

SUBCONTRACTOR APPROVAL FORM

Instructions for Agencies

The attached form is intended to assist agencies in the subcontractor approval process, provide uniformity in collecting the appropriate data, and address the requirements of LL129/MWBE. **Subcontractors should not start work until they have been granted final approval by the Agency.** *Subcontractors may be proposed at any time, but for construction/professional services contracts subject to LL 129, within 30 days of the notice to proceed, the prime contractor must identify those to which it intends to award construction/professional services subcontracts valued < \$1M (for work during the first year of such contract).*

SUBCONTRACTOR APPROVAL PROCESS

Step 1 – Prior to giving the form to the prime contractor, the Agency ("you") should fill in all of the contract-specific information on the Subcontractor Approval Form. You should then forward a copy of the form with that information to the prime contractor.

Step 2 – Instruct the prime contractor to fill out one Form for each subcontractor, and to return a signed and dated copy of the Form to the designated agency representative.

Step 3 – At this point you may grant or deny preliminary approval. If granted, you should request additional information by checking the appropriate boxes to ensure compliance with contract requirements, as follows:

1. VENDEX: Check the box if VENDEX Vendor and Principal Questionnaires are required, i.e., where the subcontract dollar amount is \geq \$100,000 or where the subcontractor's aggregate business with the City is \geq \$100,000 during the preceding twelve months.
2. Employment Report: Check the box if a DLS Employment Report (or certificate) is required, i.e., for construction, subcontracts > \$750,000 (or if federally funded in whole/part > \$10,000), and for non-construction goods/services, subcontracts > \$100,000.
3. References: If VENDEX shows performance evaluations on file for similar work by the proposed subcontractor, references are not required. Check the box to require references if the proposed subcontractor has no prior record of work with the City. In such instances, prime contractors should submit references for the subcontractor's performance on three completed comparable projects. References shall include a full description/location of each project, scope of work, dollar value, and the names and phone numbers of owners, architect or engineer who supervised the work.
4. PLA: Check the box for contracts under a Project Labor Agreement (PLA) which require the subcontractor to provide a signed Letter of Assent.
5. Apprenticeship: Check the box for contracts where an apprenticeship program is required, i.e., construction contracts > \$3M in value, or > \$1M in value with respect to projects > \$5M in value.
6. Required Licenses: Check the box if the nature of the subcontract requires the subcontractor to be licensed and you are required to review those licenses.

Return the form to the Prime Contractor with the Page 2 (instructions) attached.

Step 4 – Prime Contractor returns the form with all of the appropriate documentation attached.

Step 5 – You then complete your review of the submission within a reasonable time, notifying the contractor by returning a signed and dated copy indicating whether agency approval is granted or denied.

Step 6 – Enter data for all approved subcontracts into FMS. In order to do so, you must determine the specific industry of the subcontract. If you need assistance, please see the information posted on the ACCO Portal (<http://egov.nycnet/acco/login.asp>) or contact MOCS. Additionally, be aware that some

subcontractors may already have FMS Vendor Numbers, while some are new. If the approved subcontractor does not have an FMS Vendor Number, you must create one for them at this time, but you should take care not to create duplicate Vendor Numbers.

LL129/MWBE

Agencies must also identify construction and professional service contracts that have subcontracting goals per Local Law 129 of 2005. Each contractor who is required to meet such goals, as detailed in the utilization plan submitted with the original bid or proposal, must submit a list of vendors to which it intends to award construction and/or professional Services subcontracts for amounts under \$1 million within 30 days of notice to proceed. In the case of multi-year contracts, the contractor is required to submit the form within 30 days of the notice to proceed and every 12 months thereafter for the duration of the contract.

The agency should instruct the prime contractor to provide:

- 1 All requested identifying information about the subcontractor.
- 2 A specific subcontract description. This information is needed to determine if the proposed subcontractor is performing work that falls within the “construction” and/or “professional services” definitions under LL129. Complete descriptions of the subcontractor’s work on the project assist the agency with compliance reporting.
- 3 An approximate subcontract value. This information is needed to determine what percentage of the contract is being subcontracted and what proportion of that is going to MWBE firms.
- 4 An indication of the status of the subcontractor’s certification by DSBS (for the M/WBE, EBE and LBE programs). M/WBE, EBE and LBE firms must be certified by DSBS in order to be counted by the agency toward goals. Prime contractors must indicate the certification status of the proposed subcontractor. If “Application Pending” or “Intends to Apply” are checked by the prime contractor, the agency should contact DSBS to determine if the subcontractor can be approved.

After completing the approval process and entering the data into FMS, the agency should periodically use FMS reports to track the prime contractor's compliance with M/WBE goals.

**CITY OF NEW YORK
SUBCONTRACTOR APPROVAL FORM**

Column on left indicates whom that section is to be completed by.

AGENCY	PRIME CONTRACT INFORMATION	
	Agency:	Unit/Div:
	FMS Contract No.:	PIN:
	Contract Value: \$	Registration Date:
	Contract Description:	
Contract Subject to a Project Labor Agreement (PLA) <input type="checkbox"/>		

AGENCY	PRIME CONTRACTOR IDENTIFICATION	
	Name:	
	Phone:	Fax:
	Address:	City: State/Zip:
	EIN/SSN:	E-Mail:

PRIME CONTRACTOR	SUBCONTRACTOR INFORMATION	
	Name:	
	Phone:	Fax:
	Address:	City: State/Zip:
	EIN/SSN:	E-Mail:
	Subcontract Description:	
	Approx Subcontract Value: \$	Approx Start Date ___ / ___ / ___ Approx End Date ___ / ___ / ___
	Subcontractor Signed Letter of Assent <input type="checkbox"/> (if Prime Contract is subject to a Project Labor Agreement)	
	Subcontractor is DSBS-certified as: M/WBE <input type="checkbox"/> EBE <input type="checkbox"/> or LBE <input type="checkbox"/> (check all that apply & note status below)	
	YES <input type="checkbox"/>	Application Pending <input type="checkbox"/> Intends to Apply <input type="checkbox"/> NO <input type="checkbox"/>
Subcontractor Prevailing Wage or Living Wage Statement (if applicable) <input type="checkbox"/>		
Prime Contractor Certification: I hereby affirm that the information supplied is true and correct.		
Signature _____	Title _____	
Print Name _____	Date _____	

AGENCY	AGENCY PRELIMINARY REVIEW				
	PLEASE SEE PAGE 2 FOR INSTRUCTIONS				
	Agency Preliminary Review Completed By: _____ Date _____				
1. VENDEX <input type="checkbox"/>	2. Employment <input type="checkbox"/>	3. References <input type="checkbox"/>	4. PLA <input type="checkbox"/>	5. Apprenticeship <input type="checkbox"/>	6. Licenses <input type="checkbox"/>

PRIME CONTRACTOR	PRIME CONTRACTOR RESPONSE	
	For each of the boxes checked in the agency preliminary response above, I have informed the Subcontractor of all relevant requirements and provided all requested documentation.	
Initials: _____	Date _____	

AGENCY	AGENCY FINAL RESPONSE	
	Final Agency Approval: Granted <input type="checkbox"/> Denied <input type="checkbox"/>	
Signature: _____	Date _____	

**CITY OF NEW YORK
SUBCONTRACTOR APPROVAL FORM**

Page 2
Prime Vendor Preliminary Review Follow-up Instructions

After completing the Preliminary Review, the agency will mark, on Page 1, the box for any item requiring follow-up and return the form to the Prime Vendor. The Prime Vendor should follow the instructions below for each of the boxes checked in the Agency Preliminary Review on Page 1, and return the form to the agency with any required documentation.

1. VENDEX

If Box 1 (VENDEX) is checked, the agency has granted preliminary approval, and determined that the subcontractor is required to file VENDEX Questionnaires with the Mayor's Office of Contract Services. A VENDEX Vendor Questionnaire and Principal Questionnaire must be filed where the subcontract dollar amount is \geq \$100,000 or where the aggregate business with the City is \geq \$100,000 during the preceding twelve months. The VENDEX Questionnaires and Guide can be downloaded from <http://www.nyc.gov/html/selltonyc/html/tocvendex.html>.

2. Employment

If Box 2 (Employment) is checked, the subcontractor must complete a Division of Labor Services (DLS) Construction Employment Report. A subcontractor selected to perform work on a construction project funded or assisted by the City of New York must complete a DLS Construction Employment Report if the subcontract dollar amount $>$ \$750,000. For construction projects funded in whole or in part by the federal government, a DLS Construction Employment Report must be completed if the proposed subcontract value $>$ \$10,000. For non-construction goods/services subcontracts $>$ \$100,000, employment reports are required for any subcontractor with $>$ 50 employees, and a certificate is required for those with fewer employees.

3. References

If Box 3 (References) is checked, you as the prime contractor must provide references with respect to the subcontractor's ability to perform, consisting of a list of three completed comparable projects. References shall include a full description/location of each project, scope of work, value of project, and the names and phone numbers of owners, architect or engineer who supervised the work. Please attach your documentation to your response.

4. PLA

If Box 4 (PLA) is checked, you as the prime contractor must obtain signed Letter of Assent from the subcontractor which demonstrates that the subcontractor agrees to the terms of the PLA. Please attach the subcontractor's signed Letter of Assent to your response.

5. Apprenticeship

If Box 5 (Apprenticeship) is checked, you as the prime contractor must provide the agency with proof that the subcontractor maintains an apprenticeship agreement appropriate for the scope of work to be performed, that the apprenticeship agreement has been registered with and approved by the New York State Commission of Labor, and that the program has three years of current, successful experience in providing career opportunities.

6. Licenses

If Box 6 (Licenses) is checked, you as the prime contractor must document that the subcontractor has all required licenses. Please attach your documentation to your response.