

City of Portland, Oregon

Vendor Responsibility Questionnaire

DRAFT for REVIEW dated October 10, 2019

Introduction

This questionnaire is intended to evaluate the responsibility of an offeror within the context of meeting the expectations set forth in [City Code 5.33.500](#) Responsibility of Offerors and the City's Contractor Code of Conduct. *[future link]*

Instructions

[Placeholder for future development. Should include: response length, applicability (both in terms of who completes it and whether responses are limited to operations fulfilling the contract?), acceptable forms of documentation, how often the information should be updated (e.g. every 2 years), updating the content based on any public reports of vendor actions, etc.]

Evaluation Process and Responsibility Determination

[Placeholder for future development. To include parameters for ongoing engagement and response protocol related to public reports of vendor actions]

Definitions

City: the City of Portland, Oregon.

Consultant: see [City Code 5.33.010](#)

Contract: see [City Code 5.33.010](#)

Contractor: see [City Code 5.33.010](#)

Forced Labor: work or service performed under threat of penalty where the person did not offer themselves voluntarily for with informed consent. This includes workers not being allowed to leave the premises until they complete overtime work.

Human Trafficking: the recruitment, transportation, transfer, harboring or receipt of persons by threats, coercion, deception, abuse of power, or the receipt of payment with the purpose of controlling another person in order to exploit them. Exploitation may include sexual exploitation, servitude, or the removal of organs.

Price Agreement: see [City Code 5.33.010](#)

Public Contract: see [City Code 5.33.010](#)

Subconsultant: see [City Code 5.33.010](#)

Subcontractor: see [City Code 5.33.010](#)

Submitting Vendor: *[Placeholder for future development.]*

Supply Chain: a network between a company and its suppliers to produce and distribute a specific product or service to the City. This includes all the processes that take raw materials to the finished product, and the support services needed to fulfill a service.

Third Party Auditor/Monitor: monitoring or auditing by parties outside of the program or company's beneficiary chain or management structure to assess whether requirements have been met.

Vendor Information

[Placeholder – already in City's BuySpeed – Online Procurement Center]

Type of Submission

Full Questionnaire

Changed Questionnaire - If checked, provide submission date of last full questionnaire:

Questionnaire

BUSINESS HISTORY AND PERFORMANCE

1. Does the submitting vendor control one or more entities?
 - a. Yes No
 - b. If checked "Yes", provide the name of the controlled entity, type of business, its EIN/TIN number, and its address and main phone number.

2. Does the submitting vendor have one or more affiliates, and/or is it a subsidiary of, and controlled by any other entity?
 - a. Yes No
 - b. If checked "Yes", provide the name of the entity, relationship to the submitting vendor, type of business, its EIN/TIN, and its address and main phone number.

3. At any time during the past ten (10) years, has the submitting vendor or any of its affiliates, been subject to any of the following actions, whether pending or completed:
 - a. Yes No debarred from entering into any government contract?
 - b. Yes No found non-responsible on any government contract?
 - c. Yes No declared in default and/or terminated for cause?
 - d. Yes No suspended from bidding or entering into any government contract?
 - e. Yes No received an **overall** unsatisfactory performance rating from any government agency on any contract?
 - f. Provide a detailed response to all questions checked "Yes"

4. Are there or have there been any judgments, injunctions, or liens, including, but not limited to, judgments based on taxes owed, fines and penalties assessed by any government agency against the submitting vendor and/or any affiliate:
 - a. Yes No at any time within the past ten (10) years?
 - b. Yes No that remain open, unsatisfied, or in effect today?
 - c. Provide a detailed response to all questions checked "Yes"

5. In the past ten (10) years, has the submitting vendor been assessed liquidated damages on a contract?
 - a. Yes No
 - b. Provide a detailed response if checked "Yes"

6. In the past ten (10) years, has the submitting vendor ever failed to complete a contract?
 - a. Yes No
 - b. Provide a detailed response if checked "Yes"

7. Have any bankruptcy proceedings been initiated by or against the submitting vendor or its affiliates within the past ten (10) years (whether or not closed) or is any bankruptcy proceeding pending by or against the submitting vendor or its affiliates regardless of date of filing?
 - a. Yes No
 - b. Provide a detailed response if checked "Yes"

8. In the past ten (10) years, has the submitting vendor, any of its principal owners or officers, or any affiliate:
 - a. Yes No had any permit, license, concession, franchise or lease terminated for cause or revoked?
 - b. Yes No been disqualified for cause as a bidder on any permit, license, concession, franchise or lease?
 - c. Provide a detailed response to all questions checked "Yes"

9. In the past ten (10) years, has the submitting vendor or any of the submitting vendor's affiliates or any individual currently or within that period serving as a principal owner, officer or managerial employee been investigated by any government agency, including, but not limited to, federal, state and local regulatory agencies?
- Yes No
 - Provide a detailed response if checked "Yes"
10. Has the submitting vendor, any affiliate, or any of their current or former principal owners or officers or managerial employees:
- Yes No been convicted of a misdemeanor and/or found in violation of any administrative, statutory, or regulatory provisions in the past ten (10) years?
 - Yes No been convicted of a felony and/or any crime related to truthfulness and/or business conduct in the past ten (10) years?
 - Yes No have any felony, misdemeanor and/or administrative charges currently pending?
 - Yes No been found by a government agency to be involved with bribery, extortion, embezzlement, fraud, or any other practices of corruption within the past ten (10) years?
 - Provide a detailed response to all questions checked "Yes"
11. Are there any individuals now serving in a managerial or consulting capacity to the submitting vendor, whether or not as a principal owner or officer, who now serve or within the past two (2) years have served as:
- Yes No an elected or appointed public official or officer?
 - Yes No a full or part-time employee in a City of Portland agency?
 - Yes No an officer of any political party organization in the City of Portland, whether paid or unpaid?
 - Provide a detailed response to all questions checked "Yes"
12. For the past ten (10) years, has the submitting vendor or any of its principal owners, officers, or any affiliate had any sanction imposed as a result of judicial or administrative disciplinary proceedings with respect to any professional license held?
- Yes No
 - Provide a detailed response if checked "Yes"
13. Is the submitting vendor exempt from income taxes under the Internal Revenue Code?
- Yes No
14. During the past five (5) years, has the submitting vendor failed to:

- a. Yes No file any applicable federal, state, or City of Portland tax returns?
 - b. Yes No pay any applicable federal, state, City of Portland taxes or other assessed City of Portland charges, including but not limited to water and sewer charges?
 - c. Provide a detailed response to all questions checked "Yes"
15. If the submitting vendor is a not-for-profit corporation, in the past five (5) years, have any audits of the submitting vendor revealed material weaknesses in its system of internal controls, compliance with contractual agreements, and/or compliance with laws and regulations? [this question only applies to not-for profit vendors, others please answer "no"]
- a. Yes No
 - b. Provide a detailed response if checked "Yes"
16. Is the submitting vendor in negotiations toward being sold?
- a. Yes No
 - b. Provide a detailed response if checked "Yes"
17. Within the past ten (10) years, has the submitting vendor been the defendant in court on a matter related to payment to subcontractors? Check "Yes" even if the matter proceeded to arbitration without court litigation.
- a. Yes No
 - b. Provide a detailed response if checked "Yes"
18. Within the past five (5) years, has the submitting vendor:
- a. Yes No violated any social equity requirements on a government agency contract?
 - b. Yes No failed to meet any social equity goals as agreed to within a governmental agency contract?
 - c. Provide a detailed response to all questions checked "Yes"

LABOR AND HUMAN RIGHTS PRACTICES

19. In the last ten (10) years, has the submitting vendor been found by a government entity or third-party auditor/monitor to have used forced labor or engaged in human trafficking?
- a. Yes No
 - b. Provide a detailed response if checked "Yes". Attach any relevant documentation including applicable audit reports, citations, civil penalties, and criminal penalties from any local, regional, or national entities.

20. Has the submitting vendor undergone any risk assessments to identify whether forced labor is a concern for any of its operations? If so, what percentage of applicable worksites have been assessed and how recently?
- Yes No
 - Provide additional information if checked "Yes"
21. Within the past ten (10) years, has the submitting vendor been found by a government entity or third-party auditor/monitor to have employed policies that restrict worker movement or their ability to voluntarily terminate employment such as: coercion; financial penalties; deposits; recruitment fees; unreasonable production targets; and/or hampering access to or the renewal of identity documentation/work permits?
- Yes No
 - Provide a detailed response if checked "Yes"
22. Are any of the submitting vendor's workers required to live on employer-controlled residences?
- Yes No
 - Provide a detailed response if checked "Yes"
23. Describe the submitting vendor's policies and procedures for preventing the use of forced labor in its operations. Also describe the due diligence practices the submitting vendor undertakes to monitor the absence of forced labor within its supply chain, including subcontractors. Attach copies (or provide links to online content) of policies/procedures/reporting as applicable.
24. Has the submitting vendor been found in the last ten (10) years by a government entity or third-party auditor/monitor to have employed a child under 14 years of age?
- Yes No
 - Provide a detailed response if checked "Yes"
25. Describe the submitting vendor's policies and procedures for preventing the use of child labor in its operations. Also describe the due diligence practices the submitting vendor undertakes to monitor the absence of child labor within its supply chain, including subcontractors. Attach copies (or provide links to online content) of policies/procedures/reporting as applicable.
26. Within the past five (5) years, has the submitting vendor been accused of or involved in an instance of discrimination or harassment regarding a protected status as defined by a local, regional, or national government entity's discrimination and harassment policy?
- Yes No

- b. Provide a detailed response if checked "Yes"
27. Does the submitting vendor have a grievance process in place and provide protections to workers or potential workers that report harassment, abuse, or discrimination in any area of employment, including the hiring process, that's available in all languages spoken at the workplace?
- Yes No
 - Provide additional information if checked "Yes"
28. Within the past five (5) years, has the submitting vendor conducted an equal pay assessment?
- Yes No
 - Provide additional information if checked "Yes"
29. Describe the submitting vendor's policies and procedures for preventing discrimination and harassment in its operations. Also describe the due diligence the submitting vendor undertakes to monitor the potential for discrimination or harassment in its supply chain, including subcontractors. Attach copies (or provide links to online content) of policies/procedures/reporting as applicable.
30. In the last five (5) years has the submitting vendor been found by the City of Portland, another government entity, or a third-party auditor/monitor to have:
- Yes No failed to pay the minimum wage in the worker's working locale or underpaid workers regarding prevailing wages when applicable?
 - Yes No failed to pay a worker overtime wages at the legally established rate of the worker's working locale?
 - Yes No improperly managed worker wages, tips, payment documentation, or otherwise been found to have committed wage theft?
 - Provide a detailed response to all questions checked "Yes". If applicable, include details regarding any orders/requirements to provide restitution and pay back wages.
31. Does the submitting vendor have an established system for workers to dispute or receive clarification on compensation?
- Yes No
 - Provide additional information if checked "Yes"
32. Describe the submitting vendor's policies and procedures for ensuring proper compensation to workers in its operations in accordance with the City's Contractor Code of Conduct. Also describe the due diligence practices the submitting vendor undertakes

to monitor the potential for paying less than minimum wage, not compensating overtime work at the legally established rate, and wage theft in its supply chain, including subcontractors. Attach copies (or provide links to online content) of policies/procedures/reporting as applicable.

33. Has the submitting vendor been found in the last five (5) years by the City of Portland, another government entity, or third-party auditor/monitor to have:
- Yes No required workers to work more than 48 hours or the maximum working hours allowed by the local government?
 - Yes No failed to give workers 24 hours off, or the minimum under local law, for every seven days worked?
 - Yes No have failed to provide workers holidays and vacation time off?
 - Provide a detailed response to all questions checked "Yes".
34. Describe the submitting vendor's policies and procedures for preventing working hours violations in its operations in accordance with the City's Contractor Code of Conduct. Also describe the due diligence practices the submitting vendor undertakes to monitor the potential for overworking, not giving time off, or not giving vacation to workers in its supply chain, including subcontractors. Attach copies (or provide links to online content) of policies/procedures/reporting as applicable.
35. Within the last five (5) years, has the submitting vendor:
- Yes No violated or failed to meet the requirements of a collective bargaining or a community workforce agreement?
 - Yes No restricted or otherwise made distinctions on what worker organizations workers may join or establish, not including local legal restrictions, in the worker's working locale?
 - Provide a detailed response to all questions checked "Yes".
36. Describe the submitting vendor's policies and procedures for supporting worker's freedom to collectively bargain in its operations in accordance with the City's Contractor Code of Conduct. Also describe the due diligence practices the submitting vendor undertakes to monitor the potential for interference in workers' ability to collectively bargain in its supply chain, including subcontractors. Attach copies (or provide links to online content) of policies/procedures/reporting as applicable.
37. Does the submitting vendor have a clear and written disciplinary policy that follows a progressive discipline approach for workers?
- Yes No
 - Provide additional information if checked "Yes"

38. Does the submitting vendor have a bona fide grievance process in place to resolve workplace disputes, and is that process clearly communicated to workers?
- Yes No
 - Provide additional information if checked "Yes"
39. Describe the submitting vendor's policies and procedures for ensuring a progressive disciplinary policy and a grievance mechanism for workers within its operations, including subcontractors. Also describe the due diligence practices the submitting vendor undertakes to monitor the potential for worker disciplinary abuse in its supply chain, including subcontractors. Attach copies (or provide links to online content) of policies/procedures/reporting as applicable.
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HEALTH AND SAFETY PRACTICES

40. Does the submitting vendor have policies and procedures in place to identify, track, and prevent workplace injuries and/or health problems?
- Yes No
 - Provide additional information if checked "Yes"
41. Within the past ten (10) years, has any health agency, safety agency, other government entity, or third-party auditor/monitor cited the submitting vendor with any willful, repeat, or serious occupational safety violations?
- Yes No
 - Provide a detailed response if checked "Yes"
42. Describe the due diligence practices the submitting vendor undertakes to monitor the absence of workplace harm or safety violations in its supply chain, including subcontractors. Attach copies (or provide links to online content) of policies/procedures/reporting as applicable.
43. Has the submitting vendor created and communicated emergency plans in the event of a fire, natural disaster, and an industrial accident to workers in all languages spoken at the workplace?
- Yes No
 - Provide additional information if checked "Yes"
44. Describe the due diligence practices the submitting vendor undertakes to ensure supply chain partners, including subcontractors, have established plans and procedures for

their workers in the event of an emergency. Attach copies (or provide links to online content) of policies/procedures/reporting as applicable.

ETHICS AND ACCOUNTABILITY PRACTICES

45. Does the submitting vendor have policies and procedures in place for ethical business conduct and combatting corruption?
- Yes No
 - Provide additional information if checked "Yes".
46. Does the submitting vendor have policies or procedures in place to protect workers who report ethics violations (e.g. whistleblowers)?
- Yes No
 - Provide additional information if checked "Yes"
47. Describe the submitting vendor's policies and procedures for ensuring ethical work practices within its operations. Also describe the due diligence practices the submitting vendor undertakes to monitor the absence of corruption or other dishonest behavior in its supply chain, including subcontractors. Attach copies (or provide links to online content) of policies/procedures/reporting as applicable.
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ENVIRONMENTAL RESPONSIBILITY PRACTICES

48. Does the submitting vendor have a written environmental policy?
- Yes No
 - Provide additional information if checked "Yes", including whether it is made publicly available and how it is communicated to employees.
49. Does the submitting vendor have:
- Yes No set carbon emission reduction targets?
 - Yes No set water use reduction targets?
 - Yes No set waste reduction targets?
 - Yes No set toxics use reduction targets?
 - Provide additional information for all questions checked "Yes", including whether targets and related performance are made publicly available.

50. Within the past ten (10) years, has a local, regional, or national environmental entity cited the submitting vendor for permit violations or other types of land, air, or water quality violations?

a. Yes No

b. Provide a detailed response if checked "Yes".

51. Describe the due diligence practices the submitting vendor undertakes to monitor for permit violations or other types of land, air or water quality violations within its supply chain, including subcontractors. Attach copies (or provide links to online content) of policies/procedures/reporting as applicable.