APPENDIX D – PROPOSAL FORM

The following forms were created to facilitate the collection of information and documentation from Proposers. We have provided a standardized format for the submission of relevant information and documents to assist in determining a Proposer's responsiveness to conform to all material respects of the solicitation's terms and conditions and all of its requirements, including all forms and substance. Please complete all sections of this template to the best of your abilities. **YOU MAY USE AS MUCH SPACE AS NECESSARY WHEN CRAFTING YOUR PROPOSAL RESPONSE.**

Important Note: Proposers must use the forms included in **Appendix D – Proposal Form,** as these have been standardized for all submissions. However, Proposers may use their own documents (Microsoft Word or PDF) to provide all the information and/or documentation required, but only for the following appendices: *Appendix D2 – Minimum Qualifications, Appendix D3 – Organizational Capacity, and Appendix D4 – Demonstrated Effectiveness;* provided each document is clearly labeled, addresses each form's requirements, and the logical sequence/order of the overall proposal submission is maintained, i.e., Appendix D1, D2, D3, and so on. **Proposers must use, complete, and sign all other forms included in Appendix D – Proposal Form.**

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Use the table below to indicate the RFP component(s) addressed in your submission (**Appendix E – Program Plan**) by placing an **"X"** in the box next to the service component you are proposing for. Vendors may propose to provide services for any one, multiple, or all of the components listed below.

☐	**Component 1:** Private Benchmarking and Total Portfolio Solution
☐	**Component 2:** Public Benchmarking and Total Portfolio Solution
☐	**Component 3:** Total Portfolio Solution only
☐	**Component 4:** Private Benchmarking and Public Benchmarking

APPENDIX D1: PROPOSER'S COMPANY INFORMATION

Company Full Legal Name *(including D/B/A, if any):*

____

Address – Administrative Office:

____

____

Employer Identification Number (EIN): ______________________

Contact Name: ______________________

Title: ______________________

Phone: ______________________ Fax: ______________________

Email Address: ______________________

Address – Services/Operations for New York City:

____

____

Contact Name: ______________________

Title: ______________________

Phone: ______________________ Fax: ______________________

Email Address: ______________________

Year Firm was Founded: ______________________

Year Firm Began Serving Clients: ______________________

Authorized Person's Name (Print): ______________________

Title: ______________________

Signature: ______________________

M/WBE CHECKLIST

ARE YOU A MINORITY- AND/OR WOMEN-OWNED BUSINESS ENTERPRISE (M/WBE)?	☐ YES	☐ NO
• IF YES, ARE YOU A NEW YORK CITY (NYC) AND/OR NEW YORK STATE (NYS) CERTIFIED M/WBE?	☐ YES	☐ NO
○ IF YES, PLEASE SUBMIT COPY OF YOUR NYC AND/OR NYS M/WBE CERTIFICATION WITH THIS PROPOSAL FORM TO QUALIFY FOR THE M/WBE PREFERENCE PER RFP SECTION 5.1.5	☐ YES	☐ N/A

SUBCONTRACTOR(S) CHECKLIST

WILL YOU BE USING SUBCONTRACTORS TO PROVIDE ANY PORTION OF THE SERVICES?	☐ YES	☐ NO
• IF YES, DID YOU PROVIDE THE REQUIRED INFORMATION IN APPENDICES D AND E PER RFP SECTION 8?	☐ YES	☐ N/A
• IF USING SUBCONTRACTORS, ARE THEY NYC AND/OR NYS M/WBE CERTIFIED?	☐ YES	☐ NO
○ IF YES, PLEASE SUBMIT COPY OF YOUR SUBCONTRACTOR(S) NYC AND/OR NYS M/WBE CERTIFICATION WITH THIS PROPOSAL FORM	☐ YES	☐ N/A

EXCEPTIONS AND DEVIATIONS CHECKLIST

ARE YOU CLAIMING ANY EXCEPTIONS AND/OR DEVIATIONS FROM THIS RFP?	☐ YES	☐ NO
• IF YES, DID YOU ADDRESS YOUR CLAIMS IN THE EXCEPTIONS AND DEVIATIONS FORM (APPENDIX D14) FURTHER BELOW?	☐ YES	☐ N/A
• IF NO, DID YOU SIGN ON THE APPROPRIATE SPACE ON THE EXCEPTIONS AND DEVIATIONS FORM APPENDIX D14?	☐ YES	☐ N/A

[NO FURTHER TEXT ON THIS PAGE]

HOW DID YOU LEARN ABOUT THIS SOLICITATION? *Select all that apply*

THE CITY RECORD PRINTED PUBLICATION	☐
THE CITY RECORD ONLINE (CROL) POSTING	☐
BERS WEBSITE	☐
BERS EMAIL NOTICE	☐
INDUSTRY PUBLICATION ADVERTISEMENT *(please specify)*	
OTHER *(please specify)*	

[NO FURTHER TEXT ON THIS PAGE]

APPENDIX D2: MINIMUM QUALIFICATIONS

Include below your responses to each Minimum Qualification requirement of **Section 2** of the RFP. Use as much space as necessary and/or attach any supporting documentation at the end of this section when submitting your response. **Proposers must address each Minimum Qualification requirement listed below. The entity submitting the Proposal must meet on their own, without the need to rely on any subcontractor(s) or other partners, all Minimum Qualifications. Proposals that fail to meet all Minimum Qualifications will not be considered.**

2.1 Proposer(s) may be a for-profit or not-for-profit institution. Individuals are not eligible to submit proposals for this RFP.

2.2 Proposer(s) must provide evidence of being actively engaged in providing the services or for projects of a similar nature and scope to those described in this RFP.

2.2.1 Unless explicitly indicated or requested, links to websites, online testimonials, or online reference documents **will not** be accepted. Proposer(s) must describe and include in their proposal details and/or evidence of meeting this requirement.

2.3 Proposer(s) must have a minimum of three (3) years of successful experience in providing the services or for projects of a similar nature and scope as those required in this RFP.

2.4 Proposer(s) must provide three (3) letters of reference from clients, with their contact information (client's name, contract person, title, address, telephone number, and email), for projects or services of a similar nature and scope to those required in this RFP. Each reference must state the dates, locations, description of the services provided, and any outcomes or results.

2.4.1 Unless explicitly indicated or requested, links to websites, online testimonials, or online reference documents **will not** be accepted. Proposer(s) must include and/or attach to their proposal the requested letters of reference.

2.5 Proposer(s) must provide financial statements demonstrating a minimum annual revenue totaling $15,000,000 for each of the last three (3) fiscal years.

APPENDIX D3: ORGANIZATIONAL CAPACITY

Please provide evidence of adequate human, organizational, technical, and professional resources and abilities to meet the needs of this RFP. Proposer must provide an overview of its organization and demonstrate the degree to which the organization is capable of successfully executing the required services. **Proposer must address each requirement as described in RFP Section 4.1.**

Organizational Charts

Provide a general organizational chart of the entity responding to this RFP (and that of any subcontractor, if applicable), as well as a program-specific organizational chart, including information corresponding to subcontractor's titles and roles, if applicable.

Resumes

For each key employee, please list names, titles and the estimated percentage of their time that will be spent providing the proposed services. Attach their resumes here.

Subcontractors

Subcontractor relationships must be identified in your proposal and must include:

1. A list of any proposed subcontractors, which must include:
   (a) Legal company name, including D/B/A (doing business as), if applicable;
   (b) Employer Identification Number (EIN) or Tax Identification Number (TIN);
   (c) If applicable, evidence of New York City and/or New York State Minority- and Women-Owned Business Enterprise (M/WBE) Certification;
   (d) Description of the services to be provided by the subcontractor(s), including their level of involvement and responsibility in the project; and
   (e) Estimated dollar amount (US$) of the proposed annual/total budget attributed to the subcontractor(s).

2. As necessary, provide an updated staffing plan which includes:
   (a) An updated organizational chart, as necessary;
   (b) Staff title, role, and responsibility. Include a brief description/definition of each role/title; and
   (c) Proposed amount of time each staff member will be allocated to the project.

[NO FURTHER TEXT ON THIS PAGE]

APPENDIX D4: DEMONSTRATED EFFECTIVENESS

Detail your background, qualifications, and experience in providing the proposed services. Detail the methods used and results obtained by those methods. Provide objective data, if available. BERS reserves the right to verify any experience presented. **Proposer must address each requirement as described in RFP Section 4.2.**

Attached letters of references here.

Previous Government Contracts

If any, include a list of all Government contracts, including with BERS, held by your organization within the last ten (10) years, specifying the following information:

- Government entity and department that administered the contract;
- Contract number;
- Dollar amount (US$) of the contract;
- Contract term – including dates and periods during which the contract was in effect;
- If applicable, reasons for any contract termination prior to expiration of the contract term – either for convenience or cause;
- A short description of the goods/services provided.

BERS reserves the right to verify a Proposer's performance on any government contract(s).

[NO FURTHER TEXT ON THIS PAGE]

APPENDIX D5: ACKNOWLEDGMENT OF ADDENDA AND Q&A DOCUMENT

RFP Number and Title: RFP # 2025-002 – Quantitative Portfolio Management Technology

Directions: Please complete Part I and Part II, as applicable.

PART I-A: Include the date of issue for each **Addendum** received in connection with the referenced RFP:

Addendum #1, Dated ______________________________

Addendum #2, Dated ______________________________

Addendum #3, Dated ______________________________

Addendum #4, Dated ______________________________

PART I-B:

☐ No addendum was received in connection with this RFP.

PART II-A: Include the date of issue of the **Questions and Answers (Q&A) document** received in connection with the referenced RFP:

Q&A Document, Dated ______________________________

PART II-B:

☐ No Q&A document was received in connection with this RFP.

Company Name: ______________________________

Authorized Person's Name and Title: ______________________________

Authorized Person's Signature: ______________________________

Date: ______________________________

APPENDIX D6: DOING BUSINESS DATA FORM (DBDF)

The Doing Business Data Form can be found at the following link:

https://www.nyc.gov/html/dot/weekendwalks/downloads/pdf/doing-business-data-form-2018.pdf

Additional information on the DBDF may be found at:

https://www.nyc.gov/site/mocs/opportunities/dba.page

[NO FURTHER TEXT ON THIS PAGE]

APPENDIX D7: PRICE CERTIFICATION CLAUSE (REVISED 11/13/78)

The proposer certifies that the prices, warranties, conditions, benefits and terms quoted herein are at least equal or more favorable to the Board of Education Retirement System of the City of New York than the prices, warranties, conditions, benefits and terms currently quoted by the proposer to any customers for the same or a substantially similar quantity and type of item(s) or services as described herein. This certification shall not apply to prices, warranties, conditions, benefits and terms under contracts in effect between the proposer and other customers at the date of submission of the proposal within, except as provided herein.

The successful proposer (hereinafter called the “Contractor”) further certifies that during the period between the proposal submission date and the completion of the term of this contract, should subcontractor offer prices, warranties, conditions, benefits, and terms more favorable than those quoted herein, or provide changed prices, warranties, conditions, benefits and terms more favorable than those quoted herein under a contract in effect at the proposal submission date with any customer, for the same or a substantially similar quantity and type of item(s) or services, then the contractor shall immediately thereafter notify the New York City Board of Education Retirement System, Contracts and Purchasing Department. Regardless of whether such notice is sent by the contractor or received by the New York City Board of Education Retirement System, this contract shall be deemed amended retroactively to the effective date of more favorable treatment, to provide the more favorable prices, warranties, conditions, benefits, and terms. The Board of Education Retirement System shall have the right and option to decline any such amendment.

If the contractor is of the opinion that an apparently more favorable price, warranty, benefit, condition, and term quoted, offered or provided to a customer is not more favorable treatment, the contractor shall immediately notify the Director of Contracts and Procurement of the Board of Education Retirement System, in writing, setting forth in detail the reasons why the contractor believes the apparently more favorable treatment is not in fact more favorable treatment. The Director of Contracts and Procurement, after consideration of the written explanation may, in their sole discretion, decline to accept the explanation and thereupon the terms will be at least equal to or more favorable to the Board of Education Retirement System than the prices, warranties, conditions, benefits and terms offered by the contractor to any customer for the same or substantially similar quantity and type of item(s) and/or services as of the effective date of the revision.

The contractor hereby authorizes the inspection, review and copying of contracts and documents that pertain or relate to the performance of this clause of the contract. The contractor shall be obligated to keep the contracts and documents referred to in the above paragraph during the effective period(s) of this contract and for a period of three years after the final payment of this contract.

PROPOSER (ORGANIZATION NAME) **AUTHORIZED SIGNATURE** **DATE**

PRINTED NAME

TITLE

APPENDIX D8: BERS ETHICS AND COMPLIANCE POLICY

A. PURPOSE OF THE POLICY

The New York City Retirement Systems (the "Systems"), in furtherance of the management and investment of the assets of the Systems, have determined to establish a comprehensive written Ethics and Compliance Policy (the "Policy") for investment consultants (the "Consultants") and for investment managers (the "Managers") that do or seek to do business with the Systems. The Boards of Trustees of the Systems (the "Boards") have requested that the Bureau of Asset Management ("BAM") of the New York City Office of the Comptroller implement the Policy on behalf of the Systems.

The purposes of the Policy are:

- to identify and ensure disclosure of any potential risk, conflicts of interest and/or other ethical issues both before and after entering into contracts or transactions with the Consultants' and the Managers' firms;

- to ensure that proper internal compliance controls are in effect at the Consultants' and Managers' firms, so as to reduce the risk to the Systems;

- to provide a protocol for ensuring that Consultants and Managers are in compliance with the federal securities laws and the rules of the U.S. Securities and Exchange Commission ("SEC"), and other applicable law;

- to obtain timely disclosure from the Consultants and the Managers as to actual or alleged non-compliance with the Consultants' and the Managers' internal controls or with applicable law; and

- to assist BAM and the Systems in identifying and responding to non- compliance on the part of any Consultant and/or Manager.

B. ANNUAL CERTIFICATION OBLIGATION OF CONSULTANTS AND MANAGERS

Annually, on or before June 15th of each year, Consultants and Managers shall submit an Annual Certification and Compliance Statement (the "Annual Statement") to BAM, which Annual Statement shall, in addition to providing an update on conflicts of interest, include the BERS Ethics and Compliance Certification form in which the Consultant or Manager makes the following representations: 1) that the Consultant or Manager is a fiduciary of the Systems; 2) that the Consultant or Manager has received and read this Policy; 3) that the Consultant or Manager is in full compliance with the Policy, except as disclosed in the Annual Statement; 4) that the Consultant or Manager is in full compliance with any other applicable policies and procedures of the Systems that apply to such Consultant or Manager, except as disclosed therein; and 5) that the Consultant or Manager is in full compliance with all applicable laws and regulations.

In addition to the above certification, Consultants and Managers, in their Annual Statements, must disclose all information specified in sub-sections 1 and 2 below. Although the firm's Form ADV or other SEC filings may be provided as a supplement; the firm must make full and complete disclosure in the body of the Annual Statement itself.

1. Conflicts

A conflict of interest exists for a Consultant or Manager whenever the Consultant or Manager has a direct or indirect pecuniary interest or a relationship (without regard to whether the relationship is direct, indirect, personal, private, commercial, or business) with a third party, and the interest or relationship could diminish the Consultant's or the Manager's independence of judgment in the performance of the Consultant's or the Manager's responsibilities to the Systems.

Consultants and Managers must promptly disclose conflicts of interest in writing to BAM, which shall promptly disclose such conflicts to the Systems for review.

Relational Conflicts, Generally

a) Each Manager/Consultant is required to include a written statement to BAM specifying its affiliates and the lines of relationship between itself and said affiliates, their lines of business, and whether affiliates have any role in the investment process related to the Systems.

b) Each Manager/Consultant must also disclose to the Systems at least annually any actual or potential conflicts of interests between the Manager/Consultant (including its affiliates) and the Systems, such as with respect to: i) investment of the Systems' assets in investment vehicles marketed or managed by the Manager/Consultant or affiliates; ii) allocation of investment opportunities as between the Systems and either the Manager/Consultant, affiliates or other clients; or iii) use, on behalf of the Systems, of services provided by affiliates, such as brokerage or auditing services. Managers/Consultants must also immediately notify BAM of any additional such conflicts that have arisen since the last Annual Statement.

c) Managers/Consultants must also report to the Systems the procedures in place to prevent such conflicts and/or mitigate their effects should they occur; and to the Manager's/Consultant's policy in relation to the allocation of investment opportunities among its affiliates, between itself and outside clients, and also among outside clients.

Compensation Conflicts

a) Managers/Consultants must disclose to the Systems all matters, including beneficial ownership of securities or other investments that reasonably could be expected to interfere with their duty to the Systems or with their ability to make unbiased and objective decisions in the investment of the Systems' assets. Managers/Consultants must also promptly notify the Systems of any additional such matters that have arisen since the last Annual Statement.

b) Managers/Consultants must also disclose to the Systems:

    i) all monetary compensation or other benefits that are in addition to compensation or benefits conferred by the Systems, and that they, their affiliates or their personnel have received or may receive for any services performed or to be performed that relate in any way to assets of the Systems, including services for "portfolio companies" of the Systems (those companies whose securities the Manager holds on behalf of the Systems, other than in an index fund);

ii) any referral fees or other consideration or benefit received by the Manager/Consultant or delivered to others for the recommendation of any services to the Systems; and iii) the full details of any services for portfolio companies of the Systems that the Manager/Consultant has undertaken, performed, or agreed to perform.

c) Managers/Consultants must also promptly notify the Systems of any additional such compensation or benefits or earned, received or agreed, or services undertaken, performed, or agreed to, to since the last Annual Statement.

Conflicts Relating to Systems' Other Advisors

a) Managers must disclose whether any Consultant is an affiliate of the Manager. Consultants must disclose whether any Manager is an affiliate of the Consultant. Affiliate for this purpose includes a parent, subsidiary, debtor, creditor, entity under common ownership, entity in which the Manager/Consultant has invested or which has an investment in the Manager/Consultant or entity with which the Manager/Consultant has a strategic alliance. If yes, the Annual Statement must include a detailed description of the nature of the affiliation.

b) Managers must further disclose whether in the past five years, the Manager or any affiliate of the Manager has paid any compensation to any Consultant, or entered into any agreement with any Consultant, under which the Manager or any affiliate of the Manager may pay compensation in the future. Compensation for this purpose means any payment, product or service, and includes, but is not limited to, conference registration fees, research or consulting fees, and brokerage commissions, paid either directly or through soft-dollar arrangements. If so, the Annual Statement must, with respect to each and every such Consultant, describe in detail:

i) the full name of the Consultant;

ii) the amount(s) of the compensation;

iii) the year(s) in which it was paid:

iv) the purpose of the compensation; and

v) the terms of the agreement.

c) Consultants must further disclose whether in the past five years, the Consultant, or any affiliate of the Consultant, has paid to or received from any Manager any compensation, or has entered into any agreement with any Manager, under which the Consultant or any affiliate of the Consultant may pay or receive compensation in the future. Compensation for this purpose means any payment, product or service, and includes, but is not limited to, conference registration fees, research or consulting fees, and brokerage commissions, paid either directly or through soft-dollar arrangements. If so, the Annual Statement must, with respect to each and every such Manager, describe in detail:

i) the full name of the Manager;

ii) the amount(s) of the compensation;

iii) the year(s) in which it was paid:

iv) the purpose of the compensation; and

v) the terms of the agreement.

d) Consultants must further disclose:

i) whether they have any arrangements with broker-dealers under which they or an affiliate will benefit if any Managers place trades for the Systems with such broker-dealers, and if so, must disclose the full details of those arrangements; and

ii) what percentage of their public pension plan or ERISA clients utilize investment managers, investment funds, brokerage services or other service providers from whom the Consultant or any affiliate receives fees.

e) Managers that have "soft dollar" arrangements with broker-dealers must further disclose whether, in connection those arrangements, they have received any of the following three categories of compensation from any broker-dealer in the past twelve months, and if so, must disclose in detail what they received in those three categories, and from whom:

i) physical or tangible items, such as computer hardware and accessories, phone lines or office equipment;

ii) payment of travel expenses or meals or entertainment associated with attending seminars; or

iii) software or consultant services that relate primarily to a Manager's internal management or internal operations.

2. Compliance with Law

Managers and Consultants, as applicable, shall further certify compliance with, and provide any disclosures required by, the following:

Managers/Consultants Must Have a Code of Ethics

Every Manager/Consultant must have a Code of Ethics that satisfies the requirements of Rule 204A-1 under the Investment Advisers Act, regardless of whether the Manager/Consultant is required to register under that Act.

Managers/Consultants Must Have Third-Party Review of Controls

a) Each Manager/Consultant must certify that it has a periodic review of its Compliance Manual and compliance controls by an independent third-party at least once every three years. Internal review by the General Counsel, Chief Compliance Officer, or similar official of the firm or any of its affiliates does not qualify as an independent review. If the Manager/Consultant has not yet completed an independent third-party review, the first review must be completed no later than June 2008. However, Managers/Consultants first entering into contract(s) with the Systems after June 2005 must complete their first such review no later than 3 years from the date of the initial contract with the Systems. Should any third-party review identify any deficiencies in the compliance controls or Compliance Manual, the firm must provide to BAM a copy of the third-party's report and an explanation of any remedial actions taken or planned.

b) In addition to the third-party review of the Compliance Manual and compliance controls, the Systems encourage Managers managing assets aggregating over$3 billion for all clients to have conducted at least a Level I SAS 70 review, or the equivalent of a SAS 70 in the country of incorporation or formation. The third party review of the Compliance Manual and compliance controls may be conducted as an explicit add-on to a SAS 70 review.

Managers/Consultants Must Monitor Personal Trading

Each Manager/Consultant must certify that it has a written personal trading policy with an established method for monitoring same. For Managers/Consultants managing, or advising as to, assets aggregating over $3 billion for all clients, the Systems encourage the use of an automated system, such as STAR Compliance. The Manager/Consultant must report in detail any personal trading violations within the last 12 months and report the Manager/Consultant's response to it. It is acceptable if the disclosure of these violations is grouped according to categories of violations and of employees in some reasonable manner.

Managers Must Have a Policy on Mutual Funds Trading

The Manager must certify that it has a written policy on disclosure of market timing and late trading of mutual funds, where applicable, which should comply with the requirements of the SEC RIN 3235-AI99. The Manager should notify BAM, i) annually; and ii) promptly upon occurrence, of any violations and/or any investigations by any government agency or any securities exchange involving or against the Manager or any of its personnel within the last three years with respect to such trading.

Managers Must Report Violations Relating to Restricted Securities

Managers are required to include a report to BAM on any inquiry or other action by any governmental agency relating to the improper sale within the last three years by the Manager to any person of any restricted securities (such as those covered by Rule 144a).

Managers/Consultants Must Provide Updates on Government Investigations and Enforcement Actions

a) Managers and Consultants must, unless prohibited by law, regularly and promptly notify BAM in detail with respect to the commencement of, status of, or significant developments in, any government investigation of the Manager or Consultant or its employees in connection with any potential violations of applicable laws, or any enforcement action in connection therewith.

b) Managers and Consultants must promptly provide such updates, and must promptly provide all disclosure called for by this Policy, regardless of whether the Manager or Consultant is required to file an SEC Form 8K or is yet due to file a Form ADV.

C. NON-COMPLIANCE WITH THIS POLICY – REPORTING REQUIREMENTS

1. BAM Will Report Non-Compliance to the Boards

To the extent BAM receives or obtains information indicating that a Consultant or Manager is substantially out of compliance with the Policy and/or substantially in violation of applicable law, BAM will report such information to the Board for whatever action the Board deems appropriate, which may include termination of the Consultant or Manager.

D. DISSEMINATION OF POLICY TO CONSULTANTS AND MANAGERS

1. Current Consultants and Managers

Upon amendment of this Policy by the Boards, BAM shall immediately forward copies of the amended Policy to all current Consultants and Managers.

2. Prospective and New Consultants and Managers

a) Consultants and Managers seeking to do business with the Systems will be required to certify compliance with the Policy, and provide the disclosures required by the Policy, at the time they submit their response to a Request for Proposals (“RFP”) or, in the event that there is no RFP process, during the selection process.

b) If awarded a contract with the Systems, including any assignment of an existing contract, all new Consultants and Managers will be required to file with BAM, prior to signing the contract, their first Annual Certification and Compliance Statement, as described above (the “Initial Statement”). If the date of a new Manager/Consultant’s submitting its Initial Statement is after January 1 of a given year; then on June 15 of that year, the Manager/Consultant need only file a statement disclosing any updates to the information contained in its Initial Statement.

[NO FURTHER TEXT ON THIS PAGE]

APPENDIX D9: BERS ETHICS AND COMPLIANCE CERTIFICATION

1. I, ______________________________, in connection with BERS' RFP for a Quantitative Portfolio Management Technology (the "RFP") released September 2, 2025, hereby certify:

2. That I am the duly authorized representative of ____ (the "Undersigned") and that I have been duly authorized to execute this Certification on behalf of the Undersigned;

3. That the Undersigned agrees to be a fiduciary to BERS and that the Undersigned shall, in investing a BERS assets, exercise at all times the diligence and standard of care of a fiduciary under Section 404 of the Employee Retirement Income Security Act of 1974 ("ERISA") or, if such law is enacted, any other law affecting any of the New York City Retirement Funds and Systems that may impose a higher or comparable standard;

4. That the Undersigned has received copies of and read BERS Ethics and Compliance Policy (attached) and that the Undersigned agrees to abide strictly by the terms and conditions of that Policy throughout the term of this engagement, if selected.

Signed: ____

Title: ______________________________ **Dated:** ________________

Firm: ____

APPENDIX D10: AFFIRMATION

The undersigned prospective awardee/contractor affirms and declares that said prospective awardee/contractor is not in arrears to the City of New York upon debt, contract or taxes and is not a defaulter, as surety or otherwise, upon obligation to the City of New York, and has not been declared not responsible, or disqualified, by any agency of the City of New York, nor is there any proceeding pending relating to the responsibility or qualification of the prospective awardee/contractor to receive public contracts except

Full name of prospective awardee/contractor:

____

Address:____

City:______________________State:_____________________ Zip Code:________

CHECK ONE AND INCLUDE APPROPRIATE NUMBER:

○ A Individual or Sole Proprietorship
SOCIAL SECURITY NUMBER ______________________

○ B Partnership, Joint Venture or other unincorporated organization
EMPLOYER IDENTIFICATION NUMBER ______________________

○ C Corporation
EMPLOYER IDENTIFICATION NUMBER ______________________

By:______________________________________
Signature

____
Title
(Must be signed by an officer or duly authorized representative.)

If a corporation, place seal here:

Under the Federal Privacy Act, the furnishing of a Social Security Number by prospective awardees/contractors on City contracts is voluntary. Failure to provide a Social Security Number will not result in disqualification. Social Security Numbers will be used to identify prospective awardees/contractors to ensure their compliance with laws and regulations and to assist the City in enforcement of these laws and regulations.

APPENDIX D11: IRAN DIVESTMENT ACT COMPLIANCE RIDER FOR NEW YORK CITY CONTRACTORS

The Iran Divestment Act of 2012, effective as of April 12, 2012, is codified at State Finance Law ("SFL") §165-a and General Municipal Law ("GML") §103-g. The Iran Divestment Act, with certain exceptions, prohibits municipalities, including the City, from entering into contracts with persons engaged in investment activities in the energy sector of Iran. Pursuant to the terms set forth in SFL §165-a and GML §103-g, a person engages in investment activities in the energy sector of Iran if:

(a) the person provides goods or services of twenty million dollars or more in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran; or

(b) The person is a financial institution that extends twenty million dollars or more in credit to another person, for forty-five days or more, if that person will use the credit to provide goods or services in the energy sector in Iran and is identified on a list created pursuant to paragraph (b) of subdivision three of Section 165-a of the State Finance Law and maintained by the Commissioner of the Office of General Services.

A bid or proposal shall not be considered for award nor shall any award be made where the bidder or proposer fails to submit a signed and verified bidder's certification.

Each bidder or proposer must certify that it is not on the list of entities engaged in investment activities in Iran created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the State Finance Law. In any case where the bidder or proposer cannot certify that they are not on such list, the bidder or proposer shall so state and shall furnish with the bid or proposal a signed statement which sets forth in detail the reasons why such statement cannot be made. The City of New York may award a bid to a bidder who cannot make the certification on a case by case basis if:

(1) The investment activities in Iran were made before the effective date of this section (i.e., April 12, 2012), the investment activities in Iran have not been expanded or renewed after the effective date of this section and the person has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran: or

(2) The City makes a determination that the goods or services are necessary for the City to perform its functions and that, absent such an exemption, the City would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

APPENDIX D12: BIDDER'S CERTIFICATION OF COMPLIANCE WITH IRAN DIVESTMENT ACT

Pursuant to General Municipal Law §103-g, which generally prohibits the City from entering into contracts with persons engaged in investment activities in the energy sector of Iran, the bidder/proposer submits the following certification:

[Please Check One]

BIDDER'S CERTIFICATION

◯ By submission of this bid or proposal, each bidder/proposer and each person signing on behalf of any bidder/proposer certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief, that each bidder/proposer is not on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the State Finance Law.

◯ I am unable to certify that my name and the name of the bidder/proposer does not appear on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the State Finance Law. I have attached a signed statement setting forth in detail why I cannot so certify.

Dated: ____________________, New York

____________________, 20 _____

____
SIGNATURE

____
PRINTED NAME

____
TITLE

Sworn to before me this

_____ day of____________________, 20_____

____
Notary Public

Dated:

APPENDIX D13: ACKNOWLEDGMENT OF THE NEW YORK STATE FREEDOM OF INFORMATION LAW

To complete this form, please:

Section I - check either Claim A or Claim B.

Section II - complete this Section only if Claim B is checked.

Section III - sign and date this form.

Section I: Check one of the following:

Claim A ◯ The Vendor acknowledges that there are NO Trade Secrets contained in the proposal being submitted.

Claim B ◯ The Vendor acknowledges that there ARE Trade Secrets contained in the proposal being submitted.

Section II: (Use as much space for this section as needed. Separate page accepted)

Cite the specific portion(s) of the proposal for which an exemption is being requested.

Provide explicit justification for the exemption request.

Section III:

Company Name: ______________________________ **Date:** ____________________

Authorized Signature:________________________ **Title:** ________________________

All such materials so indicated shall be reviewed by BERS and any decision not to honor a request for confidentiality shall be communicated in writing to the vendor. For those proposals which are unsuccessful, all such confidential materials shall be returned to the vendor. Prices, makes and model, or catalog numbers of the items offered, deliveries, and terms of payment shall be publicly available after proposal opening regardless of any designation of confidentiality made by the vendor.

APPENDIX D14: EXCEPTIONS AND DEVIATIONS FORM

Please sign only one of the sections below and submit the form with your proposal package.

Any exceptions or deviations from requirements, Terms and Conditions, or anything included in this solicitation, or requirements that cannot be satisfied by the Proposer, must be clearly identified and noted below by referring to the Section # and Subsection # of the solicitation or Terms and Conditions and clearly stating the item that cannot be met. Significant material deviations to the Terms and Conditions set forth in this solicitation (including additional, inconsistent, conflicting, or alternative terms) may render the proposal non-responsive and may result in rejection.

Exceptions and deviations to the BERS' Terms and Conditions must be approved in writing by BERS' General Counsel and the Director of Contracts and Procurement. Exceptions and deviations are not deemed accepted as a result of recommendation of award or actual award of a contract. Finally, exceptions and deviations agreed to by the parties in any prior contracts shall not be binding on any future contracts, awards, or agreements emanating from this RFP.

1 – If No Deviations…

If there are no deviations from and exceptions to this RFP, please sign below:

Signature: ______________________________

Name & Title: ______________________________

Date: ____________________

Company Name: ______________________________

2 – If Deviations…

If there are any exceptions and deviations, please describe them in the space below and sign where indicated:

Listed above are any and all deviations from and exceptions to the terms, conditions, requirements, and/or specifications furnished with the RFP.

Signature: ______________________________

Name & Title: ______________________________

Date: ____________________

Company Name: ______________________________

APPENDIX D15: SIGNATURE PAGE

By signing this signature page, I am (we are) certifying that (i) I am (we are) authorized to submit this Proposal on behalf of this company, (ii) I (we) understand and accept all requirements, and Terms and Conditions included in this RFP, excluding the requirements, Terms and Conditions, or anything else noted in the Exceptions and Deviations (if any), (iii) the information provided is true and accurate to the best of my (our) knowledge, (iv) failure to specifically answer the requirement(s) or question(s) may result in disqualification of our Proposal, and (v) a materially false statement willfully or fraudulently made in connection with this RFP may result in being disqualified from this RFP process and future procurement opportunities with the New York City Board of Education Retirement System.

Note that our subcontractors (or "partners" etc.) identified in our Proposal also accept the above, to the extent that the Proposal relates directly to the subcontractor. *(If there are more subcontractors than lines provided herein, please copy and paste in blank rows at the end of this form).*

Signed and accepted this _______ day of _____________________________ , __________________

Signature: ____

Name & Title: ____

Date: ______________________________

Company Name: ____

Signature: ____

Name & Title: ____

Date: ______________________________

Company Name: ____

Signature: ____

Name & Title: ____

Date: ______________________________

Company Name: ____

[END OF DOCUMENT]