

Executive Summary of Changes to the Vendor Responsibility Questionnaires and Definitions List

Background

The process for revising the VRQ began with discussions between OGS and OSC about adding references to the SDVOB program to the forms and making changes to the certification.

The majority of changes relate to clarification of questions that were either being interpreted by vendors differently from what was intended, or that required additional language to clarify the information sought. The forms were revised to make clear that at least one Business Entity Official needs to be disclosed in every questionnaire and required the disclosure of a date of birth and middle initial of listed individuals to help identify the individuals being researched since there are often relatives with the same name in some companies.

The forms were also revised to require identification of the person to contact for questions on the answers to make it easier to get in touch quickly with the vendor. Some other minor changes were made to improve the internal consistency within questionnaires and to improve consistency across the questionnaires.

The certification language was revised, and the notarization requirement removed by having vendors make the certification under penalty of perjury making submittal of the hard copy questionnaire more business friendly and consistent with the electronic version of the questionnaire, which is accepted without a notarization requirement.

In addition to OGS and OSC, SUNY Central Administration also provided comments on the revised documents.

For-Profit Business Entity Questionnaire

1. General Revisions:
 - a. Updated various links within the VRQ.
 - b. Clarified nature of response required for a “Yes” or “Other” response in the VRQ.
2. Instructions Page. Made clarifications as to who may complete the VRQ, what items are not required to be included in the responses, and added reference to the Definitions List in the “Associated Entity” instructions.
3. §1.5, added Service Disabled Veteran-Owned Business (SDVOB) to list of business certifications and throughout the VRQ.
4. §1.6, for “Officials” and “Principal Owners” added date of birth (to ensure agency performs search on the correct individual; eliminates people with same name) and percentage of ownership as required data elements. Specifies what information must be provided by a Business Entity identified as a Principal Owner. Added check box if no person or Business Entity meets the ownership requirement; eliminate need for agency to follow-up with vendor if section is blank to determine if it was blank in error or because no person or Business Entity meets the ownership requirement.
5. §4.3, require disclosure of any bid rejected for failure to make good faith efforts regarding MWBE, SDVOB, or DBE on previously held contracts by changing “low bid” to “bid”.
6. §8.1, clarified that the requirement to disclose an assessment of liquidated damages over \$25,000 is for “any reason” including failure to meet MWBE, SDVOB, or DBE goals.
7. §8.2, added “claims” to the list of undischarged items that must be disclosed and as well as the “balance of the lien or judgment not yet paid”.

8. §9.0, require vendor provide the name, address and EIN of each Associated Entity and relationship to the vendor.
9. §9.1, clarified the information that must be provided if an Associated Entity Official is charged with, indicted, granted immunity, or convicted of certain crimes relating business activity.
10. Certification, added language to make the certification under the penalties of perjury and as a result deleted the notary requirement.

Not-For Profit Business Entity Questionnaire

1. §1.10, for Key Employees added requirement to provide middle initial.
2. Section IX, Financial and Organizational Capacity, wherever require disclosure regarding a “Business Entity” added requirement for same disclosure for a “Business Affiliate”.
3. Certification, added language to make the certification under the penalties of perjury and as a result deleted the notary requirement.

Definitions List

“Affiliate; Construction” and “Associated Entity” were revised to add a note to clarify that these terms include any business entity referred to as a “labor arm” or “labor affiliate” if they meet the definition of “Construction Affiliate” or “Associated Entity.” This clarification was made to ensure vendors include such entities as part of the vendor’s VRQ response.