

ATTACHMENT 13



**Offeror Attestations Form - RFP entitled:
“New York State Health Insurance
Program Banking Services”**

A representative of the Offeror who is legally authorized to bind the Offeror must complete and sign the Offeror Attestations Form and provide all requested information.

Name of Business Entity Submitting Bid:		
Entity’s Legal Form:	<input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other _____	
No.	RFP Ref.	RFP Requirement:
1.	Section 1.4(1)	At time of Proposal Due Date, Offeror represents and warrants that it: <input type="checkbox"/> possesses <input type="checkbox"/> does not possess the legal capacity to enter into a contract with the Department.
2.	Section 1.4(2)	At time of Proposal Due Date, the Offeror represents and warrants that it: <input type="checkbox"/> possesses the authorization to conduct business in New York State. <input type="checkbox"/> does not possess the authorization to conduct business in New York State. <input type="checkbox"/> does not possess the authorization to conduct business in New York State, but the Offeror has filed an application for authority to do business in New York State with the New York State Secretary of State.
3.	Section 1.4(3)	At time of Proposal Due Date, Offeror represents and warrants that it: <input type="checkbox"/> attests <input type="checkbox"/> does not attest has completed, obtained or performed 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) and agrees that it will, during the term of the Contract, comply with any requirements imposed upon it by law or regulation..

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4.	Section 1.4(4)	<p>At time of Proposal Due Date, Offeror represents and warrants that it:</p> <ul style="list-style-type: none"> <input type="checkbox"/> attests <input type="checkbox"/> acknowledges and agrees subject to the non-material deviation listed in Attachment 8 <input type="checkbox"/> does not attest <p>is a commercial bank or trust company chartered under Article III of New York Banking Law, or a national bank. The Offeror must possess and the Contractor must maintain throughout the term of the Agreement the authority to accept Deposits held in the name of the State of New York.</p>
5.	Section 1.4(5)	<p>At time of Proposal Due Date, Offeror represents and warrants that it:</p> <ul style="list-style-type: none"> <input type="checkbox"/> attests <input type="checkbox"/> does not attest <p>is a member of the National Automated Clearing House Association (NACHA).</p>
6.	Section 1.4(6)	<p>At time of Proposal Due Date, Offeror represents and warrants that it:</p> <ul style="list-style-type: none"> <input type="checkbox"/> attests <input type="checkbox"/> does not attest <p>is able 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.</p>
7.	Section 1.4(7)	<p>At time of Proposal Due Date, Offeror represents and warrants that it:</p> <ul style="list-style-type: none"> <input type="checkbox"/> attests <input type="checkbox"/> does not attest <p>agrees 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.</p>
8.	Section 1.4(8)	<p>At time of Proposal Due Date, Offeror represents and warrants that it:</p> <ul style="list-style-type: none"> <input type="checkbox"/> attests <input type="checkbox"/> does not attest <p>has a current long-term rating of C+ or better from at least two out of three rating agencies (S&P, Moody’s and Fitch).</p>

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9.	Section 1.4(9)	<p>At time of Proposal Due Date, Offeror represents and warrants that it:</p> <ul style="list-style-type: none"> <input type="checkbox"/> attests <input type="checkbox"/> acknowledges and agrees subject to the non-material deviation listed in Attachment 8 <input type="checkbox"/> does not attest <p>will have on file with the Office of the State Comptroller (OSC), and maintain throughout the term of the Agreement, a State of New York Undertaking for Bank Deposits and Assignment of Securities (Attachment 6).</p>
10.	Section 1.4(10)	<p>At time of Contract execution, Offeror represents and warrants that it:</p> <ul style="list-style-type: none"> <input type="checkbox"/> attests <input type="checkbox"/> acknowledges and agrees subject to the non-material deviation listed in Attachment 8 <input type="checkbox"/> does not attest <p>maintains a processing site(s) which must be located in the continental United States (CONUS). All data and confidential information must be processed, stored, and accessed exclusively within the CONUS.</p>
11.	Section 1.4(11)	<p>At time of Proposal Due Date, Offeror represents and warrants that it:</p> <ul style="list-style-type: none"> <input type="checkbox"/> attests <input type="checkbox"/> does not attest <p>possesses adequate staffing resources, financial resources and organizational capacity to perform the type, magnitude and quality of work specified in the RFP and 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 one (1) year. 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.</p>
12.	Section 3.1	<p>At time of Proposal Due Date, Offeror represents and warrants that it:</p> <ul style="list-style-type: none"> <input type="checkbox"/> attests <input type="checkbox"/> acknowledges and agrees subject to the non-material deviation listed in Attachment 8 <input type="checkbox"/> does not attest <p>will comply with all specific duties and responsibilities set forth in Section 3.1 of this RFP, entitled “Lockbox Services”.</p>

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13.	Section 3.2	<p>At time of Proposal Due Date, Offeror represents and warrants that it:</p> <ul style="list-style-type: none"> <input type="checkbox"/> attests <input type="checkbox"/> acknowledges and agrees subject to the non-material deviation listed in Attachment 8 <input type="checkbox"/> does not attest <p>will comply with all specific duties and responsibilities set forth in Section 3.2 of this RFP, entitled “Reporting”.</p>
14.	Section 3.3	<p>At time of Proposal Due Date, Offeror represents and warrants that it:</p> <ul style="list-style-type: none"> <input type="checkbox"/> attests <input type="checkbox"/> acknowledges and agrees subject to the non-material deviation listed in Attachment 8 <input type="checkbox"/> does not attest <p>will comply with all specific duties and responsibilities set forth in Section 3.3 of this RFP, entitled “Transition and Termination of Contract”.</p>

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CERTIFICATION:

The Offeror: (1) recognizes that the following representations are submitted for the express purpose of assisting the State of New York in making a determination to award a contract; (2) acknowledges and agrees by submitting the Attestation, that the State may at its discretion, verify the truth and accuracy of all statements made herein; and (3) certifies that the information submitted in this certification and any attached documentation is true, accurate and complete

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

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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: _____