INTRODUCTION TO PROCUREMENT FOR NYS AGENCIES

ROBERT VANDERBLES, SENIOR ATTORNEY

OFFICE OF GENERAL COUNSEL

NEW YORK DEPARTMENT OF STATE*

This presentation and any opinions expressed are my own and do not necessarily represent the views or opinions of my employer or any other agency.

PURPOSE

- Facilitate agency's mission
- Promote fairness in contracting
- Guard against favoritism, improvidence, extravagance, fraud, and corruption

BEFORE CONDUCTING A NEW PROCUREMENT

Order of Precedence for method
Procurement Guidelines that agencies must follow

BEFORE CONDUCTING A NEW PROCUREMENT

Preferred Sources

Corcraft, etc.

May complain to Procurement
 Council if not used by agency

BEFORE CONDUCTING A NEW PROCUREMENT

- •Over one thousand centralized contract awards
- •Agencies can negotiate a lower price
- P.O.s not subject to OSC pre-audit approval

CONDUCTING A NEW PROCUREMENT

- Formal competitive procurement not required for purchases under \$50,000.00
- Cannot split contracts to fit beneath threshold
- Discretionary threshold up to \$200,000.00 for purchases from MWBEs, SDVOBS, NYS Small Business, for recycled commodities/tech, agricultural products produced or harvested in NY



•Competitive Procurements for:

- •Commodities= lowest price, Invitation for Bids
- Services= best value, Request for Proposals



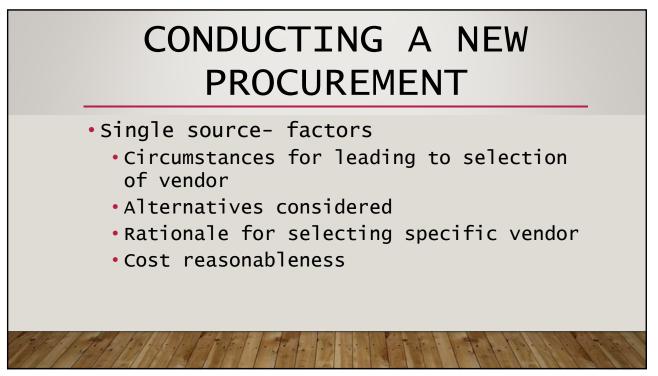
Contracts over \$50,000.00 must be listed in contract reporter at least 15 days before bid is due
OSC Bid Protest
Contract Reporter Exemption Request



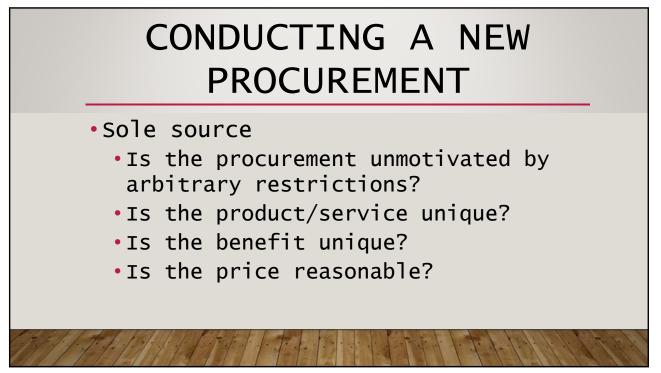
- If receive advertising exemption approval, agency must still publish notice of award and reasons for exemption.
- •Non-competitive awards also include recipient, value, purpose

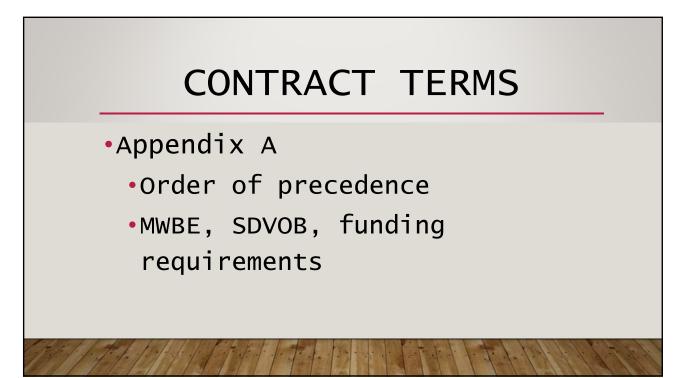
CONDUCTING A NEW PROCUREMENT

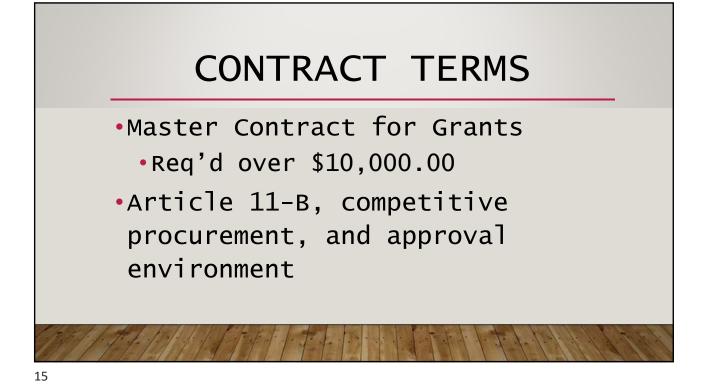
- Single Source: although two or more offerors can meet agency need, agency documents written findings setting forth reasons for award to one
- Sole Source: only one offeror is capable of supplying needed services or commodities
- Subject to OSC approval

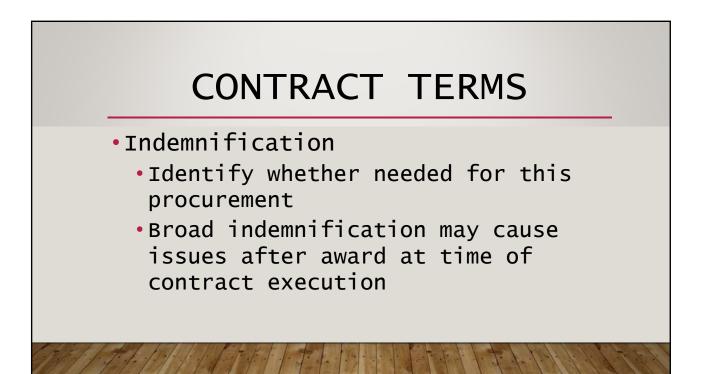


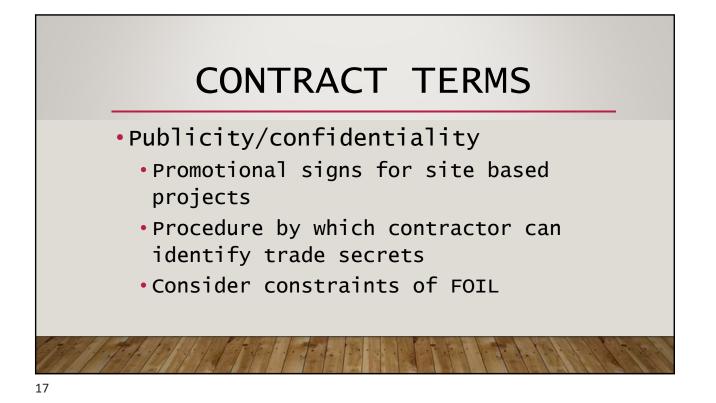


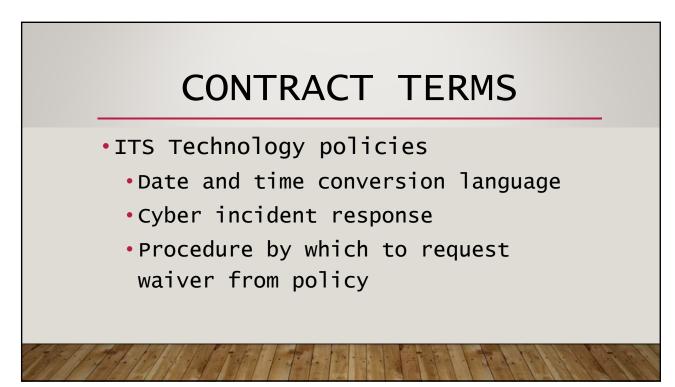


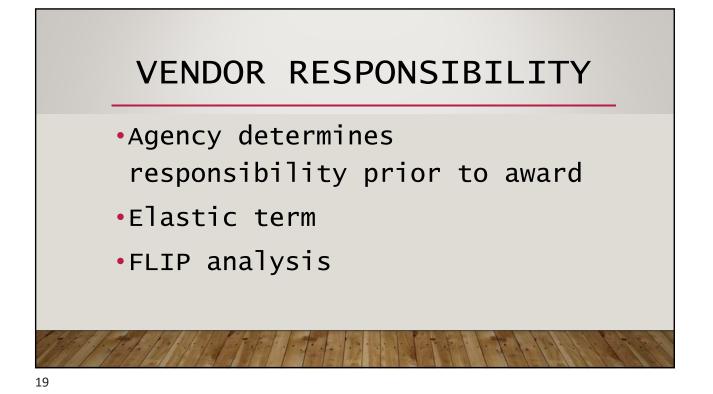


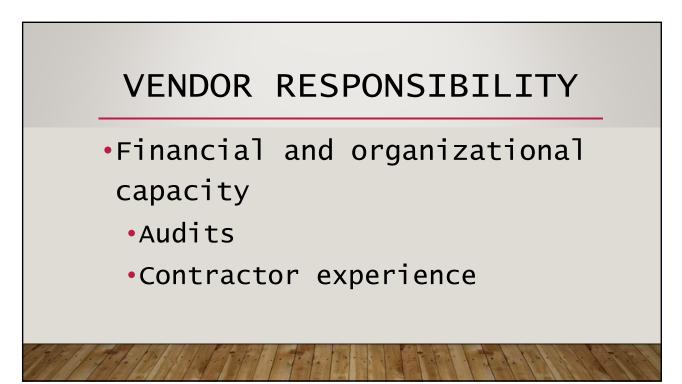


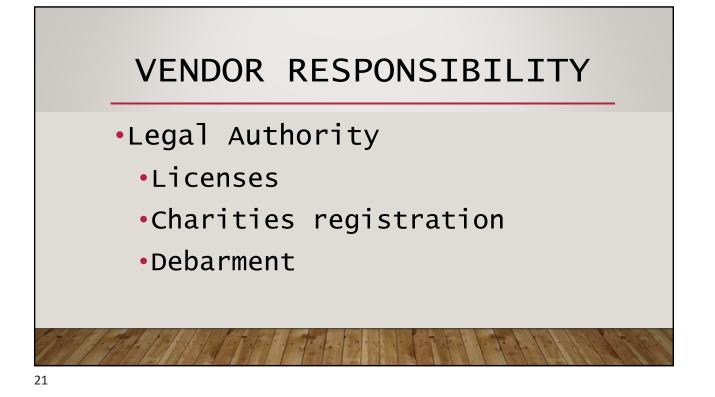


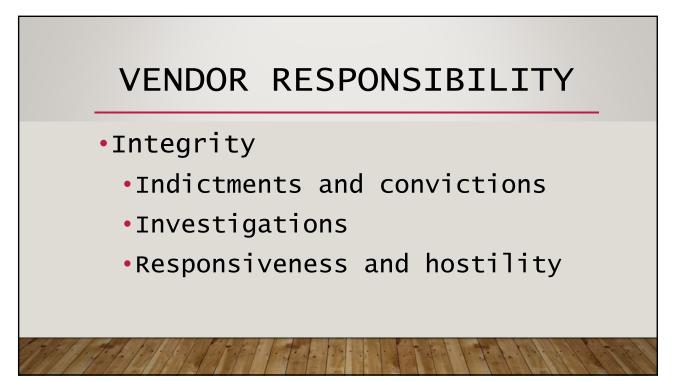


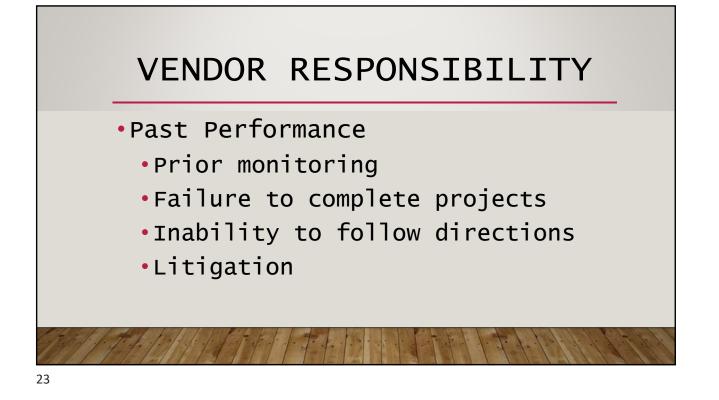


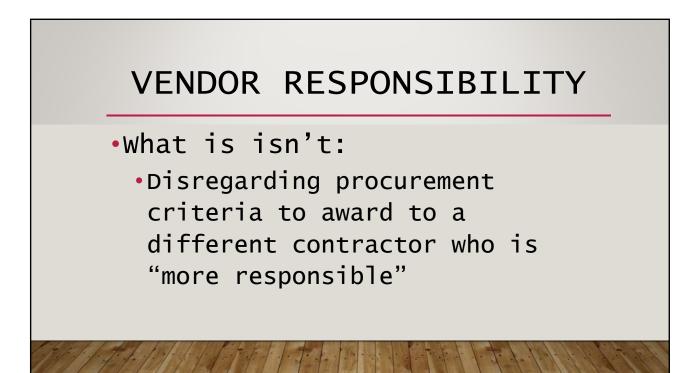












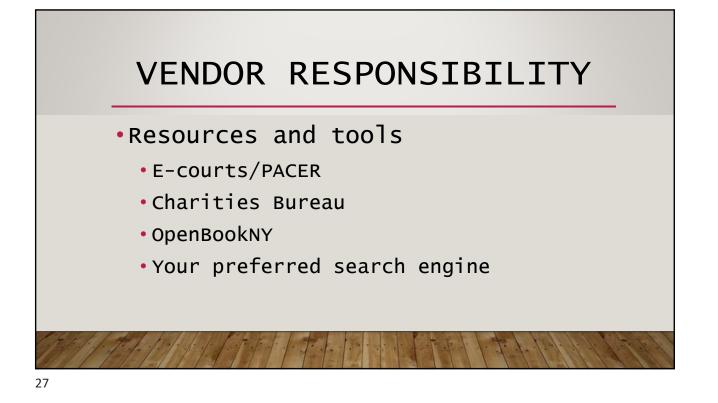
VENDOR RESPONSIBILITY

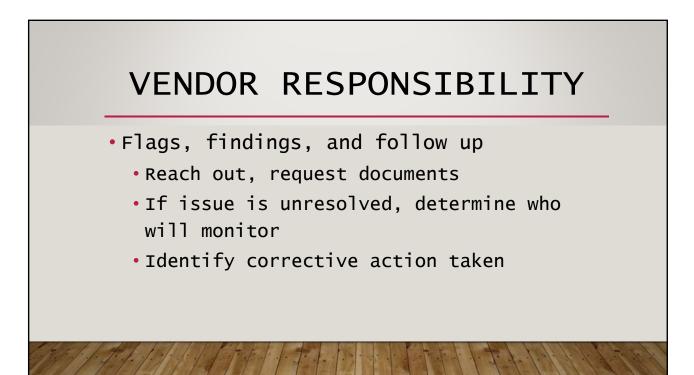
 OSC may return a contract unapproved because of its own vendor responsibility determination

VENDOR RESPONSIBILITY

Resources and tools

- Vendor Responsibility Questionnaire for contracts, and subcontractors known at time of award, over \$100,000.00.
- Some entities exempt from VRQ, but OSC reserves right to request one





VENDOR RESPONSIBILITY

Non-Responsibility Determination
Liberty interest→ Due process
Written notice, more than a mere gesture

