

# State of Collaboration

Prepare for Approval



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## Agenda



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## Procurement Record Categories

Category #1 Transaction Identifying Documents	Category #2 Contract	Category #3 Procurement Record Documents	Category #4 Vendor Responsibility Documents
<ul style="list-style-type: none"> <li>• STS/AC340</li> <li>• Procurement Record Checklist</li> <li>• Cover Letter</li> </ul>			



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### Category 1 - Transaction Identifying Documents

-  Single Transaction Summary (STS) or AC340-S
-  Procurement Record Checklist
-  Agency Cover Letter



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### Example of the 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: \_\_\_\_\_

11. Approvals (check those which apply):

- Division of the Budget
- Office of State Operations Approval of the B-1184
- Civil Service
- Attorney General
- Office for Technology FTP Approval
- OSC Approval of the Price for Professional Service Acquisitions
- OSC Payback Approval

Agency Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 OSC Auditor: \_\_\_\_\_ Date: \_\_\_\_\_

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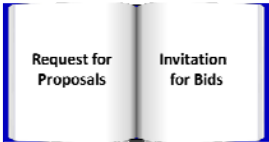
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### Category 1 - Cover Letter to OSC

Tell us your Procurement Story



-  Details any unusual situations
-  Calculate the contract value
-  Provide cost justification
-  Provide contact information

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### Procurement Record Categories

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Transaction Identifying Documents	Contract	Procurement Record Documents	Vendor Responsibility Documents
<ul style="list-style-type: none"> <li>STS/AC340</li> <li>Procurement Record Checklist</li> <li>Cover Letter</li> </ul>	<ul style="list-style-type: none"> <li>Contract</li> <li>Signature Page</li> </ul>		



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### Category 2 - Contract

#### Key Elements

- 📍 Term
  - Renewal Language
- 📍 Not-To-Exceed Value
- 📍 Pricing
  - Escalation Language
- 📍 Termination for Convenience
- 📍 Statement of Work

- 📍 Order of Precedence
- 📍 Signature Page
- 📍 Appendix A
- 📍 Payment Terms
- 📍 Budget



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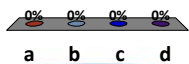
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### Pop Quiz

In accordance with State Finance Law § 110, what form does OSC require to authorize an individual to sign a contract?

- a. AC 340-S
- b. AC 2772
- c. SFL 163
- d. AC 1782-S





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### Category 3 - Procurement Record Documents

- 📍 Advertising Documents
- 📍 Request For Proposals / Invitations For Bids
- 📍 Evaluation Instruments

- 📍 Award Document
- 📍 Post Award Documents
- 📍 Other Required Forms



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### Category 3 – Advertising\*

- 📍 NYS Contract Reporter thresholds:
  - \$50,000 for State Agencies
- 📍 Designated Contact Person, Economic Development Law § 142.2(C)
- 📍 Contract Reporter Exemption Request (CRER)

\*Economic Development Law, Article 4-C



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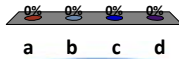
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### Pop Quiz

What is the minimum amount of time a procurement opportunity must be advertised for in the Contract Reporter?

- a. 10 calendar days
- b. 15 calendar days
- c. 10 business days
- d. 15 business days**



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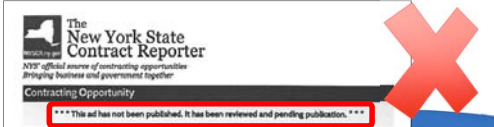
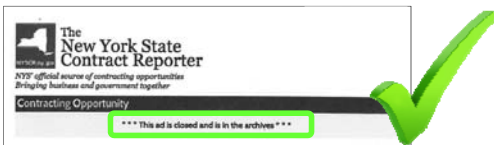
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### Category 3 - Advertising



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### Category 3 – Ways to Maximize Competition

- 📍 Research Qualified Vendors
- 📍 Canvass Vendors Who Viewed Your Advertisement
- 📍 Make the RFP/IFB Publicly Available
- 📍 Local Newspaper or Trade Publication Advertisement
- 📍 Make it Clear How to Obtain a Copy of RFP/IFB if Interested



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### Category 3 – Request For Proposals & Invitation For Bids

- 📍 Blank Copies Of:
  - RFP or IFB, if it is not included as a contract attachment
  - Addendums, Attachments and Exhibits
  - Evaluation Instrument
- 📍 Questions & Answers
- 📍 Certified Bid Tabulation
- 📍 Mandatory Letters of Intent, Pre-bid Conference and/or Site Visit Sign in Sheets



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### Category 3 - Evaluation Documents

- 📍 Evaluation of Mandatory Requirements

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### Category 3 – Document Responsiveness

Example

Mandatory Requirements	Pass	Fail
Three years of experience	✓	
Can provide service Statewide		✓
Provided three references	✓	

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### Category 3 - Evaluation Documents

- 📍 Evaluation of Mandatory Requirements
- 📍 Completed Cost Evaluation
- 📍 Completed Technical Evaluation Score Sheets
- 📍 Instructions to Evaluators
- 📍 Explanation of Score Changes, if applicable
- 📍 Scoring Summary

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### Category 3 – Scoring Summary

RFP Example:

	Technical Score	Cost Score	Interview Score	Total Score	Ranking
Vendor A	56	30	10	96	1
Vendor B	62	21	8	91	2
Vendor C	45	18	4	67	4
Vendor D	54	26	8	88	3

IFB Example:

	Unit Cost	Ranking
Vendor A	\$255	2
Vendor B	\$200	1
Vendor C	\$375	3
Vendor D	\$400	4

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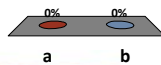
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### Pop Quiz

By determining a proposal to be low bid (IFB) or having the best value (RFP), an agency appropriately documented that a bidder met all mandatory requirements and was deemed responsive.

- a. True
- b. False

*An agency must verify the mandatory requirements were met by the apparent winner to be deemed responsive.*




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### Category 3 – Limited Competition

#### Required Justifications\*

- 📍 Justify the Limited Competition
- 📍 Canvass the Non-Responding Vendors
- 📍 Verify Cost Reasonableness



\*Economic Development Law § 146:  
*".....the right of the Comptroller to demand evidence of adequate competition or such other proofs as he or she may require in the discharge of his or her responsibilities....."*

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### Category 3 – Cost Reasonableness Verification\*

- 📍 Historical Cost
- 📍 Market Rates
- 📍 Discounts from Published Price Lists
- 📍 Cost of Similar Projects
- 📍 Purchase Made by Other State Agencies (SFS & Open Book)
- 📍 Purchase Made by Governmental Entities / Other States
- 📍 GSA Pricing

\*Economic Development Law § 146

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### Category 3 - Procurement Record Documents

#### RFP

#### IFB

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>📍 Full Administrative*, Cost &amp; Technical Proposal(s):           <ul style="list-style-type: none"> <li>- Awarded Vendor</li> <li>- Non-Responsive Vendors</li> </ul> </li> <li>📍 All Cost Proposals</li> </ul> | <ul style="list-style-type: none"> <li>📍 Full Administrative* &amp; Cost Bid(s):           <ul style="list-style-type: none"> <li>- Awarded Vendor</li> <li>- Non-Responsive Vendors</li> </ul> </li> </ul> |
|---|---|

\*An administrative proposal/bid is not required.

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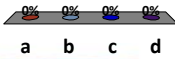
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**Pop Quiz**

According to State Finance Law § 163.9, what is the minimum time period unsuccessful offerers are allowed to request a debriefing after an agency has issued notice of non-award?

- a. 10 business days
- b. 15 calendar days**
- c. 30 calendar days
- d. 15 business days



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**Category 3 –  
Notice of Award & Notice of Non-Award Letters**

- 📍 Send Notification to All Bidders
  - Responsive
  - Non-Responsive
- 📍 Must Provide Unsuccessful Bidders Opportunity for Debriefing
  - Reminder: 15 Calendar Days\*

\*State Finance Law § 163.9(c):  
*"The state agency, upon a request made within fifteen days of release of the written or electronic notice from the unsuccessful offerer for a debriefing, shall schedule the debriefing to occur within a reasonable time of such request."*

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**Category 3 – Other Required Forms**

- 📍 Approved B-1184
- 📍 ITS - PTP Approval, if applicable
- 📍 Consultant Disclosure Form A, if applicable
- 📍 Procurement Lobby Law Certifications
- 📍 Sales and Compensating Use Tax Documentation (ST-220-CA)

\*Subject to Procurement/Purchasing Guidelines

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### Category 4 - Vendor Responsibility

- 📍 Vendor Responsibility Profile
  - Prime Contractor
  - Sub Contractor(s)
- 📍 Vendor Responsibility Questionnaire
  - Required for transactions \$100,000 and over



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### Category 4 – Workers Compensation & Disability Coverage

Acceptable Documents

- 📍 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

\*State Finance Law § 142:  
*“.....a contract shall be void and of no force and effect unless the contractor provides and maintains coverage during the life of the contract for the benefit of such employees as are required to be covered by the provisions of the WCL.”*

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**Pop Quiz**

What are important things to verify before submitting the Workers' Compensation and Disability Benefits Certificates?

- FEIN
- Vendor Name
- NYS Agency
- Dates of Coverage

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**Procurement Amendments**

- STS or AC340-S
- Cover Letter
- Contract Amendment
- Non-Approval Letter, if resubmission
- CRER Approval Letter, if applicable
- Price justification
- Vendor Responsibility Documentation




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### 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/>
-  ITS Plan to Procure (PTP)  
<https://its.ny.gov/sites/default/files/documents/nys-p08-001.pdf>
-  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%203>



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### Reference Documents

-  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%207>
-  Open Book New York  
<https://www2.osc.state.ny.us/transparency/contracts/contractsearch.cfm>

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### Any Questions?



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### Contacts

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- 📍 Mark DiFiore, (518) 486-3012, [mdifiore@osc.ny.gov](mailto:mdifiore@osc.ny.gov)
- 📍 Matt Mirabile, (518) 474-4358, [mmirabile@osc.ny.gov](mailto:mmirabile@osc.ny.gov)

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