

Contract Reporter Advertising Thresholds and Notice Requirements

I. PURPOSE

The procurement opportunities newsletter, commonly referred to as the Contract Reporter, is New York State's central source of bid opportunities for Commodities, Services (including Construction Services) and Technology. The Contract Reporter is published daily, Monday through Friday, excluding legal holidays, and contains individual procurement opportunities valued at \$50,000 or more from State agencies, public authorities, public benefit corporations and others (Economic Development Law §142).

On a quarterly basis, the Contract Reporter publishes projected procurement opportunities from State agencies in the amount of \$5,000 - \$50,000 and from SUNY and CUNY in the amounts of \$10,000 to \$50,000 (see State Finance Law §161(2)(m) for State Agency requirements and Economic Development Law §142(2)(b) for SUNY and CUNY requirements). In addition, projected procurements worth \$200,000 or more from State agencies, public authorities, public benefit corporations, SUNY and CUNY are published on a semi-annual basis (Economic Development Law §142(5)).

Also, State agencies are required to notify the Commissioner of Economic Development of a procurement contract for goods or services from a foreign business if the amount of the contract is equal to or greater than \$1,000,000 (State Finance Law §139-i(2)(a)).

If the procurement will exceed \$50,000, an agency shall not make a contract award unless: it has published the procurement opportunity in the Contract Reporter (or notified the Commissioner, as the case may be); has received an exemption from the Office of the State Comptroller; or the contract falls under one of the exemptions outlined in Economic Development Law §144.

II. SCOPE AND APPLICABILITY

A. Projected Procurement Opportunities Valued between \$5,000 and \$50,000 (\$10,000 - \$50,000 for SUNY & CUNY): (State Finance Law §161(2)(m))

- State agencies must notify Empire State Development of projected procurement opportunities in the amount of \$5,000 - \$50,000 for quarterly publication in the Contract Reporter (\$10,000 - \$50,000 for SUNY and CUNY);

- Empire State Development will periodically provide specific publication details in an Advisory Notice, which will include submission deadlines for the quarterly listings and the Quarterly Listing Form.

B. Procurements Valued at \$50,000 or More \$50,000 for SUNY and CUNY as well):

- State agencies, public authorities, and public benefit corporations must notify Empire State Development of procurement opportunities valued at \$50,000 or more for ~~weekly~~ publication in the Contract Reporter;
- The Contract Reporter is available online at <http://www.nyscr.org/> and provides additional information. A username and password must be provided to enter procurement opportunity information.

C. Procurements Valued at \$200,000 or More:

In addition to the requirements set forth in B above, for procurement contracts of \$200,000 or more, each State agency must prepare the following for inclusion in the Contract Reporter:

- A semi-annual listing of projected procurements by category;
- An explanation of how to apply for placement on bidder lists maintained by the agency; and
- A description of procedures for providing advance notification by mail to individuals or business entities on such bidder lists of any request for proposal.

D. Procurement Contracts of \$1,000,000 or More Awarded to a Foreign Business: (State Finance Law §139-i(2)(a))

- In addition to the requirements set forth in B and C above, the chief executive officer of the State agency or department must simultaneously notify the Commissioner of Economic Development and the foreign business of the award of a contract valued at \$1,000,000 or more (State Finance Law §§139-i(2)(a) and 165(6)(a)(ii));
- Notification to the Commissioner of Economic Development shall include name, address, telephone and facsimile number of the foreign business, a brief description of the goods or services to be obtained, the amount and term of the contract, and the individual at the foreign business principally responsible for the contract. Contact the Department of Economic Development for a copy of the notification form; and
- After such notification, no State agency or department shall execute the contract for said goods or services until 15 days have elapsed (exceptions include emergencies or critical basis, or waiver by the Commissioner of Economic Development).

Helpful Hint: State agencies and authorities may wish to include a reference to the Procurement Lobbying Law Designated Contacts (State Finance Law §139-j) for the procurement in the Contract Reporter advertisement. Also see the Office of State Comptroller Bulletin G-107B Guide to Financial Operations located at:

www.osc.state.ny.us/agencies/guide/MyWebHelp/ for additional information on the Contract Reporter. Search for: Procurement Opportunities