

September 10, 2015

SUBJECT: REQUEST FOR PROPOSALS FOR THE PERFORMANCE OF EXPERT PROFESSIONAL INTEGRITY MONITORING SERVICES AS REQUESTED ON A “CALL-IN” BASIS DURING 2015-2016 (RFP #43628)

Dear Sir or Madam:

The Port Authority of New York and New Jersey, hereinafter referred to as the “Authority,” hereby invites your Proposal for furnishing expert professional integrity monitoring services in any of the following areas: (A) Contract Monitoring projects valued at *less* than \$3 million, (B) Contract Monitoring projects valued at *greater* than \$3 million, and (C) Service Monitoring projects, as requested on a “call-in” basis during 2015-2016, as more fully set forth in Attachment A, attached hereto and made a part hereof. Proposals shall be considered for performance of any one (1) or more of the foregoing categories.

The Authority does not guarantee the ordering of any services under this “call-in” program and specifically reserves the right, in its sole discretion, to use any person or firm to perform the type of services required hereunder.

I. PROPOSER REQUIREMENTS

The Authority will consider only those firms who are able to meet and document each of the following qualification requirements:

CATEGORY A: CONTRACT MONITORING

The Proposer shall have conducted two (2) or more integrity monitoring projects with contracts valued at **less than \$3 million** within the past two (2) years in areas that may include, but are not be limited to:

- Construction
- Engineering
- Environmental
- Labor
- Information Technology
- Procurement
- Real Estate
- Security
- Safety
- Transportation

CATEGORY B: CONTRACT MONITORING

The Proposer shall have conducted at least two (2) or more integrity monitoring projects with contracts valued at **greater than \$3 million** within the past five (5) years in areas that may include, but are not be limited to:

- Construction
- Engineering

- Environmental
- Labor
- Information Technology
- Procurement
- Real Estate
- Security
- Safety
- Transportation

CATEGORY C: SERVICE MONITORING.

The Proposer shall have at least two (2) years of experience providing integrity monitoring services in areas that may include, but are not be limited to:

- Insurance/Bonding
- Company Backgrounds
- Investigations
- Loss Prevention
- Financial
- Forensic Auditing
- Compliance

A determination that a Proposer meets these requirements is no assurance that the Proposer will be selected for performance of the subject services within the category(ies) for which it is proposing. Firms that do not meet the requirements above shall not be further considered.

II. PROPOSAL FORMAT REQUIREMENTS:

To respond to this Request for Proposals (RFP), the Proposer shall submit a concise Proposal in response to the following basic format criteria:

- A. To be acceptable, this Proposal shall be of no more than thirty (30) pages single-sided using 12 point or greater font size. The page limit pertains only to Letters F and G in Section III, below. Each resume submitted pursuant to Section III E below shall be two-pages maximum, single-sided using 12 point or greater front size. The Proposal pages shall be numbered and bound, or in a 3-ring binder, with “Your Firm Name” and **RFP Number 43628** clearly indicated on the cover.
- B. Separate each section of the Proposal with a tab divider that is labeled in accordance with the submission requirements specified below.

With regard to staff and firm qualifications and experience, subdivide these areas into one or more sections based upon specific areas for which you are proposing: (A) Contract Monitoring projects valued at *less* than \$3 million; (B) Contract Monitoring projects valued at *greater* than \$3 million; and (C) Service Monitoring projects.

- D. All Proposals must be delivered in sealed envelopes and/or packages addressed to: The Port Authority of New York and New Jersey, 4 World Trade Center, 150 Greenwich Street, 21st Floor, New York, NY 10007 **Attention: RFP Custodian.** Do not address your Proposal to any other name. You are required to submit one (1) reproducible original and five (5) copies, along with six (6) compact disc or USB copies, of your Proposal for review. In case of conflict, the reproducible original of the Proposal shall

take precedence over material on the compact disc or USB. If your proposal is to be hand-delivered, note that only individuals with proper identification (e.g. photo identification) will be permitted access to the Authority's offices. Individuals without proper identification shall be turned away and their packages not accepted. There is extensive security at the World Trade Center Site. You must present a valid government-issued photo ID to enter 4 WTC. Individuals without packages or carrying small packages, envelopes or boxes that can be conveyed by hand or on a hand truck may enter through the lobby. All packages, envelopes and boxes may be subject to additional security screening. There is no parking available at 4 WTC/150 Greenwich Street, and parking in the surrounding area is extremely limited. Express carrier deliveries by commercial vehicles will only be made via vendors approved by Silverstein Properties, the WTC Property Manager, through the Vehicle Security Center (VSC). Presently, UPS is the only delivery vendor with approved recurring delivery times. UPS makes deliveries to 4 WTC around 9:30 a.m. each day. Please plan your submission accordingly. As additional express carriers may be approved by Silverstein Properties and scheduled for recurring delivery times with the VSC, this information may be updated. Under certain circumstances, a solicitation may allow for a commercial vehicle to be approved to make a delivery in accordance with the VSC procedures. If applicable, the specific solicitation document will include that information. The Port Authority assumes no responsibility for delays, including, but not limited to, delays caused by any delivery services, building access procedures, or security requirements.

- C. In each submission to the Authority, including any return address label, information on the compact disc and information on the reproducible original and copies of the proposal, the Proposer shall use its **FULL LEGAL NAME WITHOUT ABBREVIATIONS**. Failure to comply with requirement may lead to delays in contract awards and contract payments, which shall be the responsibility of the Proposer.
- E. Your Proposals should be received in sufficient time so that the Authority receives them **no later than 2:00 p.m. on October 1, 2015**. The outermost cover of your submittal must include the RFP Number (as stated above) and the RFP title. The Authority assumes no responsibility for delays caused by any delivery services.
- F. If your Proposal is to be hand-delivered, please note that only individuals with proper identification (e.g., photo identification) will be permitted access to the Authority's offices. Individuals without proper identification will be turned away and their packages not accepted.

III. SUBMISSION REQUIREMENTS:

To respond to this RFP, provide the following information:

- A. In the front of your Proposal, a copy of Attachment B (Agreement on Terms of Discussion), signed by an officer of your company.
- B. The Proposer shall submit a Transmittal Letter on its letterhead indicating the category(ies) in which your firm is interested in providing services. For each category(ies) demonstrate your compliance with each of the aforementioned "Proposer Requirements" listed above. An officer or principal member of the firm shall sign this letter.
- C. Complete a copy of Attachment C (Company Profile).

- D. An Organization Chart, identifying Executive, Management and Technical staff who will be assigned to perform the requested services within each of the categories proposed.
- E. Resumes of technical staff who will be responsible for the performance of the requested services for each category in which you propose to perform Contract Monitoring or Service Monitoring services, as indicated in Section I. above, clearly indicating their relevant experience and specific areas of expertise. Each resume shall include their education, professional credentials and employment histories. Also, include the resumes of subconsultants that will be involved in the provision of services required under this Agreement.
- F. Specific relevant experience of your firm. For each category in which you propose to perform Contract Monitoring or Service Monitoring services, as indicated in Section I. above, provide a list of previous placements made by you. Include a description of the assignments and your findings, client names, start and end dates, total cost of the assignment, and a contact (name, telephone number and email address) as required for the Authority to confirm said information.
- G. Provide a description of the proposed management approach as it applies to each category selected, including the proposed management structure for performing the required services, being responsive to the client's needs, keeping the client apprised of the project status and ensuring the quality of the work product.
- H. Complete a copy of Attachment D, an hourly billing rate schedule for staff proposed to provide the requested services including, but not limited to: partner, project manager, attorney, investigator, accountant, auditor, engineer, and subconsultant. Include any discounted government rates where applicable.
- I. A complete list of your firm's affiliates. Affiliates shall be as defined as follows: Two or more firms are affiliates if a parent owns more than fifty percent of the voting stock of each of the firms, or a common shareholder or group of shareholders owns more than 50 percent of the voting stock of each of the firms, or if the firms have a common proprietor or general partner.
- J. If the Proposer or any employee, agent or subcontractor of the Proposer may have, or may give the appearance of a possible conflict of interest, the Proposer shall include in its Proposal a statement indicating the nature of the conflict. Also, provide a description of how your firm avoids or addresses potential conflicts of interest. The Authority reserves the right to disqualify the Proposer if, in its sole discretion, any interest disclosed from any source could create, or give the appearance of, a conflict of interest. The Authority's determination regarding any question(s) of conflict of interest shall be final.

IV. SELECTION PROCESS:

The selection process by which a firm will be selected for inclusion on the "call-in" list, which may then result in selection of a firm to perform the subject services, shall include consideration of the following factors (listed below in order of importance):

- A. The quality and depth of the experience and qualifications of the staff, including subconsultants, who will be performing services hereunder.
- B. The extent and quality of the firm's experience in the performance of similar services provided to others.

C. Management approach for the performance of services hereunder.

The cost of the Proposer's services is provided for informational purposes and will not be evaluated.

IV. ADDITIONAL INFORMATION:

By submitting a Proposal, the Consultant shall be deemed to have made the certifications contained in Attachment E ("Certification of No Investigation (Criminal Or Civil Anti-Trust), Indictment, Conviction, Debarment, Suspension, Disqualification and Disclosure Of Other Information" And "Non-Collusive Proposing, And Code Of Ethics Certification; Certification Of No Solicitation Based On Commission, Percentage, Brokerage, Contingent Or Other Fees") unless said Consultant submits a statement with its Proposal explaining why any such certification(s) cannot be made. Such a submission shall be submitted in a separate envelope along with your Proposal, clearly marked "CERTIFICATION STATEMENT".

It is Authority policy that its contractors and vendors comply with the legal requirements of the States of New York and New Jersey. Your attention is therefore called to New York State's requirements that certain contractors, affiliates, subcontractors and subcontractors' affiliates register with the New York State Department of Taxation and Finance for the purpose of collection and remittance of sales and use taxes. Similarly, New Jersey requires business organizations to obtain appropriate Business Registration Certificates from the Division of Revenue and Enterprise Services of the State's Department of the Treasury.

Proposers are advised that additional vendor information, including, but not limited to forms, documents and other related information, may be found on the Authority website at www.panynj.gov. Should you have any questions, please e-mail them to Timothy J. Pullen, Solicitation Manager at tpullen@panynj.gov. All questions must be received at least five (5) working days prior to the proposal due date. Neither Mr. Pullen nor any other employee of the Authority is authorized to interpret the provisions of this RFP or accompanying documents or give additional information as to their requirements. If interpretation or additional information is required, it will be communicated by written addendum issued by the undersigned and such writing shall form a part of this RFP, or the accompanying documents, as appropriate. Addenda to the RFP, if any, will be posted at:

<http://www.panynj.gov/business-opportunities/bid-proposal-advertisements.html?tabnum=6>.

You should therefore monitor the advertisement on said website, as appropriate, to ensure you are aware of changes, if any.

Proposal preparation costs are not reimbursable by the Authority. The Authority shall have no obligation to a firm except under a duly authorized agreement executed by the Authority.

The Authority reserves the unqualified right, in its sole and absolute discretion, to reject all Proposals, to undertake discussions and modifications with one or more Consultants and to proceed with that Proposal or modified Proposal, if any, which in its judgment will, under all the circumstances, best serve the public interest.

Sincerely,

David Gutiérrez
Manager, Construction Procurements
Procurement Department

ATTACHMENT A

PERFORMANCE OF EXPERT PROFESSIONAL INTEGRITY MONITORING SERVICES AS REQUESTED ON A “CALL-IN” BASIS DURING 2015-2016

I. **BACKGROUND**

For background with respect to The Port Authority of New York and New Jersey (the “Authority”), see www.panynj.gov. Additionally, an electronic version of the Authority’s most recent Annual Report is available at <http://www.panynj.gov/corporate-information/annual-reports.html>.

The Authority engages in a wide variety of business activities, including construction, procurement, real estate transactions, leases, economic development, grants, complex financial transactions, etc. From time to time, situations arise wherein it requires the services of an “Integrity Monitor” (IM) to help ensure that the Authority’s business activities are conducted with the highest ethical standards, and are free from unethical, improper, and illegal conduct. An IM is an entity or group of entities (or individuals) with legal, auditing, investigative, loss prevention and/or other technical skills, which act as a monitor for specified vendors, projects or matters. The Authority may require a vendor, contractor or other entity that does business with the Authority to retain an IM in order for that business entity to continue to provide goods or services to the Authority. The Authority may also appoint the IM to help the Authority oversee important projects of various sizes. The IM reports to the Authority’s Office of the Inspector General.

Towards that purpose, the Inspector General’s Office is seeking to develop a list of qualified IM firms that can provide monitoring services on an as-needed basis. It is anticipated that firms on the “call-in” list shall submit proposals outlining proposed staff, management approach, and cost at the time that an IM is required. The Authority will select the most qualified firm, considering cost, as appropriate, to perform the required monitoring services. The selected Consultant shall then enter into a separate IM agreement with the Authority, vendor, contractor, or other entity being monitored.

II. SCOPE OF WORK

Once the call-in list has been established, and firms have submitted proposals for a particular project, such proposals shall be evaluated and the selected Consultant(s) shall perform the services of the IM for a variety of projects which may include, but are not limited to monitoring construction, engineering, environmental, labor, information technology, procurement, real estate, security, safety, and transportation contracts or monitoring financial, insurance and bonding, investigations, loss prevention, forensic auditing, compliance and company background service areas. Coordinating its activities with Inspector General staff, law enforcement offices, Authority staff, other Integrity Monitors, private entities and the staff of the monitored entities, the Consultant shall ensure compliance with laws and regulations, as well as established internal controls designed to deter unethical, improper and illegal conduct.

III. DESCRIPTION OF CONSULTANT'S TASKS

The services of the selected Consultant(s) shall generally consist of performing IM services in connection with the Authority's business activities on an as-needed basis during 2013 through 2015. The term of the program may be renewed at the discretion of the Authority for up to two (2) one-year periods. Tasks to be performed by the selected Consultant(s) may include, but not be limited to:

A. Ensuring the compliance of contractors, vendors, and consultants with:

1. laws, regulations, codes, programs and contractual requirements, including the submission of required periodic certifications to the Authority; and
2. terms, provisions and requirements of integrity monitor agreements, certifications, and/or affidavits.

B. Developing and implementing:

1. programs and procedures to prevent and deter fraud, corruption, conflicts of interest and illegal activity by entities doing, or seeking to do, business with the Authority;
2. Code of Business Ethics, a Zero Tolerance policy, an ethics training program; and
3. a program for facilitating the reporting of illegal and improper conduct, including measures such as education and awareness through posters, leaflets, hotlines, etc.

C. Conducting:

1. background checks of businesses, principals, officials, employees and other individuals;
2. forensic audits and reviews of businesses, budget review and monitoring, programs and/or government offices to identify areas of risk that could potentially lead to fraud and/or corruption, and providing recommendations for correcting these areas of risk and for improving the integrity of the affected areas;
3. reviews of documents, including disclosure forms, payment requests, change orders, invoices, certified payrolls, manifests, etc., submitted by vendors to the Authority for honesty and accuracy;

4. investigations and inquiries, including interviews, site visits, field activities, records reviews, etc.; and
 5. research into public records, database searches, field interviews, etc.
- D. Preparing, presenting or assisting in the presentation of draft and final reports documenting findings and detailing the results of audits, reviews, investigations and other assigned tasks, and incorporating Authority comments as appropriate and resubmit the reports as final.

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ATTACHMENT B

REQUEST FOR PROPOSALS FOR PERFORMANCE OF EXPERT PROFESSIONAL INTEGRITY MONITORING SERVICES AS REQUESTED ON A “CALL-IN” BASIS DURING 2015-2016 (RFP #43628)

AGREEMENT ON TERMS OF DISCUSSION

The Port Authority’s receipt or discussion of any information (including information contained in any proposal, vendor qualification(s), ideas, models, drawings, or other material communicated or exhibited by us or on our behalf) shall not impose any obligations whatsoever on the Port Authority or entitle us to any compensation therefor (except to the extent specifically provided in such written agreement, if any, as may be entered into between the Port Authority and us). Any such information given to the Port Authority before, with or after this Agreement on Terms of Discussion (“Agreement”), either orally or in writing, is not given in confidence. Such information may be used, or disclosed to others, for any purpose at any time without obligation or compensation and without liability of any kind whatsoever. Any statement which is inconsistent with this Agreement, whether made as part of or in connection with this Agreement, shall be void and of no effect. This Agreement is not intended, however, to grant to the Port Authority rights to any matter, which is the subject of valid existing or potential letters patent.

Any information (including information contained in any proposal, vendor qualification(s), ideas, models, drawings, or other material communicated or exhibited by us or on our behalf) provided in connection with this procurement is subject to the provisions of the Port Authority Freedom of Information Code and Procedure adopted by the Port Authority’s Board of Commissioners on October 22, 2014, which may be found on the Port Authority website at: <http://www.panynj.gov/corporate-information/pdf/foi-code.pdf>. The foregoing applies to any information, whether or not given at the invitation of the Authority.

(Company)

(Signature)

(Title)

(Date)

ORIGINAL AND PHOTOCOPIES OF THIS PAGE ONLY.
DO NOT RETYPE.

ATTACHMENT C

COMPANY PROFILE

**REQUEST FOR PROPOSALS FOR THE PERFORMANCE OF EXPERT
PROFESSIONAL INTEGRITY MONITORING SERVICES AS REQUESTED ON
A "CALL-IN" BASIS DURING 2015-2016 (RFP #43628)**

1. Company Name (print or type):

2. Business Address (to receive mail for this RFP):

3. Business Telephone Number: _____

4. Business Fax Number: _____

5. Firm website: _____

6. Federal Employer Identification Number (EIN): _____

7. Date (MM/DD/YYYY) Firm was Established: ____/____/____

8. Name, Address and EIN of Affiliates or Subsidiaries (use a separate sheet if necessary):

9. Officer or Principal of Firm and Title:

10. Name, telephone number, and email address of contact for questions:

11. Is your firm certified by the Authority as a Minority-owned, Woman-owned or Small Business Enterprise (M/W/SBE)? Yes No

If yes, please attach **Port Authority** certification as a part of this profile.

If your firm is an M/WBE not currently certified by the Authority, see the Authority's web site – <http://www.panynj.gov/business-opportunities/supplier-diversity.html>, to receive information and apply for certification.

**ATTACHMENT D
BILLING RATE SCHEDULE**

PERFORMANCE OF EXPERT PROFESSIONAL INTEGRITY MONITORING SERVICES
AS REQUESTED ON AN "CALL-IN" BASIS DURING 2015-2016 (RFP #43628)

<YOUR FIRM NAME>

| NAME | TITLE | HOURLY BILLING RATE |
|------|-------|---------------------|
|------|-------|---------------------|

ATTACHMENT E

CERTIFICATION STATEMENTS

PERFORMANCE OF EXPERT PROFESSIONAL INTEGRITY MONITORING SERVICES AS REQUESTED ON A "CALL-IN" BASIS DURING 2015-2016 (RFP #43628)

I. CERTIFICATION OF NO INVESTIGATION (CRIMINAL OR CIVIL ANTI-TRUST), INDICTMENT, CONVICTION, DEBARMENT, SUSPENSION, DISQUALIFICATION AND DISCLOSURE OF OTHER INFORMATION

By submitting a Proposal, each Consultant and each person signing on behalf of any Consultant certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, that the Consultant and each parent and/or affiliate of the Consultant has not:

A. been indicted or convicted in any jurisdiction;

B. been suspended, debarred, found not responsible or otherwise disqualified from entering into any agreement with any governmental agency or been denied a government agreement for failure to meet standards related to the integrity of the Consultant;

C. had an agreement terminated by any governmental agency for breach of agreement or for any cause based in whole or in part on an indictment or conviction;

D. ever used a name, trade name or abbreviated name, or an Employer Identification Number different from those inserted in the Proposal;

E. had any business or professional license suspended or revoked or, within the five years prior to proposal opening, had any sanction imposed in excess of \$50,000 as a result of any judicial or administrative proceeding with respect to any license held or with respect to any violation of a federal, state or local environmental law, rule or regulation;

F. had any sanction imposed as a result of a judicial or administrative proceeding related to fraud, extortion, bribery, proposal rigging, embezzlement, misrepresentation or anti-trust regardless of the dollar amount of the sanctions or the date of their imposition; and

G. been, and is not currently, the subject of a criminal investigation by any federal, state or local prosecuting or investigative agency and/or a civil anti-trust investigation by any federal, state or local prosecuting or investigative agency.

II. NON-COLLUSIVE PROPOSING, AND CODE OF ETHICS CERTIFICATION, CERTIFICATION OF NO SOLICITATION BASED ON COMMISSION, PERCENTAGE, BROKERAGE, CONTINGENT OR OTHER FEES

By submitting a Proposal, each Consultant and each person signing on behalf of any Consultant certifies, and in the case of a joint proposal, each party thereto certifies as to its own organization, that:

A. the prices in its proposal 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 Consultant or with any competitor;

B. the prices quoted in its proposal have not been and will not be knowingly disclosed directly or indirectly by the Consultant prior to the official opening of such proposal to any other Consultant or to any competitor;

C. no attempt has been made and none will be made by the Consultant to induce any other person, partnership or corporation to submit or not to submit a proposal for the purpose of restricting competition;

D. this organization has not made any offers or agreements or taken any other action with respect to any Authority employee or former employee or immediate family member of either which would constitute a breach of ethical standards under the Code of Ethics dated April 11, 1996 (a copy of which is available upon request) , nor does this organization have any knowledge of any act on the part of an Authority employee or former Authority employee relating either directly or indirectly to this organization which constitutes a breach of the ethical standards set forth in said Code;

E. no person or selling agency other than a bona fide employee or bona fide established commercial or selling agency maintained by the Consultant for the purpose of securing business, has been employed or retained by the Consultant to solicit or secure this Agreement on the understanding that a commission, percentage, brokerage, contingent, or other fee would be paid to such person or selling agency;

F. the Consultant has not offered, promised or given, demanded or accepted, any undue advantage, directly or indirectly, to or from a public official or employee, political candidate, party or party official, or any private sector employee (including a person who directs or works for a private sector enterprise in any capacity), in order to obtain, retain, or direct business or to secure any other improper advantage in connection with this Agreement; and

G. no person or organization has been retained, employed or designated on behalf of the Consultant to impact any Authority determination with respect to (i) the solicitation, evaluation or award of this Agreement; or (ii) the preparation of specifications or request for submissions in connection with this Agreement.

The foregoing certifications, shall be deemed to be made by the Consultant as follows:

* if the Consultant is a corporation, such certification shall be deemed to have been made not only with respect to the Consultant itself, but also with respect to each parent, affiliate, director, and officer of the Consultant, as well as, to the best of the certifier's knowledge and belief, each stockholder of the Consultant with an ownership interest in excess of 10%;

* if the Consultant is a partnership, such certification shall be deemed to have been made not only with respect to the Consultant itself, but also with respect to each partner.

Moreover, the foregoing certifications, if made by a corporate Consultant, shall be deemed to have been authorized by the Board of Directors of the Consultant, and such authorization shall be deemed to include the signing and submission of the proposal and the inclusion therein of such certification as the act and deed of the corporation.

In any case where the Consultant cannot make the foregoing certifications, the Consultant shall so state and shall furnish with the signed proposal a signed statement, which sets forth in detail the reasons therefor. If the Consultant is uncertain as to whether it can make the foregoing certifications, it shall so indicate in a signed statement furnished with its proposal, setting forth in such statement the reasons for its uncertainty. With respect to the foregoing certification in paragraph "IIG.", if the Consultant cannot make the certification, it shall

provide, in writing, with the signed proposal: (i) a list of the name(s), address(es), telephone number(s), and place(s) of principal employment of each such individual or organization; and (ii) a statement as to whether such individual or organization has a “financial interest” in this Agreement, as described in the Procurement Disclosure policy of the Authority (a copy of which is available upon request to the individual indicated as the contact person on the RFP Letter of this solicitation). Such disclosure is to be updated, as necessary, up to the time of award of this Agreement. As a result of such disclosure, the Authority shall take appropriate action up to and including a finding of non-responsibility.

Failure to make the required disclosures shall lead to administrative actions up to and including a finding of non-responsibility.

Notwithstanding that the Consultant may be able to make the foregoing certifications at the time the proposal is submitted, the Consultant shall immediately notify the Authority in writing during the period of irrevocability of proposals on this Agreement or any extension of such period of any change of circumstances which might under this clause make it unable to make the foregoing certifications or require disclosure. The foregoing certifications or signed statement shall be deemed to have been made by the Consultant with full knowledge that they would become a part of the records of the Authority and that the Authority will rely on their truth and accuracy in awarding this Agreement. In the event that the Authority should determine at any time prior or subsequent to the award of this Agreement that the Consultant has falsely certified as to any material item in the foregoing certifications or has willfully or fraudulently furnished a signed statement which is false in any material respect, or has not fully and accurately represented any circumstance with respect to any item in the foregoing certifications required to be disclosed, the Authority may determine that the Consultant is not a responsible Consultant with respect to its proposal on the Agreement or with respect to future proposals on Authority agreements and may exercise such other remedies as are provided to it by the Agreement with respect to these matters. In addition, Consultants are advised that knowingly providing a false certification or statement pursuant hereto may be the basis for prosecution for offering a false instrument for filing (see, e.g. New York Penal Law, Section 175.30 et seq.). Consultants are also advised that the inability to make such certification will not in and of itself disqualify a Consultant, and that in each instance the Authority will evaluate the reasons therefor provided by the Consultant.

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