

State Authority Contract Manual

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Contact Office of the State Comptroller (OSC)

By Email: ITServiceDesk@osc.state.ny.us

By Phone: (866) 370-4672

State Authority Contract Manual

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PURPOSE

The State Authority Contract Manual contains the procedures for State authorities to submit eligible contracts as described in Public Authorities Law (PAL) §2879-(a) and the official compilation of the Codes, Rules and Regulations of the State of New York (NYCRR) Title 2 Part 206, to the Office of the State Comptroller (OSC) for review, as well as procedures for filing eligible and exempt contracts and annual reports as required by NYCRR Title 2 Part 206, and other contract matters.

This manual provides general instructions for using the web-based Contract Submission System (CSS). The CSS became available for State authority use in September 2011. Effective October 26, 2011, State authorities MUST use the CSS to submit contracts. Contract transactions submitted by any method other than CSS will not be considered as having been submitted for the purposes of Public Authorities law §2879a. Such mandate is authorized by NYCRR Part 206.5(e). The CSS includes a Feedback feature that allows State authority users to provide suggestions for system improvements and enhancements. Feedback may also be provided directly to the State Authority Contract (SAC) mailbox at SAC@osc.state.ny.us

This document will continue to be updated, as necessary. State authorities should anticipate that the procedures described in the manual will change to reflect improvements and enhancements to the CSS.

BACKGROUND

PUBLIC AUTHORITIES REFORM ACT OF 2009

The Public Authorities Reform Act (PARA) of 2009 created new [Public Authorities Law \(PAL\) §2879-a](#) entitled, Comptroller Approval of Contracts. The new section:

- Authorizes the Comptroller, at his or her discretion and upon written notification, to review State authority contracts in excess of \$1 million which are awarded noncompetitively or which are to be paid in whole or part from monies appropriated by the State.
- Establishes that contracts subject to review will not be valid enforceable contracts without first having been approved by the Comptroller.
- Provides for the contract to become valid and enforceable if the Comptroller has not approved or disapproved the contract within 90 days of submission.
- Requires the Comptroller to promulgate such rules and regulations as may be necessary, including but not limited to the standards for determining which contracts will be subject to review and for approving such contracts.

- Excludes (per PAL §2879-a(3)) from prior approval requirements certain contracts; however, these contracts must be filed with the Comptroller within 60 days after execution.

ARTICLE X, SECTION 5 OF THE NEW YORK STATE CONSTITUTION

Article X, section 5 of the New York State Constitution provides that the accounts of every public corporation (including State authorities) shall be subject to the supervision of the State Comptroller.

PART 206 OF TITLE 2 OF THE NYCRR

Effective October 27, 2010, as required by PAL §2879-a, the Office of the State Comptroller adopted as final, [regulations](#), which set forth:

- The standards for the Comptroller's determination of State authority contracts and contract amendments subject to the Comptroller's approval;
- The criteria for the Comptroller's approval of such contracts and contract amendments;
- The responsibilities of State authorities with respect to the filing of exempt contracts, exempt contract amendments, certain eligible contracts and certain eligible contract amendments; and
- The procedural requirements for overall compliance with PAL §2879-a.

OPEN BOOK NEW YORK

Beginning in late 2015 data about State authority contracts approved or filed in CSS will be published on [Open Book New York](#) including vendor name, contract number, amount, start and end dates, contract type, description and date approved or filed. Contract documents are not available on Open Book.

IDENTIFYING ELIGIBLE AND EXEMPT CONTRACTS AND CONTRACT AMENDMENTS

This section provides guidance for State authorities to identify contracts and contract amendments that must be submitted to OSC for filing or for prior approval.

DEFINITIONS:

CONTRACT

NYCRR 206.2(b) defines a Contract as any written agreement between a State authority and another party including, but not limited to:

- Any agreement for the acquisition or sale of goods or services of any kind;
- Public work, construction, alterations or improvements to public facilities;
- Grant contracts;
- Employment contracts;
- Revenue or concession contracts;
- The exchange of personal or real property;
- The exchange of services; or
- Any combination thereof.

PURCHASE ORDER

NYCRR 206.2(b) includes any State authority purchase order as a Contract, unless the purchase order is issued pursuant to:

- An existing State authority contract; or
- An Office of General Services (OGS) centralized contract where neither the contract nor the relevant procurement guidelines require a mini-bid or similar competitive process.

COMPETITIVE PROCUREMENT

NYCRR 206.2(a) defines a Competitive Procurement as a procurement where a State authority has:

- Published notice of the contract opportunity consistent with any statutory publication requirement including, but not limited to, Article 4-c of the Economic Development Law, or, where there is no express statutory requirement for published notice, in the procurement opportunities newsletter or another newspaper, journal or periodical which is reasonably designed to give notice of the contract opportunity to all offerers capable of providing the requisite product, service or work to be performed; and further that such notice, wherever published, is reasonably designed to solicit bids, proposals or offers from all qualified offerers in response thereto; or

- Provided notice of the contract opportunity by soliciting bids, proposals or offers through some other method expressly authorized by statute, where such statute has deemed such other method to be competitive; and
- Awarded the contract as a result of a balanced and fair evaluation and selection method developed before the receipt of offers or bids; that is rational, objective and utilized a quantified scoring system, which evaluated all relevant factors such as cost (revenue), technical merits, or qualifications, and was applied equally to all qualified offerers.

A competitive procurement may result in either an expenditure contract or a revenue contract.

ELIGIBLE CONTRACT

NYCRR 206.2(c) defines an Eligible Contract as any contract executed by a State authority on or after March 1, 2010, other than an exempt contract, where the aggregate consideration proposed for exchange, including all reasonably anticipated renewals and amendments, may reasonably be valued in excess of one million dollars and such contract either:

1. Shall be paid in whole or in part with monies appropriated by the State either directly to a State authority or to a State agency which pays the money to a State authority; or
2. Was or shall be awarded on a single-source basis, a sole-source basis or pursuant to any other method of procurement that is not a competitive procurement.

For purposes of aggregating the reasonable value of a contract that has no term or is perpetual in nature, the contract will be deemed to have a term of five years.

Copies of such eligible contracts must be filed with OSC within 60 days of the date it is signed by the State authority except when the contract is the subject of a Written Notice from OSC to the State authority that it will be subject to approval by the Comptroller.

Examples of Eligible Contracts

1. A new single-source contract executed on or after March 1, 2010 with a term of one year and a contract value of \$1.2 million.
2. A new single-source contract executed on or after March 1, 2010 with an annual value of \$750,000 and contract language that allows for one or more annual renewals at the same annual amount. This is an eligible contract because the aggregate consideration, including the anticipated renewals, will exceed \$1 million over its potential term.
3. A competitively awarded contract for construction management services executed after March 1, 2010 with a value of \$1.5 million that will be paid from monies appropriated by the State to the authority for its operating expenses.

4. A competitively awarded construction contract executed after March 1, 2010 with a value of \$900,000 that will be paid from monies appropriated by the State, where past experience of the authority shows that change orders on similar projects undertaken typically increase the total contract value by 20 percent over the term of the contract. This is an eligible contract because the contract plus reasonably anticipated amendments will result in a total contract value that will exceed \$1 million.

ELIGIBLE CONTRACT AMENDMENT

NYCRR 206.2(d) defines an Eligible Contract Amendment as:

1. any modification to an eligible contract; or
2. any modification other than an exempt contract amendment to a contract executed by a State authority where such modification was executed on or after March 1, 2010, and where the aggregate consideration under the contract as amended may reasonably be valued in excess of one million dollars, and:
 - (i) the contract as amended will be paid in whole or in part with monies appropriated by the State;
 - (ii) the contract was originally awarded on a noncompetitive basis; or
 - (iii) the contract was originally awarded on the basis of a competitive procurement, but the modification was neither contemplated nor provided for in the solicitation for such competitive procurement.

Copies of eligible contract amendments must be filed with OSC within 60 days of the date they are signed by the State authority, except when the contract amendment is the subject of a Written Notice from OSC to the State authority that it will be subject to approval by the Comptroller.

Examples of Eligible Contract Amendments

1. A \$1.2 million single-source contract that was executed *after* March 1, 2010 is amended to add \$200,000. The \$200,000 amendment is an eligible contract amendment because it modifies an eligible contract.
2. A \$900,000 single-source contract that was executed *before* March 1, 2010 is *amended after* March 1, 2010 to add \$200,000. The \$200,000 amendment is an eligible contract amendment because the original contract was awarded on a noncompetitive basis and the contract as amended will exceed \$1 million.
3. A \$900,000 competitively awarded contract to build a new parking lot at the authority's headquarters is amended to add \$300,000 to repave an existing parking lot that was not included in the scope of the original solicitation or contract. The \$300,000 amendment is an eligible contract amendment because it was not provided for in the competitive solicitation, and the contract as amended will exceed \$1 million.

EXEMPT CONTRACT

NYCRR 206.2(f) defines Exempt Contract as any contract executed by a State authority on or after March 1, 2010, that would otherwise be an eligible contract or eligible contract amendment, but is exempt pursuant to subdivision 3 of §2879-a of the PAL for one of the reasons listed below.

Exempt contracts are not subject to the Comptroller's approval. However, copies of exempt contracts must be filed with OSC within 60 days of the date they are signed by the State authority.

1. Contracts for the issuance of commercial paper or bonded indebtedness including, but not limited to: bond purchase agreements, standby bond purchase agreements, letters of credit, firm remarketing agreements, forward purchase agreements, revolving credit agreements and other similar liquidity facility agreements, broker-dealer agreements, remarketing agent agreements, auction agent agreements, interest rate swaps and other similar hedging agreements; provided, however, that this category of exempt contracts shall not include: (a) contracts with the State providing for the payment of debt service subject to an appropriation; (b) professional or banking services agreements such as bond counsel agreements, financial advisor agreements and trustee agreements; or (c) custodial service agreements.
2. Contracts entered into by an entity established under Article 10-c of the Public Authorities Law which are for: (i) projects approved by the Department of Health or the Public Health Council in accordance with Article 28, 36 or 40 of the Public Health Law or Article 7 of the Social Services Law; (ii) projects approved by the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities (as of July 13, 2010 known as the Office for People with Developmental Disabilities), or the Office of Alcoholism and Substance Abuse Services in accordance with Article 16, 31 or 32 of the Mental Hygiene Law; (iii) services, affiliations or joint ventures for the provision or administration of health care services or scientific research; (iv) payment for direct health care services or goods used in the provision of health care services; or (v) participation in group purchasing arrangements.
3. Contracts for the procurement of goods, services or both goods and services to meet emergencies arising from unforeseen causes or to effect repairs to critical infrastructure that are necessary to avoid a delay in the delivery of critical services which could compromise the public welfare.
4. Contracts for the purchase or sale of energy, electricity or ancillary services made by an authority in a recognized market for the goods, services or commodities in question, in accordance with standard terms and conditions of purchase or sale at a market price.

5. Contracts for the purchase, sale or delivery of power or energy, fuel, costs and services ancillary thereto, or financial products related thereto, with a term of less than five years.
6. Contracts for the sale or delivery of power or energy and costs and services ancillary thereto for economic development purposes pursuant to Title I of Article 5 of the Public Authorities Law or Article 6 of the Economic Development Law.

EXEMPT CONTRACT AMENDMENT

NYCRR 206.2(g) defines Exempt Contract Amendment as a modification to any contract where such modification would otherwise be an eligible contract amendment, but is for an exempt purpose as described above.

Exempt contract amendments are not subject to the Comptroller's approval. However, copies of exempt contract amendments must be filed with OSC within 60 days of the date they are signed by the State authority.

Examples of Exempt Contract Amendments

1. A \$1.2 million, noncompetitive, emergency contract that was executed *after* March 1, 2010 is amended to add \$200,000. The \$200,000 amendment is an exempt contract amendment because it modifies an exempt contract.
2. A \$900,000 single-source contract that was executed *before* March 1, 2010 is *amended after* March 1, 2010 to add \$200,000 for an emergency purpose. The \$200,000 amendment is an exempt contract amendment because, although the original contract was awarded on a noncompetitive basis, the amendment is for an exempt purpose and the contract as amended will exceed \$1 million.

MONIES APPROPRIATED BY THE STATE

NYCRR 206.2(h) defines Monies Appropriated by the State as:

- Monies from the State treasury or any of its funds, or any of the funds under its management pursuant to law; or
- The proceeds of bonds, where such bonds shall be paid in whole or in part with monies from the State treasury or any of its funds, or any of the funds under its management pursuant to law.

A contract is deemed to be paid with monies appropriated by the State where the Legislature has appropriated monies either:

- Directly to a State authority, including general lump sum appropriations; or

- To a State agency for payment to a State authority or State authorities, for a project or specific purpose, and the contractual expenditure is to be made by the State authority in furtherance of the project or specific purpose.

Examples of Monies Appropriated by the State

1. Appropriated directly to a State authority: For services and expenses related to the operation and administration of the XYZ Authority.
2. Appropriated for a program implemented by a State authority: For services and expenses related to ABC Program.
3. Appropriated to a State Agency: For services and expenses related to the operation of PDQ Program pursuant to a plan approved by the Director of the Budget. All or portions of the funds appropriated hereby may be suballocated or transferred to any department agency, or public authority.

OSC WRITTEN NOTICE TO STATE AUTHORITIES OF PRIOR APPROVAL REQUIREMENT

ELIGIBLE CONTRACTS FOR PRIOR APPROVAL

Only those eligible contracts and eligible contract amendments for which OSC has provided Written Notice to the State authority require the Comptroller's prior approval. Absent written notice, eligible contracts must be filed with OSC as described elsewhere in this document.

WRITTEN NOTICE

OSC will provide Written Notice to a State authority when it has determined that any eligible contract, eligible contract amendment, category of eligible contracts or category of eligible contract amendments will be subject to approval by the Comptroller. OSC approval is required for such contracts to be deemed fully executed.

OSC's Written Notice will describe the period of time during which the State authority is required to submit the contracts and/or contract amendments for prior approval. Such contracts and/or contract amendments must be submitted according to instructions provided in this document, unless the Written Notice provides alternate instructions.

PRIMARY CONTACT FOR RECEIVING WRITTEN NOTICES

For each authority and subsidiary, OSC will send Written Notice to the primary contact, specifically designated for such purpose by the State authority, or, where no designation is made, to the Chief Executive Officer as reported in the Public Authorities Reporting Information System (PARIS). For authorities with subsidiaries, Written Notices are applicable

to the State authority and its subsidiaries if the parent authority has reported to OSC that all correspondence should be addressed to the primary contact for the parent authority. If the parent designated a primary contact for its subsidiary(s), Written Notices will be addressed directly to the designated primary contact for the subsidiary.

CHANGING THE DESIGNATED PRIMARY CONTACT

To ensure receipt of Written Notices and other correspondence regarding the Comptroller's oversight of contracts, State authority are encouraged to provide timely notice of changes to designated primary and secondary contact information to OSC. Changes to the State authority's primary contact for PAL §2879-a implementation and notice of the creation of any new subsidiary must be sent in writing to OSC's State Authority Contracts mailbox at SAC@osc.state.ny.us. Additionally, space is provided on the Annual Report of State Authority Contracts form to update primary contact designations. Either notification method is acceptable.

CONTRACTING AUTHORITY AND SUBMITTING AUTHORITY DEFINED

A Contracting State Authority is the entity that signs the contract. A Submitting State Authority is the entity that submits the contract to OSC. In most instances, the Contracting and Submitting Authorities will be the same entity. However, when the Contracting Authority is a subsidiary, the Submitting Authority may be the parent authority.

SUBMISSIONS BY STATE AUTHORITY SUBSIDIARIES

OSC recognizes that there are instances in which a State authority subsidiary acts independently from the parent authority for contracting activity. Subsidiaries that submit contracts directly must comply with the direction provided herein for contract submissions. When the parent authority acts as the submitting authority, the subsidiary should take direction from the parent.

PROCEDURE FOR SUBMITTING STATE AUTHORITY CONTRACTS AND CONTRACT AMENDMENTS TO OSC

THE STATE AUTHORITY CONTRACT SUBMISSION SYSTEM (CSS)

The Contract Submission System (CSS) is a secure, web-based application which allows State authorities to submit contracts and contract amendments to OSC for prior approval or filing. CSS is accessed through OSC Online Services in the same way that State authorities access the Public Authorities Reporting Information System (PARIS).

State authorities must identify staff that will submit contracts to OSC using CSS and enroll those users in OSC Online Services in the same way that users are enrolled to use the PARIS. Detailed information about Online Services Enrollment follows.

The CSS became available for State authority use in September 2011. Effective October 26, 2011, State authorities were required to use the CSS to submit contracts. Contract transactions submitted by any method other than CSS will not be considered as having been submitted for the purposes of Public Authorities law §2879a. Such mandate is authorized by NYCRR Part 206.5(e).

The CSS includes a Feedback feature that allows State authority users to provide suggestions for system improvements and enhancements. Feedback may also be provided directly to the SAC mailbox at SAC@osc.state.ny.us

OSC ONLINE SERVICES ENROLLMENT

Every known State authority has been provided access to create new user accounts and edit existing user accounts for the Contract Submission System (CSS) via the OSC Online Services portal.

State authorities and State authority subsidiaries that were created after October 2011 must contact the OSC Help Desk to have the authority name added to CSS as a contracting entity or to associate a new subsidiary with a parent entity.

OSC Online Services is accessed at <https://portal.osc.state.ny.us>.

Every State authority that reports in the PARIS has at least one Online Services “authorizer.” It is the responsibility of the authorizer(s) to create and manage CSS users for the State authority. The authorizer can:

- Create and manage users
- Create other authorizers
- Reset user passwords

At implementation, OSC provided each State authority’s designated primary contact with an initial list of the name(s) of existing authorizer(s) in their organization. The State authority decides which staff will be provided access to CSS and which System role(s) will be assigned. Also, the State authority determines if additional authorizers will be created to assist in managing CSS users.

State authorities and State authority subsidiaries that were created after October 2011 must contact the help desk to initiate the enrollment process.

CSS USER ROLES

Contract Entry Role

- Allows user to enter the State authority's contract details, attach contract documents and submit contracts and amendments for filing or approval in the Contract Submission System.

State Authority Guest Role

- Allows user to view the State authority's contract details and attached contract documents in the Contract Submission System. Guest users can not create or edit records.

CREATING CSS USERS

It is the responsibility of the State authority's Online Services authorizer(s) to create CSS users for the State authority.

TO CREATE NEW USERS:

1. From the "User Management" page found on the "Enrollment" tab, **click** the link in the "Add User" box
2. Complete all asterisked fields, ensure that each email address is correct for the user to receive emails with instructions for completing enrollment
3. Click "Save and Assign Roles"
4. Click checkbox to assign roles (Roles selected will be highlighted)
5. Add roles; each user must be assigned at least one role to access CSS

Note: The new user will receive two emails from Enrollment (enrmail) with instructions for completing the enrollment process. The user account will not be activated until the new user logs in and creates a password.

It is the responsibility of the State authority's Online Services authorizer(s) to create additional authorizers for the State authority.

TO CREATE AN AUTHORIZER:

1. From the "User Management" page found on the "Enrollment" tab, click link in the "Add User" box
2. Complete all asterisked fields, click "Save and Assign Roles"
3. Select "Government Authorizer" under Enrollment
4. Click checkbox to assign roles (Roles selected will be highlighted)

MANAGING CSS USERS

It is the responsibility of the State authority's Online Services authorizer(s) to manage CSS users for the State authority. The following features support authorizers in this activity.

TO EDIT USER INFORMATION

Search for a specific user

1. From the “User Management” page found on the “Enrollment” tab, click “View Users”

Modify user information

2. From the “User Management” page, click the link next to the specific user record to modify
3. Click “User Info” to edit personal information
4. Click “Permissions” to edit roles

ADD OR REMOVE USER ROLES

1. Locate the user from the user list from the “User Management” page found on the “Enrollment” tab,
2. Click “Permissions” to access the user’s information
3. To add a role, select desired application and click the checkbox next to the role to be added (the role will then become highlighted)
4. To remove a role, uncheck the box next to the role to be removed (the role will no longer be highlighted)

RESET USER PASSWORD

1. From the “User Management” page found on the “Enrollment” tab,, click the “User Information” link next to the specific user record
2. At the bottom of the page, click “Reset Password” - the user whose password is reset will receive an email with instructions to create a new password

LOCK A USER ACCOUNT

Note: An account (user) cannot be deleted; it can only be locked.

1. From the “User Management” page found on the “Enrollment” tab, locate the user from the enrolled user list
2. Click “User Information” next to person’s name
3. Click “Lock User” from the list

RESET A LOCKED USER ACCOUNT

1. From the “User Management” page found on the “Enrollment” tab, locate the user from the enrolled user list
2. Click “User Information” next to person’s name
3. Click “Unlock User”

ELECTRONIC SUBMISSION

Contracts and contract amendments, whether submitted for filing or prior approval, must be submitted to OSC using the Contract Submission System (CSS). The submission must include all contract documents (unless, at the request of the State authority, the Comptroller has issued a waiver for certain documents or document types).

State authorities and State authority subsidiaries that were created after October 2011 must contact the OSC Help Desk to have the authority added to CSS as a contracting entity or to associate a new subsidiary with a parent entity.

CONTRACT NUMBERING DETAILS

Every contract transaction submitted to OSC is uniquely identified by the combination of a Department ID Number (*formerly, State Agency Code*), contract number, and batch number. *Batch number is a unique identifying number assigned by OSC and described elsewhere in this document.* State authority contracts that are submitted to OSC are required to conform to the following numbering parameters.

CONTRACT NUMBERS

Contract numbers must contain seven (7) characters. Each contract number must begin with the prefix from the list provided below that best describes the type of contract, followed by six digits that uniquely identify each contract (*Ex. C000122*). The prefix is always a letter. Contracts that do not conform to these numbering requirements cannot be accepted by the CSS. Contract amendments must have the same contract number as the original contract. New contracts and amendments where no original was previously submitted that are resubmitted after an OSC non-approval may use the same contract number for the resubmission.

Purchase orders are considered contracts and must be numbered in the same manner.

CONTRACT PREFIXES

Prefix	Description
C	Consultants/Services/Commodities/Grants
D	Construction-Related
F	Repayment Agreements
L	Leases
M	Member Items
S	Consultants/Services with Individuals
W	Land Claims
X	Revenue

C - Consultants/Services/Commodities/Grants

This contract prefix is used for vendors which are NOT individual persons. It encompasses a broad variety of contracts as outlined below.

- Consultant services including all of the following types of services: analysis, evaluation, research, training, data processing, computer programming, information technology (IT) consulting, engineering, architect services, surveying services,

construction management, construction inspection, bridge inspection, environmental, health and mental health services, accounting, auditing, paralegal or similar services.

- Services including all of the following: the performance of a task or tasks, which may include the use of a material good or a quantity of material goods. Examples include but are not limited to: moving, storage, banking, cleaning, pest control, building services, waste removal, transportation, guard services, grounds maintenance, food service, refurbishing, restoration, union benefits, water treatment/sewer use, laboratory testing, and collection agencies.
- Grants contracts awarded either competitively or noncompetitively.
- Commodities including all of the following: standard articles of commerce in the form of material goods, supplies, products or similar items.

D - Construction-Related

Activities involved in the creation, repair, or rehabilitation of highways, bridges and buildings, etc.

F - Repayment Agreement

Agreement between parties to allow for the payment or repayment of a loan, advance, debt, or audit disallowance over time.

L - Lease

Agreement for the use of real property or equipment.

M - Member Items

A Community Projects Fund (007) item specifically identified in the State budget for the provision of funds to a specific entity or organization or a programmatic purpose.

S - Contracts with Individuals

A contract for either consultant services or other services (as defined above for 'C') in which the contractor is an individual person.

W - Land Claim

Contract transaction involving the acquisition of land or real property by the State authority through purchase.

X - Revenue

Contract in which monies are received by the State authority as consideration from the vendor and consideration other than the payment of money is given by the authority, including the sale of land or real property.

BATCH NUMBERS

Unique Batch Numbers are systematically assigned by OSC upon receipt and are used to differentiate contract amendments from the original contract and from other amendments to the same contract, as well as to allow CSS to effectively interact with other OSC internal systems.

NEW YORK STATE VENDOR FILE

The New York State Vendor File is a centralized database of all vendors that provide goods or services to, have an ongoing relationship with or receive payment from New York State. The file identifies each vendor by a State-assigned ten-digit vendor identification number (Vendor ID) instead of by its federal Tax Identification Number (TIN).

VENDOR CONTACT INFORMATION

Effective May 8, 2011, vendor contact information became required data for every State authority contract transaction submitted to OSC for prior approval or filing. Vendor contact information is needed so that NYS can establish a unique Vendor ID for each vendor. A Vendor ID is necessary for the CSS to interact with other internal OSC systems, especially Open Book New York.

The vendor contact name must be an executive who makes legal and financial decisions in the vendor's organization.

VENDOR ID

Every transaction submitted to OSC for filing or approval is subjected to a vendor name and Taxpayer Identification Number (TIN) check against the Vendor File, and if a match is found, the transaction is accepted for further processing. Research suggests that the vast majority of vendors on State authority contracts submitted in CSS already have an assigned Vendor ID. When the vendor is not found on the Vendor File, a Vendor ID request is initiated by OSC staff. A Vendor ID can be created only after the vendor's Legal Business Name and TIN is validated against the Internal Revenue Service (IRS) database. When an IRS match is found, a Vendor ID is assigned.

In the past, there had been no consequence to State authority contract processing when the CSS and IRS data did not match. Beginning October 14, 2015, OSC internal systems will no longer allow transactions to be approved or file without a Vendor ID (i.e. IRS match).

Interim Vendor ID Procedures

For the short term, if a Vendor ID on a State authority contract cannot be found or created, the transaction will be non-approved by OSC with an explanation that the vendor's name and TIN are not a valid combination. Should this occur, the authority will reenter the transaction in CSS with the corrected vendor Legal Business Name and/or TIN. This may require the authority to contact the vendor to obtain accurate information. OSC anticipates this interim procedure being in place through early 2016. **To avoid a potential delay in contract approval or filing, authorities are encouraged to ensure a vendor's Legal Business Name and TIN are accurate when entered in CSS in the first instance.** One method to ensure accurate information is to obtain from the vendor an IRS Form W-9, Request for Taxpayer Identification Number and Certification.

Long Term Vendor ID Solution

The planned long term solution is to enhance the CSS application to provide a Vendor ID lookup feature so that authorities can identify in advance of contract submission whether the vendor already has a Vendor ID. Additionally, a mechanism will be established for authorities to initiate Vendor ID requests when one does not already exist.

CONTRACT DOCUMENTS FOR SUBMISSION

ACCEPTABLE FILE FORMATS

Acceptable formats for contract files submitted electronically are limited to the following.

- PDF files
- Text files
- Word documents or Word-compatible documents
- Excel spreadsheets or Excel-compatible spreadsheets

Files may be condensed or zipped.

IDENTIFYING CONTRACT DOCUMENTS THAT MUST BE SUBMITTED

SUBMISSIONS FOR FILING

NEW ELIGIBLE AND EXEMPT CONTRACTS FOR FILING

A complete copy of the contract including completed signature pages, all attachments and documents incorporated by reference, must be submitted, except where the Comptroller has determined that a complete copy is not required. A copy of the complete procurement record

does not need to be submitted for Eligible or Exempt Contracts for filing unless specifically requested by OSC.

Generally, CSS can accept files up to 50MB. The [OSC Help Desk](#) can assist users in managing file sizes, when necessary. If the State authority believes the complete eligible contract is too voluminous and would otherwise cause an undue administrative burden, the State authority may contact the OSC Help Desk to request a waiver. *Note: Per PAL §2879a, the entire exempt contract or exempt contract amendment must be filed and there is no provision for the Comptroller to issue waivers.*

ELIGIBLE AND EXEMPT CONTRACT AMENDMENTS FOR FILING

A complete copy of the contract amendment including completed signature pages, all attachments and documents incorporated by reference (including the original contract or previous contract amendment), must be submitted. Where the original contract or previous contract amendment was previously submitted to the Comptroller for filing or approval pursuant to PAL §2879a or NYCRR Part 206, it is not necessary to submit it again. The requirement to submit documents incorporated by reference may be waived when the Comptroller determines that a complete copy is not required. A copy of the complete procurement record does not need to be submitted for eligible or exempt contract amendments for filing unless specifically requested by OSC.

Transactions submitted for filing are reviewed by OSC to ensure that the CSS data entered by the authority matches the contract documents (e.g. vendor name, transaction amount) and to assure that a complete contract document as described above is provided. If OSC finds that a CSS data field doesn't match the documents provided, or if the attached contract appears incomplete, the transaction will be systematically non-approved. Along with an email notification, a nonapproval letter providing the nonapproval reason will be available in the CSS documents list and the CSS status will change to Withdrawn. To resubmit a Withdrawn transaction, the authority will re-enter the entire record in CSS with corrected data, re-upload all documents and submit using the same contract number.

OSC does not typically perform a detailed contract pre-review on submissions for filing but may do so on a post-filing basis.

Generally, CSS can accept files up to 50MB. The [OSC Help Desk](#) can assist users in managing file sizes when necessary. If the State authority believes the complete eligible contract amendment is too voluminous and would otherwise cause an undue administrative burden, the State authority may contact the OSC Helpdesk to request a waiver. *Note: per PAL §2879a, the entire exempt contract or exempt contract amendment must be filed and there is no provision for the Comptroller to issue waivers.*

SUBMISSIONS FOR PRIOR APPROVAL

A complete copy of any eligible contract or eligible contract amendment identified in a Written Notice including signature pages, all attachments and documents incorporated by reference

therein, and a complete Procurement Record must be submitted. All contracts for prior approval must show proper acknowledgement of the contractor's signature.

The Guide to Financial Operations provides [examples of acceptable acknowledgements](#).

Generally, CSS can accept files up to 50MB. The [OSC Help Desk](#) can assist users in managing file sizes when necessary. If the State authority believes the complete eligible contract or eligible contract amendment is too voluminous and would otherwise cause an undue administrative burden, the State authority may contact the OSC Help Desk to request a waiver.

PROCUREMENT RECORD DEFINED

A Procurement Record is the documentation of the decisions made and the approaches taken in the procurement process and serves as the basis of OSC's contract review. A Procurement Record must be maintained for all procurements.

The Procurement Record includes, but is not limited to: a clear statement of need; a description of the required specifications governing performance and related factors; documentation of a reasonable process for ensuring a competitive field; documentation that demonstrates fair and equal opportunity for offerers to submit responsive offers; a balanced and fair method of award (one which is rational and objective and awards the contract based on a quantified scoring system predicated upon price, a combination of price and qualifications, or a determination of the most qualified bidder at a reasonable price); a determination of vendor responsibility; and other decisions made by the authority during the procurement process.

Procurement Record components necessary to support the decisions made by the authority will depend upon the type and complexity of the procurement. A listing of common [Procurement Record components](#) is provided in this document. OSC reserves the right to require additional documents to support the contract review process.

VENDOR RESPONSIBILITY

Vendor Responsibility generally means that a vendor or contractor has the integrity to justify the award of public dollars and the capacity to perform the requirements of the contract fully. A responsibility determination, wherein the contracting authority assesses all relevant, available information and determines that it has reasonable assurances that a contractor or significant subcontractor is responsible, is an important part of the procurement process, promoting fairness in contracting, helping to mitigate contract issues, and protecting a contracting authority and the State against failed contracts. An assessment of the adequacy of the contracting authority's responsibility review process and the reasonableness of its determination will be a factor in OSC's contract review.

DOCUMENTING A VENDOR RESPONSIBILITY REVIEW

State authorities must include in the procurement record for every eligible contract and contract amendment submitted for the Comptroller's approval documentation of a vendor responsibility review, except as described below.

A vendor responsibility determination must, at a minimum, evaluate a potential vendor's responsibility with respect to four factors:

- Financial and organizational capacity to perform the contract
- Legal authority to do business in New York State
- Integrity to warrant an award of public funds
- Previous performance on contracts

The Comptroller's website provides links to useful [Internet Resources](#) that will assist contracting authorities in evaluating the responsibility of a vendor.

OSC recognizes that some State authorities currently utilize processes consistent with those prescribed for State agencies and the New York State Council of Contracting Agencies, or adhere to New York City VENDEX requirements. At this time, OSC has not prescribed the format for documenting a State authority's vendor responsibility review. However, the documentation provided must describe, in sufficient detail, the method used to assess responsibility, any potentially cautionary information discovered, and steps taken by the vendor or the authority to mitigate the risk posed by such information.

State authorities may utilize the [Vendor Responsibility Profile](#) form developed for State agencies to document a vendor responsibility determination, (see [Instructions](#)). If the authority chooses to use this form, it must show the contracting authority name in the field labeled "Department Name," and other fields may be left blank, i.e., Business Unit, Department ID #, Amendment Sequence #, etc. Where the contracting authority has required self-disclosure of potential responsibility issues by questionnaire or other form, such disclosure must be provided to OSC with the vendor responsibility documentation. However, if the State authority is using the NYS VendRep System, there is no need to print this information.

REQUIRED VENDOR RESPONSIBILITY CERTIFICATION

NYCRR 206.5 requires that the procurement record for each eligible contract or eligible contract amendment subject to the Comptroller's approval include a "certification" that the authority has undertaken an affirmative review of the responsibility of the contractor and significant subcontractors known at the time of the award. The review should be designed to provide reasonable assurance that the contractor and significant subcontractors are responsible. The determination must be documented in the procurement record. The authority may choose to use the standard [Vendor Responsibility Certification](#) form for this purpose or may otherwise incorporate the form's text into the procurement record.

Many State authorities already have processes in place to evaluate the responsibility of potential contractors and subcontractors.

IDENTIFYING TRANSACTIONS REQUIRING VENDOR RESPONSIBILITY DOCUMENTATION

State Authorities are expected to have reasonable assurance they enter or continue business relationships with responsible vendors in all instances. [Vendor Responsibility Certification](#) is required for every contract transaction submitted for Comptroller's approval. However, OSC requires documentation of a responsibility review only for the following types of eligible contracts and contract amendments that have been identified for the Comptroller's approval:

- New contracts;
- Eligible contract amendments where the neither the original contract nor any previous contract amendment was approved by the Comptroller;
- Any contract or contract amendment where the authority is aware of, and has assessed as part of its award or renewal decision, any potentially adverse or cautionary information;
- Any contract or contract amendment where OSC, in its discretion, deems such documentation relevant.

IDENTIFYING SIGNIFICANT SUBCONTRACTORS

Per NYCRR 206.5, a subcontractor that is known at the time of award is considered significant for the purposes of documenting a vendor responsibility review when:

1. The subcontractor's qualifications are a material factor in the award, or
2. The value equals or exceeds an amount determined by OSC.

Examples of when the subcontractor's qualifications are a material factor in the award include, but are not limited to, when the subcontractor's qualifications receive points in the evaluation for award or when the subcontractor will be performing the majority of the work.

Additionally, when the value of the subcontract exceeds 25 percent the value of the total contract, the subcontractor is deemed significant.

TRANSACTIONS EXEMPT FROM VENDOR RESPONSIBILITY DOCUMENTATION REQUIREMENTS

A list of specific vendors and contract transactions which are [exempt from Vendor Responsibility documentation requirements](#) is provided in this document.

WAIVER OF VENDOR RESPONSIBILITY DOCUMENTATION REQUIREMENTS

If a State authority believes a subcontractor is not significant, the State authority must request for a waiver of the vendor responsibility documentation requirement in advance of contract submission or include such request with the submission. The request must describe the reasons for the authority's belief. If OSC agrees with the State authority, OSC will waive the Vendor Responsibility documentation for the subcontractor. Alternatively, if OSC denies the State authority's request, such documentation will be required prior to approving the contract, which may result in a delay in contract approval or a determination to non-approve the contract.

BID PROTESTS

A fair procurement process facilitates the authority's mission, protects the interests of the State and its taxpayers, and promotes fairness in the contracting community. To this end, it is imperative that interested parties be provided an opportunity to raise their concerns with respect to the legal and/or factual basis of a State authority's contract award. Two types of bid protests may be filed with the Comptroller for contracts subject to the Comptroller's approval: an appeal of a protest decision made by the contracting authority; and a direct protest to the Comptroller. Copies of every bid protest and the authority's response must be included in the procurement record submitted with every eligible contract and contract amendment for prior approval. The OSC Guide to Financial Operations provides [Bid Protest Procedures](#).

PROCUREMENT LOBBYING

State Finance Law sections 139-j and 139-k regulate attempts to influence procurement contracts and impose procurement record requirements relating to lobbying on procurement contracts. The OSC Guide to Financial Operations describes procurement record requirements related to [Procurement Lobbying Act provisions](#).

OSC SELECTION OF CONTRACTS OR CATEGORIES OF CONTRACTS FOR PRIOR APPROVAL

The OSC will periodically identify State authority's eligible contracts and eligible contract amendments subject to the Comptroller's prior approval. The criteria that will be used to make these determinations will include, but may not be limited to: the quantity and dollar value of executed contracts (based in part on PARIS procurement reports) or anticipated contracts (based in part on Annual Reports described in NYCRR 206.3); authorities' contracting and procurement past practices (as identified in audits performed by OSC or other regulating bodies); the types of contracts; presence or absence of competition (based in part on Annual Reports); level of financial risk posed by the State authority's contracts; potential liability to the State posed by the authority's contracts; the adequacy of the authority's procurement

guidelines; the authority's compliance with provisions of NYCRR 206.7 regarding the filing of eligible contracts and contract amendments; and the authority's compliance with reporting requirements of PAL §2879 and PARIS regulations.

REQUIRED SOLICITATION LANGUAGE

When the Comptroller has issued to a State authority in advance of the authority's solicitation, written notice that designates a contract for prior review and approval, the authority must include notice in the solicitation document that such contract is not effective until the OSC approval is provided.

SAMPLE SOLICITATION LANGUAGE

"In accordance with Public Authorities Law §2879-a, the contract resulting from this solicitation is subject to the approval of the New York State Comptroller, and shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller."

REQUIRED CONTRACT LANGUAGE

When the Comptroller has issued written notice designating a contract or category of contracts for prior review and approval, the authority must include a clause specifying that the contract is not effective until OSC approval is provided.

SAMPLE CONTRACT LANGUAGE

"In accordance with Public Authorities Law §2879-a, as this contract was determined by the State Comptroller to be subject to the Comptroller's prior approval, this contract shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller."

OSC CONTRACT APPROVAL

OVERVIEW OF APPROVAL CRITERIA

The Comptroller's determination to approve an eligible contract or eligible contract amendment identified as subject to the Comptroller's approval will be based on, but not limited to: compliance with all applicable laws; responsibility of the proposed contractor; the reasonableness of the authority's procurement procedures; the authority's compliance with its own procurement procedures; the reasonableness of the result of the procurement; adequacy of the description of the scope of services; and the presence of specified start and end dates (except for purchase orders). For contracts and contract amendments awarded without competition, the Comptroller may also consider: the justification for not utilizing a competitive

procurement; the reasonableness of the selection of the contractor; the cost; and the contract terms.

ATTORNEY GENERAL APPROVAL

Every Eligible contract and Eligible contract amendment that is subject to Comptroller's approval will require approval by the New York State Attorney General (AG).

ANTICIPATED REVIEW AND APPROVAL TIMELINES

PAL §2879-a provides the Comptroller 90 days from the date of submission to approve an eligible contract or eligible contract amendment. However, it is rare that OSC uses the full allotted time for contract review and approval. State authorities' contracting timelines should anticipate a reasonable period for OSC review and approval. OSC will make every effort to act on State authority contracts in a timely manner.

FORMAT OF OSC CONTRACT APPROVAL AND NON-APPROVAL

CONTRACT APPROVAL

When OSC has approved an eligible contract or eligible contract amendment, the CSS document status, viewable by all enrolled State authority users, will read "approved." Additionally, a physical signature will be added to the contract signature page below the authority's and the contractor's signature. A scanned copy of the page, with an authorized OSC signature, will be saved to the CSS contract record and will be viewable to submitting authority users. The submitting authority may provide a copy to the contractor as evidence of the Comptroller's approval.

When such determination is not provided within 90 days of receipt, the contract is automatically approved and becomes effective.

CONTRACT NON-APPROVAL

When OSC has non-approved an eligible contract or eligible contract amendment, the CSS document status, viewable by all enrolled State authority users, will read "non-approved." Additionally, the Comptroller will provide, via email, a written determination indicating the non-approval. Details of the reason(s) for non-approval can be found by viewing the non-approval notice in the documents section of CSS.. When such determination is not provided within 90 days of receipt, the contract is automatically approved and becomes effective.

RESUBMITTING CONTRACTS AFTER OSC NON-APPROVAL

The inclusion of non-approval reasons in OSC's contract non-approval notice will help the contracting authority or the submitting authority to identify and make revisions necessary to successfully resubmit the contract or contract amendment for approval, if possible.

Resubmission of a previously non-approved contract or contract amendment must include a copy of the OSC non-approval notice. Authorities may reuse the same contract number when resubmitting a previously non-approved contract.

THE NEW YORK STATE CONTRACT REPORTER

The Procurement Opportunities Newsletter, entitled *The New York State Contract Reporter*, is intended to ensure the integrity of the State procurement process by providing for regular, centralized public notice of State agency and public authority intentions to contract for goods and services in the amount of \$15,000 or more. Requirements are established in Article 4-C of the Economic Development Law. Public authorities that have the majority of their boards appointed by the Governor are subject to these requirements.

Article 4-C requires publication of the newsletter on a weekly basis. A minimum of 15 business days must elapse between publication of the notice and the date on which a bid or proposal is due. The statute also provides for exemptions to be granted to the *Contract Reporter* advertising requirements.

Where the contracting authority is subject to the requirements of Article 4-C, the procurement record for any contract or contract amendment which is subject to the Comptroller's approval must include a copy of such advertisement or a copy of an approved exemption request as described elsewhere in this document.

CONTRACT REPORTER EXEMPTION FOR CONTRACTS IDENTIFIED FOR OSC APPROVAL

Article 4-C provides that no agency (including State authorities having a majority of their board members appointed by the Governor) shall award, and the Comptroller shall not approve, a procurement contract unless notice of that contract first has appeared in the newsletter, or unless it is exempt. The OSC Guide to Financial Operations provides detailed information on the [publication of procurement opportunities](#).

CONTRACT REPORTER EXEMPTION REQUEST PROCEDURE

Requests for exemptions must be submitted to the SAC Mailbox at SAC@osc.state.ny.us according to the following procedures.

- All requests for exemptions shall be in writing (unless an emergency exists), signed by the authority's chief fiscal officer or authority designee, and shall clearly state the nature of the contract, reasons for the exemption, and estimated value.
- If an emergency exists, OSC will accept oral requests, provided the agency follows up immediately with a written request, clearly stating the nature of the contract and the reasons for the exemption.

- An exemption may be requested for a single-source or sole-source procurement when a circumstance or situation exists that would render publication of a notice in the *Contract Reporter* not feasible.
- Regardless of the type of exemption requested, OSC will approve or deny the request for the exemption in writing, as soon as practicable.
- OSC will grant or deny an exemption for each individual request. However, in accordance with Article 4-C, OSC may exempt a specific class of procurement contracts by regulation.
- Any authority which receives an exemption must still publish a notice of either the letting or award of the contract in the *Contract Reporter*. Prior to OSC approval of the contract, an authority granted an exemption is required to provide OSC with proof confirming that they have requested the Department of Economic Development to publish the notice of the exemption in the newsletter. The notice must state the reason for the exemption and be placed as soon as practicable. Such proof should include a copy of the request form or the actual advertisement. If OSC determines that such a notice would affect the ability of law enforcement agencies to carry out investigations or of authorities to protect their security operations, notice of such exemption shall not be published.

Authorities granted exemptions will be responsible for maintaining documentation showing they have complied with Article 4-C.

STATE AUTHORITY PROCUREMENT GUIDELINES

OSC may conduct a review of each State authority's procurement guidelines and assess the extent to which they comply with the requirements set forth in PAL, Economic Development Law, Public Officers Law and other relevant statutes. The basis of such review would be the guidelines annually certified by the authority's board and submitted to the PARIS. Therefore, it is important that State authorities timely file current procurement guidelines.

ANNUAL REPORTING

Pursuant to NYCRR 206.3, a State authority is required to submit a report to OSC annually which includes a description of every eligible contract and eligible contract amendment which the State authority reasonably anticipates entering into in the following fiscal year.

Every State authority must submit an annual report even if no eligible contracts are anticipated for the report period. The annual report form header must be completed and submitted to OSC.

For example, annual reports from those authorities whose fiscal year begins on January 1 will be due on the preceding December 1. Exempt contract amendments and the following eligible

contract amendments need not be reported: (1) change orders to construction contracts where the value of the change does not exceed \$100,000; and (2) agreements to extend the duration of a contract for which there is no change in contract amount.

OSC reserves the right to alter the process by which a State authority shall submit such reports where it determines that such alternate process is appropriate and has provided the affected State authorities with 60 days' notice of the change.

ANNUAL REPORT EXCLUSIONS

The following anticipated transactions may be excluded from the State authority's Annual Report:

- Exempt Contracts and Exempt Contract Amendments;
- Change orders to construction contracts where the value of the change does not exceed \$100,000;
- Agreements to extend the duration of a contract for which there is no change in contract amount;
- Contracts where OSC approval is otherwise required, or provided for, by law or by resolution of a State authority, including, but not limited to, contracts made "for" the State by a state authority

Please note that anticipated contracts and contract amendments that are excluded from Annual Report requirements may remain subject to filing requirements.

ANNUAL REPORT FORM

The Annual Report form and Annual Report Instructions are available on the [OSC website](#).

The Annual Report form is an Excel spreadsheet that allows the contracting authority to report the following information for each eligible contract or eligible contract amendment that it anticipates executing during the report period (i.e. authority fiscal year):

Report Header

- Contracting Authority Name
- Contracting Authority Agency Code
- Report Period
- Report Options
- Report Date
- Preparer Contact Information

Report Data

- Change Type
- New Contract or Amendment

- Contractor Name (if known)
- Contract Purpose Description
- Estimated Contract Value or Revised Total Contract Value
- Estimated Contract Amendment Value
- Projected Solicitation Release Date or Amendment Start Date
- Anticipated Funding Source
- Method of Award

ANNUAL REPORT REVISIONS

The State authority must submit revised reports to OSC identifying any eligible contract or eligible contract amendment not previously reported, any deletion from the list of eligible contracts or eligible contract amendments previously reported, or change in the information provided in previous report that affects the method of award of a reported contract or that results in an increase of 25 percent or more to the anticipated value of a contract or contract amendment.

Revised reports must be a complete report that does not omit previously reported, unchanged items.

Revised reports must be submitted no later than 30 days after the State authority has identified the need for such addition or significant change. Where 30-days notice is not possible, revised reports must be submitted at least 10 days prior to the release of a competitive procurement solicitation, or the execution of a noncompetitively awarded contract.

WAIVERS TO ANNUAL REPORTING REQUIREMENTS

The Comptroller may waive, via written notice, the reporting requirements with respect to any State authority, to the extent that the State authority already submits eligible contracts to the Comptroller for approval pursuant to an existing law or resolution. Waiver requests must be submitted in writing to the SAC mailbox at SAC@osc.state.ny.us

CONTACT OSC

By Email: ITServiceDesk@osc.state.ny.us

By Phone: (866) 370-4672

PROCUREMENT RECORD COMPONENTS

Required Components

- Contract Agreement, *including notarized signature pages showing the contract number, all attachments and any documents incorporated by reference*
- Contract Reporter Advertisement or Other Proof of Advertisement, *as applicable*
- Blank Solicitation Document (including appendices, Q&As and addenda)
- Solicitation List
- Certified Bid Tabulation
- Evaluation Instrument, Completed Scoring Sheets and Evaluation Summary
- Awarded Bid/Proposal or Signed Vendor's Quote
- [Lobbying Law Documentation](#)
 - Vendor Affirmation
 - Lobbying Law Vendor Disclosure
 - Lobbying Law Vendor Certification
 - Termination Language
 - [OSC Governmental Entity Representation Form](#)
- [Vendor Responsibility Certification](#)
- All Proposer Correspondence
- Non-Award Letters
- Appropriation Language or Citation for Grants and Member Items
- Legislative Initiative Form for member items
- OSC Non-Approval Notice, *if resubmission*

Additional Components, as applicable

- State Authority Board Resolution
- Vendor Responsibility Determination Documentation
- Vendor Responsibility Disclosure or Questionnaire
- Justification of Award With Limited Competition,
- Approved Contract Reporter Exemption Request
- All Cost Proposals of Unsuccessful Offerers
- [Bid Protest and Authority Response](#)
- Rejected Bids/Proposals
- [Preferred Source Documentation or Waiver](#)
- Mandatory Letter of Intent/Pre-bid Conference Sign-In Sheet and Transcript
- Prevailing Wage Rates
- Price Justification for Non-Competitive Awards

- Explanation of Vendor Selection and Alternatives Considered for Non-Competitive Awards
- Price Lists
- Member Item Disclosure and Accountability Certification
- Legislative Initiative Checklist
- Verification from the Office of the Attorney General, Charity Bureau, of current registration status (dated within 4 weeks of contract execution), *for not-for-profit contractors*
- Proof of current New York State Workers Compensation coverage

OSC reserves the right to require submission of additional documents to support the contract review process.



VENDOR RESPONSIBILITY DOCUMENTATION EXEMPTIONS

Below is a list of specific vendors and contract transactions which are exempt from vendor responsibility documentation requirements.

- Board of Cooperative Education Services (BOCES)
- Budget Modifications
- Cities, Towns, Villages
- Construction Change Orders (where no adverse information was identified during the review)
- Counties
- Eminent Domain Property Takings
- Fire Districts
- Industrial Development Agencies (IDAs)
- Indian Nations
- Labor Unions for Collective Bargaining Agreement Implementation Only
- Lease Escalation and Holdover
- Mini-Bid Against Backdrop Contracts (where no adverse information was identified during the review)
- New York State Agencies
- Other States and Other Countries
- Purchase Order Against Statewide Contract
- Preferred Sources
- Price List Changes
- Public Authority/Public Benefit Corporation
- Public Colleges and Universities
- Public Libraries
- Real Property Sales Required by Law to Be Sold to the Highest Bidder
- Research Foundations, including:
 - CUNY
 - SUNY
 - Mental Hygiene Research
 - Aging Research
 - Welfare Research
 - Health Research
- School Districts and Charter Schools
- U.S. Government Entities
- Vocational Education Extension Board (VEEB)
- Water, Sewer and Water & Soil Districts