

Office of Operations 2021 Fall Conference

Vendor Responsibility

Question and Answer Session



NYS COMPTROLLER

THOMAS P. DiNAPOLI

Today – What should you expect?



Goal

- Provide answers to your questions

Topics

- ✓ Vendor Review Process
- ✓ Vendor Review Resources
- ✓ Workers' Compensation Board (WCB)
Documentation Requirements
- ✓ Disregarded Entity
- ✓ Vendor Responsibility Questionnaire (VRQ)
- ✓ Miscellaneous Questions



Common Terms

Vendor

- Entity contracting with NYS

Agency

- State contracting entity

Contract

- Transaction

FEIN/EIN/TIN

- Federal Employer Identification # – Taxpayer ID #

Vendor ID

- Assigned for use in SFS and the VendRep System

Certify

- By vendor, not by OSC or Agency



Vendor Review Process



Vendor Review Process

Can you provide the steps that OSC takes to determine vendor responsibility?



Vendor Review Process

What is the look-back period for issues when completing the Vendor Responsibility Profile (VRP)?



Vendor Review Process

- What qualifies a vendor to be deemed non-responsible?
- Who determines that a 'finding' on a vendor would result in that vendor being non-responsible and thus cause an agency to move onto the next eligible vendor to award a contract?



Vendor Review Resources



Vendor Review Resources

What websites does OSC recommend utilizing for the vendor responsibility review?



Vendor Review Resources

We have limited resources and don't subscribe to a service like "Accurint."

- Where can I find tax lien, litigation and other information that the VendRep Team utilizes for free on the internet?



Vendor Review Resources

There have been recent changes to the NYS DOS Corporate Registration, the US GSA's System for Award Management (SAM) and the NYS Dept. of Labor sites.

➤ How do we navigate through these to obtain the information we need?

1. [NYS DOS Corporate Registration](#)
2. [US GSA's SAM](#)
3. [NYS Department of Labor WARN Notices](#)



NYS DOS Corporate Registration Website

Department of State
Division of Corporations

Search Our Corporation and Business Entity Database

The Corporation and Business Entity Database includes business and not for profit corporations, limited partnerships, limited liability companies, limited liability partnerships, and other miscellaneous businesses. The database also includes assumed name filings for corporations, limited liability companies and limited partnerships.

This system should not be used to determine the acceptability of an Entity Name.

As the Department relies upon information provided to it, the information's completeness or accuracy cannot be guaranteed. If you have any questions about performing a search or the results you receive, please contact the NYS Department of State, Division of Corporations at (518) 473-2492, Monday - Friday, 8:45AM - 4:30PM Eastern Standard Time.

Search By	EntityName
EntityName	Vendor Name Here
Entity type	AllStatuses
Search Functionality	Contains
Entity list	<input checked="" type="checkbox"/> Corporation
	<input checked="" type="checkbox"/> LimitedLiabilityCompany
	<input checked="" type="checkbox"/> LimitedPartnership
	<input checked="" type="checkbox"/> LimitedLiabilityPartnership

To search the database do the following:

1. Select the search type in the **Search By** field.
2. Enter the value for the name or ID being searched in the next field.
3. Optionally filter by the status of the entity being searched in the **Entity Type** field.
4. When searching by a name, the type of matching can be changed (begins with, contains, etc.) in the **Search Functionality** field. See additional search instructions below for more information.
5. Select the entity type being searched in the **Entity List**.
6. Click **Search the Database**.

[Additional Search Instructions](#)

Search the Database



US GSA SAM Website



The screenshot shows the SAM.GOV website interface. At the top left is the SAM.GOV logo. To the right are links for Requests, Notifications, Workspace, and Sign Out. Below the logo is a navigation bar with Home, Search, Data Bank, Data Services, and Help. The Search bar contains the text '184733335' and a magnifying glass icon. To the right of the search bar are buttons for 'Search Results', 'Saved Searches', and 'Actions'. A red arrow points to the search bar.

On the left side, there are filter options: 'Select Domain' (All Domains), 'Filter By', 'Keywords' (with a search box containing '184733335'), 'Federal Organizations' (with a dropdown menu), and 'Status' (with radio buttons for 'Active' and 'Inactive').

The main content area shows 'Showing 1 - 1 of 1 results'. The result is for 'Cayuga/Seneca Community Action Agency, Inc.' with a green dot indicating it is 'Active'. Below this are two rows of information:

DUNS	Unique Entity ID	CAGE Code	Physical Address	Entity Registration
184733335		3VGJ8	89 York St , Auburn, NY 13021 USA	Expiration Date Dec 2, 2021 Purpose of Registration All Awards
SAM	Unique Entity ID			
LEXZG9T2LN78				

At the bottom of the results area, there are navigation arrows, a page indicator '1 of 1', and a 'Results per page' dropdown set to 25.



US GSA SAM Website

CAYUGA/SENECA COMMUNITY ACTION AGENCY, INC.

DUNS Unique Entity ID
184733335

Expiration Date

Dec 2, 2021

Registration Status

● Active



SAM Unique Entity ID

FINANCIAL INFORMATION

Accepts Credit Card Payments
No

Debt Subject To Offset [\(What is this?\)](#)
No



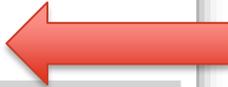
Account Details

EFT Indicator
0000

CAGE Code
3VGJ8

ACTIVE EXCLUSIONS

There are no active exclusion records associated to this entity by its Unique Entity ID.



INACTIVE EXCLUSIONS

There are no inactive exclusion records associated to this entity by its Unique Entity ID.



NYS DOL WARN Notices Website

WORKER ADJUSTMENT AND RETRAINING NOTIFICATION

2021 WARN Notices

Click on the company name for further details.

Search:

2016-2020 WARN NOTICES

Looking for a Past Notice?

Our WARN Database is currently undergoing a redesign and system upgrade to allow for more functionality. Past WARN notices are posted below by year. If you would like to request the full documentation for any of the past notices, please email WebHelp@labor.ny.gov. Please include the name of the company and the date of the notice you are requesting.

2016

2017

2018

2019

2020



Vendor Review Resources

In our unit we already check a vendor with a number of different agencies: OSHA, Dept. of State, SAMS, Dept. of Labor, etc. Sometimes it can be difficult to identify the correct vendor using the search parameters.

- What suggestions can be made for more complete and accurate searches?



Vendor Review Resources

Where would an agency find non-responsible vendor responsibility determinations?



Workers' Compensation Board Document Requirements



WCB Documentation Requirements

What certificates are acceptable to submit as evidence of Workers' Compensation (WC) & Disability Benefits (DB) insurance coverage?

CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE

1a. Legal Name and address of Insured (Use street address only)

1b. Insured Employer Status of Insured

2a. NYS Unemployment Insurance Employer Registration Number of Insured

2b. Federal Employer Identification Number of Insured

3. Name and Address of the Entity Issuing Proof of Coverage (Entity Being Listed on the Certificate Booklet)

4a. Name of Insurance Carrier

4b. Policy Number of policy listed in book "A"

4c. Policy effective period

4d. The Insurer, Insured, or Exemption Officer are:
 included. (Check box if person/officer excluded)
 all included or certain person/officer excluded

4e. Description of: (Application of Exemption on Benefit)
 included
 excluded

PLEASE NOTE: This certificate is not valid unless the insured is covered by the New York State Workers' Compensation Law. (See the book, "NY State Workers' Compensation Law" at www.dfs.ny.gov/forms/wcb)

CERTIFICATE OF INSURANCE COVERAGE UNDER THE NYS DISABILITY BENEFITS LAW

1a. Employer Registration Number of Insured

1b. Federal Employer Identification Number of Insured or Social Security Number

2. Name of Insurance Carrier

2a. Policy Number of Policy Listed in Book "A"

2b. Policy effective period

3. All of the insured's employees eligible under the New York Disability Benefits Law

PLEASE NOTE: This certificate is not valid unless the insured is covered by the New York State Disability Benefits Law. (See the book, "NYS Disability Benefits Law" at www.dfs.ny.gov/forms/wcb)

Certificate of Attestation of Exemption From New York State Workers' Compensation and Disability Benefits Insurance Coverage

The Insured cannot be used to verify the worker's compensation rights or obligations of any party.

The applicant may use this Certificate of Attestation of Exemption (COE) to show a government entity that New York State workers' compensation and disability benefits insurance coverage is not required. The applicant may **NOT** use this form to show another business or the business's insurance carrier that such insurance is not required.

WORKER'S COMPENSATION EXEMPTION STATEMENT:
The above named Insured is certifying that it is **NOT** REQUIRED TO OBTAIN NEW YORK STATE STATUTORY WORKERS' COMPENSATION INSURANCE COVERAGE by the following reason:
The Insured is a non-profit corporation, with the principal office at the time and during all offices of the corporation. Other than the insured owner, there are no employees, no sales, leased equipment, licensed equipment, part-time employees, other individuals, unpaid volunteers (including family members) or subcontractors.

DISABILITY BENEFITS EXEMPTION STATEMENT:
The Insured certifies that it is **NOT** REQUIRED TO OBTAIN NEW YORK STATE STATUTORY DISABILITY BENEFITS INSURANCE COVERAGE by the following reason:
The Insured is a non-profit corporation, with the principal office at the time and during all offices of the corporation. Other than the insured owner, there are no employees, no sales, leased equipment, licensed equipment, part-time employees, other individuals, unpaid volunteers (including family members) or subcontractors.

PLEASE NOTE: This certificate is not valid unless the insured is covered by the New York State Workers' Compensation Law. (See the book, "NY State Workers' Compensation Law" at www.dfs.ny.gov/forms/wcb)

WCB Documentation Requirements

What Workers' Compensation forms are needed for subcontractors?



WCB Documentation Requirements

From time to time, we receive vendors' WC and/or DB proofs in a different name or FEIN from the contracted vendor's name/FEIN. As an agency, what should we do when this occurs?



Disregarded Entity



Disregarded Entity

What is a disregarded entity?



Disregarded Entity

What vendor responsibility documentation is needed for disregarded entities?

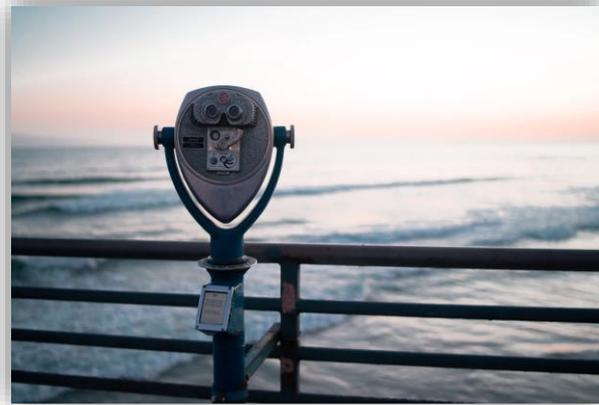


Vendor Responsibility Questionnaire (VRQ)



Vendor Responsibility Questionnaire (VRQ)

Who has access to view vendors' certified questionnaires?



Vendor Responsibility Questionnaire (VRQ)

- When is it appropriate for vendors to fill out the Non-Construction vs. Construction VRQ?
- What's the difference between these two forms?



Vendor Responsibility Questionnaire (VRQ)

I'm finding the 6-month requirement when online questionnaires are completed, but can't find confirmation of this on the OSC website for paper questionnaires.

- Are there different term requirements for paper VRQs as opposed to online certifications, or is it 6 months across the board?



Vendor Responsibility Questionnaire (VRQ)

Will name changes made by the vendor in the Vendor Master File automatically update the information on the online VRQ (VendRep System)?



Vendor Responsibility Questionnaire (VRQ)

Can OSC make information available to the vendor population informing them that a certified VRQ does not mean the questionnaire has been reviewed and/or approved by the State contracting entity?



Vendor Responsibility Questionnaire (VRQ)

Is there a functionality within the online VendRep System that sends an automatic reminder to vendors when it's time to certify/re-certify their online VRQ?



Vendor Responsibility Questionnaire (VRQ)

- Does OSC have a document repository for paper VRQs?
- If yes, can any State agency access it to view the vendor's VRQ for the next 12 months?

Miscellaneous



Miscellaneous

We have many exempt vendors (mostly counties) that subcontract with private or non-profit vendors.

- What are the VR documentation requirements for these transactions and would a profile for the subcontractor be needed?



Miscellaneous

Does a non-registered business in NYS need a certificate of good standing from where they are incorporated?



Miscellaneous

Can a State agency contract with a vendor who was previously found non-responsible by another agency?



Miscellaneous

Understanding that each agency must make its own independent determination, if a previous agency finds a vendor non-responsible and during the same month, another agency is considering the same vendor, what level of independent investigation and determination is required by that second agency?



Miscellaneous

- When can an agency contract with a vendor that has an active public work debarment (Workers Comp)?
- What documentation is required?



Miscellaneous

- Has OSC disqualified any vendors for vendor responsibility?
- Where would this information be available to agencies?



Miscellaneous



Does OSC have any recommendations to assist an agency with obtaining information from the vendor on a timely basis?



Live Questions



OSC Contacts

OSC Vendor Responsibility Team

➤ VendRep@osc.ny.gov

OSC Help Desk

➤ 866-370-4672 or 518-408-4672

➤ ITServiceDesk@osc.state.ny.us



