



# 2015 Purchasing Forum & Trade Show



# Successful Request for Proposal Procurement Record

*Opportunities on the Horizon*

May 20 & 21, 2015

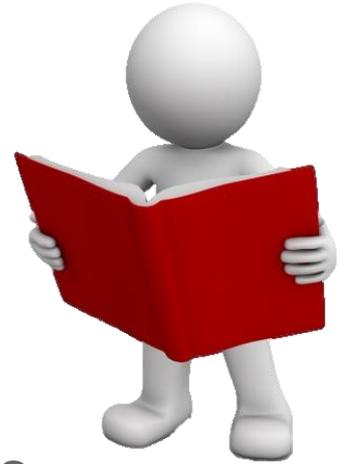


# Unlock the Key for Success!



# Agenda

- Procurement Record Documents
- Common Pitfalls
- Solicitation & Evaluation Documents
- Justification for Award / Price Reasonableness
- Submitting the Contract & Additional Forms
- Questions



# Procurement Record

## New York State Finance Law, Article XI, §163.9.g.

A procurement record shall be maintained for each procurement identifying, with supporting documentation, decisions made by the commissioner or state agency during the procurement process. The procurement record shall include, but not be limited to each contract amendment and the justification for each.



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# Transaction Submittal

- Single Transaction Summary (STS)
- Contract Encumbrance Request Form (AC 340-S)
- Stand-Alone Purchase Order



# Common Pitfalls

- Transaction Amount
  - Transaction amount entered in SFS incorrectly reflects the total contract amount instead of the amendment transaction amount.
- Audit Type
  - Audit Type that does not require OSC approval
  - Incorrect Audit Type routes to wrong Audit Team



# Required Approvals



- Budget Approval (DOB 1184) – Division of Budget
- Preferred Source Waivers – Preferred Source Agency(s)
- Plan to Procure (PTP) – Office of Information Technology Services
- OGS Buy Desk Approval



# OSC Memo

- Describe any unique circumstances or procurement issues
- Describe reasons for rejections/disqualifications of proposals, if any
- Provide details on any protests that were received and how they were addressed by the agency



# Procurement Record Checklist

- A procurement record is mandated by Article XI of the State Finance Law.
- Developed and approved by Procurement Council
- Checklist documents the rationale for the methods of solicitation and outlines the procurement process
- Grant procurements uses a Competitive Grant Procurement Record Checklist.



# RFP 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: \_\_\_\_\_  
 Contract: \_\_\_\_\_ 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: \_\_\_\_\_  
 \_\_\_\_\_

3. This item (product/service) is an approved Preferred Source Offering  Yes  No

4. Procurement Method:

<input type="checkbox"/> IFB - Lowest Bid Meeting Specifications	<input type="checkbox"/> Emergency
<input type="checkbox"/> RFP - Evaluation of Technical and Cost (Best Value Specified)	<input type="checkbox"/> Mini Bid
<input type="checkbox"/> Single Source	<input type="checkbox"/> Discretionary
<input type="checkbox"/> Sole Source	<input type="checkbox"/> Piggyback
<input type="checkbox"/> Preferred Source (If selected skip to #9)	<input type="checkbox"/> Other _____

5. Summary of Competitive Procurement:

a. Number of Bids Solicited: \_\_\_\_\_  
 b. Number of Bids Received: \_\_\_\_\_  
 c. Number of Rejections: \_\_\_\_\_  
 d. Number of Protest/Dispute\* \_\_\_\_\_  
 \*Protest/Dispute Related Documents Must be Included in the Record Submitted to OSC.

6. Debriefings Requested?  Yes  No  
 If yes, number of debriefings requested and status/dates of debriefings held: \_\_\_\_\_  
 \_\_\_\_\_

7. Procurement Opportunities Newsletter (New York State Contract Reporter, also known as NYSCR)

Advertisement Notice/Agency Certification Attached  
 Copy of OGC Exemption Attached (include Contract Reporter Exemption Request number)  
 Exempted Per Statute \_\_\_\_\_ (if the exemption is not provided under Article 4-C of the Economic Development Law please provide citation)

OSC USE ONLY  
Procurement Record ID: \_\_\_\_\_

**OFFICE OF THE STATE COMPTROLLER  
COMPETITIVE GRANTS  
PROCUREMENT RECORD CHECKLIST**

**BACKGROUND INFORMATION**

Agency Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
 Business Unit / Department ID: \_\_\_\_\_ / \_\_\_\_\_  
 Agency Name: \_\_\_\_\_  
 Program Name: \_\_\_\_\_

Eligible Applicants:	Yes <input type="checkbox"/> No <input type="checkbox"/>	OSC Reporting Code (Completed by OSC):
Not-for-Profits	Yes <input type="checkbox"/> No <input type="checkbox"/>	
For-Profits	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Municipalities	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Other	Yes <input type="checkbox"/> No <input type="checkbox"/>	

Contract Term/Length: \_\_\_\_\_  
 Earliest Contract Begin Date: \_\_\_\_\_ Number of Contract Awards: \_\_\_\_\_  
 Latest Contract Expire Date: \_\_\_\_\_ Total Amount of Funding: \_\_\_\_\_

**DOCUMENTATION**

Check:	STATUTE:	Comments:
<input type="checkbox"/>	1. Enacting Legislation	
<input type="checkbox"/>	2. Appropriation	
<b>SOLICITATION:</b>		
<input type="checkbox"/>	3. NYS Contract Reporter/ State Register Advertisement, or	
<input type="checkbox"/>	4. Substantial Compliance Justification	
<input type="checkbox"/>	5. Solicitation List	
<input type="checkbox"/>	6. Bidder/Applicant List	
<input type="checkbox"/>	7. Request for Proposal (RFP), or	
<input type="checkbox"/>	8. Request for Application (RFA)	
<input type="checkbox"/>	9. List of Bidder Conference Attendees	
<input type="checkbox"/>	10. Questions and Answers	
<input type="checkbox"/>	11. Letters of Intent	
<input type="checkbox"/>	12. Evaluation Instrument	
<input type="checkbox"/>	13. Applicant/Awardee List	
<input type="checkbox"/>	14. Protest letters and resolution documentation	
<b>CONTRACT DOCUMENTS:</b>		
<input type="checkbox"/>	15. Boilerplate contract	

**ADDITIONAL COMMENTS**



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# Vendor Responsibility Profile & Questionnaire

- Vendor Responsibility Profiles are required for all new contracts and amendments.
- Vendor Responsibility Questionnaires are required for all transactions valued at \$100,000 and all contracts exceeding \$100,000 for the first time.
  - Primary contractor(s)
  - Sub contractor(s)
- <http://www.osc.state.ny.us/vendrep/>



# Vendor's Insurance Certifications

- New contracts and amendments that extend the contract term require Worker's Compensation and Disability Benefit insurance certifications.
- [http://www.wcb.ny.gov/content/ebiz/icempcovsearch/icempcovsearch\\_overview.jsp](http://www.wcb.ny.gov/content/ebiz/icempcovsearch/icempcovsearch_overview.jsp)



# Contract Reporter Advertisement

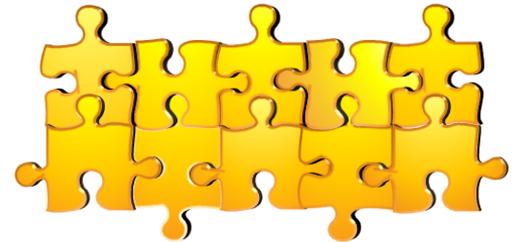
- New York State's central source of procurement opportunities
- Advertise in the NYS Contract Reporter when the procurement exceeds \$50,000
- Exemptions to advertising must, at a minimum, address State Finance Law, Article XI, §163.10.b. provisions.
- <https://www.nyscr.ny.gov/>



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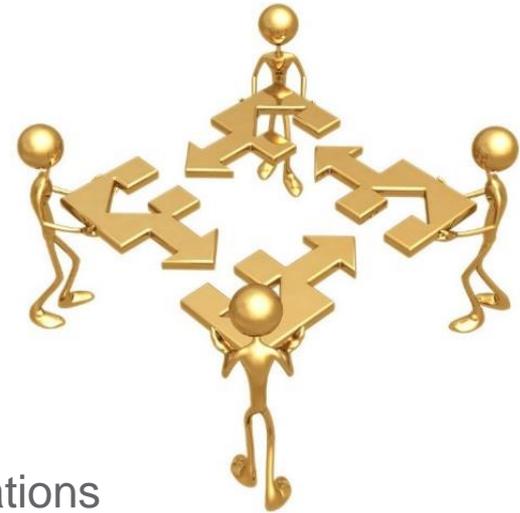
# Blank Solicitation Document & Q&A

- Copy of the original RFP
- Include all appendices, including blank cost sheets
- Questions & Answers from potential vendors
- Addendum(s) to the RFP, if applicable



# Evaluation Documents

- Blank copy of the Evaluation Instrument
  - Criteria must match the Evaluation Criteria listed in the RFP
- Original score sheets from all evaluators
  - Include any notes from the evaluators
- Completed evaluation documents
  - Clearly rank the proposals based on score
  - List the scores from each evaluator
  - Include Final Composite Scores and show all calculations



# Certified Bid Tabulation

- List of all vendors that provided a proposal, along with the date & time in which the proposals were opened
- Must be signed and certified by the agency
- Indicate if any proposals were rejected



# Solicitation List / Bidders List

- Include a list of all vendors who were notified of the procurement
- This list is intended to be a supplement to the Contract Reporter Advertisement.



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# Mandatory Letters of Intent / Pre-Bid Conference

- RFP may require letters of intent or attendance at a pre-bid conference.
- Provide letters of intent, mandatory or optional
- Sign-in sheet for the pre-bid conference, mandatory or optional



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# Canvass of No Replies

- Required if less than three proposals are received
  - Contact all known, potential vendors on the mailing list
- Summary of reasons why vendors did not submit proposals
- Consider implications of the responses on current and future procurements
  - Requirements or timeframe too restrictive?



# Justification of Award

- Demonstrate the award is the Best Value to the State
  - One which optimizes quality, cost, and efficiency among responsive and responsible offerers
- Explanation of any unique or unusual circumstances
- In cases of limited competition, demonstrate price reasonableness



# Price Reasonableness Comparison Tools

When less than three proposals are received:

- Cost of similar projects or services
  - Vendor's fees to other states or government entities
  - Cost to other State Agencies by different vendors
- Historical cost
- Description of steps taken to establish price reasonableness



# Price Justification – Renewals / Amendments

- Any price increase must be allowed for and defined in the original contract.
  - Were specific rates per year defined or will CPI be used?
  - Show how CPI percentage agrees with definition in the contract
    - CPI may go down
- If escalation is not defined in the original contract, it will not be allowed.



# Original Proposal for Awarded Vendor

- The complete original proposal must be submitted.
  - Not a photo-copy
  - For example, Administrative, Technical & Cost sections



# Cost Proposals

- Original cost proposals from all non-awarded vendors (including any rejected vendor(s)) must be submitted.
- Include all bid sheets, price lists, total/summary sheets
- No photo-copies



# Rejected Bids

- Complete original proposals must be submitted for any vendors who did not meet a Mandatory Requirement (pass/fail) or did not meet a Minimum Technical Score.
  - Administrative, Technical and Cost sections must be submitted
  - No Photo-copies



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# All Proposers' Correspondence

- If there were any clarifications, include documentation of agency questions and vendors' responses.
- If presentations were made, include presentation materials, such as the PowerPoint, correspondence, data, etc.
- Any requests for debriefings and agency response



# Non-Award Letters

- Unsuccessful bidders should be notified of the agency's intent to award to the winning proposer.
- Sufficient time should be allowed to conduct debriefings or filing of protests before submitting to OSC.



# Contract

- Attorney General approval should be received before submitting to OSC.
- Civil Service approval is needed for 'S' contracts for services provided by individuals.
- Most current version of Appendix A (January 2014)
- Agency signature must be authorized and on file with OSC (AC1782-S).
- Notary acknowledgement of vendor signature



# RFP is Not the Same as Grant RFP

- A Best Value RFP is the procurement of services or technology under State Finance Law, Article XI, §163.
- An RFP is not submitted through the Grants Gateway.
- Do not use the Master Grant Contract boilerplate.
- Do not subjectively evaluate the quality or applicability of the budget.
  - Cost Evaluation score must be based on a numerical calculation using the actual cost amounts.
- Do not limit competition to non-profits or other groups.



# Additional Required Forms

- Consultant Disclosure Form A, if applicable
- Procurement Lobbying Law
  - Lobbying Law Vendor Affirmation
  - Lobbying Law Vendor Disclosure
  - Lobbying Law Vendor Certification
  - OSC Governmental Entity Representation Concerning Compliance with State Finance Law §§139-j & 139-k (AC-3281-S)
  - Lobbying Law Termination Language
- Sales & Compensating Use Tax
  - ST-220-CA



# References

Open Book NY: <http://www.openbooknewyork.com/>

New York State Comptroller Thomas P. DiNapoli

Office of the State Comptroller

**OPEN BOOK** NEW YORK

Open Book New York Video

				
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# References

- **OSC Internet Site**  
<http://www.osc.state.ny.us>
- **Guide to Financial Operations**  
<http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>
- **Procurement Council Guidelines**  
<http://www.ogs.ny.gov/BU/PC/Docs/Guidelines.pdf>
- **Advisory Council on Procurement Lobbying Model Forms/Language**  
<http://www.ogs.ny.gov/acpl/regulations/advisoryCouncil/ModelLang.html>
- **NYS Department of Taxation and Finance**  
<http://www.tax.ny.gov>
- **O\*NET OnLine**  
<http://online.onetcenter.org/>





# Questions



