



2014

Purchasing Forum & Trade Show

Planting Seeds Today for Tomorrow's Success



Andrew M. Cuomo
Governor
State of New York

RoAnn M. Destito
Commissioner
Office of General Services

In cooperation with the Office of the State Comptroller:

Thomas P. DiNapoli
New York State Comptroller





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May 14 & 15

Key Contract Components



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Key Contract Components

The questions presented in this posted document represent questions from the 2013 Purchasing Forum.

We do anticipate adding new questions for review at the 2014 class.

Answers to all questions will be posted after the Forum.

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Key Contract Components

A Panel Discussion

Moderated by:

Connie Rissberger – NYSPRO

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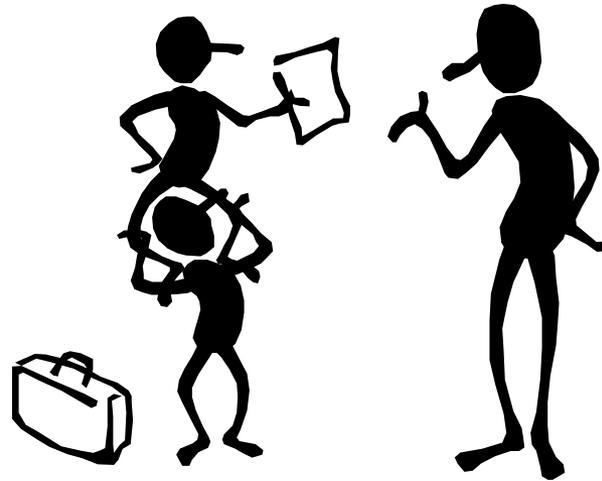
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Purpose

To identify those key components a contracting professional needs to successfully process a contract.



Panelists

- ❖ NYS Department of Labor:
Mary McDonnell
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- ❖ NYS Worker's Compensation Board
Walter Peretti
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- ❖ Office of the State Comptroller
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NYS Department of Labor

- ❖ What are prevailing wages?
- ❖ How are they used?
- ❖ What am I responsible for?



What are prevailing wages?

- Prevailing wage is the minimum wages that must be paid and supplemental benefits that must be paid and/or provided to workers on public work projects.
- Prevailing Wage for Construction – Employment of Laborers, Workers, or Mechanics - Labor Law, Article 8, Section 220 mandates that the schedule of prevailing wage and supplemental benefit rates be determined from the information contained in collective bargaining agreements (CBA) that apply in each locality.

What are prevailing wages? (Cont'd.)

- Prevailing Wage for Building Service Employees – Labor Law, Article 9, Section 230 states the prevailing wage for building service employees is the rate determined by the Commissioner of Labor to be prevailing in each locality.

How are they used?

- The Bureau of Public Work issues wage schedules on a county-by county basis that contain minimum rates of pay for different work classifications.

What am I responsible for?

- The Contracting Agency must provide the prime contractor with a copy of the appropriate prevailing wage schedule.
- The schedule must be made part of the specifications prior to advertising for bids.
- State law requires that these schedules be made part of all contracts between a government entity and a contractor.

Question?

My agency is located in New York City. Which prevailing wage rates govern my contract, New York State or New York City?

If New York City governs, where do I find those prevailing wage rates?

What are prevailing wages? (Cont'd.)

- Prevailing Wage for Building Service Employees – Labor Law, Article 9, Section 230 states the prevailing wage for building service employees is the rate determined by the Commissioner of Labor to be prevailing in each locality.

Question?

Please explain the difference between Article 8 and Article 9 as it relates to Prevailing Wage.



Question?

The 2008 SPOTA bill calls for individual agencies to review the Certified Payroll Records which they collect from their contractors for "facial validity".

Please provide a definition of what "facial validity" is, and cite the specific aspects of a typical Certified Payroll Record that should be reviewed.

Question?

Who determines the prices of the prevailing wages for each county?



Question?

If a vendor is self-employed, are prevailing wage rates applicable?



Question?

When developing a contract using prevailing wage, is it necessary to notify DOL when the contract has been awarded?



Worker's Compensation Insurance and Disability Benefits Requirements

- ❖ What is Worker's Compensation Insurance?
- ❖ Why is it important?
- ❖ Who needs to be covered?
- ❖ What forms are required?



Worker's Compensation Insurance and Disability Benefits Requirements

Question?

Workers Compensation Insurance seems to be an area that has recently been under closer scrutiny.

My agency is looking for guidance as to how best to handle this.

Worker's Compensation Insurance and Disability Benefits Requirements

Question?

How much can an agency rely on the contractor submitted waiver after the agency has conducted its normal review?



Worker's Compensation Insurance and Disability Benefits Requirements

Question?

(joint response by OSC and WCB)

What type of due diligence does OSC require of the agencies when questioning a Worker's Compensation waiver in a contract submitted for approval?

Worker's Compensation Insurance and Disability Benefits Requirements

New York State State Agencies Search NY.GOV

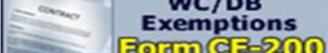
Governor Andrew M. Cuomo **Workers' Compensation Board** Chair Robert E. Beloten

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 <p>Health Care Information Medical Treatment Guidelines Medical Care Fee Schedules Unpaid Medical Bills (HP-1)</p>	 <p>Representatives Attorneys Licensed Representatives Third Party Administrators</p>	

Board Announcements

- Email Filing of WCB Claims Documents
- Faxing Documents to The Workers' Compensation Board
- Answers To CLE Questions on Medical Treatment Guidelines Now Available
- Get the Facts about Medical Treatment Guidelines
- Latest Board Announcements

 Report Fraud	 Does Employer Have Coverage ?	 Webcast of Board Meetings	 WC/DB Exemptions Form CE-200
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Ask yourself:

- ❖ What does OSC want me to include in a successful contract?
- ❖ What supporting documentation and examples can I obtain from this session?
- ❖ What resources are available?

Question?

It is my experience, and that of my colleagues, that locally bid service contracts yield significantly lower prices than statewide contracts.

What is OSC's experience in this regard?



Question?

With regard to Statewide Term contracts, what if the services we need are not available through the contract?



Question?

What if only some of the counties have coverage in the contract?

Do I do a mini-bid for those that I can and bid the rest on the open market?

Can we still do mini-bids?

Question?

(joint response by OSC and WCB)

What type of due diligence does OSC require of the agencies when questioning a Worker's Compensation waiver in a contract submitted for approval?

Contact Information

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Thank You!

Enjoy the day 😊

