**MANDATORY SUBMISSION: to be completed, signed, and included in the Administrative Proposal.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **SECTION ONE: Information Regarding the Offeror** | | | | |
| **A. Provide the Offeror’s authorized signatory information and identification numbers.** | | | | |
| **Name:** | | | | |
| **Signature:** | | | | |
| **Organization:** | | | | |
| **Address:** | | | | |
| **City, State, and ZIP Code:** | | | | |
| **Telephone Number (include area code):** | | | | |
| **Email Address:** | | | | |
| **Organization’s Taxpayer Identification Number:** | | | | |
| **NYS Vendor Identification Number, if available:** | | | | |
| **B. Provide the contact information of the Offeror’s primary contact with DCS regarding this Proposal. (If different from A.)** | | | | |
| **Name:** | | | | |
| **Title:** | | | | |
| **Address:** | | | | |
| **City, State, and ZIP Code:** | | | | |
| **Telephone Number (include area code):** | | | | |
| **Email Address:** | | | | |
| **SECTION TWO: Minimum Offeror Eligibility Requirements** | | | | |
| 1. **The Offeror must, at time of Proposal submission possess the legal capacity to enter into a Contract with the Department including all registrations, filings, approvals, authorizations, consents, and examinations required by any governmental authority for the provision of the delivery of Project Services (as detailed in Section 3 of this RFP).** | | **Yes** | **No** | |
| 1. **The Offeror must be a state or federally chartered bank or financial payment processor authorized to do business in New York State and must have at least one branch or office with a physical location in New York State.** | | **Yes** | **No** | |
| 1. **The Offeror and any Subcontractor(s) must, at time of Proposal submission be a member of the National Automated Clearing House Association (Nacha).** | | **Yes** | **No** | |
| 1. **The Offeror must possess the authority to accept Deposits held in the name of the State of New York. Deposit is defined in this RFP as any transaction involving the transfer of monies to the banking institution for the payment of NYSHIP premiums.** | | **Yes** | **No** | |
| 1. **The Offeror must maintain throughout the term of the Contract, the ability to act as both an** **Originating Depository Financial Institution (ODFI) and a** **Receiving Depository Financial Institution (RDFI) - able to both initiate and receive** **Automated Clearing House (ACH) entries.** | | **Yes** | **No** | |
| **7. Sections 105 and 106 of the New York State Finance Law require financial institutions holding deposits of New York State monies to pledge collateral with the State to the extent deemed appropriate by the State. As required by such law, the Offeror must agree and maintain throughout the term of the Contract, to pledge securities or to obtain a surety bond by companies with the highest ratings issued by nationally recognized statistical rating organizations to secure the State’s interest in any depository account and any “pass-through” accounts to the extent deemed appropriate by the State. The State shall establish and periodically review and adjust, as necessary, the amounts held as collateral. Collateral must be held at the New York State fiscal agent. The State reserves the right to periodically verify the amount of collateral held.** | | **Yes** | **No** | |
| **8. The Proposer must have a Kroll Bond Rating Agency financial strength rating of at least “C+” for the quarter most recently ended prior to the deadline for receipt of proposals. This rating will be independently verified by OSC. Proposers are not required to subscribe to the Kroll service and a Kroll rating is not contingent upon any such subscription.** | | **Yes** | **No** | |
| **9. The Offeror must have on file, or be willing to file with OSC and Treasury, a *NYS Undertaking for Bank Deposits and Assignment of Securities form* (attachment 9) before any accounts are established.** | | **Yes** | **No** | |
| **10. The Offeror must represent and warrant that at time of Proposal submission that it has maintained an organization capable of performing that portion of Project Services to be rendered by the Offeror in continuous operation for at least the past three (3) years. If the Contractor is proposing the use of a Subcontractor or Affiliate, the Offeror must also represent and warrant that the Subcontractor or Affiliate has maintained an organization capable of performing that portion of Project Services to be rendered by the Subcontractor or Affiliate in continuous operation for at least the past three (3) years.** | | **Yes** | **No** | |
| **SECTION THREE: Offeror’s Certifications** | | | | |
| **1. The Proposal constitutes a firm and irrevocable offer for a period of one hundred and eighty (180) days from the date of submission to DCS.** | **Yes** | | | **No** |
| **2. By submission of a Proposal, the Offeror agrees not to make any claims for or have a right to any damages because of any misrepresentations or misunderstanding of the specifications or because of any errors or omissions or lack of information.** | **Yes** | | | **No** |
| **3. The Offeror agrees to fully comply with the Procurement Lobbying Law Sections 139-j and 139-k of the New York State Finance Law.** | **Yes** | | | **No** |
| **4. The Offeror certifies that all information provided in connection with its Proposal is true and accurate.** | **Yes** | | | **No** |
| **5. The Offeror certifies they can meet all of the requirements found in Project Services (Section 3 of the RFP).** | **Yes** | | | **No** |
| 1. **The Offeror certifies they will notify DCS immediately if there is a change in status of any certifications, requirements, or memberships found in the minimum requirement to bid of the RFP or resultant contract. Examples of these include but are not limited to Banking Charters or payment processing status, NYS branch or office location, ODFI and RDFI status, Sections 105 and 106 of the NYS Finance Law, and remain compliant with PCI DSS policies, and Federal and State Information Security Requirements.** | **Yes** | | | **No** |
| **7. The Offeror acknowledges that, should any extraneous terms, alternative activities/work to be performed, added conditions, or exceptions be submitted within its Proposal, such extraneous terms, alternative activities/work to be performed, added conditions, or exceptions will not be considered by DCS.** | **Yes** | | | **No** |
| **8. The Offeror has read, understands, and accepts all provisions of Appendix A – Standard Clauses for All New York State Contracts. Appendix A contains important information related to the contract to be entered into as a result of this RFP and will be incorporated, without change or amendment, into the contract entered into between DCS and the selected Offeror. By submitting a response to this RFP, the Offeror agrees to comply with all the provisions of Appendix A.** | **Yes** | | | **No** |
| **9. The Offeror understands that submissions that do not provide all the requested documents in the RFP and or packaging of the RFP submissions in compliance with the instructions provided in RFP may be subject to rejection.** | **Yes** | | | **No** |
| **10. EXECUTIVE ORDER NO. 177 CERTIFICATION EXECUTIVE ORDER NO. 177 CERTIFICATION**  **The New York State Human Rights Law, Article 15 of the Executive Law, prohibits discrimination and harassment based on age, race, creed, color, national origin, sex, pregnancy or pregnancy-related conditions, sexual orientation, gender identity, disability, marital status, familial status, domestic violence victim status, prior arrest or conviction record, military status or predisposing genetic characteristics.**  **The Human Rights Law may also require reasonable accommodation for persons with disabilities and pregnancy-related conditions. A reasonable accommodation is an adjustment to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner. The Human Rights Law may also require reasonable accommodation in employment on the basis of Sabbath observance or religious practices.**  **Generally, the Human Rights Law applies to:**   * **all employers of four or more people, employment agencies, labor organizations and apprenticeship training programs in all instances of discrimination or harassment;** * **employers with fewer than four employees in all cases involving sexual harassment; and,** * **any employer of domestic workers in cases involving sexual harassment or harassment based on gender, race, religion or national origin.**   **In accordance with Executive Order No. 177, the Contractor hereby certifies that it does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected status under the Human Rights Law.**  **Executive Order No. 177 and this certification do not affect institutional policies or practices that are protected by existing law, including but not limited to the First Amendment of the United States Constitution, Article 1, Section 3 of the New York State Constitution, and Section 296(11) of the New York State Human Rights Law.** | **Yes** | | | **No** |
| **11. PUBLIC OFFICER LAW REQUIREMENTS AND CONFLICT OF INTEREST DISCLOSURE**  **The New York State Public Officers Law ("POL"), particularly POL Sections 73 and 74, as well as all other provisions of New York State law, rules and regulations, and policy establish ethical standards for current and former State employees. In submitting its Proposal, the Offeror must guarantee knowledge and full compliance with such provisions for purposes of this RFP and any other activities including, but not limited to, contracts, Proposals, offers, and negotiations. Failure to comply with these provisions may result in disqualification from the procurement process, termination, suspension or cancellation of the contract and criminal proceedings as may be required by law.**  **The Offeror hereby submits its affirmative statement as to the existence of, absence of, or potential for conflict of interest on the part of the Offeror because of prior, current, or proposed contracts, engagements, or affiliations.**  **Please provide below an affirmative statement as to the existence of, absence of, or potential for conflict of interest on the part of the Offeror because of prior, current, or proposed contracts, engagements, or affiliations. Please attach additional pieces of paper as necessary.**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **Yes** | | | **No** |
| **12. SEXUAL HARASSMENT PREVENTION CERTIFICATION**  **State Finance Law §139-l requires Offeror’s on state procurements to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor’s model policy and training standards) to all its employees.**  **By submission of this Proposal, each Offeror and each person signing on behalf of any Offeror certifies, and in the case of a joint Proposal each party thereto certifies its own organization, under penalty of perjury, that the Offeror has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the Labor Law.** | **Yes** | | | **No** |
| **13. The Offeror certifies under penalty of perjury that they are not a Russian entity or Russia supporting entity as those terms are defined in Executive Order No. 14 dated February 27, 2022.** | **Yes** | | | **No** |
| **14. The Offeror certifies under penalty of perjury that your organization is not conducting business operations in Russia, as those terms are defined in Executive Order No. 16 dated March 17, 2022.** | **Yes** | | | **No** |
| **15. NON-DISCRIMINATION IN EMPLOYMENT IN NORTHERN IRELAND**  **In accordance with New York State Finance Law 165 Section 5- Nondiscrimiation in employment in Norther Ireland,** [**https://www.nysenate.gov/legislation/laws/STF/165**](https://www.nysenate.gov/legislation/laws/STF/165)  **Do you have business operations in Northern Ireland.**  **If yes:**  **Shall take lawful steps in good faith to conduct any business operations they have in Northern Ireland in accordance with the MacBride Fair Employment Principles relating to nondiscrimination in employment and freedom of workplace opportunity regarding such operations in Northern Ireland and shall permit independent monitoring of their compliance with such Principles.** | **Yes**  **Yes** | | | **No**  **☐No** |
| **16. NON-COLLUSIVE BIDDING CERTIFICATION**  **By submission of this Certification, the Contractor and each person signing on behalf of the Contractor certifies, under penalty of perjury, that to the best of his knowledge and belief:**   1. **The prices in this Agreement 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 competitor;** 2. **Unless otherwise required by law, the prices which have been quoted in this Agreement have not been knowingly disclosed by the Contractor and will not knowingly be disclosed by the Contractor prior to contract approval, directly or indirectly, to any other competitor; and** 3. **No attempt has been made or will be made by the Contractor to induce any other person, partnership or corporation to submit or not to submit a price quote for the purpose of restricting competition.** | **Yes** | | | **No** |
| **17. As stated in Section 2 of this Solicitation, an Offeror is encouraged to use New York State businesses in the performance of Project Services. Please use the below to identify the Offeror’s proposed utilization of New York State businesses.**   |  |  |  |  |  | | --- | --- | --- | --- | --- | | **Name(s) of**  **New York**  **Subcontractors**  **and/or**  **Suppliers** | **Address,**  **City,**  **State,**  **and**  **Zip Code** | **Description of Services or Supplies Provided** | **Estimated Value**  **Over**  **1-Year Contract Period for services (directly related to this contract.)** | **Identify if**  **Subcontractor**  **and/or Supplier** | |  |  |  |  |  | |  |  |  |  |  | |  |  |  |  |  | |  |  |  |  |  | |  |  |  |  |  | |  |  |  |  |  | |  |  |  |  |  | |  |  |  |  |  | | | | | |

The undersigned affirms and swears as to the truth and veracity of all statements in Attachment 1.

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

**PRINT SIGNATORY’S NAME:** **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**INDIVIDUAL, CORPORATION, PARTNERSHIP, OR LLC ACKNOWLEDGMENT**

**STATE OF** }

**Sworn Statement:**

**COUNTY OF** }

On the \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the year 20\_\_\_\_\_, before me personally appeared **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, known to me to be the person who executed the foregoing instrument, who, being duly sworn by me did depose and say that \_he maintains an office at

Town of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, State of\_\_\_\_\_\_\_\_\_\_\_; and further that:

**\_\_\_\_ (If an individual):** \_he executed the foregoing instrument in his/her name and on his/her own behalf.

**\_\_\_\_ (If a corporation):** \_he is the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the corporation described in said instrument; that, by authority of the Board of Directors of said corporation, \_he is authorized to execute the foregoing instrument on behalf of the corporation for purposes set forth therein; and that, pursuant to that authority, \_he executed the foregoing instrument in the name of and on behalf of said corporation as the act and deed of said corporation.

**\_\_\_\_ (If a partnership):** \_he is the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the partnership described in said instrument; that, by the terms of said partnership, \_he is authorized to execute the foregoing instrument on behalf of the partnership for purposes set forth therein; and that, pursuant to that authority, \_he executed the foregoing instrument in the name of and on behalf of said partnership as the act and deed of said partnership.

**\_\_\_\_ (If a limited liability company):** \_he is a duly authorized member of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, LLC, the limited liability company described in said instrument; that, \_he is authorized to execute the foregoing instrument on behalf of the limited liability company for purposes set forth therein; and that, pursuant to that authority, \_he executed the foregoing instrument in the name of and on behalf of said limited liability company as the act and deed of said limited liability company.

Notary Public \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_