

## ATTACHMENT 10 - HISTORY OF COMPLIANCE

**Instructions for Attachment 10:** Complete the contents of this Attachment, appending any additional documentation as needed. For the hard copy, combine all supporting documents in order behind the checklist. For the electronic copy, append any additional documentation into one file labeled “Att 10\_History of Compliance\_[Proposer Name]\_Appended Documents” to be included in the Capacity & Operations folder.

**Name of Proposer:** \_\_\_\_\_

### Proposer’s Compliance History

For each of the following questions, provide responses and append documentation where requested. For all questions, respond with information about the Proposer, its parent companies (if applicable), and about any of the Proposer’s current Subcontractors (including Designated Carters) **from February 19, 2018 to the present**. If the Proposer is a Joint Venture, then responses must be given for each of the parties that make up the Joint Venture. If the Proposer is a newly-formed company that shares all (or most) of its principals with a different entity, then it must provide responses for both the Proposer and for the different entity in question as well. For any records that the Proposer is unable to obtain and submit, the Department may consider a detailed written explanation of the missing records and further detailed explanation of why they were irretrievable. Where narratives are required, narratives should be a maximum of 5 typed pages and appended. Bulleted responses are acceptable.

The Proposer does **NOT** need to re-submit any information or documentation that was submitted in response to Part 1 of this RFP, if the information remains accurate. However, the Proposer must update any information submitted in its Part 1 response with any changes or updates since the date of the Part 1 submission.

## PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

- 1) **CDL violations:** List and provide summons, tickets, court orders, complaints, notices of violations, judgements, and any other record of findings or final dispositions regarding violations of Commercial Driver's License (CDL) requirements issued by any federal, state or local authority, including but not limited to the U.S. DOT, NYS DOT, NYS DMV (or comparable state agencies), for commercial waste truck drivers employed by the Proposer from February 19, 2018 to the present.

At a minimum, the Proposer must submit responsive information on:

- All drivers who, as part of their work for the Proposer or the Proposer's subcontractor, have driven in New York City;
- All drivers who, as part of their work for the Proposer or the Proposer's subcontractor, work out of garages or depots within a 25-mile radius of New York City; and
- Any other driver the Proposer anticipates using if it is awarded an Agreement under this RFP.

For each item listed, provide the current status (e.g., dismissed, settlement, pending judgment, final judgment), if there was a final judgment, include remedies, if any, and explain whether the Proposer is currently under a compliance order. If you provided a response to this question, include a narrative detailing the steps taken to correct the violation, and any changes made on an individual or company-wide level to prevent future violations. If there were no violations, write "N/A." If more space is needed than is provided, provide the response narrative and/or table as an appended document.

Records of CDL Violations:

## PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

- 2) **Driving infractions:** List and provide summons, tickets, court orders, complaints, notices of violations, judgements, accident reports, and any other record of findings or final dispositions regarding violations of vehicle and traffic laws that drivers hired by the Proposer have received while engaging in commercial waste collection, transport, removal or disposal activities for the Proposer issued by any federal, state or local authority, including but not limited to NYS DOT, NYS DMV (or comparable state agencies), from February 19, 2018 to the present.

At a minimum, the Proposer must submit responsive information on:

- All drivers who, as part of their work for the Proposer or the Proposer's subcontractor, have driven in New York City
- All drivers who, as part of their work for the Proposer or the Proposer's subcontractor, work out of garages or depots within a 25-mile radius of New York City; and
- Any other driver the Proposer anticipates using if it is awarded an Agreement under this RFP.

For each item listed, provide the current status (e.g., dismissed, settlement, pending judgment, final judgment), if there was a final judgment, include remedies, if any, and explain whether the Proposer is currently under a compliance order. If you provided a response to this question, include a narrative detailing the steps taken to correct the violation, and any changes made on an individual or company-wide level to prevent future violations. If there were no violations, write “N/A.” If more space is needed than is provided, provide the response narrative and/or table as an appended document.

Records of Driving Infractions:	

## PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

- 3) **Collisions, injuries and fatalities:** List and provide summons, tickets, court orders, complaints, notices of violations, judgements, accident reports and any other record of findings or final dispositions regarding any collisions, injuries or fatalities involving the Proposer or employees of the Proposer while engaging in commercial waste collection, transport, removal or disposal activities for the Proposer, issued by any federal, state or local authority, including but not limited to the NYS DOT, NYS DMV, the NYPD or (comparable local or state agencies), from February 19, 2018 to the present.

At a minimum, the Proposer must submit responsive information on:

- All drivers who, as part of their work for the Proposer or the Proposer's subcontractor, have driven in New York City
- All drivers who, as part of their work for the Proposer or the Proposer's subcontractor, work out of garages or depots within a 25-mile radius of New York City; and
- Any other driver the Proposer anticipates using if it is awarded an Agreement under this RFP.

For each item listed, provide the current status (e.g., dismissed, settlement, pending judgment, final judgment). If there was a final judgment, include remedies, if any, and explain whether the Proposer is currently under a compliance order. If you provided a response to this question, include a narrative detailing the steps taken to correct the violation, and any changes made on an individual or company-wide level to prevent future violations. You do not need to repeat any information if it was already captured in question 2). If there were no violations, write “N/A.” If more space is needed than is provided, provide the response narrative and/or table as an appended document.

Records of Collisions, Injuries, and Fatalities:	

## PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

- 4) **Vehicle maintenance and safety requirements:** List and provide summons, tickets, court orders, complaints, notices of violations, judgements, and any other record of findings or final dispositions regarding violations of vehicle maintenance and motor carrier safety that the Proposer has received, or any employees thereof while engaging in commercial waste collection, transport, removal or disposal activities for the Proposer have received, issued by any federal, state or local authority, including but not limited to the FMCSA, NYS DOT, NYC DOT (or comparable state agencies), from February 19, 2018 to the present.

At a minimum, the Proposer must submit responsive information on:

- All drivers who, as part of their work for the Proposer or the Proposer’s subcontractor, have driven in New York City
- All drivers who, as part of their work for the Proposer or the Proposer’s subcontractor, work out of garages or depots within a 25-mile radius of New York City; and
- Any other driver the Proposer anticipates using if it is awarded an Agreement under this RFP.

For each item listed, provide the current status (e.g., dismissed, settlement, pending judgment, final judgment), if there was a final judgment, include remedies, if any, and explain whether the Proposer is currently under a compliance order. If you provided a response to this question, include a narrative detailing the steps taken to correct the violation, and any changes made on an individual or company-wide level to prevent future violations. If there were no violations, write “N/A.” If more space is needed than is provided, provide the response narrative and/or table as an appended document.

Records of Vehicle Maintenance and Motor Carrier Safety Violations:

## PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

- 5) **Workers compensation:** List and provide all workers compensation cases involving the Proposer from February 19, 2018 to the present. For each item listed, provide the current status (e.g., dismissed, settlement, pending judgment, final judgment), if there was a final judgment, include remedies, if any, and explain whether the Proposer is currently under a compliance order. If you provided a response to this question, include a narrative detailing the steps taken to correct the violation, and any changes made on an individual or company-wide level to prevent future violations. If there were no violations, write “N/A.” If more space is needed than is provided, provide the response narrative and/or table as an appended document.

Records of Workers' Compensation Cases:	

## PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES


- 6) **Health and safety:** List and provide summons, tickets, court orders, complaints, notices of violations, judgements, accident reports, and any other record of findings or final dispositions regarding violations of employee or public health and safety requirements issued by any federal, state or local authority, including but not limited to OSHA, NIOSH, U.S. DOL, FMCSA, EPA, NYSDOH, NYS DOL, NYS PESH, NYS DEC, NYC DOHMH, NYC DEP, (or comparable local or state agencies), issued to the Proposer from February 19, 2018 to the present. For each item listed, provide the current status (e.g, dismissed, settlement, pending judgment, final judgment), if there was a final judgment, include remedies, if any, and explain whether the Proposer is currently under a compliance order. If you provided a response to this question, include a narrative detailing the steps taken to correct the violation, and any changes made on an individual or company-wide level to prevent future violations. If there were no violations, write “N/A.” If more space is needed than is provided, provide the response narrative and/or table as an appended document.

Records of Health and Safety Violations:	

## PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

- 7) **Wages and benefits:** Demonstrate that all employees of the Proposer and any of the Proposer's subcontractors are being compensated in accordance with all applicable local, state and federal laws related to employee compensation and benefits, including but not limited to minimum wage laws, overtime and compensatory pay, paid sick leave and other required benefits. Provide records of the current wage schedules and applicable benefits, *including hourly rate equivalents per employee*, for all employees of the Proposer. Note any employees whose residence is outside of New York City area.
- 8) **Labor and employment:** List and provide summons, tickets, court orders, complaints, notices of violations, judgements, and other record of findings or final dispositions regarding violations of labor and employment requirements, including but not limited to minimum wage laws, overtime and compensatory pay, paid sick leave and other required benefits, and laws protecting collective bargaining rights issued by any federal, state or local authority, including but not limited to U.S. DOL, NLRB, NYS DOL, NYS PERB, NYC DCWP, (or comparable local or state agencies), issued to the Proposer from February 19, 2018 to the present. For each item listed, provide the current status (e.g, dismissed, settlement, pending judgment, final judgment), if there was a final judgment, include remedies, if any, and explain whether the Proposer is currently under a compliance order. If you provided a response to this question, include a narrative detailing the steps taken to correct the violation, and any changes made on an individual or company-wide level to prevent future violations. If there were no violations, write "N/A." If more space is needed than is provided, provide the response narrative and/or table as an appended document.

### Records of Labor and Employment Violations:





## PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

- 9) **Antidiscrimination:** List and provide summons, tickets, court orders, complaints, notices of violations, judgements, and other record of findings or final dispositions regarding violations of antidiscrimination protection requirements, including but not limited to U.S. DOL, EEOC, NYS DHR, NYCCHR (or comparable local or state agencies), issued to the Proposer from February 19, 2018 to the present. For each item listed, provide the current status (e.g, dismissed, settlement, pending judgment, final judgment), if there was a final judgment, include remedies, if any, and explain whether the Proposer is currently under a compliance order. If you provided a response to this question, include a narrative detailing the steps taken to correct the violation, and any changes made on an individual or company-wide level to prevent future violations. If there were no violations, write “N/A.” If more space is needed than is provided, provide the response narrative and/or table as an appended document.

Records of Antidiscrimination Violations:







## PART 2 OF THE RFP - NYC COMMERCIAL WASTE ZONES

### **Subcontractors/Designated Carters Compliance History**

For each of the questions listed in 1-12 above, respond with information and requested documentation about each of the proposed Subcontractors, including Designated Carters, that the Proposer intends to subcontract with to perform services under the Agreement. For each question, include information about all Subcontractors including Designated Carters **from February 19, 2018 to the present**. Where narratives are required, narratives should be a maximum of 5 typed pages and appended. Bulleted responses are acceptable.