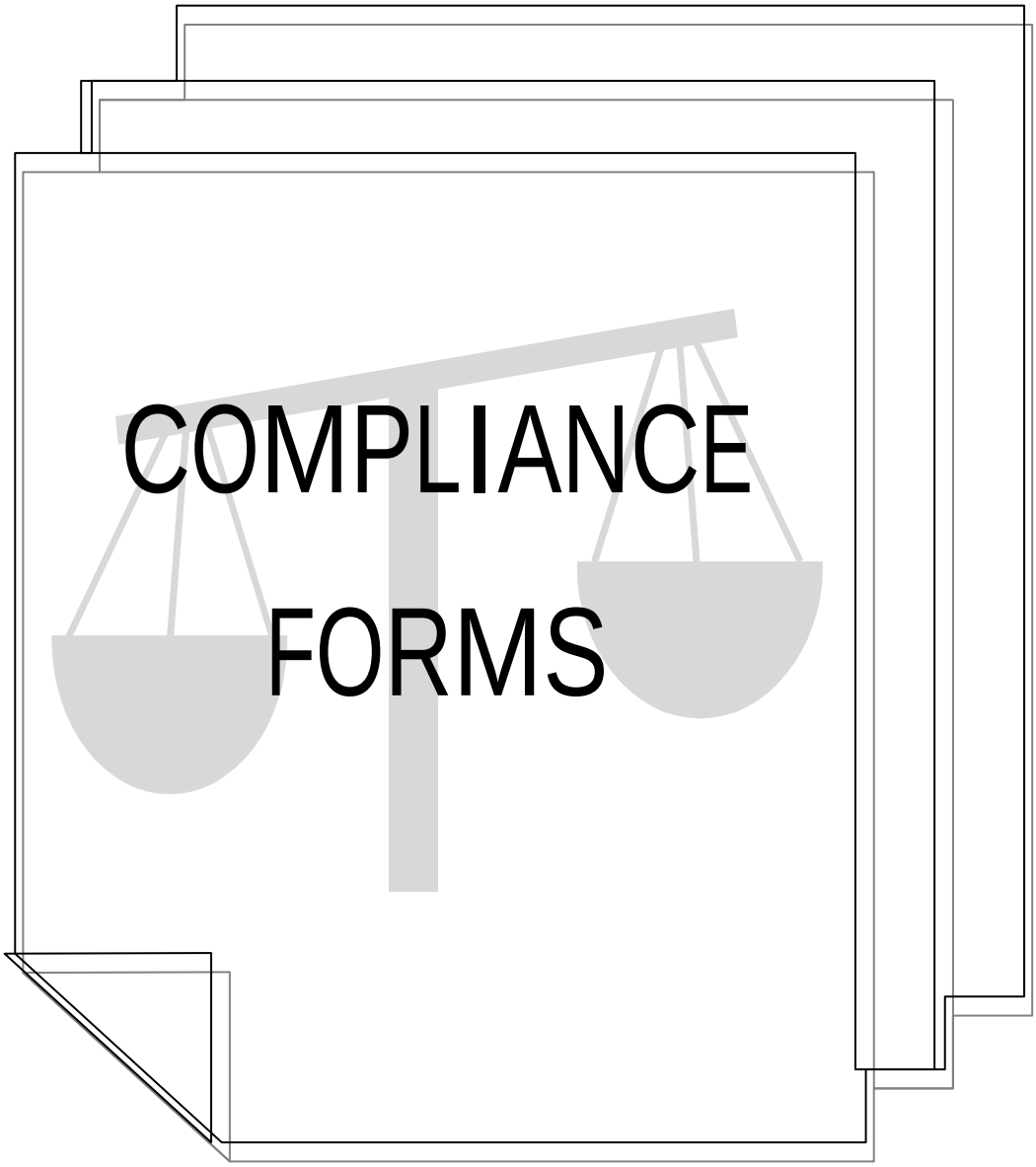
SUFFOLK COUNTY



COMPLIANCE FORMS

Revised 7/15/13

SUFFOLK COUNTY COMPLIANCE FORMS

INDEX

The following forms must be completed as noted:

1. **LL52-2012 Form –Disqualification of Non-responsible Bidders**

   - Local Law 52-2012 - Article II of Chapter 189 of the Suffolk County Code - Disqualification of Non-responsible Bidders

2. **Suffolk County Form 22 -Contractor's/Vendor's Public Disclosure Statement**

   - Suffolk County Administrative Code Section A5-7

3. **FTS Form – Statement of Non-Collusion in Bids or Proposals**

4. **LHE-1 and LHE-2 Forms – Lawful Hiring**

   - Suffolk County Local Law No 52-2006 entitled "A Local Law to require companies doing business with the County to certify compliance with Federal Law with respect to lawful hiring of employees."

5. **LW-1 and LW-38 Forms - Suffolk County Living Wage**

   - Living Wage Law, Suffolk County Code, Chapter 575 (2001)

6. **DOL-LO1 Forms -Suffolk County Union Organizing Certification/Declaration**

   - Suffolk County Local Law No. 26-2003, the Suffolk County Union Organizing Law.

For any questions regarding items 5 or 6, you may contact the Department of Labor at:

- (631) 852-3808
- Or visit their website at: http://www.suffolkcountyny.gov/labor

The Laws of Suffolk County can be accessed at: http://www.ecode360.com/SU0867

DISQUALIFICATION OF NON-RESPONSIBLE BIDDERS

PURSUANT TO CHAPTER 189, ARTICLE II OF THE SUFFOLK COUNTY CODE, THE FOLLOWING IS TO BE COMPLETED BY ALL BIDDERS/CONTRACTORS.

1. The authorized signatory for the entity signing this document acknowledges that s/he has read and is familiar with the provisions of Chapter 189, Article II of the Suffolk County Code which applies to the subject contract. For the purposes of this form, the terms "entity" and "convicted of" shall have the meanings set forth in section 189-4 of Chapter 189.

2. Has the entity, at any time during the ten years preceding the date of submission of the bid, been convicted of committing or attempting to commit an offense(s) relating to any of the following: extortion; coercion; bribery; theft; fraud; any violent crime relating to business, labor or commerce; sabotage, collusive bidding/bid rigging; combination in restraint of trade; conspiracy to commit one of these crimes; and/or criminal solicitation associated with one of the crimes listed above?

____ Yes ____ No

3 If the answer to question 2 above is "Yes" the entity shall be determined to be a "non-responsible bidder" and disqualified from bidding on the County project or contract.

4. List **all** criminal convictions, dates of conviction, and courts of conviction rendered upon the entity, whether upon a verdict or plea of guilty or nolo contendere, within the ten years preceding the date of submission of the bid. Use a separate sheet if more space is necessary.

OFFENSE	DATE OF CONVICTION	COURT

5. Is the entity currently in compliance with applicable Suffolk County licensing laws if it has, or is required to have, a license issued by Suffolk County?

____ Yes ____ No

6. If the answer to question 5 above is "No" the entity shall be determined to be a "non-responsible bidder" and disqualified from bidding on the County project or contract until the entity is in compliance with all applicable County licensing laws.

7. Has the entity, at any time during the ten years preceding the date of submission of the bid, been convicted under, or determined by the New York State Department of Labor or the Suffolk County Department of Labor to be in violation of Chapter 31 of the New York State Labor Law, Chapter 575 of the Suffolk County Code, or any provision of State or local law protecting workers' safety?

____ Yes ____ No

8. If the answer to question 7 above is "Yes" please provide detailed information, on a separate sheet, regarding the violation(s), history of previous violation(s), and such other factors which the awarding agency may give due consideration when determining whether to disqualify the entity as a nonresponsible bidder.

9. In the event the entity claims an exemption from the provisions of Chapter 189, Article II under section 189-9, provide the relevant written documentation of the request or command issued by the appropriate official of the United States Government.

10. Any contract entered into in violation of Chapter 189, Article II shall be null and void and any entity entering into such contract shall not be entitled to any compensation pursuant to said contract.

11. Any intentional or knowing misrepresentation made pursuant to the requirements of Chapter 189, Article II shall constitute an unclassified misdemeanor, and the person making such intentional or knowing misrepresentation shall be subject to punishment of a fine of $1,000 and/or up to one year of imprisonment and shall be barred from bidding on future County contracts. Each such violation shall constitute a separate and distinct offense.

I, _____hereby declare under penalty of perjury under the Laws of the State of New York that I am authorized to provide this certification and that the above is true and correct.

_____
Name of Entity

_____ _____
Signature of Authorized Representative Date

_____
Print Name and Title of Authorized Representative

Suffolk County Form 22
Contractor's/Vendor's Public Disclosure Statement

Pursuant to Section A5-7 of the Suffolk County Administrative Code, this Public Disclosure Statement must be completed by all Contractors/vendors that have a Contract with Suffolk County, **with the exception of hospitals; educational or governmental entities; not-for-profit corporations; and Contracts providing foster care, family day care providers, or child protective consulting services, who do not have to fill out this form at all**.

1. Contractor's/Vendor's Name_____

Address_____

City and State_____Zip Code_____

2. Contracting Department's Name_____

Address_____

3. Payee Identification or Social Security No._____

4. Type of Business: _____Corporation _____Partnership _____Sole Proprietorship _____Other

5.a Is Contractor/vendor entering into or has Contractor/vendor entered into a Contract with Suffolk County in excess of $1,000? _____Yes _____No.

5.b Has Contractor/vendor entered into three or more Contracts, including the one for which you are now completing this form, with Suffolk County, any three of which, when combined, exceed $1,000?
_____Yes _____No.

6. Table of Organization. List names and addresses of all principals; that is, all individuals serving on the Board of Directors or comparable body, names and addresses of all partners, and names and addresses of all corporate officers. Conspicuously identify any person in this table of organization who is also an officer or an employee of Suffolk County. (Attach additional sheet if necessary.)

_____
_____
_____

7. List all names and addresses of those individual shareholders holding more than five percent (5%) interest in the Contractor/vendor. Conspicuously identify any shareholder who is also an officer or an employee of Suffolk County. (Attach additional sheet if necessary).

_____
_____
_____

8. Does Contractor/vendor derive 50% or more of its total revenues from its contractual or vendor relationship with Suffolk County? ____Yes ____No.

9. If you answered yes to 8 above, you must submit with this disclosure statement, a complete financial statement listing all assets and liabilities as well as a profit and loss statement. These statements must be certified by a Certified Public Accountant. (Strike this out if not applicable.)

10. The undersigned shall include this Contractor's/Vendor's Public Disclosure Statement with the Contract. (Describe general nature of the Contract _____
_____

11. **Remedies.** The failure to file a verified public disclosure statement as required under local law shall constitute a material breach of Contract. Suffolk County may resort, use or employ any remedies contained in Article II of the Uniform Commercial Code of the State of New York. In addition to all legal remedies, Suffolk County

shall be entitled, upon a determination that a breach has occurred, to damages equal to fifteen percent (15%) of the amount of the Contract.

12. **Verification.** This section must be signed by an officer or principal of the Contractor/vendor authorized to sign for the company for the purpose of executing Contracts. The undersigned being sworn, affirms under the penalties of perjury, that he/she has read and understood the foregoing statements and that they are, to his/her own knowledge, true.

Dated: _____ Signed: _____

Printed Name of Signer: _____

Title of Signer: _____

Name of Contractor/Vendor: _____

UNIFORM CERTIFICATE OF ACKNOWLEDGMENT

(Within New York State)

STATE OF NEW YORK)
COUNTY OF) ss.:

On the ____ day of _____ in the year _____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____
(Signature and office of individual taking acknowledgement)
(Notary Public)

UNIFORM CERTIFICATE OF ACKNOWLEDGEMENT

(Without New York State)

STATE OF)
)ss.:
COUNTY OF)

On the_____day of_____ in the year _____before me, the undersigned, personally appeared_____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual(s) made such appearance before the undersigned in_____
_____
(Insert the city or other political subdivision and the state or country or other place the acknowledgement was taken)

_____
(Signature and office of individual taking acknowledgement)
(Notary Public)

Statement of Non-Collusion in Bids or Proposals [General Municipal Law §103-d]

By submission of this bid, each Bidder/Proposer and each person signing on behalf of any Bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief:

1. The prices in this bid 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 Bidder/Proposer or with any competitor;

2. Unless otherwise required by law, the prices which have been quoted in the bid have not been knowingly disclosed by the Bidder/Proposer and will not knowingly be disclosed by the Bidder/Proposer prior to opening directly or indirectly to any other Bidder/Proposer or to any competitor; and

3. No attempt has been made or will be made by the Bidder/Proposer to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

No bid/proposal will be considered for award nor shall any award be made where paragraphs 1, 2, and 3 above have not been complied with; provided however, that if in any case the bidder/proposer cannot make the foregoing certification, the bidder/proposer shall so state and shall furnish with the bid/proposal a signed statement which sets forth in detail the reasons therefor. Where paragraphs 1, 2 and 3 above have not been complied with, the bid/proposal shall not be considered for award nor shall any award be made unless the County determines that such disclosure was not made for the purpose of restricting competition.

The fact that a Bidder/Proposer: a) has published price lists, rates, or tariffs covering items being procured, b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or c) has sold the same items to other customers at the same prices being bid/proposed does not constitute, without more, a disclosure hereunder.

I, _____hereby affirm under penalty of perjury under the Laws of the State of New York that I am authorized to provide this certification and that the above is true and correct.

_____
Name of Entity

_____ _____
Signature of Authorized Representative Date

Steven Bellone
Suffolk County Executive

Samuel Chu
Commissioner

SUFFOLK COUNTY DEPARTMENT OF LABOR, LICENSING, & CONSUMER AFFAIRS

NOTICE OF APPLICATION TO CERTIFY COMPLIANCE WITH FEDERAL LAW (8 U.S.C. SECTION 1324A) WITH RESPECT TO LAWFUL HIRING OF EMPLOYEES

Suffolk County Code, Chapter 353 (2006)

To Be Completed By Applicant/Covered Employer/Owner

EMPLOYER/CORP/
BUSINESS/COMPANY NAME: _____

ADDRESS: _____

NOT-FOR-PROFIT: YES_____ **NO**_____ *(Submit Proof of IRS Not-for-Profit Status)*

VENDOR # (*If known*)**:** _____

CONTRACT ID (*If known*)**:** _____

CONTACT: _____ **TELEPHONE #:** _____

TERM OF CONTRACT OR EXTENSION (PROVIDE DATES): _____

BRIEF DESCRIPTION OF COMPENSATION, PROJECT OR SERVICE

_____

_____

SUBCONTRACTOR: _____

ADDRESS: _____

VENDOR#: _____ **TELEPHONE #:** _____

CONTACT: _____

DESCRIPTION OF COMPENSATION, PROJECT OR SERVICE:_____

_____

EVIDENCE OF COMPLIANCE:

Copies of the following must be maintained by covered employers or the owners thereof for each employee for the time periods set forth in Suffolk County Code, Section 353-14 (A):

A. United States passport; ***or***

B. Resident alien card or alien registration card; ***or***

C. Birth certificate indicating that person was born in the United States; ***or***

D. (1) A driver's license, if it contains a photograph of the individual; ***and***
(2) A social security account number card (other than such a card which specifies on its face that the issuance of the card does not authorize employment in the United States); ***or***

E. Employment authorization documents such as an H-1B visa, H-2B visa, and L-1 visa, or other work visa as may be authorized by the United States Government at the time the County contract is awarded for all covered employees.

Steven Bellone
Suffolk County Executive

Samuel Chu
Commissioner

SUFFOLK COUNTY DEPARTMENT OF LABOR, LICENSING & CONSUMER AFFAIRS

AFFIDAVIT OF COMPLIANCE WITH THE REQUIREMENTS OF 8 U.S.C. SECTION 1324a WITH RESPECT TO LAWFUL HIRING OF EMPLOYEES

State of New York)
ss:
County of _____)

_____, being duly sworn, deposed and says:
(Print Name of Deponent)

1. I am owner/authorized representative of _____.
   (Circle one) (Name of Corp., Business, Company)

2. I certify that I have complied, in good faith, with the requirements of Title 8 of the United States Code (U.S.C.) section 1324a (Aliens and Nationality) with respect to the hiring of covered employees and with respect to the alien and nationality status of the owners thereof, as set forth in Suffolk County Code Chapter 353 (2006).

_____
(Signature of Deponent)

Sworn to before me this _____ day

of _____, 20_____

_____
(Notary Public)

Steven Bellone
Suffolk County Executive

Samuel Chu
Commissioner

SUFFOLK COUNTY DEPARTMENT OF LABOR, LICENSING & CONSUMER AFFAIRS

NOTICE OF APPLICATION FOR COUNTY COMPENSATION (Contract)

Living Wage Law, Suffolk County Code, Chapter 575 (2001)

To Be Completed By Applicant/ Employer/Contractor

1) NAME: _____

2) VENDOR #: _____ (If known)

3) CONTRACT ID #:_____ (If known)

4) CONTACT: _____

5) TELEPHONE #: _____

6) ADDRESS: _____

_____

7) TERM OF CONTRACT (DATES):_____

8) PROJECT NAME: (IF DIFFERENT FROM #1) _____

9) AMOUNT: **(In Sealed Cost Proposal)**

10) AWARDING AGENCY: _____

11) BRIEF DESCRIPTION OF PROJECT OR SERVICE:

_____

_____

12) PROJECTED EMPLOYMENT NEEDS:

Attach a statement listing, by job classification, the total workforce dedicated to performing this contract or service, including calculation of estimated net increase or decrease in jobs as a result of funding.

13) PROJECTED WAGE LEVELS:

Attach a statement listing projected wage levels, compensated days off and medical benefits for total workforce dedicated to fulfilling the terms of this contract, broken down annually for each year of the term of the contract.

LW-38 Form

Steven Bellone
Suffolk County Executive

Samuel Chu
Commissioner

SUFFOLK COUNTY DEPARTMENT OF LABOR, LICENSING & CONSUMER AFFAIRS

LIVING WAGE CERTIFICATION/DECLARATION – SUBJECT TO AUDIT

If either of the following definitions of 'compensation' (*Living Wage* Law Chapter 575 – 2) applies to the contractor's/recipient's business or transaction with Suffolk County, the contractor/recipient must complete Sections 1, 3, 4 below; and Form LW-1 (Notice of Application for County Compensation). If the following definitions do not apply, the contractor/recipient must complete Sections 2, 3 and 4 below. Completed forms must be submitted to the awarding agency.

"Any grant, loan, tax incentive or abatement, bond financing subsidy or other form of compensation of more than $50,000 which is realized by or provided to an employer of at least ten (10) employees by or through the authority or approval of the County of Suffolk," or

"Any service contract or subcontract let to a contractor with ten (10) or more employees by the County of Suffolk for the furnishing of services to or for the County of Suffolk (except contracts where services are incidental to the delivery of products, equipment or commodities) which involve an expenditure equal to or greater than $10,000. For the purposes of this definition, the amount of expenditure for more than one contract for the same service shall be aggregated. A contract for the purchase or lease of goods, products, equipment, supplies or other property is not 'compensation' for the purposes of this definition."

☐ Check if applicable

Section I

The *Living Wage* Law applies to this contract. I/we hereby agree to comply with all the provisions of Suffolk County Local Law No. 12-2001, the Suffolk County *Living Wage* Law (the Law) and, as such, will provide to all full, part-time or temporary employed persons who perform work or render services on or for a project, matter, contract or subcontract where this company has received compensation, from the County of Suffolk as defined in the Law (compensation) a wage rate of no less than $11.52 ($9.25 for child care providers) per hour worked with health benefits, as described in the Law, or otherwise $13.12 ($10.50 for child care providers) per hour or the rates as may be adjusted annually in accordance with the Law. (**Chapter 575-3 B**)

I/we further agree that any tenant or leaseholder of this company that employs at least ten (10) persons and occupies property or uses equipment or property that is improved or developed as a result of compensation or any contractor or subcontractor of this company that employs at least ten (10) persons in producing or providing goods or services to this company that are used in the project or matter for which this company has received compensation shall comply with all the provisions of the Law, including those specified above. (**Chapter 575-2**)

I/we further agree to permit access to work sites and relevant payroll records by authorized County representatives for the purpose of monitoring compliance with regulations under this Chapter of the Suffolk County Code, investigating employee complaints of noncompliance and evaluating the operation and effects of this Chapter, including the production for inspection & copying of payroll records for any or all employees for the term of the contract or for five (5) years, whichever period of compliance is longer. All payroll and benefit records required by the County will be maintained for inspection for a similar period of time. (**Chapter 575-7 D**)

The Suffolk County Department of Labor, Licensing & Consumer Affairs shall review the records of any Covered Employer at least once every three years to verify compliance with the provisions of the Law. (**Chapter 575-4 C**)

☐ Check if applicable

Section II The *Living Wage* Law does not apply to this contract for the following reason(s):_____

_____

_____

Section III Contractor Name: _____ Federal Employer ID#: _____

Contractor Address: _____ Amount of compensation: **(In Sealed Cost Proposal)**

_____ Vendor #:_____

Contractor Phone # _____ Description of project or service:_____

_____

Section IV

I declare under penalty of perjury under the Laws of the State of New York that the undersigned is authorized to provide this certification, and that the above is true and correct.

_____ _____

Authorized Signature Date

_____

Print Name and Title of Authorized Representative

Steven Bellone
Suffolk County Executive

Samuel Chu
Commissioner

SUFFOLK COUNTY DEPARTMENT OF LABOR, LICENSING & CONSUMER AFFAIRS

P.O. Box 6100, Hauppauge, NY 11788-0099 (631) 853-4600 FAX (631) 853-4825

UNION ORGANIZING CERTIFICATION/DECLARATION – SUBJECT TO AUDIT

If the following definition of "County Contractor" (Union Organizing Law Chapter 803) applies to the contractor's/beneficiary's business or transaction with Suffolk County, the contractor/beneficiary must complete Sections I, III, and IV below. If the following definitions do not apply, the contractor/beneficiary must complete Sections II, III and IV below. Completed forms must be submitted to the awarding agency.

County Contractor: "Any employer that receives more than $50,000 in County funds for supplying goods or services pursuant to a written contract with the County of Suffolk or any of its agencies; pursuant to a Suffolk County grant; pursuant to a Suffolk County program; pursuant to a Suffolk County reimbursement for services provided in any calendar year; or pursuant to a subcontract with any of the above."

Section I

☐ Check if Applicable

The Union Organizing Law applies to this contract. I/we hereby agree to comply with all the provisions of Suffolk County Local Law No. 26-2003, the Suffolk County Union Organizing Law (the law) and, as to the goods and/or services that are the subject of the contract with the County of Suffolk shall not use County funds to assist, promote, or deter union organizing **(Chapter 803-3),** nor seek reimbursement from the County for costs incurred to assist, promote, or deter union organizing.

I/we further agree to take all action necessary to ensure that County funds are not used to assist, promote, or deter union organizing.

I/we further agree that I/we will not use County property to hold meetings to assist, promote, or deter union organizing.

I/we further agree that if any expenditures or costs incurred to assist, promote, or deter union organizing are made,

I/we shall maintain records sufficient to show that no County funds were used for those expenditures and, as applicable, that no reimbursement from County funds has been sought for such costs. I/we agree that such records shall be made available to the pertinent County agency or authority, the County Comptroller, or the County Department of Law upon request.

I/we further affirm to the following as to the goods and/or services that are the subject of the contract with the County of Suffolk:

- I/we will not express to employees any false or misleading information that is intended to influence the determination of employee preferences regarding union representation;
- I/we will not coerce or intimidate employees, explicitly or implicitly, in selecting or not selecting a bargaining representative;
- I/we will not require an employee, individually or in a group, to attend a meeting or an event that is intended to influence his or her decision in selecting or not selecting a bargaining representative;
- I/we understand my/our obligation to limit disruptions caused by pre-recognition labor disputes through the adoption of non-confrontational procedures for the resolution of pre-recognition labor disputes with employees engaged in the production of goods or the rendering of services for the County; and
- I/we have or will adopt any or all of the above-referenced procedures, or their functional equivalent, to ensure the efficient, timely, and quality provision of goods and services to the County. I/we shall include a list of said procedures in such certification.

Section II

☐ Check if Applicable

The Union Organizing Law does not apply to this contract for the following reason(s): _____

_____

_____

Section III

Contractor Name: _____ Federal Employer ID#: _____

Contractor Address: _____ Amount of Assistance: **(In Sealed Cost Proposal)**

_____ Vendor #: _____

Contractor Phone #: _____

Description of project or service: _____

Section IV

In the event any part of the Union Organizing Law, Chapter 803 of the Laws of Suffolk County, is found by a court of competent jurisdiction to be preempted by federal and/or state law, this certification/declaration shall be void *ab initio*.

Section V

I declare under penalty of perjury under the Laws of the State of New York that the undersigned is authorized to provide this certification, and that the above is true and correct.

_____ _____

Authorized Signature Date

_____

Print Name and Title of Authorized Representative