award of the subsequent **contract**. Remember to check the box on the front page that says it is a **changed questionnaire**.

2. Question: Are the submitted **VENDEX** questionnaires for my company approved?

Answer: There is no such thing as a **VENDEX** approval. Once the City has accepted **VENDEX** forms for a **submitting vendor** and its **principal owners** or **officers** and has inputted the information into the **VENDEX** system, the agency performs contract- specific responsibility determinations.

3. Question: Who can sign the **principal questionnaire's** certification page?

Answer: The **principal questionnaire** must be signed by the **individual** named in question #1 of the questionnaire. There is no power of attorney for the **principal questionnaire**.

4. Question: Where should I send my completed **VENDEX** questionnaires?

Answer: To the Mayor's Office of Contract Services **VENDEX** Unit 253 Broadway, 9th Floor New York, NY 10007

5. Question: My company has fifty members on its board of directors. How many **officers** do I have to list?

Answer: You must report the three **officers** or **individuals** who exercise the most substantial degree of **control** over the **entity**.

6. Question: Does MOCS accept **VENDEX** submissions from vendors that do not have a pending award?

Answer: MOCS will accept **VENDEX** submission from any vendor; however MOCS will only process submissions when City agencies make specific requests for vendor submissions associated with pending awards.

ELEMENTS REQUIRED TO DO BUSINESS WITH NEW YORK CITY

1. Question: Is it necessary to have an **EIN** in order to do business with New York City **agencies**?

Answer: An **EIN** is required in order to do business with New York City **agencies**, except for foreign companies whose contracting services will be carried out outside of the United States. In those cases vendors must contact the Vendor Enrollment Center at (212) 857-1680 for further instructions.

WHO MUST SUBMIT A QUESTIONNAIRE? WHICH QUESTIONNAIRE MUST BE SUBMITTED?

1. Question: I do not own any shares/stock in the **submitting vendor**, why do I have to fill out a **principal questionnaire**?

Answer: If you are an officer of the **submitting vendor**, you are required to submit a **principal questionnaire** regardless of ownership interest.

2. Question: If the **submitting vendor** is owned by another **entity**, do both **entities** submit **principal questionnaires**?

Answer: No. **Principal questionnaires** are required for the **principal owners/officers** of the **submitting vendor** but not for those of the **parent**.

3. Question: What is the difference between a **subsidiary** and an **affiliate** of the **submitting vendor**?

Answer: A subsidiary is an **entity** in which the majority of the voting stock is owned by the **submitting vendor**. The **submitting vendor** is the **parent** of the **subsidiary**. An **affiliate** is an **entity** in which the **parent** that owns the **submitting vendor** also owns more than fifty percent of the voting stock, or an **entity** in which more than fifty percent of the business and the voting stock is owned by some or all of the same **principal owners** as the **submitting vendor**; in effect, **affiliates** have a sibling relationship to the **submitting vendor**.

4. Question: What type of questionnaire should be completed for a **subcontractor**?

Answer: A **subcontractor** must complete a **vendor questionnaire** and the **subcontractor's principal owners/officers** are required to submit **principal questionnaires**.

5. Question: If an **entity** is foreign-based, does it have to complete the **VENDEX** questionnaires?

Answer: Yes, where the **entity** is based does not change the legal requirement to complete the **VENDEX** questionnaire(s).

6. Question: If a **local affiliate** or **subsidiary** of a foreign-based **entity** will be responsible for carrying out the terms of the contract, does the foreign **entity** have to fill out a **vendor questionnaire**, or may the local division fill one out?

Answer: If the foreign-based **entity** itself is the **parent**, the **submitting vendor** must disclose all of the requested information concerning the foreign-based **entity** and, generally, the foreign-based **entity** must also complete a **vendor questionnaire**, but in appropriate circumstances, the **agency** may rely solely upon the **vendor questionnaire** from the **submitting vendor**. If the foreign-based **entity** itself is the **submitting vendor**, the foreign-based **entity** must complete the **vendor questionnaire**.

7. Question: If a trust or an estate is a **parent** or a **principal** owner of the **submitting vendor**, do **VENDEX** Questionnaires need to be completed by the trustee or administrator of the trust?

Answer: Yes.

8. Question: If a holding company, created for tax purposes, is a **parent** or **principal**

owner, does it have to complete the **VENDEX** questionnaires?

Answer: Yes, the purpose of the company's formation is irrelevant and does not affect the legal obligation to complete **VENDEX** questionnaires.

9. Question: If an **entity** has a large number of **subsidiaries**, do all of them have to be listed on the **vendor questionnaire**?

Answer: All **subsidiaries** of an **entity** completing a **vendor questionnaire** must be disclosed. However, the **entity** may submit a list of **subsidiaries** and that list may be submitted as an attachment in lieu of completing the appropriate section on the questionnaire.

INVESTIGATION RELATED

1. Question: An **entity** was debarred by the federal government three years ago, but that decision was later overturned. Does this need to be reported?

Answer: No, if an entity was debarred, found non-responsible or defaulted, and those determinations were subsequently overturned or reversed, the entity is not required to disclose them in response to Question 11. However, if those actions were taken as the result of an investigation or inquiry by any prosecutorial, investigative or regulatory agency, the entity is required to disclose the investigation or inquiry in response to Question 15.

2. Question: The **principal owner** of an **entity** was arrested for DWI and the case was later dismissed. Does this need to be disclosed?

Answer: No, if criminal charges were filed against a **submitting vendor** or **affiliate**, or if a **principal owner** or **officer** was arrested, and those charges or that arrest was later dismissed, the entity is not required to disclose them in response to Question 16 (a) or (b) because there are no convictions in those cases. However, if the charges are currently pending at the time the **entity** is completing the questionnaire, the **entity** is required to disclose them in response to Question 16 (c) which asks if any charges are currently pending. If the charges or the arrest that was later dismissed was the result of an investigation or inquiry by any prosecutorial, investigative or regulatory agency, the **entity** is required to disclose the investigation or inquiry in response to Question 15.

3. Question: If, in the course of being **investigated**, the **submitting vendor** has been asked to provide documents, but has not heard anything since complying, how should the status of the investigation be described?

Answer: Contact the investigating **agency** and ask for the status. Report their answer (e.g. open, closed, pending, or even "the investigating body did not respond or refused to comment").

4. Question: I am a **submitting vendor** and the **agency** investigating me/my company

told me the inquiry was confidential, and should not be discussed with anyone else. I want to cooperate with the **VENDEX** process, but do not want to violate the investigating **agency's** guidelines. How do I proceed?

Answer: If you are in such a situation, you should explain to the **agency** that you are seeking New York City business and are required to report being investigated to the City. If permission is still refused, you should disclose that you/your company are the subject(s) of an investigation and detail the communications between you and the investigating **agency**, including the request for secrecy. You may also wish to seek legal counsel.

UPDATING PREVIOUSLY SUBMITTED QUESTIONNAIRES

1. Question: What should I do if I realize that a completed **VENDEX** questionnaire was inadvertently inaccurate?

Answer: As soon as you learn of the error, you should contact the **VENDEX** Unit in writing and alert them to the error, and then submit a **changed questionnaire** as soon as possible. Failure to timely advise the City of a mistake could lead to questions about the reason for the inaccuracy.

TIMING RELATED

1. Question: The **principal owner** is aware of adverse data from a former **affiliate**, should this information still be reported since the **principal owner** is no longer an employee of that **entity**?

Answer: Yes, if the date of occurrence of that adverse information is within the timeframe of the **VENDEX** question.

2. Question: Four years ago, a **principal owner** or **officer** of the **submitting vendor** had her/his driver's license revoked. Her/his current duties do not involve driving a vehicle. Do I need to report this?

Answer: Yes, this must be reported. **Vendor questionnaire** question 14a asks specifically if a license has been revoked. Answer this, and all questions, completely.

3. Question: How long does the adverse information stay on the **VENDEX** system?

Answer: Adverse information remains on the **VENDEX** system for ten (10) years.