

MTA New York City Transit
Request for Information – RFI# 0000432886
Independent Private Sector Inspector General Program

TO ALL INTERESTED PARTIES:

The Metropolitan Transportation Authority (MTA) intends to establish a pool of pre-qualified parties to serve as Independent Private Sector Inspector Generals (IPSIGs) on an “as needed” basis. IPSIGs will be called upon to serve as integrity monitors for vendors needing oversight as a condition of doing business with the MTA and its affiliates and subsidiaries, to include MTA Headquarters (MTAHQ), New York City Transit (NYCT), Metro-North Railroad (MNR), Long Island Rail Road (LIRR), MTA Construction & Development (MTA C&D) and MTA Bridges and Tunnels (B&T), Manhattan and Bronx Surface Transit Operating Authority (MaBSTOA), Staten Island Rapid Transit Operating Authority (SIRTOA) (collectively, the “MTA Agencies”). MTA Vendor Relations, MTA Chief Compliance Officer and the MTA Office of the Inspector General (MTA OIG) will be responsible for the overall coordination and management of this program.

Purpose

The purpose of this Request for Information (RFI) is to solicit information packages from those parties interested in exploring participation in the MTA’s pre-qualified IPSIG Program. Information packages may be submitted by firms, partnerships, corporations, joint ventures, individuals, or entities (collectively, the “Interested Parties”), with legal, auditing, investigative, or financial qualifications and experience, or knowledge of such programs as M/W/DBE¹/ (Minority, Women Disadvantaged Business Enterprises) / SDVOB (Service-Disabled Veteran-Owned Business), procurement/construction contract procedures or a combination thereof. All submitted information packages will be evaluated by a selection committee comprised of representatives from the various MTA Procurements and Law Departments, as well as the MTA OIG. Interested Parties with the requisite professional capabilities to deliver monitoring services pursuant to MTA Agency contracting actions will proceed to the interview phase of the selection process. Interested Parties that successfully complete the interview phase will be selected for placement in the MTA’s pool of pre-qualified IPSIGs for possible future assignments² during the participation period.

Please note that the interview process may take place over several months. We anticipate that the MTA’s IPSIG Program will be fully established within six (6) to nine (9) months from the due date of the information packages.

¹ The U.S. Department of Transportation's (DOT) Disadvantaged Business Enterprises (DBE) program is designed to increase the participation by minority and woman-owned firms on procurements that contain federal funding. As set forth in 49 CFR Part 26 of the U.S. Department of Transportation regulations, state and local transportation agencies that receive DOT financial assistance are required to establish goals for the participation of firms certified as DBE's. Minority & Women Owned Business Enterprise (M/WBE) programs are administered at the State level and require the establishment of goals for the participation of firms certified as M/WBE's on contracts that are fully state funded.

² Assignments are not guaranteed to any pre-qualified IPSIG.

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INFORMATION PACKAGE CONTENTS

Before completing your information package, be sure to refer to the “HOW THE IPSIG POOL WILL WORK” and “DEFINITIONS” sections of this RFI. Only fully completed information packages will be considered. Incomplete submittals may not be returned for reconsideration. Submitted Information packages must contain:

- (1) A completed and duly executed Statement of Qualification (SOQ), inclusive of any additional pages and organizational documents provided by the Interested Party. The MTA will maintain a list of all Interested Parties that furnished completed SOQs for six years.
- (2) Provide a statement indicating the industry and business size for which the entity is interested in providing monitoring services.
- (3) An organization chart with a complete listing of all subsidiaries, affiliate entities and subcontractors.
- (4) Audited Financial Statements for the organization for the past three (3) years. Smaller firms may substitute corporate tax returns for the past three years.
- (5) Resumes of corporate officers and key individuals who will participate in monitoring assignments. Resumes must set forth relevant experience and areas of expertise. Evidence of professional certifications, where applicable, should also be attached.
- (6) A disclosure statement regarding the use of subcontractors and/or sub-consultants. The Interested Party should indicate whether it anticipates using any subcontractors and/or subconsultants.

PRE-PROPOSAL CONFERENCE

A (virtual) Pre-proposal conference to address questions regarding this RFI is scheduled for **Thursday, April 21, 2023 at 11:00 a.m.** via Microsoft Teams platform. If you plan to attend the pre-proposal conference, please provide an electronic response to MTA-IPSIG-POOL@nyct.com NLT **Monday, April 17, 2023**, to arrange for access to the meeting.

SUBMISSION OF INFORMATION PACKAGES

Completed Information Packages must be delivered electronically to the email noted below. Transmittal email should state the Proposers Name, RFI number, contents attached and listing of attachments. Information Packages **must** be bookmarked. Proposers are required to answer all questions in the SOQ - **YES, NO, N/A, or NONE**. Forms with blanks with blank will be deemed not responsive. Completed Information Packages are due not later than: **MONDAY, MAY 15, 2023**. Submissions should be addressed to the following email address: MTA-IPSIG-POOL@nyct.com

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Additionally, one (1) hard copy of the completed information package must be submitted to the address below:

**MTA Bid Reception Desk
3 Stone Street
New York, NY 10004
End Date:
RFI #: 0000432886**

HOW THE IPSIG POOL WILL WORK

OVERVIEW

In procuring products and services, New York State Law and MTA Procurement Policy mandate that the MTA Agencies only make awards where the bids/proposals are responsive, and the bidders/proposers are responsible. Among other things, vendors must possess the requisite business integrity, past performance, financial and safety which are key elements in the responsibility determination. Occasionally, however, the MTA must make awards to vendors found responsible notwithstanding the presence of significant adverse information (SAI) or violation of the MTA Vendor Code of Ethics -- sometimes on matters that have not yet been favorably concluded. When this occurs, the MTA may, as a condition of award (or responsibility), require that the vendor engage an IPSIG to oversight, among other things, its compliance with laws, regulations, MTA Vendor Code of Ethics, and/or to ensure that the vendor addresses any deficiencies.

The IPSIG is charged with the responsibility of reviewing/investigating the vendor with respect to its compliance with contractual provisions, relevant laws and regulations and to detect and uncover, unethical or illegal conduct. Specific elements of a monitoring engagement include the responsibility of reporting all unethical or illegal conduct uncovered or suspected in a timely manner to the MTA OIG so as not to hinder any investigation and to minimize embarrassment to the MTA. The vendor as a condition of award or a determination of presently responsible will be required to fund the costs of the IPSIG services.

SELECTING IPSIGS FROM THE PREQUALIFIED POOL

Vendor Relations will serve as the day-to-day Administrator of the MTA IPSIG Program. When an MTA Agency, (the “Engaging Agency”), determines that it must require a vendor to retain an IPSIG, the Agency will notify Vendor Relations to start the IPSIG selection process. Vendor Relations will utilize established selection criteria, as well as criteria defined by the Engaging Agency, to identify at least three (3) entities from the MTA IPSIG pool that appear to possess the requisite experience and qualifications for that assignment. Whenever possible, the pre-qualified IPSIG will be rotated.

Once the IPSIGs from the pre-qualified IPSIG pool are identified, the Engaging Agency develops and communicates the engagement terms and conditions with the prospective IPSIGs to facilitate negotiations between the vendor and the IPSIG. In the end, the vendor may select the entity it deems to be best suited for the monitoring assignment and the best value. The Engaging

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Agency will memorialize the relationship and scope of the work between the Engaging Agency and IPSIG as well as the IPSIG and the vendor, this thereafter will be referred to as the Monitorship Agreement.

IPSIG RESPONSIBILITIES

Once an entity has been selected to serve as the IPSIG in connection with performing the tasks set forth by the Engaging Agency, the IPSIG shall direct all subsequent communications about that assignment to the Engaging Agency. The vendor is required to develop a Retainer Agreement with the IPSIG. The Retainer Agreement will specify the tasks to be performed and the rates to be paid to the IPSIG. The vendor is responsible for the timely payment of all IPSIG services (the IPSIG is required to report to the Engaging Agency, Vendor Relations, and the MTA OIG of all instances of non-payment greater than 45 days from the IPSIGs invoice date).

The IPSIG will be required to produce and provide reports based on a defined schedule (be it quarterly, semi-annually, or annually). Such reports will be electronically shared (PDF) with the Engaging Agency with copy to Vendor Relations and the MTA OIG. The IPSIG will not share its findings or reports with the vendor, or any other third party, without the express authorization of the Engaging Agency. All reports will be the property of the Engaging Agency. If at any time the IPSIG suspects, or has reason to believe, a crime may have been committed, it must immediately inform the MTA OIG of its concerns.

PAYMENT

The IPSIG fees and expenses are to be listed in the Retainer Agreement and payment of those fees and expenses are the sole responsibility of the vendor.

DISPUTE RESOLUTION

The Engaging Agency will work with the IPSIG and the vendor in order to resolve any disputes that may arise in connection with the monitoring agreement. If the Engaging Agency is unable to resolve the dispute, it shall notify the IPSIG Administrator (Vendor Relations) of the impasse. Vendor Relations in consultation with the MTA OIG and MTA Legal Counsel will gather the facts and attempt to resolve the dispute.

Additionally, if there is a dispute that relates to costs/fees, payments and performance, the Engaging Agency, Vendor Relations and the MTA OIG must be contacted immediately. Should the MTA determine the conduct, is a cause for concern, the vendor may be deemed not responsible or the IPSIG may be removed from the active IPSIG pool.

DEFAULT

Should the Engaging Agency, in consultation with its Law Department and Vendor Relations, or based on a recommendation received from the MTA OIG, declare a default of either the IPSIG or the vendor for failure to perform according to the terms and conditions of the engagement, such default shall be final and binding on the parties and subject to challenge only by means of a proceeding pursuant to Article 78 of the New York Civil Practice Law and Rules brought in a New York State Court of competent jurisdiction. It is understood and agreed that the review of

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the Court shall be limited to the question of whether the determination is arbitrary, capricious, or an abuse of discretion.

PARTICIPATION PERIOD IN THE IPSIG PROGRAM

Those Interested Parties selected to participate in the MTA IPSIG Program will remain in the IPSIG pool for an initial period of three years beginning from the date of notice with an option to extend for an additional three years. The IPSIG Administrator shall determine whether such option may be extended or if an IPSIG should be removed from the pool.

Placement in the MTA IPSIG pool is not a guarantee of any work assignments as an IPSIG, and the Interested Party will not be entitled to compensation of any kind from the MTA or any of its affiliates and subsidiaries. The selected Interested Party is simply agreeing to participate in the MTA's IPSIG Program on an as needed basis during the initial term (and option years if applicable) and to comply with the program's terms and conditions. By responding to, and participating in this RFI, Interested Parties acknowledge that selection for the IPSIG pool is not a guarantee of assignment. Interested Parties in the IPSIG pool will be required to certify annually that there has been no change in corporate information (in name or substance).³ In the event of any subsequent change, the Interested Party must provide the applicable information to the IPSIG Administrator. The MTA, in its sole discretion, may at any time, demand updates from Interested Parties to previously completed disclosure information.

BACKGROUND CHECKS

Vendor Relations will conduct background checks of all Interested Parties submitting Information Packages in order to confirm the veracity of information submitted, and to make certain that only firms with the requisite responsibility criteria are approved for the MTA IPSIG Pool. If selected for the MTA IPSIG Pool, Vendor Relations reserves the right to conduct background checks on an as-needed-basis for the IPSIGs and its members, however it is the responsibility of the IPSIGs to inform the IPSIG Administrator of any material changes in the information initially submitted.

CONFIDENTIALITY

It is anticipated that some information submitted in response to this RFI may be proprietary or confidential in nature. It is the responsibility of the Interested Party to clearly mark and indicate material that it considers proprietary and/or confidential. The MTA Agencies will, with its best efforts, attempt to limit such material only to its personnel on a need-to-know basis and will notify the Interested Party should such information be requested pursuant to the New York State Freedom of Information Law. The MTA in consultation with its Law Departments, will, to the best of its ability, maintain confidentiality as mandated under the law but makes no promises to do so with the exception of a court subpoena.

³ Includes any change to the Interested Parties' Statement of Qualification

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DEFINITIONS

The following terms are used in this document:

Area of Expertise	The subject area in which a firm or individual has the requisite experience, knowledge, and competencies in the methodologies necessary to provide monitoring services as well as the resources to do so. Such experience may also include subcontractor and supplier purchasing, change orders, progress payments, close-out and insurance requirements, prevailing wage or other technical skills employed by an organization to ensure compliance with relevant laws and regulations and ethical conduct.
Assessorship	Name given to a “modified” Monitorship that evaluates (assesses) the viability of a specific program implementation within the vendor’s organization and attests that compliance has been obtained and documented.
Engaging Agency	An MTA Agency utilizing this agreement for the purpose of monitoring a designated vendor.
Interested Party	Firm, partnership, corporation, joint venture, individual or entities with legal, auditing, investigative, or financial qualifications and experience, or knowledge of such programs as Minority, Women or Disadvantaged Business Enterprise (M/W/DBE) and procurement/construction contract procedures, Service-Disabled Veteran-Owned Business (SDVOB).
IPSIG	A firm, partnership, corporation, joint venture, individual, or entity that provides legal, auditing, investigative services, or financial qualifications and experience, or knowledge of Minority, Women-Owned and Disadvantage Business Enterprise (M/W/DBE) programs and federal, state and MTA procurement/construction contract procedures. The IPSIG seeks to test/establish internal controls designed to detect, uncover, and otherwise deter alleged unethical or illegal conduct and poor performance. The IPSIG’s primary function is in providing vendor oversight to determine whether the vendor’s business practices are consistent with acceptable business standards of integrity. The IPSIG is charged with the responsibility of reporting all alleged illegal or unethical conduct uncovered firstly to the MTA OIG. The IPSIG’s scope may be very broad and include specific areas of review required by the Engaging Agency. <i>IPSIGs, Assessorships, Monitorships, Contractor Compliance Agreements, may be used interchangeably,</i>
IPSIG Administrator	A member of Vendor Relations who is tasked with developing, implementing, and maintaining all aspects of the IPSIG program.

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This may include compiling and maintaining the list of participating firms, managing the rotation of the IPSIGs, as required, and providing program support to all MTA Agencies.

IPSIG Size	IPSIG size is one consideration for assignment selection from the IPSIG pool. The size is defined here in the general terms of (1) the number of employees on staff; (2) annual revenue for the last three years; (3) corporate affiliations; and (4) industry classification. The IPSIG will indicate its core size and its ability to add resources to support its interest in projects that may require staffing beyond its present staffing capacity. Membership in the International Association of Independent Private Sector Inspector General is preferred, but not mandatory.
Monitor/Assessor	Terms interchangeably used at the MTA to refer to an IPSIG.
Monitoring Agreement	A written agreement between the Engaging Agency and the vendor for whom oversight is a condition of contract award or present responsibility. Oversight includes contract compliance with specifications, laws and regulations, MTA Vendor Code of Ethics, etc.
Monitorship	Agreement between an MTA Agency and a vendor requiring oversight wherein there is an evaluation of the viability of a specific program, determination of the program implementation within the organization, and attest that compliance has been performed and documented. Agreement must stipulate compliance with the general terms and conditions of all pending, current and future contracts.
Number of Locations	The maximum capacity of the IPSIG to provide oversight where there are multiple worksites. The aggregate of all work sites for which an Interested Party was responsible for providing oversight in each previous IPSIG engagement.
Period of Engagement	The term/duration of the IPSIG engagement with the vendor.
Project Value	The dollar value of each project for which the IPSIG provided monitoring services. For example, if the value of a construction project for which the IPSIG was responsible for providing services was \$3 million, \$1M per year over a three (3) year term, the project value would be \$3 million.
Responsibility Form (Questionnaire)	An MTA utilized form, which Interested Parties complete to indicate interest in participating in the IPSIG Program.
Retainer Agreement	A written agreement between the IPSIG and the vendor which includes scope of work and price for fee and services.

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Significant Adverse Information (SAI)	Information about a prospective or current vendor, that is derogatory in nature, such as (1) determinations of non-responsibility on any government contract; (2) a “Yes” answer to any question in Part IV of the MTA All Agency Responsibility Questionnaire; (3) an overall rating of “unsatisfactory” for a final performance evaluation on any contract awarded by an MTA agency; and (4) any information which may suggest a lack of business integrity or business ethics.
Statement of Qualification	The written disclosure of an Interested Party’s business profile, qualifications, resources and professional credentials that support its ability to perform as an IPSIG.

MTA Website

RFI Interested Parties are advised that additional information, including the MTA’s Vendor Code of Ethics may be found on its website at: [C - Vendor Code of Ethics - Revised Draft - 12/12/12 - Clean - Final \(00018499\).DOC \(mta.info\)](#). It is expected that all RFI Interested Parties, as well as subsidiaries, affiliates, subcontractors and subconsultants will be fully compliant with New York State requirements necessary for legally operating as a business entity in New York State. Questions or comments regarding this program should be directed to:

Vendor Relations
19th Floor, C19.30
2 Broadway
New York, NY 10004
MTA-IPSIG-POOL@nyct.com

METROPOLITAN TRANSPORTATION AUTHORITY (MTA)

INDEPENDENT PRIVATE SECTOR INSPECTOR GENERAL (IPSIG) POOL

STATEMENT OF QUALIFICATION

MTA'S IPSIG POOL
STATEMENT OF QUALIFICATION

PART I - INSTRUCTIONS

1. All Interested Parties responding to the Request for Information (RFI) in connection with the MTA's Independent Private Sector Inspector General ("IPSIG") Pool are to complete and submit each section of this Statement of Qualification (SOQ) and submit the completed form with the information package.
2. Be sure to answer every question thoroughly, accurately and legibly. If a question does not apply to you, indicate "N/A". If additional space is needed, attach additional pages to this SOQ as appropriate.
3. The completed SOQ must be sworn to by a partner (if partnership), a duly authorized officer or individual (if a corporation), or a principal (if a sole proprietorship). See Part VI.
4. In the event that an Interested Party has reason to believe that any representation or answer to any question contained in this SOQ was not accurate or complete at the time the form was executed, or in the event that circumstances change so that an answer to any questions is no longer accurate or complete, the Party shall promptly give written notice to the Assistant Deputy Chief Procurement Officer of the MTA's Vendor Relations Unit and cooperate with the MTA's follow-up review. Failure to provide such notification will be considered sufficient grounds for the MTA to remove the Party from the MTA's pool of pre-qualified IPSIGs.
5. The MTA reserves the right to inquire further with respect to a Party's responses, and where necessary, request additional documentation.

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PART II - IDENTITY OF INTERESTED PARTY

1. Party's Full Legal Name:

2. The Party represents that it operates as the following form of legal entity: (Check whichever applies and fill in any appropriate blanks.)

☐ an individual or sole proprietorship

☐ a general partnership

☐ a limited partnership

☐ a joint venture consisting of: _____,

and _____

(List all joint venturers on a separate sheet if this space is inadequate.)

☐ a non-profit organization

☐ a corporation organized or incorporated under the laws of the following state or country:

_____ on the following date: _____

3. Party's federal taxpayer identification number (FEIN) or employer identification number (EIN):

4. Party's legal address: _____

Telephone Number: (____) _____ Fax Number: (____) _____

Cell Number: (____) _____ Email: _____

5. Party's local or authorized point of contact address:

Name: _____ Title: _____

Address: _____

Telephone Number: (____) _____ Fax Number: (____) _____

Cell Number: (____) _____ Email: _____

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6. a. If Party is a corporation, attach a certified copy of the By-Laws and Resolution of the Corporation giving the names and titles of the corporate officers other than President, as well as non-officer employees, who are authorized to sign contracts, bonds, bills of sale and other legal instruments in connection with the IPSIG Program.
- b. If a foreign corporation, provide proof that Party possesses authority to transact business in the State of New York.
7. a. How long has the Party been in business? _____
- b. Have Party's major shareholders, officers or principals been in business under another name? If so, identify name and dates used. _____
- c. How many years' experience as a principal monitor for IPSIG services? _____
- d. How many years' experience as a subcontractor/subconsultant for IPSIG services? _____
8. List below the names, business addresses, titles, and telephone numbers of the following people: if a corporation, identify the president, executive officers, and any other officers directly responsible for Party's IPSIG Proposal; if a partnership, identify the partners directly responsible for this Proposal; or, if another form of business entity, identify the principals directly responsible for this Proposal.

<u>Name</u>	<u>Address</u>	<u>Title</u>	<u>Telephone No.</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

9. If your firm considers itself to be an MBE, WBE, DBE or SDVOB, then within the past three years has the Party had any MBE, WBE, DBE or SDVOB certification (or application for such certification) revoked or, if you made application for such certification during such period was same denied?
- If answer is "YES," explain:* YES ☐ NO ☐

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PART III-PARTY'S REPRESENTATIONS

1. Party and each person signing on behalf of Party certifies that no attempt has been or will be made by Party to induce any other person, partnership or corporation to submit a proposal for the purpose of restricting competition.

A Party shall not be considered for participation in the IPSIG program if the Party cannot verify the foregoing certification. If the Party cannot verify certification, Party shall so state and shall affix to the Proposal a signed and notarized statement which sets forth in detail the reasons, therefore. Where the stipulation above has not been complied with, the Party shall not be considered for pre-approval nor shall any IPSIG assignment be made unless the Assistant Deputy Chief Procurement Officer, or his/her designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a Party (i) has published price lists or rates covering its services; (ii) has informed prospective customers of proposed or pending publication of new or revised price lists for such services; or (iii) has sold the same services to other customers at the same prices being proposed, does not constitute, without more, a disclosure within the meaning of the above stipulation.

2. Statement of no-conflict of interest

- a. Party attests that, to the best of its knowledge, no appointed or elected official, member or other officer or employee of the City or State of New York, or of the Metropolitan Transportation Authority ("MTA"), or MTA's affiliates and subsidiaries, which consist of the New York City Transit Authority, Manhattan and Bronx Surface Transit Operating Authority, Staten Island Rapid Transit Operating Authority, Metro-North Railroad, Long Island Rail Road, MTA Bridges and Tunnels, MTA Bus Company, MTA Capital and Development, First Mutual Transportation Assurance Company and South Brooklyn Rail Road (collectively referred to as the "MTA Affiliates and Subsidiaries"): i) is interested directly or indirectly, in any manner whatsoever in or in the performance of the IPSIG assignment, or work or business to which it relates or ii) has been or will be offered or given any tangible consideration in connection with the IPSIG assignment.

- b. Party covenants that neither Party nor, to the best of the Party's knowledge after diligent inquiry, any director, officer, owner or employee of the Party has any interest nor shall they acquire any interest, directly or indirectly, which would conflict in any manner or degree with the faithful performance of any IPSIG assignment.

- c. In the event Party has no prior knowledge of a conflict of interest as set forth in "a" and "b" above and hereafter acquires information which indicates that there may be an actual or apparent violation of any of the above, Party shall promptly bring such information to the attention of the Assistant Deputy Chief Procurement Officer. Party shall thereafter cooperate with the MTA's review and investigation of such information and comply with any instruction it receives from the Assistant Deputy Chief Procurement Officer, his designee, or the MTA Office of the Inspector General, in regard to remedying the situation.

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3. The following statements apply to any proposal or contract between Party and the City or State of New York, any other state, any public authority or other public entity, the United States government, the MTA and MTA Affiliates and Subsidiaries.

Check "YES" or "NO," as appropriate to the following questions:

- | | | | |
|----|---|------------------------------|-----------------------------|
| b. | Has the Party been declared not responsible? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| c. | Has the Party been declared ineligible, voluntarily excluded or otherwise disqualified from proposing? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| d. | Has the Party been a defaulter, as principal, subcontractor or otherwise? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| e. | Has the government or other public entity requested or required enforcement of any of its rights on the basis of a default by Party, or in lieu of declaring Party in default? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| f. | Is the Party in arrears upon a contract or debt? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| g. | Are there any proceedings pending relating to Party's responsibility, debarment, suspension, voluntary exclusion or qualification to receive an IPSIG assignment to oversee any public entity contract? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| h. | Has the Party's safety practices/procedures been evaluated and ruled as less than satisfactory? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| i. | List the name and business address of each person or legal entity which has a 10% or more ownership or control interest in Party (attach additional pages as needed). | | |

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- i. Explain any "YES" answers to b, c, d, e, f, g and h in the space provided below (attach additional pages as needed).

PART IV - QUESTIONS WHICH MUST BE ANSWERED "YES" OR "NO"

(In the event of a "YES," the Authority reserves the right to inquire further with respect thereto.)

To the best of your knowledge after diligent inquiry, in connection with the business of Party or any other firm which is related to Party by any degree of common ownership, control, or otherwise, do any of the following statements apply to: i) Party; ii) Party's parent; iii) any Party subsidiary or affiliate; iv) any joint venture (including its individual members) or any other partnership (including its individual members) which includes Party or Party's parent, subsidiaries, or affiliates, v) any legal entity, or parent, subsidiary or affiliate of any legal entity, controlled or 10% or more of which is owned, by Party, or by any director, officer, principal or managerial employee of Party, or by any person or entity with a 10% or more interest in Party or vi) any person who is a director, officer, principal, or, managerial employee, or person or entity with a 10% or more interest in any of the aforesaid:

Check "YES" or "NO," as appropriate to the following questions:

1. Has been convicted by a plea or verdict of guilty of, or pleaded nolo contendere to, a misdemeanor or felony in any federal, state or local court? YES ☐ NO ☐
2. Have pending any state or federal grand jury or court an indictment or information for the commission of a crime which has not been favorably, terminated? YES ☐ NO ☐
3. Is the subject of any pending investigation by any grand jury, commission, committee or other entity or agency or authority of any state or the federal government in connection with the commission of a crime? YES ☐ NO ☐
4. Is currently disqualified from selling to, submitting proposals to, or accepting any IPSIG assignments related to any federal, state or local governmental contracts or contracts from a public authority or any public entity? YES ☐ NO ☐

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5. Within the past five years, has refused to testify or to answer any question concerning a bid or contract related to any IPSIG assignment with any federal, state, or local governmental entity, any public authority or other public entity when called before a grand jury or other committee, agency or forum which is empowered to compel the attendance of witnesses and examine them under oath, upon being advised that neither the person's statement nor any information or evidence derived from such statement will be used against that person in any subsequent criminal proceeding? YES ☐ NO ☐
6. Is currently disqualified from providing or entering into any contract for IPSIG services for the purpose of monitoring contracts, awarded by any public entity or by public authority within the State of New York because, within the last five years any such person or entity affiliated with Party has refused to testify or to answer any relevant question concerning a transaction or contract with the State of New York, any political subdivision of the State of New York, or a public authority or a public department, agency or official of the State of New York or of a political subdivision of the State of New York, when called before a grand jury or other state or local department, commission or agency which is empowered to compel the attendance of witnesses and examine them under oath, upon being advised that neither that person's statement nor any information or evidence derived from such statement will be used against that person in any subsequent criminal proceeding? YES ☐ NO ☐
7. Has within a three year period preceding Party's Proposal been convicted of or had a civil judgment rendered against them for; commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing as a monitor for the benefit of any federal, state or local transaction or contract under a public transaction, violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property? YES ☐ NO ☐
8. Explain any "YES" answers to 1, 2, 3, 4, 5, 6 or 7, in the space provided below (attach additional pages as needed).

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PART V-TECHNICAL

1. List the name, title and business address of each director and principal officer of Party.

2. Number of employees: including employees in the Greater New York Metropolitan Area.

3. Does the Party have any outstanding proposals for monitoring services (i.e.: proposals pending where no IPSIG assignment has yet been awarded) with the State or City of New York, or any other public authority of the State of New York, or the MTA and MTA Affiliates and Subsidiaries? **If none, state “None.”** If yes, please list them and provide the name of the requesting agency, the contract number, a brief description of the work effort and the status of the proposal. Indicate if the Proposal was submitted by the Party as a principal or joint venturer.

4. Has the Party served as an IPSIG within the last three years for any contract awarded by the State or City of New York, or any other public authority of the State of New York, or MTA and MTA affiliates and subsidiaries? **If none, state “None.”** If yes, describe those assignments beginning with the most recent. State the name of the contract monitored; give a brief description of the contract; state the contract period, the status of the contract and the reason for the monitorship, and the name, address, and telephone number of a contact person at the agency.

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5. Does the Party have any current private sector projects? **If none, state "None."** If yes, provide name and address of project owner, a brief description of the monitoring assignment and status. State the name, address and telephone number of contact person as to each, beginning with the most recent. Indicate if Party is acting the principal monitor, subcontractor or joint venturer. Party need not provide more than six such descriptions.

6. For each of the following IPSIG assignments, provide a brief description of the work performed, the contract number for the contract monitored, if applicable, the dollar amount at award and at completion, date monitoring assignment work completed, and the name and telephone number of the owner's representative.

- a. Each IPSIG assignment completed during the last three years or, if less than three IPSIG assignments have been completed during the last three years, list the last three IPSIG assignments completed.

- b. Each IPSIG assignment completed during the last three years or, if less than three IPSIG assignments have been completed during the last three years, list the last three IPSIG assignments completed, for which monitoring assignment was a result of a conviction or of a guilty plea or administrative determination of a lack of business integrity.

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7. List each work project which, during the last three years, the person/entity contracting with you to provide monitoring services: i) terminated for default; ii) sued to compel performance; iii) sued to recover damages, including, without limitation, upon alleged breach of contract, misfeasance, error or omission or other alleged failure on your part to perform as required by the terms of an IPSIG assignment or contract.

8. Describe whether any present or anticipated commitments and/or contractual obligations might have an influence on the capabilities of the Party to perform the work called for by this IPSIG program. Any apparent conflicts as between the requirements/commitments for this IPSIG program and the matters listed in items 3, 4, 5 or 6, above, with respect to the use of Party's resources, such as management or technical expertise or financing, should be explained. **If none, state "None."**

9. Describe any litigation in which the Party is involved, which:
- a. has or may have an impact on the Party's ability to perform any work called for by the IPSIG assignment; or
 - b. the demand or potential exposure is for more than \$250,000, exclusive of personal injury litigation where the liability is covered by insurance.

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10. During the past three years, has the Party's firm ever been a party to a bankruptcy or reorganization proceeding? YES ☐ NO ☐ *If "YES," explain below.*

11. a. List the license, permit, or certification held by the Party or Party's employees. If none, state "None."

<u>License or Permit or Certification</u>	<u>Name of Holder</u>	<u>Issuing State or Entity</u>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

- b. Have any of the Party's officers, partners, owners, managers or employees had any project related licenses, permits or certifications revoked or suspended in the past three years?
YES ☐ NO ☐ *If "YES," explain details below.*

12. Does the Party's firm share office space, staff or equipment (including telephone exchanges) with any other business or organization? YES ☐ NO ☐
If "YES," list firm name, address and nature of shared facilities.

13. List the names, titles and attach resumes which indicate the record of skill and experience of your proposed project management team, including key people such as the project manager/team leader and other staff.

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14. Which of the individuals named in item 13, above, will be utilized exclusively on IPSIG assignments on a full-time basis? (The Specification or the Scope of Work may indicate requirements for certain dedicated staff.)

15. Which of the individuals named in item 13, above, are not presently officers, partners, owners or employees of the firm?

PART VI - ADDITIONAL QUESTIONS

1. List all Party's employees who:

- a. are currently employees of the MTA or any MTA Affiliate or Subsidiary.

- b. within the past two years, have been MTA or MTA Affiliate or Subsidiary employees who were involved on behalf of Party with the preparation of this Proposal or would be involved in the performance of the IPSIG assignment if it is awarded to Party.

2. Does Party have a subsidiary or affiliate?

YES ☐

NO ☐

If answer is "YES," list firm name, address and affiliation.

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3. Is Party a subsidiary of another entity? YES ☐ NO ☐
If answer is "YES," list firm name, address and affiliation.

4. Does Party, any director, officer, principal or managerial employee of Party, or any other person or entity with a 10% or more interest in Party have an interest of 10% or more in any other firm or legal entity? YES ☐ NO ☐
If answer is "YES," list individuals name and firm or entity.

5. If the answer to 2, 3 or 4 is "YES," would Party's answers pertaining to Parts III and IV be the same for each such parent, subsidiary, affiliate, firm or legal entity? YES ☐ NO ☐
If answer is "NO," explain below.

5. Who are the owners and/or partners of the Party and what percentage does each person or entity own?

Name of Partner/Owner	Percentage Owned

MTA'S IPSIG POOL STATEMENT OF QUALIFICATION

PART VII – STATEMENT EXECUTION, VERIFICATION AND ACKNOWLEDGMENT

Party must sign here: _____

Date: _____

STATE OF _____)
) ss.:
COUNTY OF _____)

On the day of 2023, before me personally came and appeared by me known to be said person, who swore under oath as follows:

1. He/she is _____ of _____
(Print title) (Print name of firm)
2. He/she is duly authorized to sign this Statement of Qualification on behalf of said firm and duly signed this document pursuant to said authorization.
3. The answers to the questions set forth in this Statement of Qualification are true, accurate and complete.
4. He/she acknowledges and understands that this Statement of Qualification includes additional conditions and obligations on the Party and rights in favor of the MTA agencies, which are deemed included in the IPSIG assignment if awarded to the firm.

Sworn to before me this _____ day of _____, 20_____

(Notary Public)

ATTACHMENT G

METROPOLITAN TRANSPORTATION AUTHORITY VENDOR CODE OF ETHICS

PROPOSER'S CERTIFICATION OF COMPLIANCE

The Metropolitan Transportation Authority has adopted a Vendor Code of Ethics (the "Code"), which is applicable to all Vendors, as defined by the Code, involved in the procurement process for the award and performance of this Contract. Additional information concerning the MTA Vendor Code of Ethics is contained in the contract documents. All Vendors involved in this Request for Proposals ("RFP") and during the performance of any resultant contract are subject to the Code, which is available for Proposer's immediate review on the MTA website at www.mta.info/mta/procurement/vendor-code.htm. Accordingly, all Proposers must certify compliance with the Code.

Proposer's Certification of Compliance with the Code

Consistent with the terms of the MTA Code of Ethics, which are incorporated herein by reference, the undersigned Proposer hereby certifies that during the course of this RFP and any resultant Contract:

1. The Proposer has notice of all of the terms of the Code;
2. No gift, as defined by the Code, has been or will be offered to the Authority in connection with this RFP or any resultant contract;
3. No conflicts of interest exist or will exist;
4. All officers and personnel of the Proposer who have interacted or will interact with the Authority have been or will be provided a copy of the Code; and
5. The Proposer will obtain certifications similar to those made herein from all of its lower tier subcontractors, subconsultants and suppliers that the Proposer engaged or are being solicited for work under any contract resulting from this procurement. Receipt and retention of these lower tier certifications shall be subject to audit by the Authority.

By:

(Signature of Person Certifying)

(Date Signed)

Print Name:

Print Title:

Bidder/Proposer or

Contractor/Consultant:

(Full Legal Name)

Address:

Business Phone No.: