

# Procurement Concepts and Best Practices

Section 163 Goods and Services

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NYS COMPTROLLER  
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# Agenda



Introduction



Procurement Overview



Case Studies



Procurement Record



Q&As



# Introduction

## Bureau of Contracts Mission

- Ensures that agency and authority processes adhere to statutory requirements.
- Provides for fair competition to all qualified, responsible vendors.
- Results in a good value to the State.
- Helps detect and prevent fraud and waste.
- Enables information-gathering while promoting openness, fairness and transparency.

# Procurement Purchasing Overview

- 👤 New York State Finance Law (SFL) – Article 11, §160-168
- 👤 Economic Development Law – Article 4C, §140-145
- 👤 OSC Guide to Financial Operations (GFO)
- 👤 New York State Procurement Council Guidelines



# State Agency Approval Thresholds

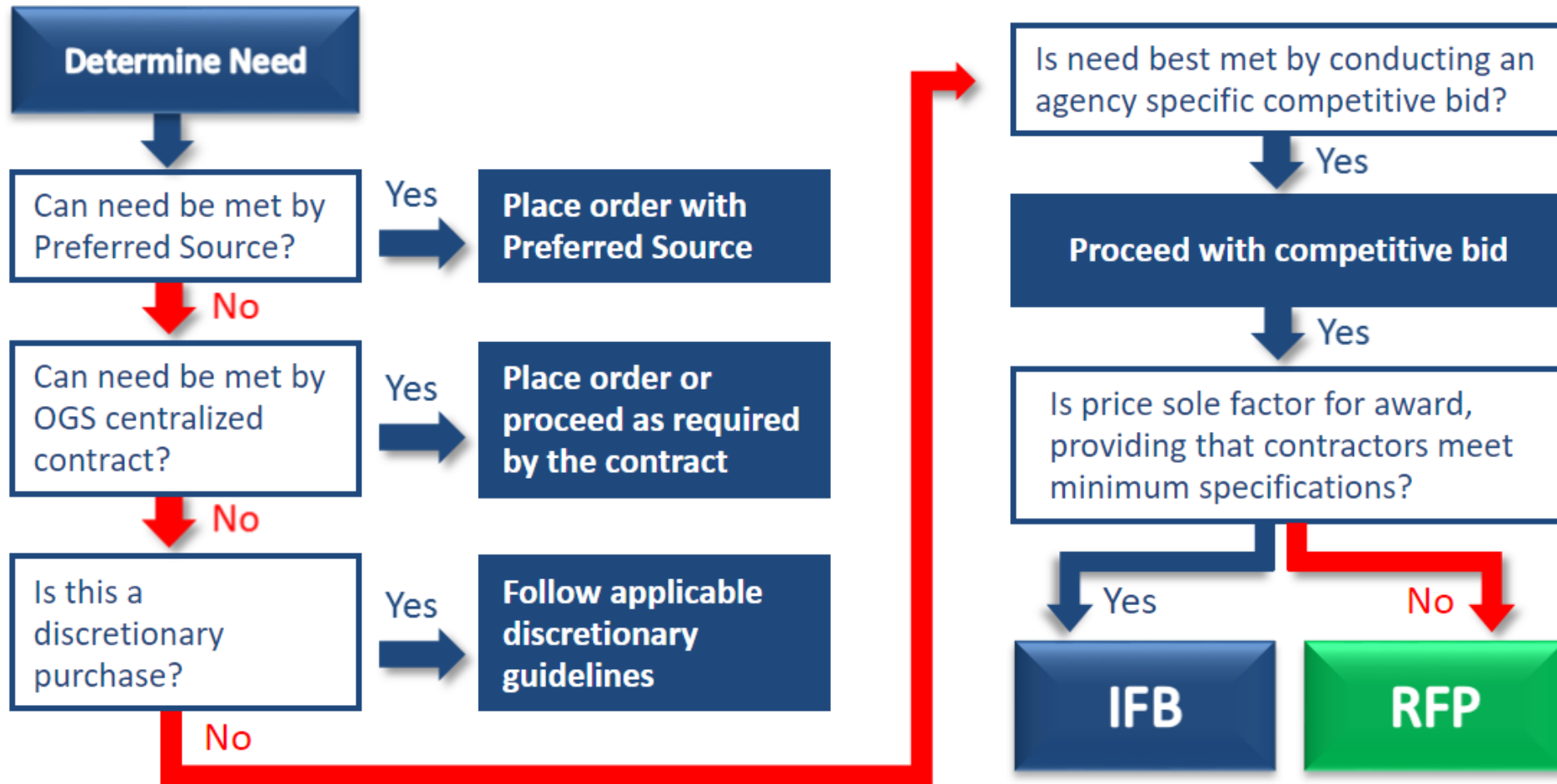
## SFL Article 7, §112

- Greater than \$50,000: State agency, department, board, officer, commission or institution
- Greater than \$85,000: OGS agency-specific and Business Services Center processed agreements
- Greater than \$25,000: Revenue contract

## Memorandum of Understanding dated 8/15/19

- \$250,000: Certain SUNY and CUNY
- \$85,000: OGS Procurement Services (Centralized Contracts)

# Considerations Before Conducting Competitive Procurements



# Preferred Sources

## SFL Article 11, §162

- Preferred Source Vendors:
  - ✓ Corcraft
  - ✓ New York State Preferred Source Program for People Who are Blind (NYSPSP)
  - ✓ New York State Industries for the Disabled (NYSID)

## For more information:

<https://ogs.ny.gov/procurement/preferred-sources>



# OGS Centralized Contracts

- Must meet agency's form, function and utility needs
- OGS or less
- Backdrop contracts
- Mini-bids
- For more information:

<https://ogs.ny.gov/procurement/ogs-centralized-contracts>



# Discretionary Contracts

## Article 11, §163(6)

- \$500,000 or less
  - ✓ Minority or Women-Owned Business Enterprises (MWBES)
  - ✓ Service-Disabled Veteran-Owned Businesses (SDVOBs)
  - ✓ New York State Small Businesses
  - ✓ Purchases of recycled or remanufactured commodities or technology
- \$200,000 or less
  - ✓ Food commodities grown, produced or harvested in New York State



# Invitation for Bid (IFB)

- Award is based on lowest price.
- Vendor must be responsive and responsible.
- Nature of product must be specifically defined and objectively rated.
- This procurement method must be used for commodities.



# Request for Proposals (RFP)

- Award is based on best value.
- Evaluation is based on a combination of cost and technical factors.
- Cost and technical evaluations must be conducted separately.
- This procurement method is generally used for the procurement of services or technology.



# Advertising Requirements

## **Contract Reporter Advertisement**

- Published for 15 business days

## **Contract Reporter Exemption Request (CRER)**

- Must be approved by OSC prior to contract initiation
- Ex. Sole and Single Sources, Emergencies



# Emergency Contracts

- Reserved for urgent and unexpected situation.
- Applies to health and public safety or the conservation of public resources at risk.
- Attempt to receive at least three quotes.



# Piggyback

- 👤 Scope, terms and conditions must exactly match.
- 👤 Approvals needed prior to OSC submission:
  - ✓ OGS
  - ✓ Originating agency
  - ✓ Vendor
- 👤 Encouraged to negotiate additional discount.



# Estimated Usage in Best Price Procurements





# Estimated Usage in Best Price Procurements

## State Finance Law (SFL)§163(9)(a)

“The process shall include, but is not limited to, a clear statement of need; **a description of the required specifications governing performance and related factors**; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerers to submit responsive offers; and a **balanced and fair** method of award.”

# What is Estimated Usage?

- 👤 Estimates are an approximation provided by the agency and are typically based on historical usage or estimated need for a particular commodity or service.
- 👤 Providing accurate estimates helps ensure better pricing and gives the potential bidder reasonable expectations regarding the scope of work.
- 👤 Estimated usage or estimated quantities in procurements are made a part of the bid specifications and are required in IFBs.



# Unintended Consequences

## Need estimates can have unintended consequences:

- For services, a vendor may seek to hire sufficient staff to handle the agency's estimated service. If actual need is much lower, new staff may no longer be necessary.
- For commodities, a vendor may purchase additional inventory to meet agency need. If the need is substantially less than solicited, vendor may face financial loss.



# Bid Specifications

- 👤 Meet agency needs
- 👤 Collaborate with program
- 👤 Review historical costs and actual spending
- 👤 Establish mandatory bidder qualifications
- 👤 Decide how each requirement will be evaluated
- 👤 Encourage competition



# Case Study 1

- An agency submitted a Purchase Authorization for purchasing commodities with an estimated total value of \$1M.
- The agency provided estimated yearly quantities for each type of commodity used for the bid form spreadsheet.
- The agency increased its estimated usage by 600 cases from the prior contract.

	PA Submission Quantities	Previous PA Quantities
Item A	1800 Cases	1200 Cases
Item B	3000 Cases	2400 Cases



# Case Study 1

- The agency was not able to document the need for additional annual estimated quantities.
- The previous contract totaled approximately \$680K with only \$360K spent.
- The agency agreed with OSC for highlighting the overestimated usage and agreed to reissue the procurement with estimated quantities more consistent with their anticipated usage.



# Case Study 1 Solution

- The agency's cost evaluation methodology should have a reasonable relationship to the anticipated costs of the resulting contract.
- Estimated quantities used to evaluate proposals do not need to exactly mirror historic usage, however such quantities must have a reasonable relationship to historic use and should estimate future needs.
- If estimated quantities are not consistent with historic usage, the agency can provide reasonable justification that they anticipate major changes in future usage.



# Case Study 2

- An agency submitted a contract for interior painting services.
- The scope provided general descriptions of the type of work to be completed and included a mandatory site visit.
- The Bid Form allowed the bidders to bid the hourly rate, anticipated hours, required gallons and an estimated value of materials needed to complete the project.





# Case Study 2 Original Bid Form

Cost of Project – Labor	
Price Per Hour	A (Hourly Rate)
Total Hours Anticipated	B (Number of Hours)
Cost of Labor for Project	= A X B
Cost of Project- Materials	
Paint- Price per Gallon	C (Price per Gallon)
Gallons Required	D (Number of Gallons)
Cost of Painting Equipment & Materials	E
Cost of Materials for Project	= C X D + E
<b>Grand Total</b>	<b>= (A X B) + (C X D + E)</b>

# Case Study 2 Bid Results

Bidder	Price per Hr A	Anticipated Hrs B	Labor Total (A X B)	Paint Cost Per Gallon C	Gallons Required D	Equipment & Materials E	Materials Cost (C X D + E)	Total Cost
A	\$140.00	800	\$112,000.00	\$40.00	250	\$5,000.00	\$15,000.00	\$127,000.00
B	\$153.13	1600	\$245,008.00	\$48.00	231	\$10,904.00	\$21,992.00	\$267,000.00
C	\$516.12	137	\$70,708.44	\$65.00	60	\$6,622.69	\$10,522.69	\$81,231.13



## Case Study 2

- The bids received were wide-ranging and inconsistent in every item bid.
- The disparity in bid pricing was a red flag that the bidders might not understand the scope.
- The agency did not specify the square footage of each room or the additional required work such as removal/repair of laminate, furniture, number of coats, etc.
- The site visit should have had a meaningful purpose and clarified information without providing additional requirements.



# Case Study 2

- The agency requested OSC non-approve the transaction so the agency could prepare a new solicitation with clarified specifications.
- The agency prepared a new Interior Painting Cost Proposal Sheet that allowed bidders to provide accurate, comparable quotes for these services, ensuring fair competition.

<b>Walls</b>	
Painting	
1 <sup>st</sup> Floor (7200 sq. ft.)	\$
2 <sup>nd</sup> Floor (9340 sq. ft.) (inclusive of 1 Bathroom)	\$
Treatment (Removal of Contract Paper, Sanding and Painting)	
1 <sup>st</sup> and 2 <sup>nd</sup> Floor (1320 sq. ft. total)	\$
<b>Ceiling</b>	
Painting	
4 Restrooms (2100 sq. ft.)	\$
<b>Doors</b>	
Painting	
50 Metal Doors (36"x83")	\$
2 Metal Doors (3'x4')	\$
Refinishing	
5 Wooden Doors (36"x83")	\$
<b>Grand Total</b>	<b>\$</b>



# Case Study 2 - Solution

- Specifications must be clear and the scope shall accurately reflect the agency's need to ensure bidders can provide fair and competitive pricing.
- As a best practice, bid forms should be consistent with the scope of work outlined in the solicitation.



# Estimated Usage in Best Price Procurements



## Conclusion

- ✓ Well-defined specifications and accurate estimated usage are critical to ensure all bidders have a clear, uniform understanding of the scope and requirements.
- ✓ Vendors expect the agency's stated need will be rational and reasonable.
- ✓ This helps ensure fair, competitive pricing and may broaden the vendor pool for contracting with State agencies.



# Shortlisting







# What is Shortlisting?

- 👤 Process that limits the number of proposers that are allowed to continue through the final steps of the evaluation process.
- 👤 When shortlisting, agency **MUST** take into consideration **BOTH** technical and cost scores.
- 👤 Shortlisting without considering cost is arguably inconsistent with the SFL “best value” concept.





# What is Shortlisting?

-  This is an optional technique and should only be done if deemed necessary by an agency.
-  If an agency plans to utilize this technique, it must be identified in the evaluation instrument and solicitation documents.
-  The agency should include all vendors that were susceptible to award after the preliminary technical and cost scores.
-  Example of RFP language: If the oral presentation is worth 10 points, anyone within 10 points of the highest scoring vendor is susceptible to award and must be shortlisted.

# Case Study 1

 An agency issued an RFP.

The RFP specified the following:

- Evaluation would be 70% Technical, 20% Cost and 10% Presentation.
- Vendors will be shortlisted for a presentation.
- One award would be made.



# Case Study 1

## Preliminary Scores:

Vendor	Technical Score	Cost Score	Composite Score
A	53.33	19.33	72.66
B	54.00	20.00	74.00
C	42.97	16.25	59.22
D	59.00	16.70	75.70
E	62.00	11.96	73.96
F	56.00	16.76	72.76

## Shortlisted Vendors:

Vendor	Technical Score	Cost Score	Composite Score
D	59.00	16.70	75.70
B	54.00	20.00	74.00
E	62.00	11.96	73.96
F	56.00	16.76	72.76

## RFP Stated:

The proposal that receives the highest composite score and the next three highest scoring proposals, if they are all within ten points of the highest total score, will be shortlisted and invited for an oral presentation.

# Case Study 1

- The four shortlisted vendors were invited to oral presentations and the results were as follows:

Vendor	Technical Score	Cost Score	Oral Presentation	Composite Score
D	59.00	16.70	6.50	82.20
B	54.00	20.00	8.00	82.00
E	62.00	11.96	7.00	80.96
F	56.00	16.76	9.00	81.76

- Agency awarded a contract to Vendor D.
- This is flawed

# Case Study 1

## Preliminary Scores:

Vendor	Technical Score	Cost Score	Composite Score
A	53.33	19.33	72.66
B	54.00	20.00	74.00
C	42.97	16.25	59.22
D	59.00	16.70	75.70
E	62.00	11.96	73.96
F	56.00	16.76	72.76

✓ Vendor C is the only vendor not susceptible to award.

## Vendors Susceptible to Award:

Vendor	Technical Score	Cost Score	Composite Score	Presentation	Max Points
A	53.33	19.33	72.66	+10 points	82.66
B	54.00	20.00	74.00	+10 points	84.00
D	59.00	16.70	75.70	+10 points	85.70
E	62.00	11.96	73.96	+10 points	83.96
F	56.00	16.76	72.76	+10 points	82.76



# Case Study 1

## Shortlisted Vendors:

Vendor	Technical Score	Cost Score	Composite Score	Oral Presentation	Total Score
A	53.33	19.33	72.66	10.00	82.66
B	54.00	20.00	74.00	8.00	82.00
D	59.00	16.70	75.70	6.50	82.20
E	62.00	11.96	73.96	7.00	80.96
F	56.00	16.76	72.76	9.00	81.76

- ✓ After the oral presentation, Vendor A has the highest composite scores and should be awarded the contract.

# Best and Final Offer (BAFO)



# Best and Final Offer (BAFO)

## SFL§163(9)(c) states in part:

“Where provided for in the solicitation, revisions may be permitted from **all offerers** determined to be **susceptible of being selected for contract award**, prior to award. Offerers shall be accorded fair and equal treatment with respect to their opportunity for discussion and revision of offers.”





# Best and Final Offer (BAFO)

## High Level Key Points

- In the best interest of the State
- Non-material changes to the specifications
- Solicited in the same manner from all offerers
- Offerer must be susceptible of being selected for contract award



# Best and Final Offer (BAFO)

## BAFO

- Process needs to be defined in the solicitation.
- The opportunity needs to be presented to responsible / responsive offerers who are susceptible to award.
- The process needs to occur prior to the contract award.

## Negotiated

- Negotiate better price with awarded vendor after the contract award has been made.
- Offered only to the awarded party.
- Can't materially change terms.
- Must be in the State's best interest.



# Best and Final Offer (BAFO)

## Best Practices

- At least two offerers are deemed susceptible of being selected for contract award.
- If the solicitation includes optional components, offerers are required to provide a proposal for all options.
- The agency has determined that using the BAFO will maximize the agency's ability to obtain best value as set forth in the solicitation.



# Best and Final Offer (BAFO)

## Example Scenario

- Agency X is seeking to procure a new computer system.
- The agency anticipates many proposals as this is a highly competitive field which will also require a detailed technical evaluation.
- The agency determines that in order to maximize best value it would be in the best interest of the State to include a BAFO.



# Best and Final Offer (BAFO)

## Define the process

- Technical 60%, Cost 30% and System Demonstration 10%.
- To qualify for an interview the vendor must be within 10 points of the highest composite score.
- Following the interview any remaining vendors within 5% of highest composite score, including system demonstration, will be deemed substantially equivalent and asked to partake in a Best and Final Offer process where lowest cost will determine the award.

# Score Matrix Summary

Vendor	Technical 60	Cost 30	Total	Interview Shortlist	Interview 10	Final Composite Shortlist
A	48	20	68	No		NA
B	50	30	80	Yes	4	84
C	38	24	62	No		NA
D	49	27	76	Yes	10	86
E	60	23	83	Yes	6	89
F	55	12	67	No		NA
G	58	13	71	Yes	8	79
H	50	28	78	Yes	6	84

Vendors D and E would be eligible for BAFO based on pre-defined criteria for being susceptible to award.

## Final Offers:

Vendor D \$8,565,000

Vendor E \$8,750,000



# Best and Final Offer (BAFO)

## Considerations

- Does this process result in best value?
- How will an agency identify “substantially equivalent” and define this ahead of time?
- Is this procedure appropriate for this service or overly complicated?
- If the agency reserves the right for BAFO but doesn’t use it, how can they be sure they obtained the best price?
- An agency may want to consult their counsel prior to issuing solicitations with BAFO options.



# Debriefing and Protest





# Debriefing and Protest

## Solicitation, Award Letters & Non-Award Letters

- Debriefing and protest procedures should be outlined in the solicitation documents.
- Must send notification to all bidders (Award Letter/Non-Award Letter).
- Must provide non-successful bidders an opportunity for debriefing.
- Vendors can request a debriefing up to 15 calendar days from non-award notification.



# Debriefing

## Debriefings, SFL§163(9)(c)

- Conducted by the state agency in-person, however, the parties may mutually agree to utilize other means.
- State agency personnel involved in the procurement and knowledgeable with the bidder selection should conduct the debriefing.
- Agency shall schedule the debriefing to occur within a reasonable time of such request.
- Discuss only the bidder's unsuccessful submission.

# Debriefings

## Debriefing, SFL §163(9)(c) shall include, but not limited to:

- Reasons the proposal/bid was not selected for award.
- Qualitative and quantitative analysis employed by the agency.
- Application of the selection criteria.
- Reasons for the selection of the winning proposal.
- General advice and guidance to the unsuccessful bidder concerning potential ways future proposals/bids could be more responsive.
- Document all details discussed for procurement record.

# Protests

## Protest Procedures

- [Title 2, Chapter 1, Part 24 of the New York Codes, Rules and Regulations](#)
- Summarized OSC Bid Protest Procedures:

New York State *Guide to Financial Operations* (GFO) Chapter XI -  
Procurement and Contract Management §17 Protest Procedures

# Protests

## Protest Procedures

- What is a protest?
  - ✓ Provide an opportunity to raise concerns
- Protest procedures should be outlined in the solicitation documents.
- Public contracting entities are strongly encouraged to establish their own protest procedure.

# Protests

## Protest Procedures

- The Protest Procedure applies to all contract awards subject to the approval of the State Comptroller as required, or provided for, by law, resolution or otherwise, including but not limited to:
  - ✓ Expenditure contracts over \$50,000
  - ✓ OGS contracts over \$85,000
  - ✓ Revenue contracts over \$25,000
  - ✓ Single/Sole Source procurements



# Protests

## Protest Procedures

- Establish protest procedures in the solicitation documents
  - ✓ Protests must be filed initially with public contracting entity
- Two types of protests may be filed with the State Comptroller:
  - ✓ Appeal of a protest decision made by the public contracting entity
  - ✓ Direct protest to the State Comptroller (if the agency does not have their own protest procedures)

# Protests

## Protest Procedures

- Without an agency defined process, initial protests must be in writing and filed with OSC's Bureau of Contracts (BOC) within 10 business days of notice of award or five business days of debriefing (whichever is later), and prior to the Comptroller's final action on the contract.
- Appeals to an agency's protest determination must be filed with BOC within 10 business days of the determination.



# Debriefing and Protest

## Submission of full procurement record to OSC

- Procurement is not complete if:
  - ✓ The agency has not given bidders 15 calendar days from the Non-Award Letter to request a debriefing.
  - ✓ The agency has not given bidders the later of five business days from debriefing or 10 business days from the Non-Award Letter to consider filing a protest.
  - ✓ Any protests have not been resolved.
- Agency should not submit contracts until the procurement is complete, the appropriate timeframes have passed and all debriefing/protest documentation is available for submission.

# Debriefing and Protest

## Submission of full procurement record to OSC

- Details regarding debriefings and/or protests must be provided as part of the complete procurement package.
  - ✓ “Any debriefing or protest/appeal correspondence/documentation relative to the procurement.”
  - ✓ Note: all protests, and appeals where provided for, must be resolved prior to submission to OSC.

# Evaluation Pitfalls



# Case Study 1 – Is this balanced?



## Mandatory Requirements Evaluator Results

- Issues Raised:

	Evaluator 1		Evaluator 2		Evaluator 3	
	M1	M2	M1	M2	M1	M2
Vendor 1	F	F	P	F	P	P
Vendor 2	P	P	[Red Hatched]		[Red Hatched]	
Vendor 3	[Red Hatched]		P	F	[Red Hatched]	

- Vendor one (1) was evaluated by all three (3) evaluators, which agrees with the evaluation plan. However, the pass/fails do not agree among evaluators.
- The mandatory requirements were confusing and possibly too restrictive.



# Case Study 2 - Who should win?

## *Upstate Plumbing*

Hourly Rate X # of Labor Hours:

\$192 per hour X 432 hours

**Final Cost: \$ 82,944**

Percent Markup on Parts = 20 %

## *City Pipes*

Hourly Rate X # of Labor Hours:

\$52 per hour X 807 hours

**Final Cost: \$ 122,346**

Percent Markup on Parts = 10 %



# Case Study 3 - Is this fair?

## *Acme Repairs IT*

### Prime Contractor:

$$100 \text{ hours} \times \$ \underline{90} = \$ \underline{900}$$

### Subcontractor:

$$100 \text{ hours} \times \$ \underline{X} = \$ \underline{X}$$

**Grand Total:            \$ 900**

*X - DON'T NEED SUBCONTRACTORS,  
I DO MY OWN WORK*

## *Beta Fix IT*

### Prime Contractor:

$$100 \text{ hours} \times \$ \underline{75} = \$ \underline{750}$$

### Subcontractor:

$$100 \text{ hours} \times \$ \underline{95} = \$ \underline{950}$$

**Grand Total:            \$ 1,700**



# Case Study 4 – Is this transparent?

## *Anytime HVAC*

**Standard Time (9am – 5pm):**

100 hours x \$ 100 = \$ 10,000

**Afterhours (Overtime):**

100 hours x \$ 125 = \$ 12,500

**Grand Total:** \$ 22,500

## *925 Heating and Air*

**Standard Time (9am – 5pm):**

100 hours x \$ 220 = \$ 22,000

**Afterhours (Overtime):**

100 hours x \$ 0 = \$ 0

**Grand Total:** \$ 22,000



# Single & Sole Source





# Advertising Requirements

## Article 11, SFL§163(8)

“**All procurements** by state agencies, including SUNY and CUNY, in excess of \$50,000 **shall be advertised** in the state's procurement opportunities newsletter in accordance with article 4-C of the Economic Development Law.”



# Advertising Requirements




## Economic Development Law, Article 4-C§146

“The comptroller **shall not approve** or file any procurement contract for the acquisition of goods or services in the amount of \$50,000 or more **unless notice** as provided in §142 of this article shall first have been **published in the procurement opportunities newsletter** at least 15 business days prior to the date on which a bid or proposal was due.”



# Advertising Requirements

-  **Economic Development Law §144.1 states in part:**

“The provisions of this article **shall not apply** to (a) **procurement contracts which the comptroller exempts** ... awarded on an emergency or critical basis, or on the basis that publication is not feasible.”

# Single or Sole Source

## SFL§163(10)(b)(i)

“Single or sole source procurements for services or commodities, or procurements made to meet emergencies arising from unforeseen causes, may be made without a formal competitive process and **shall only be made under unusual circumstances** and shall include a determination by the commissioner or the state agency that the specifications or requirements for said purchase have been designed in a fair and equitable manner.”

# Single or Sole Source

## SFL§163(10)(b)(ii)

“**State agencies shall minimize the use of single source procurements** and shall use single source procurements only when a formal competitive process is not feasible. State agencies shall **document** in the procurement record the circumstances and the material and substantial reasons **why a formal competitive process is not feasible.**”

# Single or Sole Source

## SFL§163(10)(b)(ii)

“**The term** of a single source procurement contract **shall be limited to the minimum period of time** necessary to ameliorate the circumstances which created the material and substantial reasons for the single source award. Not later than 30 days after the contract award, state agencies shall, for all single source procurement contracts, make available for public inspection on the agency website, a summary of the circumstances and material and substantial reasons why a competitive procurement is not feasible.”

# Sole Source Definition

## SFL§163(1)(g)

“‘Sole source’ means a procurement in which **only one offerer is capable** of supplying the required commodities or services.”



# Single Source Definition

## SFL§163(1)(h)

“‘Single source’ means a procurement in which although **two or more offerers can supply the required commodities or services**, the commissioner or state agency, upon written findings setting forth the material and substantial reasons therefor, may award a contract or non-technical amendment to a contract to one offerer over the other. The commissioner or state agency shall document in the procurement record the circumstances leading to the selection of the vendor, including the alternatives considered, the rationale for selecting the specific vendor and the basis upon which it determined the cost was reasonable.”



# Contract Reporter Exemption Request

## Justification

[Need Help?](#)

Enter the CRER justification.

1 Create — 2 Justify — 3 Attach — 4 Review — 5 Submit

**Provide description of goods or services being procured:**

**Document the circumstances and the material and substantial reasons why a formal competitive process is not feasible:**

**Provide vendor selection justification:**


**Why is the period of time requested the minimum necessary to ameliorate the circumstances which created the material and substantial reasons for this request?**

**If a future competitive process is anticipated, provide key dates such as: publication of notice in Contract Reporter, bid due date, bid opening date, evaluation and notice of award dates:**


**Provide price justification for the request: (Acceptable ways to justify price)**



# Description

-  **Provide description of goods or services being procured:**
- What is your agency's need?
  - Is this request for a new contract or a change to an existing contract?
  - Has your agency used these goods or services in the past?
  - If your agency has had previous contracts for these goods or services what was the contract number?

# Not Feasible to Advertise

 **Document the circumstances and the material and substantial reasons why a formal competitive process is not feasible:**


- Is there legislation or an executive order that requires your agency to contract with this vendor?
- What are the unusual circumstances that result in the need for a single source request?
- What internet product search efforts has your agency conducted?

# Vendor Justification

- **Provide vendor selection justification:**
  - How was the selection of this vendor fair and equitable?
  - Is the product available through a distribution network?
  - What alternatives were considered?
  - How does the product offered by the vendor differ from the alternatives?




# Length of Request

 **Why is the period of time requested the minimum necessary time to ameliorate the circumstances which created the material and substantial reasons for this request:**

- Why is this the minimum amount of time needed?
- Is there a recent bid that needs more time to be completed?
- Was there an error/mistake in a new procurement?
- Was there another unforeseen circumstance?
- Are there deliverables under an existing contract that need to be completed?

# Future Procurement Opportunities

 If a future competitive process is anticipated, provide key dates such as: publication of notice in Contract Reporter, bid due date, bid opening date, evaluation and notice of award dates:

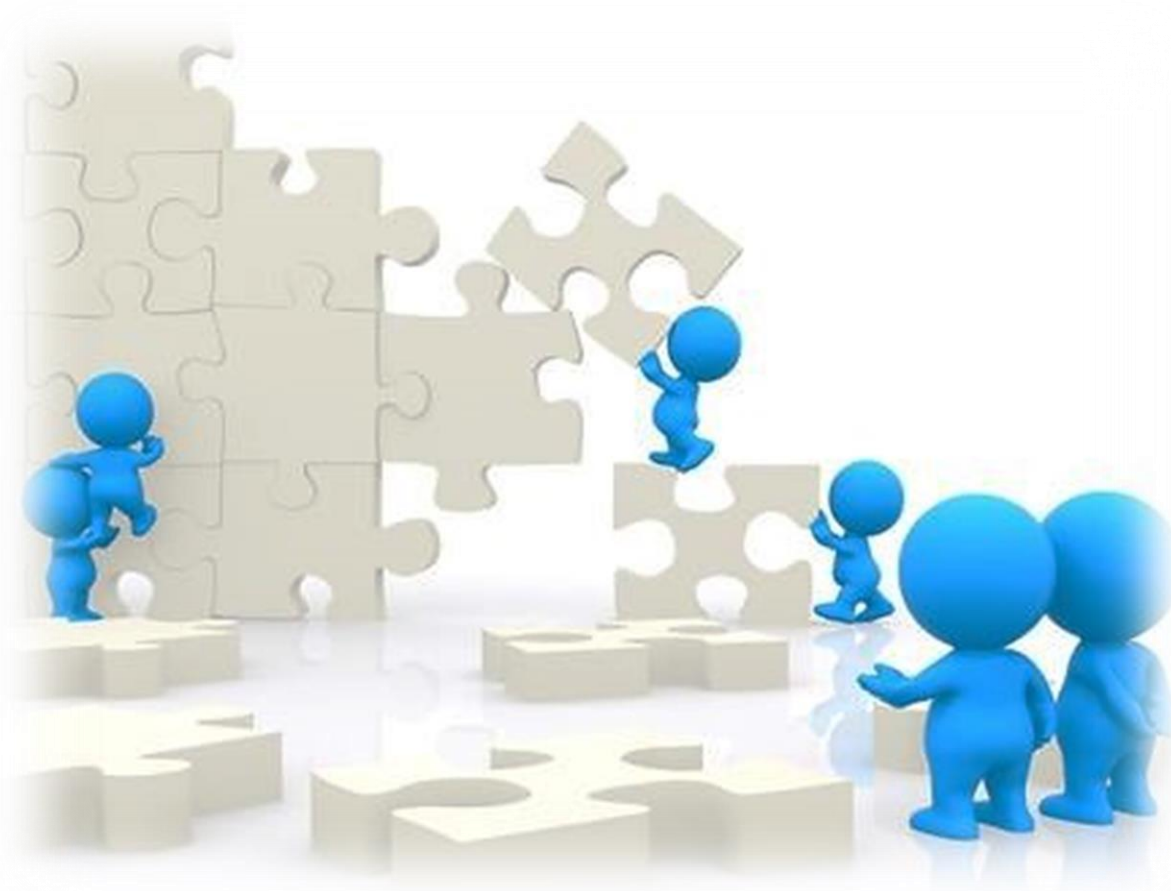
- Does the time period requested reasonably account for future procurement development activities?
- When does the agency expect to complete key procurement activities?
- Is there anything OSC should be aware of that may delay this timeline?

# Price Justification

## Provide price justification for the request:

- Was there a previous contract?
- Does another state agency procure a similar product/service?
- Did your agency receive quotes from more than one vendor?
- What is the manufacturer's published list price?
- Can a comparison to GSA pricing be made?

# Procurement Record





# Procurement Record

## *Guide to Financial Operations, Chapter XI, Section 2.E.3*

- Submission process
- Fund reservation
- Document preparation in SFS
- Electronic document submission guide



# Procurement Record

<u>Category #1</u>	<u>Category #2</u>	<u>Category #3</u>	<u>Category #4</u>
<b>Transaction Identifying Documents</b>	<b>Contract</b>	<b>Procurement Record Documents</b>	<b>Vendor Responsibility Documents</b>
<ul style="list-style-type: none"> <li>• Procurement Record Checklist</li> <li>• Cover Letter</li> </ul>	<ul style="list-style-type: none"> <li>• Contract</li> <li>• Signature Page</li> <li>• Other Approvals (AG, Civil Service, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Advertising Documents</li> <li>• Blank IFB or RFP</li> <li>• Vendor Proposals/Bids</li> <li>• Solicitation List</li> <li>• Evaluation Documents</li> <li>• Award Documents</li> <li>• Post-Award Documents</li> <li>• Other Required Forms</li> </ul>	<ul style="list-style-type: none"> <li>• Vendor Responsibility Documents</li> <li>• Workers' Compensation &amp; Disability Benefit Certifications</li> </ul>



# Procurement Record Checklist

*OFFICE OF THE STATE COMPTROLLER  
BUREAU OF CONTRACTS  
THE PROCUREMENT RECORD CHECKLIST*

Business Unit ID: \_\_\_\_\_ Business Unit Name: \_\_\_\_\_

Department ID: \_\_\_\_\_ Department Name: \_\_\_\_\_

Contact: \_\_\_\_\_ Telephone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Contract No. or Purchase Order No.: \_\_\_\_\_

Contractor Name: \_\_\_\_\_ Vendor ID No.: \_\_\_\_\_

Contract Period: \_\_\_\_\_ Renewal Period: \_\_\_\_\_

1. Description of the Commodity/Service Being Procured: \_\_\_\_\_

\_\_\_\_\_

2. Need Statement: \_\_\_\_\_

\_\_\_\_\_



# Category 1 - Transaction Identifying Documents

## Cover Letter

- Provide contact information
- Calculate the contract value
- Provide cost justification
- Provide vendor selection
- Detail any unusual situation

# Category 2 - Contract



## Important Elements

- Term
- Correct vendor
- Total not-to-exceed contract amount
- Pricing including any escalation
- Payment terms
- Budget
- Order of precedence
- Appendix A
- All appendices, exhibits and attachments
- Termination for convenience
- Statement of work
- Signature page



# Category 2 - Contract

AC 1782-S (Rev. 9/13)

## NEW YORK STATE OFFICE OF THE STATE COMPTROLLER BUREAU OF CONTRACTS AUTHORIZED SIGNATURE FORM

Business Unit: \_\_\_\_\_ Dept. ID: \_\_\_\_\_

Agency Date \_\_\_\_\_

Business Unit / Agency Name: \_\_\_\_\_

OSC Received \_\_\_\_\_

Division / Bureau / Dept. Name: \_\_\_\_\_

Adding additional signatures to current OSC file.

Replacing all signatures currently on OSC file for listed Department ID.

The following persons are authorized to execute contracts, amendments, purchase orders, and vendor responsibility determinations unless otherwise specified below.

Signature with Name TYPED Underneath

Phone No. Including Area Code & Extension  
and/or Email Address

Notes: Identify any unique or alternative  
authorizations to the above blanket statement.

1.




\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_



# Category 2 - Contract

-  Authorized Signature Form AC 1782-S
-  Mail or email to OSC after completion
  - Claudette Hennessy (chennessy@osc.ny.gov)
-  *Guide to Financial Operations*, Chapter XI, Section 2.E.3
  - Electronic Submission of Contracts through the Electronic Documents Submission System (EDSS)



# Category 3 – Procurement Record Documents

- Advertising Documents
- Request For Proposals / Invitations For Bids
- Evaluation Instruments and Summary
- Bid Tab
- Award/Non-Award Letters
- Post-Award Documents
- Other Required Forms





# Category 3 – Procurement Record Documents

## RFP

- Full Administrative, Cost & Technical Proposal(s):
  - ✓ Awarded Vendor
  - ✓ Non-Responsive Vendors
- All Cost Proposals

## IFB

- Full Administrative & Cost Bid(s)\*
  - ✓ Awarded Vendor
  - ✓ Non-Responsive Vendors

*\*OSC reserves the right to ask for all cost bids*



# Category 4 – Vendor Responsibility

## Vendor Responsibility Profile

- Prime Contractor
- Subcontractor(s)

## Vendor Responsibility Questionnaire

- Required for transactions \$100,000 and over

# Category 4 - Vendor Responsibility

## Workers' Compensation

- C-105.2
- U-26.3
- SI-12
- GSI-105.2
- CE-200

## Disability Benefits

- DB-120.1
- DB-120.2
- DB-155
- CE-200

# Other Tips and Tricks

- Upload documents as PDF files.
- Make PDFs searchable (OCR).
- Group like things together.
- Unnecessary to upload original contract when submitting amendments.
- Use consistent naming conventions.
- Include vendor names in description for evaluation or proposal documents.
- Include contract number on signature page.
- Respond to Q&As through EDSS comments rather than attaching separate files.



# Any Questions?



# Contacts

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- Jennifer Waithe, (518) 408-4389, [jwaithe@osc.ny.gov](mailto:jwaithe@osc.ny.gov)



# Reference Documents

- Procurement Record Checklist  
<https://www.ogs.state.ny.us/procurecounc/pdfdoc/Procureguideline.pdf>
- NYS Procurement Guidelines  
<https://ogs.ny.gov/system/files/documents/2018/08/psnys-procurement-guidelines.pdf>
- *Guide to Financial Operations* (GFO)  
<https://osc.state.ny.us/agencies/guide/MyWebHelp/Default.htm>
- Contract Reporter – GFO XI.14.A  
GFO XI.14.A - <https://www.nyscr.ny.gov/>
- Consultant Disclosure Form A – GFO XI.18.C  
<https://www.osc.state.ny.us/agencies/guide/MyWebHelp/#XI/18/C.htm%3FTocPath%3DXI.%2520Procurement%2520and%2520Contract%2520Management%7C18.%2520Miscellaneous%2520Legislative%2520Requirements%7C> 3



# Reference Documents

- ITS Plan to Procure (PTP)  
<https://its.ny.gov/sites/default/files/documents/nys-p08-001.pdf>
- Sales & Compensating Use Tax (ST-220-CA)  
[https://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf?\\_ga=2.236005889.1807454989.1566392597-1700032307.1558708451](https://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf?_ga=2.236005889.1807454989.1566392597-1700032307.1558708451)
- Vendor Responsibility  
<https://www.osc.state.ny.us/vendrep/index.htm>
- WC/DB Requirements – GFO XI.18.G  
[https://www.osc.state.ny.us/agencies/guide/MyWebHelp/#XI/18/G.htm%3FTocPath%3DXI.%2520Procurement%2520and%2520Contract%2520Management%7C18.%2520Miscellaneous%2520Legislative%2520Requirements%7C\\_7](https://www.osc.state.ny.us/agencies/guide/MyWebHelp/#XI/18/G.htm%3FTocPath%3DXI.%2520Procurement%2520and%2520Contract%2520Management%7C18.%2520Miscellaneous%2520Legislative%2520Requirements%7C_7)
- Open Book New York  
<https://wwe2.osc.state.ny.us/transparency/contracts/contractsearch.cfm>

