



Purchasing Forum & Trade Show

State Requirements That Impact Your Contracting Process

May 18 & 19, 2016



What You Will Learn About Today

Class Description

Representatives from the Department of Labor, Office of the State Comptroller and the Workers' Compensation Board will discuss a general overview on how their agencies' requirements impact the contracting process with regard to IFBs, RFPs, and discretionary spending. Topics such as NYS finance laws, evaluations, prevailing wages and insurance will be discussed.

Panel Speakers

- Jim Malone (Moderator)
- Bill Hughes (OSC)
- Mary McDonnell (DOL)
- Walter Peretti (WCB)



Planning Your Procurement



1. Choose Your Procurement Method

- Determine and document your need.
- State finance law requires you document your process for the record (Article XI, Section 163).
- Develop a procurement strategy to get you what you need. Remember: There's an order of purchasing priority.
- Seek applicable approvals.
 - ITS PTP, DOB 1184, Preferred Source Waiver, etc.



1. Choose Your Procurement Method

Remember: State finance law requires government to follow a process to make purchases.

1. Buy From a Preferred Sources*

Must meet form, function, & utility

2. Use OGS Centralized Contracts

- Commodities
- Services
- Technology

3. Use Other Agency-Established Contracts

- Piggybacking

4. Conduct Your Own Procurement

- IFB/RFP*
- Discretionary spending*

*There's a class on this!

2. Develop the Solicitation

Key elements for drafting your solicitation:

- Scope
- Method of Award (Best Value/Price [grand total, lot/region, item])
- Contract term
- Event dates
 - Pre-bid conference
 - Question & answer
 - Bid opening date
- Restricted period & designated contacts
- Evaluation criteria
 - Must be defined, clear, and measurable!
- Standard clauses, policies, etc. (Appendix A, VR)



2. Develop the Solicitation

| State Requirements | How to Meet Those Requirements |
|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Insurance requirements <ul style="list-style-type: none"> • Workers' comp/disability • General liability, etc. | <ul style="list-style-type: none"> • Define the requirements • Check out the forum class “Understanding Insurance Requirements in Your Contracts” |
| Prevailing wage (as applicable) | Request prevailing wage schedule as part of the solicitation. See www.labor.state.ny.us/workerprotection/publicwork/PWReqforOWS.shtm |
| Tax: Use ST220 | Let's discuss! |
| Service-disabled veteran-owned business (SDVOB) participation | Check out the SDVOB program overview class at the forum! |
| Minority and/or women-owned business enterprise (MWBE) participation | Learn how to increase MWBE participation at the forum! |

2. Develop the Solicitation (DOL Requirements)

Prevailing wages are the wages and supplemental benefits that must be paid to workers on public work projects.

- The prevailing wage rate schedule is published & it becomes part of a public works contract let by a government entity.
- Rates are set by the Commissioner of Labor and updated each year on July 1st.

You are responsible for:

- Include language in your solicitation for prevailing wages.
- Request a prevailing wage schedule for each contract and making it part of the solicitation requirements.



2. Develop the Solicitation (WCB Requirements)

Any entity that is receiving a permit, license or contract from a NYS government entity (NYS, County, village, etc.) must provide proof of NYS Workers' Compensation Insurance (WC law Section 57) and proof of NYS Disability Benefits Insurance (Section 220) or proof that they are exempt from NYS Workers Compensation and/or NYS Disability Benefits Insurance.

You are responsible for:

- Include language in your solicitation for insurance requirements.
- Link bidders to the WCB website for forms and important information:
www.wcb.ny.gov

3. Release the Solicitation

NEW YORK STATE

Services News Government Local

Opportunities posted today: 36

Opportunities posted in the last 7 days: 179

Total available opportunities: 732

The New York State Contract Reporter

NYS official source of contracting opportunities
Bringing business and government together

Log In

Sign up and register for your free account!

Click here to get started

I want to find contracts to bid on

I want to advertise opportunities

Learn about the New York State Business Registry

Learn about doing business with New York

Site Links

- Find Contracts
- Advertise Opportunities
- NYS Business Registry
- Doing Business with NYS
- Create/Request an account

Empire State Development NEW YORK STATE Contract System STATEWIDE FINANCIAL SYSTEM

Contact Us - NY Small Business - Doing Business With NY - Policies & Disclaimers - Accessibility

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Agencies Services App Directory Counties Events Programs

Use the NYS Contract Reporter

- www.nyscr.ny.gov
- Official publication of procurement activities for NYS agencies, public authorities, and public benefit corporations. Posted on Internet 15 days but 15 business days from publication to proposal due date.
- State agencies must advertise procurements of \$50,000 or more (including discretionary purchases) when they solicit bids from the business community.

4. Bid Opening & Evaluation

*There's a class on this!

Bid Opening

- Opening
- Recording
- Certifying bid tabulation

Bid Evaluations

- Vendor responsibility*
 - Integrity – Moral Worth
 - Capacity - Resources
 - Financial Stability
 - Accountability
- Reviewing for responsiveness (completeness review)

OSC Vendor Responsibility Information:
<http://www.osc.state.ny.us/vendrep/index.htm>



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4. Bid Opening & Evaluation (WCB Requirements)

WCB Insurance Proof

- Any entity that is receiving a permit, license or contract from a NYS government entity, must provide:
 - Proof of NYS Workers' Compensation Insurance (WC law section 57)
 - Proof of NYS Disability Benefits Insurance (Sec 220)
- Once received, verify federal ID #, coverage terms, insured name matches bidder name, etc.

CE-200: What It Means

- Attestation for exemption – proof that they are exempt from needing workers' comp and disability benefits insurances
- It must be provided for each permit, license, or contract.

Note: A simple accord form is not sufficient!



4. Bid Opening & Evaluation

DOL Requirements

You are responsible for:

- Completing the 'Notice of Contract Award' (PW16).



What OSC Looks For

- The Contract, IFB/RFP, Awarded Vendor's Proposal
- Statement of need
- Procurement record checklist
- Certifying bid tabulation
- Award made in accordance with the IFB/RFP
- Determination of vendor responsibility
- Workers' compensation & disability insurance
- Vendor questions & answers
- ST220
- Reasonableness of price (if less than 3 bids)
- Protests
- Attorney General approval



5. Award & Implementation

Notifications

- Successful bidders get contract awards.
- Contract users notified.
- Non-awardees get notification of who got awarded and are given opportunity for debrief.

*There's a class on this!

Debriefing (new requirements)*

- Process established in the bid solicitation.
- Vendor must ask within 15 calendar days of notice of non-award
- Staff involved in procurement
- Reasons not successful - qualitative and quantitative
- General advice to improve future offers



6. Contract Administration & Monitoring*

Monitoring & managing your contract for...

- Accurate & proper payment
- Compliance monitoring (contractual obligations, insurance, etc.)
- Identify risks
- Fraud
- Does it get the contract users what they need?
- Manage contract issues
- Dispute resolution process

At the end of the contract...

- Improvement opportunities
- Foster relationships with contract users and contractors
- Work out contract issues
- Does it meet the state's needs?
- Lessons learned
- closeout

***There's a class on this!**



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6. Contract Administration & Monitoring

Once a contract has been awarded, there are state requirements you need to be aware of.

WCB

- Verify continuing insurance coverage

DOL

- Complete the 'Notice of Completion/Cancellation of Project' (PW200) forms.
- Collect & review certified payrolls from contractors every 30 days.
- Maintain the records for 5 years after the project is completed.

OSC

- Renewals/extensions
- Amendments
- Filing price adjustment clauses



Helpful Resources

NYS Purchasing Forum & Trade Show

Classes to Check Out

- Monitoring Your Contracts
- Delivering an Effective Debrief
- Procurement Records
- The RFP Process
- Understanding Insurance Requirements
- Using Discretionary Spending
- Service-Disabled Veteran-Owned Business: Program Overview
- Increasing MWBE Participation in Your Procurement Process

Miss Something? Check online.

- Get year-round training.
- Class presentations and videos are posted from the 2014 and 2015 Forums.



www.purchasingforum.ogs.ny.gov

Helpful Resources

- NYS Procurement Council Guidelines | www.ogs.ny.gov/BU/PC/SPC.asp
- NYS OGS Procurement Services | www.nyspro.ogs.ny.gov
- New York State Contract Reporter | www.nyscr.ny.gov
- SAMPO | www.nysampo.org
- NASPO | www.naspo.org
- National Institute of Gov. Purchasing | www.nigp.org



<http://www.osc.state.ny.us/agencies/outreach/index.htm>

The screenshot shows the website header for the Office of the New York State Comptroller, Thomas P. DiNapoli. The main content area is titled "Office of Operations Training Resources for State Agencies and Employees" with the subtitle "Building Accountability and Public Trust Through Professional Development". A sidebar offers "Need Other Training?" with links for "Financial Management", "Payroll Management", and "Other". Below this is a table of training events from 2009.

Home > Agencies > Outreach

Office of Operations Training Resources for State Agencies and Employees

Building Accountability and Public Trust Through Professional Development

Need Other Training?

Request Customized Training in:

- [Financial Management](#)
- [Payroll Management](#)
- [Other](#)

Click on headings to sort.

| Topic | Training Title | Event Name/Date | Owner/Presenter | Handouts/ Presentation |
|--------------|--------------------------------------------------------|----------------------|------------------------------|----------------------------------------------------------------------------------|
| Expenditures | Excel Tip and Tricks to Find Improper Payments Handout | 2009 Fall Conference | Bureau of State Expenditures | Presentation (PDF) Handout: Excel Tip and Tricks to Find Improper Payments |
| Expenditures | Fraud Red Flags | 2009 Fall Conference | Bureau of State Expenditures | Presentation (PDF) |
| Expenditures | Introduction to Internal Controls | 2009 Fall Conference | Bureau of State Expenditures | Presentation (PDF) |
| Expenditures | OSC's Role in the Economic Recovery Act | 2009 Fall Conference | Bureau of State Expenditures | Presentation (PDF) |
| Procurement | Voucher Processing | 2009 Fall Conference | Bureau of State Expenditures | Presentation (PDF) |



<http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>

The screenshot shows the 'guide to FINANCIAL OPERATIONS' website. At the top left is the State of New York seal. The title 'guide to FINANCIAL OPERATIONS' is displayed in a mix of blue and black fonts. A search bar is located in the top right corner. On the left side, there is a vertical navigation menu with 17 numbered sections, each with a small blue icon. The main content area on the right has a breadcrumb trail 'You are here: Welcome'. Below this, it says 'Welcome to the' followed by the 'guide to FINANCIAL OPERATIONS' logo. At the bottom of the main content area, there is a grey button that says 'sign up to receive qfo updates by email'.

- 1. OSC Guide to Financial Operations Overview
- 2. New York State (NYS) Financial Accounting
- 3. Statewide Financial System (SFS) Overview
- 4. Accounting Codes – Uses and Descriptions
- 5. Chart of Accounts (COA) Governance
- 6. Budgets
- 7. State Revenues and Appropriated Loan Receivables
- 8. AP Journal Vouchers and GL Journal Entries
- 9. Federal Grants
- 10. Guide to Vendor/Customer Management
- 11. Procurement and Contract Management
 - 11-A. Purchasing
- 12. Expenditures
- 13. Employee Expense Reimbursement
- 14. Special Procedures
- 15. End of Year
- 16. Financial Reporting
- 17. Lapsing Appropriations

Section Listing by Revision Date

<http://wwe1.osc.state.ny.us/Contracts/decisionsearch.cfm>

NYS Comptroller
THOMAS P. DINAPOLI

Our Office... | Newsroom | Resources For... | Find Info About... | Search

OSC Home > Procurement and Contracting in New York > Search Bid Protest Decisions

Operations

- Our Office »
- State Agency Resources »
- Vendor Resources »
- Procurement and Contracting in New York
- State Financial Reports
- State Payroll Services »
- Office of Unclaimed Funds
- Oil Spill Fund

Search Comptroller's Bid Protest Decisions

The New York State Comptroller independently reviews bid protests for contracts subject to the Comptroller's review and approval. This review ensures fairness among competing vendors and that agencies and vendors follow New York State's bidding and contracting rules. Interested parties may:

- file a bid protest with the Comptroller's Office when a procuring agency either doesn't have a written bid protest procedure or hasn't published its procedure in the solicitation
- appeal an agency's bid protest decision to the Comptroller's Office when an agency has published its bid protest procedure in the solicitation

File a bid protest or an appeal by following our [Contract Award Protest Procedure](#).

You can also view a searchable database of bid protest decisions issued by the Comptroller since January 1995.

Search Bid Protest Decisions

Date of decision: Between 1995 And 2016

Protestor:

Contracting entity:

Any word or phrase:

[Browse Bid Protest Decisions](#)

Data on Bid Protest Decisions is current as of 04/12/2016.



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<http://www.openbooknewyork.com/index.htm>

New York State Comptroller Thomas P. DiNapoli

[Open Book New York Video](#)

Office of the State Comptroller

OPEN BOOK NEW YORK

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|  <p>Local Government Spending</p> <p>See how your county, city, town, village, fire or school district gets and spends tax dollars.</p> <p>→</p> |  <p>State Contracts</p> <p>Look at active New York State contracts and see who is doing business with the State.</p> <p>→</p> |  <p>State Spending</p> <p>A summary level view of all state spending. Data is updated monthly.</p> <p>→</p> |  <p>State Payments</p> <p>Find payments made by the State since April 1, 2012. Data is updated daily.</p> <p>→</p> |  <p>Public Authority Information</p> <p>Find financial and other information about public authorities.</p> <p>→</p> |
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Important Contact Information

- **Workers Compensation Board:**
 - Walter Peretti | walter.peretti@wcb.ny.gov | www.wcb.ny.gov
- **Department of Labor:**
 - Mary McDonnell | Mary.McDonnell@labor.ny.gov | www.labor.ny.gov
- **Office of the State Comptroller:**
 - Bill Hughes | bhughes@osc.state.ny.us | www.osc.state.ny.us

