**Memorandum for Record (MFR)**

**Contractor Responsibility Guidance in COVID19**

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| Declared Disaster Name and Identification Number: | |
| Buyer Name (Print): | Department: |
| Solicitation No.: | P.O.#: |
| Vendor Name: | Date: |

1. **First check Hawaii Compliance Express (HCE) at** <https://vendors.ehawaii.gov/hce/splash/welcome.html>

Per the Governor’s Declaration, only COVID-related procurements are exempt from the Procurement Code. However! We have confirmation that the IRS Local office has closed and that the two positions inside of IRS that cover HCE compliance are not working this area indefinitely. There are four possible scenarios:

1. If Vendor is compliant, print HCE compliance document for the procurement package.

Best practice includes checks from Step 2 – SPO recommends considering these resources also for the procurement package.

1. If Vendor is non-compliant, where the HCE certificate shows **IRS** as “Not Compliant” but still compliant with DCCA, DLIR and DOTAX, still print to notate and go to Step 2.
2. If the situation is more than noncompliance with IRS, and this is a non-COVID related procurement, then inform the vendor that they need to be compliant with DCCA, DLIR, and DOTAX as these State Departments are open and able to work with vendors.
3. If Vendor is a foreign company with no HCE standing, they must still register and request waivers from each department in order to achieve a ‘compliant’ HCE certificate per our Statute requirements. However, the real review required will be conducted using Step 2.
4. **Consider the following sites to determine vendor responsibility.** Print screen shots to show results and include in procurement package.

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|  | CHECKLIST ITEM | SUGGESTED RESOURCES |
|  | Check to see if company is debarred, suspended, proposed for debarment or declared ineligible by any governmental entity (past or present). System for Award Management (SAM). Obtain from supplier their Federal tax identification number (EIN) | * If company or person is suspended or debarred, FEMA will not reimburse the costs.   <https://www.sam.gov/SAM/pages/public/index.jsf>  (Mandatory for FEMA-Reimbursable procurements) |
|  | Better Business Bureau. Industry self-regulation and marketplace trust site. | * <https://www.bbb.org/> |
|  | Review company profile on financial risk analysis websites. Currently during the Covid-19 crisis, services for government agencies are complimentary. | * Dun & Bradstreet: provides commercial data, analytics, and insights for businesses. <https://covid19.dnb.com/> * Conduct a financial statement ratio analysis and benchmark them against their industry peers. |
|  | Certificate of Good Standing available? | * Request from supplier * Request from supplier’s state of incorporation |
|  | Other info (public trading ticker symbol, certified Business Enterprise designations, including minority‐owned, women‐owned, disadvantaged, etc.) | * Review company profile on financial information websites, such as <https://www.marketwatch.com/tools/quotes/lookup.asp> * Search <https://web.sba.gov/pro‐net/search/dsp_dsbs.cfm> * Audit reports can be found at U.S. Securities and Exchange Commission: [www.sec.gov](http://www.sec.gov) |
|  | GSA Advantage, check to see if vendor has a federal contract for product and/or services. | * <https://www.gsaadvantage.gov/advantage/main/start_page.do> * <https://www.usaspending.gov/#/> |
|  | Obtain past performance contract information from supplier if any. | * HIePRO <https://hiepro.ehawaii.gov/welcome.html> * HANDS <https://hands.ehawaii.gov/hands/> * Search [www.wikihow.com/Check-if-a-Company-Is-Genuine](http://www.wikihow.com/Check-if-a-Company-Is-Genuine) |
|  | Initiated or has been the subject of any bankruptcy proceeding, whether open, closed, or pending, within past 7 years? | * Search <https://www.uscourts.gov/court‐records/find‐case‐pacer> |
|  | Other: Search internet for company history | * Obtain Information that the company has performed satisfactory on government and private contracts |

**Other Recommendations**

Search internet for negative or positive reporting(s) on company. Using Customer Reviews to Determine Legitimacy

* **Check the company's website for a legitimate telephone number and address.** If there is no way to contact this company offline, this may be a red flag that the business is not legitimate. Since emails and domain names are easy to obtain, having an email address is not as trustworthy as offline contact information.
* **Remember that both phone numbers and addresses are now super easy to fake.** There is a whole industry in providing fake area code and 800 numbers. Even Google now does this, so phone numbers are no longer a sign of a real company. Before doing business, call the local chamber of commerce associated with the address and see if they are a real bricks and mortar company, or simply a referral skimming internet company with a phony address.
* **Search in other cities to see if a supposedly "local business" is using the same website for operations in other localities.** You should be wary if you find the same supposedly local business page being used for another location. Usually these copied phony business web pages are used in many cities and are just copied templates. Many have broken hyperlinks for images and links, which is a tip-off that this may be a phony phishing business page.
* **Browse the company's website for discrepancies and indicators of professionalism.** If a website says one thing in one spot, and then contradicts itself in another spot, that's a red flag that the business is not coordinated and may be a scam that was hastily thrown together. If the website is unprofessional (for example, there are stolen images and numerous spelling errors), this shows that little thought or care was put into creating the website, which could indicate a "get rich quick" scam.
* **Review the website's policy pages.** Legitimate companies will almost always have terms of use or terms and conditions pages, as well as privacy policy pages. If they do have terms and privacy policies, read through them carefully suspicious sounding language.
* **Look for decent content.** Phony referral business sites usually don't have much content on their sites and usually have lots of legitimate company and BBB logos on their site to trick you into trusting them. A 'big' tip-off are stock photos or no photos of the company building, employees, or products. Avoid the company if all you see are stock photos of their so-called product, which is one of the easiest way to spot a fake web business!
* **Consider how the company accepts payments.** It's a red flag when a company's website says they only accept payments through insecure or shady methods, such as only by paper check or cash. This is because PayPal and other secondary electronic payment providers are often considered the safest method for paying online businesses. Look into payment methods which will allow you to get your money back if things go sour and does not require the release of unnecessary or confidential personal information.

**Attach all relevant information about the company after this signature page.**

***Based on the information collected the awarded contractor is determined to be:***

***Check one:*  *Responsible*  *Non-responsible***

**Buyer Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**