

THE PORT AUTHORITY OF NEW YORK & NEW JERSEY
PROJECT CORRUPTION PREVENTION PROGRAM
BACKGROUND QUALIFICATION QUESTIONNAIRE PACKAGE

Introduction:

The Port Authority of New York and New Jersey (the "Port Authority") has implemented a Project Corruption Prevention Program ("PCPP"). The PCPP is grounded in the bedrock belief that fair and ethical business practices are an absolute prerequisite to doing business with the Port Authority. These ethical practices must be followed by all contractors, consultants, vendors and suppliers, of all tiers, on all Port Authority projects.

One of the components of the PCPP is contractor and vendor screening, designed to ensure that, in addition to demonstrated records of quality performance and solid financial capacities, firms awarded contracts for work possess high ethical standards and a record of law abiding conduct. Screening is being performed through the use of a background qualification questionnaire package ("BQQP"). To that end, and to facilitate the consideration of your firm for the award of a contract, we have enclosed a BQQP for your immediate attention.

Instructions:

- **Failing to follow these instructions may delay the award of a contract or result in a finding of non-responsibility, affecting the Company's ability to be awarded current or future Port Authority contracts or subcontracts.**
- All consultants, sub-consultants, contractors, sub-contractors, and vendors, of all tiers, whose contracts or purchase orders will exceed \$100,000, must complete an initial Background Qualification Questionnaire and the attached Exhibit A Certification (collectively, the "BQQ", also sometimes referred to as the 1WTC – Rider K Attachment).
- The BQQ must be completed by a Key Person (see Question 9 of the BQQ for definition of Key People) who is knowledgeable about the past and present operations of the Company.
- The Company will be required to file updates to the BQQ for each new contract or purchase order in excess of \$100,000. So that companies do not have to file a new BQQ every time, companies may submit the Certification of No Change, if applicable. In the event that the Company cannot certify to no change, the Company will be required to file an updated BQQ in full.
- In the event of changes in ownership, address, circumstances, conditions or status of the firm that would require amending any of the answers to this Questionnaire, the firm shall notify the above in writing of such changes within one month after the change has occurred.
- Answer all questions truthfully, fully and accurately. The Company may expand on the answers given by attaching additional pages. For your convenience, a blank Attachment form has been provided with the BQQ for this purpose. When completing the BQQP, err on side of full and complete disclosure.
- Return the completed BQQP to the Office of Inspector General, not to the firm that your Company will be contracting with. In order to ensure timely processing, please complete the BQQ or the Certification of No Change (if applicable) and send the **signed & notarized original**, to:

The Port Authority of NY & NJ, Office of Inspector General
Attn: Fraud Prevention Unit
5 Marine View Plaza, Suite 502, Hoboken, NJ 07030
- To further expedite processing, the Office of Inspector General will also accept a fully completed preliminary BQQP via fax (973-565-4307) or email (OIGBQQP@panynj.gov), however, follow-up with the **original by mail is still required**, as detailed above.
- Make sure that you submit the most current version of the BQQP, which can be downloaded from the Port Authority's website (www.panynj.gov).

Questions?

Please call the Office of Inspector General at (973) 565-4340 and request to speak with an Investigator in the Fraud Prevention Unit. Do not submit questions via email.

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY
BACKGROUND QUALIFICATION QUESTIONNAIRE
FOR

(“Company”)

General Identification

1. Tax ID# (or SSN) _____

Business Entity Name (the "Company") _____

D/B/A name, if any _____
 (D/B/A means "doing business as")

Street address _____

City/State/Zip _____

Mailing address (if different) _____

City/State/Zip _____

Phone No. _____ Fax No. _____

E-mail address _____ Website _____

2. a. What project is the Company bidding, proposing, or intending to work on? (Select one).

<input type="checkbox"/> 1 World Trade Center	<input type="checkbox"/> Central Chiller Plant
<input type="checkbox"/> Nat'l Sept. 11 Memorial & Museum	<input type="checkbox"/> Streets, Utilities, & Infrastructure
<input type="checkbox"/> Transportation Hub	<input type="checkbox"/> Vehicular Security Center
<input type="checkbox"/> Retail	<input checked="" type="checkbox"/> Other (Specify) <u>Goethals Bridge</u>

b. Prime Contractor (the "Prime") _____
 (The firm that the Company will be contracting with.)

c. Description of Work _____

3. a. Has the Company changed address(es) in the past five years?
 No Yes

b. Has the Company operated under any other name(s) in the past five years?
 No Yes

c. Does the Company have offices, plants or warehouses at other addresses?
 No Yes

If 'yes', to question 3 a, b, or c provide details below:

Specify (3a-c)	Name	Address	From (Mo./Yr.)	To (Mo./Yr.)

Business Organization and History

4. Type of Entity: Corporation Partnership Sole Proprietorship Joint Venture*
 Limited Liability Company Other (Specify) _____

* If the Company is a Joint Venture, please provide a list of all partner firms and/or parties to the Joint Venture below. All partners and/or parties listed are also required to individually complete a separate BQQ.

Partner/Party Name	Tax ID# (or SSN)	% of Ownership

5. a. Date the Company was formed _____
b. Date of incorporation if different than date the Company was formed _____
c. State in which formed or incorporated _____
d. Number of shares authorized for issuance if Company is a corporation _____
e. Number of shares issued to individuals or entities _____
f. Registered Agent (Lawyer/incorporator) _____

6. Was the Company purchased as an existing business by its present owner(s)?
 No Yes (if yes, provide information below)

Date purchased _____
Previous Owner(s) Name(s): _____

7. Does the Company own, rent, or lease any of its office facilities?
 Own
 Lease/Rent (if leased or rented, provide information below)

Owner Name	Address	Phone Number

8. Does the Company share any office space, staff, or equipment (including telephone exchanges) with any other business or organization?
 No Yes (list below)

Tax ID# (or SSN)	Firm Name	Address	Space	Staff	Equip
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. Identify all Key People

Instructions: Fill in the required information on all present and past **Key People for the past five years.**

"Key People" include:

- Principals, directors, officers
- Shareholders of 5% or more of the Company's issued and outstanding stock
- Any manager or individual who participates in overall policy-making or financial decisions for the Company
- Project managers and project executives
- Any person in a position to control and direct the Company's overall operations
- Authorized signatories to bank accounts and any debt instruments, whether or not otherwise considered Key People

"Shareholders" are owners of stock or other securities that can be converted to stock that, if converted, would constitute 5% of the Company's issued and outstanding stock. Other securities include stock options, secured or unsecured bonds, warrants and rights.

Be sure to include all those who fit the definition of Key People for the past five years whether or not they are currently with the Company. Copy this page if more space is required.

KEY PEOPLE TABLE
COMPLETE ALL BLANK AREAS

	PERSON #1	PERSON #2	PERSON #3
NAME AND HOME ADDRESS*			
Date of Birth			
SS #			
Current Title			
From (Date)			
To (Date)			
% of Ownership			
Number of Shares Owned			
How Shares Were Acquired			
	PERSON #4	PERSON #5	PERSON #6
NAME AND HOME ADDRESS*			
Date of Birth			
SS #			
Current Title			
From (Date)			
To (Date)			
% of Ownership			
Number of Shares Owned			
How Shares Were Acquired			

*Provide current proper legal name and specify any name change, including maiden or married names or aliases.

10. At present or during the past five years:

- a. Has the Company been a subsidiary of any other firm?
 No Yes
- b. Has the Company consisted of a partnership in which one or more partners are other firms?
 No Yes
- c. Has any other firm owned 5% or more of the Company?
 No Yes
- d. Has the Company been a joint venture partner with any other firms?
 No Yes

If 'yes' to question 10 a, b, c, or d, list the other firms below and indicate the percent of stock, if any, owned in the Company.

	FIRM #1	FIRM #2
Specify (10a-d)		
Tax ID#		
Firm Name		
Address		
Relationship To The Company (Co. Owner, Partner, Etc.)		
% of the Company Owned		
From (Date)		
To (Date)		
Representative Name/Title		

11. At present or during the past five years:

- a. Has the Company had any subsidiaries?
 No Yes
- b. Has the Company owned 5% or more of any other firm?
 No Yes

If 'yes' to question 11 a or b, list the firms below and indicate the percent of the other firm's stock owned by the Company.

Specify (11a,b)	Tax Id#	Firm Name and Address	% Owned By The Company	Dates of Ownership From/To

12. At present or during the past five years have any of the Key People of the Company served as a Key Person (see definition in question 9) or owned 5% or more of any other firm (including firms that are inactive or have been dissolved)?
 No Yes

If 'yes' to question 12, list below:

Firm Name and Address	Tax Id#	Key Person	Position Held	% Owned	Remainder Owned By	Dates Owned From/To

All firms listed in questions 10 a-d, 11 a-b, and 12 will be referred to in the following questions as: "Affiliate Firms"

13. Are any Key People of the Company:
- a. present or past employees of The Port Authority of New York and New Jersey, or the Prime identified in Question 2(b)?
 No Yes
 - b. related by kinship or marriage to any present or past employee of The Port Authority of New York and New Jersey, or the Prime identified in Question 2(b)?
 No Yes

If 'yes' to question 13a or b, provide names of such individual(s) and indicate relationship to the current/former employee.

14. Number of employees of the Company (not including Key People) _____
15. Is the Company a union company or non-union company?
 Union Non-Union

If 'Union', provide below which trade(s) the Company has agreements with and the date of their expiration.

Union Name & Local #	Exp. Date	Union Name & Local #	Exp. Date

16. Does the Company currently participate in, or have any applications pending for, any business or job opportunity certification programs with The Port Authority of New York and New Jersey or any other government agency? (i.e. MBE, WBE, SBE, DBE, LBE, etc.)
 No Yes

If 'yes' to question 16, provide details below:

Certification Type	Exp. Date	Certifying Agency	Certification #

Financial Information

17. At present or in the past five years:

- a. Has the Company been indebted to an individual or entity other than a commercial lending institution in the cumulative amount of \$50,000 or more?
 No Yes
- b. Have any of the Company's Key People been indebted to an individual or entity other than a commercial lending institution in the cumulative amount of \$50,000 or more, for the benefit of the Company?
 No Yes
- c. Has the Company pledged any of its stock to guarantee any of the above obligations?
 No Yes N/A
- d. Has any individual or the Company been a guarantor, co-maker or co-signer of any of these obligations on behalf of the Company?
 No Yes N/A

If 'yes', to any portion of question 17a-d, provide details below:

Specify (17a-d)	Name of Creditor	Name of Borrower	Amount of Loan & Balance Remaining	Terms of Pledge or Loan	Name of Guarantor, or Co-Signer

- e. Have monies generated by the Company in the cumulative amount of \$50,000 or more been loaned to another firm or individual by the Company or its Key People? No Yes

If 'yes', please provide details below:

Name: _____

Address: _____

- f. Has the Company, or any of its Affiliate Firms, or any of its Key People paid commissions or finders fees to obtain contracts or work to anyone other than its own key people? No Yes

If yes, explain: _____

- 18. Has the Company, or any of its Affiliate Firms, or any of its Key People been a party to a bankruptcy or reorganization proceeding?
 No Yes

If 'yes,' provide details below:

Caption	Date	Docket #	Court	County

19. During the past five years, has the Company ever:
- a. been the subject of a lien, judgment or litigated claim of \$25,000 or more by a subcontractor, supplier or other creditor?
 No Yes
 - b. failed to complete a contract for a commercial or private owner or government agency?
 No Yes
 - c. had, or does it currently have, any delinquent local, city, state or federal taxes or liens outstanding?
 No Yes

If 'yes' to question 19 a, b or c, supply details below:

Specify (19a-c)	Agency/Owner	Contract #	Describe Circumstances & Current Status	Date of Events	Name/Phone No. of Contact Person

Experience/Performance

20. On the following table state the Company's gross revenues for the past three years:

	Sales/Gross Revenues	Net Income
Past Fiscal Year		
Past Fiscal Year (-1)		
Past Fiscal Year (-2)		

21. Does the Company have a bonding capacity?
 No Yes

If 'yes', provide information below on all surety companies that have agreed to furnish the Company with performance and payment bonds and answer all related questions:

- a. Surety Name: _____
 Address: _____

 Agent/Broker: _____
 Phone No. (____) _____

- b. In writing bonds for the Company, does the surety company rely on the indemnity of any other firm(s) or individual(s)?
 No Yes

If 'yes', supply names & addresses of others:

c. What is the Company’s bonding capacity:

Single Job: \$ _____ Aggregate: \$ _____

22. Has the Company or any of its Key People, officers, owners or managers had any business related or professional licenses, certificates or certifications revoked or suspended in the past five (5) years?
 No Yes (if yes, explain below)

Compliance Information

23. Has the Company or any of its Affiliate Firms ever been the subject of any of the following actions by any government agency:

Government agencies include city, state, federal public agencies, quasi-public agencies, authorities and corporations, public development corporations, public benefit corporations and local development corporations.

*Note: Matters under appeal must be disclosed.

- a. been suspended, debarred, disqualified, declared non-responsible or non-responsive, or had its prequalification revoked or otherwise been declared ineligible to bid or to perform work?
 No Yes
- b. been barred from bidding or denied a contract as a result of refusal of Key People to testify before a grand jury or administrative board?
 No Yes
- c. been denied a contract despite being the low bidder for any other reason?
 No Yes
- d. been defaulted on or breached any contract?
 No Yes
- e. had a contract terminated, for either “cause” or “convenience”?
 No Yes
- f. been given a final unsatisfactory performance evaluation or determination, or deemed a poor performer (by letter or formal proceedings)?
 No Yes
- g. been prevented, or barred from bidding for any other reason?
 No Yes
- h. been denied a contract for failure to obtain surety or otherwise provide required security?
 No Yes
- i. had liquidated damages assessed against it upon completion of a contract or failure to complete a contract?
 No Yes

If 'yes', to any portion of question 23 supply details below:

Specify (23a-i)	Agency	Contract #	Date of Action	Describe Action	Name/Phone # of Agency or Owner Contact Person

24. In the past five (5) years, has the Company or any current or past Key People or Affiliate Firms been a plaintiff or defendant in any lawsuits arising out of the Company's operations?
 No Yes

If 'yes', to question 24, supply details below and submit documentation if applicable. Indicate in P/D column whether the Company's Key People or Affiliate Firms were plaintiffs (P) or defendants (D).

Caption or Action	P/D	Court	Index/Docket No.	Nature of Claim	Date	Status

25. In the past ten (10) years has the Company or any of its current or past Key People or Affiliate Firms:
- a. voluntarily engaged the services of an Integrity Monitor, independent private sector inspector general, or integrity compliance consultant (hereinafter collectively referred to as an "Integrity Monitor") in connection with the performance of any public or private contract?
 No Yes
 - b. been required to engage the services of an Integrity Monitor in connection with the award of, or in order to complete, any public or private contract?
 No Yes
 - c. been required to submit a Certification in connection with the award of, or in order to complete, any public or private contract?
 No Yes
 - d. otherwise been the subject of audits/investigations (see definition of investigation below in Question 26a) performed by an Integrity Monitor in connection with any public or private contract?
 No Yes

If yes to any portion of question 25, explain below:

26. In the past five (5) years has the Company or any of its Affiliate Firms been subject to or issued any OSHA violations?
 No Yes

If 'yes', to any portion of question 26 supply details below:

Nature of Violation	Type (Serious, Willful, Repeat, etc.)	Penalty Amt. (\$)	Date

27. Has the Company or any of its current or past Key People or Affiliate Firms ever:

- a. been under investigation involving any alleged violation of criminal law relating to business activities?
 No Yes

An INVESTIGATION includes an appearance before a grand jury by representatives of a business entity, any oral or written inquiry or review of the entity's documents by a public agency, temporary commission or other investigative body including, but not limited to, subpoenas and/or search warrants, or questioning of employees concerning the general operation or a specific project or activities of such business entity, whether or not such business entity is notified, is in-fact, or otherwise believed to be, the subject or target of any such investigation.

- b. had records in its or his/her control, custody or ownership subpoenaed or seized by a search warrant by any law enforcement or government agency?
 No Yes
- c. been questioned by any officer or agent of a law enforcement or investigative agency regarding any practices or conduct relating to the providing of services?
 No Yes
- d. been advised of being the target, subject, or person of interest of an investigation involving any violation of criminal law?
 No Yes
- e. been notified of being the subject of court ordered electronic surveillance?
 No Yes
- f. been arrested or indicted or otherwise named as an unindicted co-conspirator in any indictment or other accusatory instrument?
 No Yes
- g. been convicted, after trial or by plea, of any felony under state or federal law?
 No Yes
- h. been convicted of any misdemeanor involving business-related crimes?
 No Yes
- i. entered a plea of nolo contendere to any felony and/or business-related misdemeanor?
 No Yes
- j. entered into a consent decree, deferred prosecution agreement, or non-prosecution agreement?
 No Yes
- k. been granted immunity from prosecution for any business-related conduct constituting a crime under state or federal law?
 No Yes
- l. exercised the Fifth Amendment right against self-incrimination in testimony regarding a business related crime?
 No Yes

If 'yes', to any portion of question 27, supply details below and submit documentation.

Specify (27a-l)	Agency Or Court	Nature Of Action	Person or Entity Named or Involved	Date	Status/Outcome

28. Do any current or past Key People listed in this application have any felony or misdemeanor charges pending against them that were filed either before, during or after their employment with the Company?
 No Yes

If 'yes' to question 28, provide details below:

Agency or Court	Nature of Charges	Key Person Named	Date of Charges

29. Has the Company or any of its current or past Key People or affiliate firms ever engaged in any of the following practices:
- a. filed with a government agency or submitted to a government employee a written instrument which the Company or any of its Key People or affiliate firms knew contained a false statement or false information?
 No Yes
 - b. falsified business records?
 No Yes
 - c. given, or offered to give, money, gifts or anything of value or any other benefit to a labor official or public servant with intent to influence that labor official or public servant with respect to any of his or her official acts, duties or decisions as a labor official or public servant?
 No Yes
 - d. given or offered to give, money, gifts or anything of value or any benefit to a labor official or public servant for any reason?
 No Yes
 - e. given, or offered to give, money or other benefit to an official or employee of a private business with intent to induce that official or employee to engage in unethical or illegal business practices?
 No Yes
 - f. agreed with another to bid below prevailing market rate?
 No Yes
 - g. agreed with another to submit identical or complementary bids or otherwise not to bid competitively or agree to withdraw or abstain from bidding?
 No Yes
 - h. agreed with another not to submit competitive bids in another's territory established either by geography or customers?
 No Yes
 - i. agreed with another to take turns in obtaining contracts by pre-determining which firm shall submit the lowest bid?
 No Yes

If 'yes', to any portion of question 29, explain below:

30. This document was prepared by (Note: This person must be a Key Person listed in response to Question 9):

_____ (Name)

_____ (Title)

_____ (Signature)

_____ (Date)

EXHIBIT A
CERTIFICATION

A materially false statement willfully or fraudulently made in connection with this Certification, and/or failure to conduct appropriate due diligence in verifying the information that is the subject matter of this Certification may prevent the Company and/or the undersigned from being found to be responsible bidders/proposers in connection with future agreements. In addition, a materially false statement willfully or fraudulently made in connection with this Certification may subject the Company and/or the undersigned to criminal charges, including charges for violation of New York State Penal Law Sections 175.35 (Offering a False Statement for Filing) and 210.40 (Sworn False Statement), New Jersey Code of Criminal Justice Title 2C:28-3 (Unsworn Falsification to Authorities), and/or Title 13 U.S.C. Sections 1001 (False or Fraudulent Statement) and 1341 (Mail Fraud).

Certifications must be notarized when signed.

I _____, being duly sworn, state that I am _____, an officer of
(Print Name) (Title)
the Company, and that I have read and understood the questions contained in the attached questionnaire.

I certify that to the best of my knowledge the information given in response to each question, whether prepared by me, or by the Key Person identified in Question 30, is full, complete and truthful as of this date hereof. I agree and warrant that truthfully answering the questions is an event entirely within my control.

I recognize that all the information submitted in connection with this Questionnaire is for the express purpose of inducing the Port Authority to enter into a contract with, or to approve the award of a contract or subcontract to, or otherwise approve some other relationship with, the Company.

I acknowledge that the Port Authority, may by means it deems appropriate, determine the accuracy, truth and completeness of the answers to the questions in the questionnaire. I authorize the Port Authority or its designee to contact any person or entity for purposes of verifying the information supplied by the Company.

(Print Name)

(Signature)

Sworn to before me
this _____ day of _____ 20_____

Notary Public

ATTACHMENT ___ of ___

Response to Question _____:

Response to Question _____:

Response to Question _____:

Response to Question _____:

Response to Question _____:
