# Course Description

Staff from the Bureau of Contracts (BOC) will discuss and take questions from the audience on common contracting and procurement topics such as funds reservation requirements, vendor responsibility, advertising requirements, procurement record documentation, and using the Electronic Documents Submission System (EDSS).

# BOC Presenters

- ➢ Melissa Burnash – 163 Goods and Services Team

- ➢ Lindsay Carswell – Construction and Real Property Team

- ➢ Danielle Kozaczuk – Business Analysis and Reporting Team

- ➢ Christopher Richards – Grants Team

- ➢ Carmen Story – Vendor Responsibility Team

- ➢ Peter Vander Veer – Knowledge Management and Audit Support Team

- ➢ Kimberly Wintergerst – Business Analysis and Reporting Team

# Agenda

➢ Advertising Requirements

➢ Procurement Record Documentation

➢ Vendor Responsibility

➢ Funds Reservation Requirements

➢ The Electronic Documents Submission System (EDSS)

➢ Q & A

# OSC Bureau of Contracts

## Mission

We provide an independent review of contracts to achieve open and fair procurements that produce contracts in the best interest of New York State.

# Advertising Requirements Questions

# Advertising Requirements

**Q: When is it appropriate to submit a Contract Reporter Exemption Request (CRER)?**

An agency can submit a CRER when it has determined that it is not feasible to advertise.

- ➢Single Source
- ➢Sole Source
- ➢Emergency

Resource:
Guide to Financial Operations (GFO): XI.14 Procurement Opportunities

# Advertising Requirements

**Q: I'm trying to submit a CRER for a unique service that does not have historical rates available. How else can I demonstrate price reasonableness?**

Reasonableness of price justification should be provided with all CRER requests. Examples of how to support price reasonableness include:

➤ Providing rates for similar services

➤ Cost of how the service was previously obtained if available

➤ Confirmation from the vendor that they are offering the State their best available rate

➤ Even if no other vendors can provide the <u>exact</u> service that meets the agency's need, informational quotes from alternatives considered may support price reasonableness

Resource:
[2018 Fall Conference: Best Practices for Advertising Single and Sole Source Contracts Slideshow PDF](#)

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# Advertising Requirements

**Q: I need to modify the scope of an existing contract via a CRER. Should my exemption request reflect the new total contract value or only the amount I am requesting to add?**

When entering a CRER request to modify an existing contract, the value of the request should only reflect the change you're requesting, rather than the full contract value; but an explanation of the change as well as how it impacts the full contract value should be included in your request.

# Advertising Requirements

**Q: How do I meet advertising requirements for a new lease of office space?**

Appropriate justification of site selection is specifically required for an office lease transaction. Leases are not required to be published in the Contract Reporter; however, it is strongly encouraged.

Resource:
[2021 Fall Conference: Best Practices for Lease Contract Submissions Slideshow PDF](#)

# Advertising Requirements

**Q: OGS has approved our request to Piggyback off another agency contract; do we still need to advertise?**

Advertising is not required when an agency follows the criteria established under New York State Finance Law Article 11, §163 (10)(e). OSC contract approval is required, when applicable.

Resource:
Guide for Piggybacking in NYS

# Advertising Requirements

**Q: Do I have to advertise a purchase from a consortia contract?**

Yes. After first considering preferred sources and OGS contracts, when justified by price, a consortia contract may be appropriate. This is a procurement and must be advertised as an opportunity.

Resource:
[Consortia Purchasing Guidelines](#)

# Procurement Record Documentation Questions

# Procurement Record Documentation

## Q: How do I document that mandatory requirements or minimum qualifications were reviewed and met?

Mandatory requirements or minimum qualifications are often highlighted by the words must, will or shall. If the solicitation includes mandatory requirements or minimum qualifications, the procurement record should document that each vendor's proposal was reviewed and that they met or exceeded ('passed') each mandatory requirement or minimum qualification. These are 'Pass/Fail' items; they are not scored using a points scale.

Resource:
NYS Procurement Guidelines: Section 6.1, Administrative Review to Verify Responsiveness, pages 31-32

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# Procurement Record Documentation

## Q: When should a Grant Procurement Record be submitted to OSC for review?

A complete Grant Procurement Record should be sent to OSC <u>at least</u> 30 days prior to a contract(s) start date.

*Note: A Grant Procurement Record is not considered complete and ready for submission until all applicants have been notified of the preliminary intent to award or not award and the bid protest time frame has closed. All documents related to any protest should be included in the complete Grant Procurement Record.*

Resource:
[GFO: XI.15.A Competetive Grants Procurement Record](#)

# Procurement Record Documentation

## Q: What do I put in a cover letter for IFB and RFP submissions to OSC?

A cover letter should contain the story of the procurement:

➢ Vendor selection

➢ Price reasonableness

➢ Contract value calculation

➢ Any unusual circumstances that occurred such as:

  ❖ Debriefings/protests
  ❖ Disqualifications
  ❖ Non-approvals
  ❖ Negotiations
  ❖ Agency determinations on solicitation situations, etc.

Resource:
2019 Fall Conference: Prepare for Approval Slideshow PDF

# Procurement Record Documentation

**Q: How do I know if my contract submission requires a Consultant Disclosure Form A?**

Submission of a completed Form A (AC 3271-S) is required for OSC approval of new contracts for consulting services. Consulting services includes any contract entered into by a State agency for:

- Analysis
- Evaluation
- Research
- Training
- Data processing

- Computer programming
- Engineering
- Environmental
- Health services
- Mental health services

- Accounting
- Auditing
- Paralegal
- Legal
- Or similar services

Resources:

GFO: XI.18.C Consultant Disclosure

Forms for State Agencies & Employees: AC 3271-S

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# Procurement Record Documentation

## Q: What is needed for a contract assignment?

A contract assignment requires:

- ➢ Contract assignment agreement

- ➢ Vendor responsibility review of the transferee, if applicable

- ➢ Explanation as to why the assignment is required

- ➢ Two SFS transactions (original and new agreement)

Resource:
GFO: XI.12.B Contract Assignments

# Vendor Responsibility Questions

# Vendor Responsibility

**Q: How do I know what Vendor Responsibility (VR) documentation to provide with my contract transaction?**

Consult the Documentation Requirements Chart:

- ➢ Documentation for common transaction types

- ➢ Transactions Exempt from VR Documentation Requirements

Workers Compensation Board (WCB) requirements:

- ➢ Certificates of Insurance

- ➢ Exemption forms

Resources:
Vendor Responsibility Documentation Requirements Chart
Workers Compensation Board Website

# Vendor Responsibility

**Q: What are some common items that lead to follow-up questions for a Responsibility review?**

➤ Resolution for disclosed information on the VRQ

➤ Review of owners/officers

➤ Additional information on issues and resolution on the Vendor Responsibility Profile

➤ WCB issues (EIN disagreement, lapses, penalties, and debarments)

Resources:

Training Resources for State Agencies and Employees: Prior OSC Fall Conference Presentations

WCB: Public Coverage Search

DOL/WCB Debarment Search

OSC Vendor Responsibility Website: Research Vendor Information

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# Vendor Responsibility

## Q: What happens if a bidder has a Workers' Compensation debarment?

➤ Debarred vendors cannot bid on or be awarded any contract for public work. (See Article 8 of the New York State Labor Law for the definition of public work.)

❖ this includes subcontractors

❖ applies to new contracts and amendments or renewals that extend the term of an existing contract

➤ For non-public work contracts, agencies must address the responsibility impacts of the debarment.

Resources:
GFO: XI.18.G Workers' Compensation Coverage and Debarment
DOL and WCB Debarment Search

# Vendor Responsibility

## Q: When is proof of Charities Registration required?

If contracting with a Not-For-Profit (NFP) entity, provide either:

➢ The AG's confirmation the NFP vendor is up-to-date with registration filing

<div align="center">OR</div>

➢ A statement from the contractor that the organization is exempt pursuant to one of the categories of the AG's exemption schedule.

Resources:
GFO: XI.2.O Contracts with Not-for-Profit Organizations
Charities Registration Bureau Website

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# Funds Reservation Requirements Questions

# Funds Reservation Requirements

**Q: My contract starts on January 1. How much do I need to encumber?**

An encumbrance, or funds reservation, is designed to ensure funds are available to pay for obligations incurred in the fiscal year the work is performed and must be sufficient to cover all obligations incurred in the current fiscal year. For capital projects, OSC requires funds reservation for the full amount of the project.

Resource:
GFO: XI.2.C Contract Funds Reservation

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# Funds Reservation Requirements

**Q: How do I reserve funding for a Capital Project?**

OSC requires funds reservation for the full amount of all capital project contracts to ensure funds availability for payment of construction expenses incurred during the life of the contract.

Resource:
[GFO: XI.2.C Contract Funds Reservation](#)

# Funds Reservation Requirements

## Q: Are there exceptions to OSC's full encumbrance policy?

Yes. Contracts which do not require a full encumbrance include:

➢ Revenue contracts

➢ Contracts with intrinsic value

➢ Eminent Domain transactions

➢ Grants contracts with limited federal funding

Resource:
GFO: XI.2.C Contract Funds Reservation

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# Electronic Documents Submission System (EDSS) Questions

# EDSS

## Q: I cannot remember my User ID and password. Whom do I contact for help?

Contact your Agency Government Authorizer (AGA). You should also contact your AGA for:

➢ OSC Online Services (OOS) account issues

➢ Creating new OOS accounts

➢ Adding/removing roles

➢ Resetting passwords

➢ Locking/unlocking accounts

Resources:
AC 3358: To Become an Agency Government Authorizer
AGA Management for EDSS - Create Users and Assign Roles
AC 3357: To Create a New Account in OSC Online Service with EDSS Access
EDSS Help Links

# EDSS

**Q: What is the difference between a Grant Procurement Record and a Procurement Contract in EDSS?**

# EDSS

**Q: What happens if I delete a transaction on my EDSS dashboard under 'Transactions in Draft'?**

It depends on the type of transaction:

➢ Deleting a Contract or Amendment returns the transaction to the *Find Procurement Contracts* screen – from here you can search for the SFS entered transaction.

➢ Deleting a CRER or Grant Procurement Record will delete all information entered including document uploads – you will need to start over.

Resource:
Submitting a Contract Transaction in EDSS

# EDSS

## Q: What should I do if I can't find my transaction?

Before reporting your issue, there are some troubleshooting steps you can check:

➢ What browser is being used? (must be Chrome or Edge)

➢ Was the transaction entered in SFS (or bulkloaded)?

➢ Was it entered with an electronic audit type (i.e., EBV, EGG, EON)?

➢ Is the transaction status currently Pending OSC Approval?

➢ Is the BU/Dept ID combination valid for contracting purposes?

➢ Is it on my dashboard under Transactions in Draft?

Resources:
GFO: XI.3.B Electronic Submission of Purchase Orders through the Electronic Documents Submission System (EDSS)
List of Valid Business Unit/Department ID combinations for Contracting

# EDSS

## Q: I'm still unable to find my transaction. How do I know whom to contact?

**Contact the OSC Helpdesk:**

➢ If you are unable to find a transaction after self-troubleshooting

➢ If you receive an error message in EDSS

➢ For updates to a submitted transaction or if you need to attach documents or update information

➢ If you need a transaction non-approved by an OSC auditor

**Contact the SFS Helpdesk:**

➢ If you entered a transaction incorrectly in SFS and need it rejected
   ❖ Entered incorrect dates/amount
   ❖ Non-electronic audit type, etc.

➢ If you receive an error message in SFS

➢ If you are unable to get a transaction into Pending OSC Approval status

➢ If the transaction keeps auto approving in SFS

**OSC Helpdesk**
Call: (518) 408-4672
or Email: ITServiceDesk@osc.ny.gov

**SFS Helpdesk**
Call: (518) 457-7737, (877) 737-4185
or Email: HelpDesk@sfs.ny.gov

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# EDSS

## Q: Are there restrictions on document uploads?

➢ EDSS accepts major file types: Word, Excel and PDF

➢ Scanned documents (PDFs) must be Optical Character Recognition (OCR) searchable

➢ Individual file size limit of 25MBs – No limit on number of documents

➢ Files sizes larger than 25MBs will need to be split or compressed

➢ Password protected documents, zip files, and PDF portfolios are not accepted

Resources:
EDSS Procurement Contract and Amendment Help
Acrobat User Guide: Splitting or Compressing PDFs

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# EDSS

**Q: I submitted my transaction in EDSS and need to add an additional contact. Can I add one now?**

Additional contacts must be added to your transaction before submitting in EDSS.

➢ Add additional contacts to your Contact list before starting a submission.

➢ Best practice is to include at least one additional contact on each submission.

➢ Additional contacts receive email notifications when there is an update to a submission by an OSC auditor or agency user.

➢ If a transaction does not include an additional contact, agency users who share an EDSS dashboard can log in to view or make updates to a transaction.

Resource:
EDSS: General Help for All Transactions

# EDSS

## Q: What suggestions would OSC offer to agency users to make EDSS submissions go smoothly?

➢ Follow the Documentation Order Guide on the EDSS Help page.

➢ Files should be clearly and accurately named.

➢ Place files in the appropriate buckets (e.g., Contract, Procurement Documents, Vendor Responsibility and Integrity).

➢ Include additional contacts on all submissions.

➢ Respond via EDSS to auditor questions.
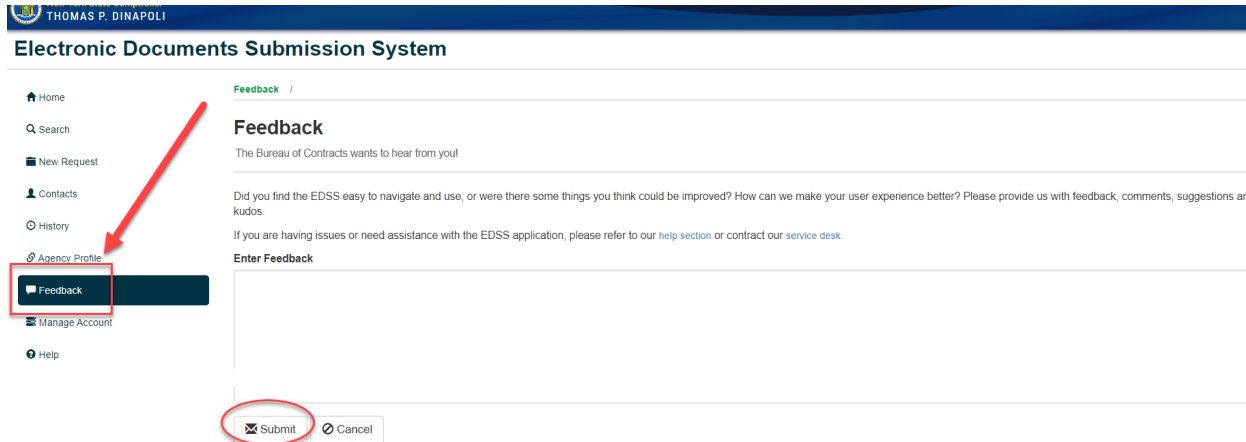
Resources:
EDSS Documentation Order Guide
EDSS Procurement Contract and Amendment Help

# EDSS

## Q: Where do I submit Feedback on the EDSS?



*We encourage you to provide us with feedback, comments and suggestions.

Resource:
[EDSS Feedback](#)

# Q & A

# Questions?

## BOC General Information
## (518) 474-6494

# Thank You!!!