

**New York State
Deferred Compensation Plan**

Application for Competitively Bid Contract (ADM-28 Revised 09/07)

1. Project Title/Procurement:	
2. Contract Procurement Number:	
3. Name of Firm Submitting Proposal:	
4. Address (Payment Office Mailing Address):	E-mail:
5. Telephone Number:	
6. If New York State Certified (Check Primary Classification):	
<input type="checkbox"/> Minority Business Enterprise	
<input type="checkbox"/> Woman Business Enterprise	
7. <i>Non-Sectarian use of Funds:</i> Are any of your purposes sectarian (for the advancement of any religion)? <input type="checkbox"/> YES <input type="checkbox"/> NO	
If YES , please state if funds to be received from New York State will be used for a purely secular purpose:	
8. <i>Compliance with New York State Policy:</i> I (we), the undersigned, affirm that we are willing to comply with all the conditions set forth in the Request-For-Proposals, specifically those set forth in New York State Standard Appendix "A," and all the statutes and regulations pertaining thereto.	
9. <i>Non-Discrimination in Employment in Northern Ireland: MacBride Fair Employment Principles:</i> In accordance with Chapter 807 of the Laws of 1992 the bidder, by submission of this bid, certifies that it or any individual or legal entity in which the bidder holds a 10% or greater ownership interest, or any individual or legal entity that holds a 10% or greater ownership interest in the bidder:	
a. Have a business in Northern Ireland? <input type="checkbox"/> YES <input type="checkbox"/> NO	
b. 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 non-discrimination in employment and freedom of workplace opportunity regarding such operations in Northern Ireland, and shall permit independent monitoring of their compliance with such principles. <input type="checkbox"/> YES <input type="checkbox"/> NO	

10. *Non-Collusive Bidding*: By submission of this bid, bidder and each person signing on behalf of the bidder as well as 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 his or her knowledge and belief that:
- The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or competitor;
 - Unless otherwise required by law, the prices which have been quoted in this bid have not knowingly been disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
 - No attempt has been made or will be made by the bidder to induce any other person, partners, or corporation to submit or not to submit a bid for the purposes of restricting competition.
11. *Americans with Disabilities Act (ADA)*: The successful bidder(s) shall comply with all applicable requirements of the Americans with Disabilities Act (ADA), codified at Title 42 of the United States Code, Section 12101 et seq. and associated regulations, including, but not limited to, those located in 28 C.F.R. Part 36. The successful bidder(s) shall comply with all applicable requirements of the New York State Human Rights Law, codified in the Executive Law Sections 290-301 and applicable regulations implemented pursuant to that law. The successful bidder shall warrant to the New York State Deferred Compensation Plan that the successful bidder(s) is (are) in compliance with both the ADA and its regulations and the New York State Human Rights Law and its regulations. The successful bidder(s) shall also indemnify the New York State Deferred Compensation Plan to that end.
12. *Period of Validity*: Each bidder(s) shall hold all provisions of their proposal firm and not revocable for a period of up to ninety days from the bid opening unless withdrawn in writing or unless otherwise specified in the solicitation.

Procurement Lobbying Law Provision of State Finance Law Sections 139-j and 139-k 139-k (5):

**Contractor Disclosure of Contacts Form
Procurement Lobbying Law – Form 1**

This form shall be completed and submitted with your bid, proposal, or offer. Failure to complete and submit this form shall result in a determination of non-responsiveness and disqualification of the bid, proposal, or offer. If at the time of submission of this form, the specific name of a person authorized to attempt to influence a decision on your behalf is unknown, you agree to provide the specific person's information when it is available. You also agree to update this information during the negotiation or evaluation process of this procurement, and throughout the term of any contract awarded to your company pursuant to this bid/proposal or offer.

Section 1:

Is this an initial filing in accordance with the Procurement Lobbying Law or an updated filing? (Please check): Initial filing Updated filing

If at the time of this filing no person or organization was retained, employed or designated by or on behalf of the bidder to attempt to influence the procurement process, check below:

Not applicable

Section 2: This section must only be completed if your firm or business has retained, employed, or designated by or on behalf of the prospective bidder/contractor to appear before or contact the Governmental Entity to attempt to influence the procurement:

Name and Address:

Telephone Number:

Primary Place of Employment:

Occupation:

Does the above named person or organization have a financial interest in the procurement?

Yes No

**Procurement Lobbying Law Provision of State Finance Law Sections 139-j and 139-k
139-k (5):**

Prospective Bidder/Contractor Disclosure of Prior Non-Responsibility Determinations

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

Name and Title of Person Submitting this Form:

Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous five years? No Yes

If yes to above, please answer the following questions:

Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139?
 No Yes

Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Government Entity?
 No Yes

If yes to above, please provide details regarding the finding of non-responsibility below:

Government Entity:

Date of Finding of Non-Responsibility:

Basis of Finding of Non-Responsibility: (Add additional pages if necessary.)

Procurement Lobbying Law Provision of State Finance Law Sections 139-j and 139-k

Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? No Yes

If yes to above, please provide details below:

Governmental Entity:

Date of Termination or Withholding of Contract:

Basis of Termination or Withholding: (Add additional pages as necessary)

Prospective bidder/contractor affirms that it understands and agrees to comply with the procedures of the New York State Deferred Compensation Plan relative to permissible contacts during the restricted period as required by State Finance Law Sections 139-j (3) and 139-j (6) (b). I also certify that all information provided to the New York State Deferred Compensation Plan with respect to State Finance Law Section 139-k is complete, true, and accurate.

New York State Deferred Compensation Plan Designated Contact(s) During Restricted Period are:

Your signature below attests to your agreement with all of the above provisions.

(Signature required)

Date:

Name/Title:

Contractor Name:

I (We), the undersigned, attest that I am (we are) authorized to bind the bidder to the provisions of the attached proposal.

Name/Title of Individual or Firm's Officer Authorized to Sign Contract:

Name/Title of Project Director (If different from above.):