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Office of
General Services



Procurement Records

Why They're Important & How to Create Them

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#2022NYGovBuy

Today's Focus

- Who is responsible for developing the procurement record
- Why you need it
- When it should be used
- What it includes



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When Choosing the Procurement Method... You Must Follow the Order of Purchasing Priority

- State finance law requires government agencies to follow a process to make purchases

1. Buy from a Preferred Source*

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 GovBuy class on this!
**There are previous classes posted on the OGS Procurement Services website.

Who is Responsible?

- The person who is conducting the procurement and getting approvals is responsible for creating and maintaining the procurement record

- Contract manager
- Purchasing agent
- Office manager
- Procurement professional



Why Do You Need a Procurement Record?

- Serves as the basis for both your review/approval of the contract award and any external approvals, such as the Office of the State Comptroller (OSC)
- State finance law requires you document your process for the record
- Applies to all procurements and should include a procurement record checklist
- Includes documenting the decisions made and the approach taken

What documentation you use depends on the type and complexity of the procurement

When Does a Procurement Record Begin?

- Start your record with your initial thoughts and steps for doing any procurement and continue throughout the entire process



What Does a Procurement Record Show?

It should demonstrate the following, but is not limited to:

- A clear statement of need
- A description of the required specifications governing performance and related factors
- A reasonable process for ensuring a competitive field
- A fair and equal opportunity for offerers to submit responsive offers
- A balanced and fair method of award
- A determination of vendor responsibility
- Other decisions made during the procurement process
 - Show what you did and why

Best Practices

- It should include hard copy, soft copy, memos, documented decisions, etc.
- Even though each procurement is unique, it should follow a logical order
- File names must use a clear and logical file naming convention on all electronic documents

Benefits

- Complete and well-organized procurement records make it easier and faster for management to approve your purchase
- As time passes, this record tells the story of your procurement for staff changes, audits, future procurements, etc.

Common Items Documented in the Procurement Record

Phase	Examples
Pre-Bid	<ul style="list-style-type: none">• Document statement of need• Determine your procurement method• Establish MWBE, SDVOB, etc. goals• Develop the solicitation (method of award, scope, etc.)• Advertise in contract reporter
Evaluation	<ul style="list-style-type: none">• Ensure all required forms were submitted with bid• Document evaluation process followed (administrative, technical, financial)• Conduct vendor responsibility (VR) review
Award	<ul style="list-style-type: none">• Send contracts to awardees for signatures, if applicable• Obtain all internal contract/award approvals• Encumber funds• Debriefing opportunity
Contract Management	<ul style="list-style-type: none">• Communications – web postings, announcements, etc.• SFS and notification documents• Contract updates (amendments, renewals, etc.)

Pre-Procurement Key Components

PR/Award #:		Bid Open Date:	
Group #:		Description:	
Project Lead:			
IFB	Solicitation Type		
If labeled below, then required. If blank then disregard	Sub Folder #	Check box below when item is complete.	Indicate if Hard copy (HC), Soft Copy (SC), or Both.
IFB	1	Statement of Need (Business Case); i.e., Agency Specific Purchase Requisition or Filed Price Requirements, etc.	
IFB	1	Estimated Contract Value/Quantities	
IFB	1	Sales Report(s) from Current Contractor(s) Reviewed (If applicable)	
IFB	2	NYSPro Survey Results - Review Customer Recommendations	
IFB	3	Prevailing Wage Rates Schedule from DOL (If applicable)	
IFB	3	MWBE Goals or Determination of Zero Goals	
IFB	3	Solicitation Documents	
IFB	3	Obtain Team Leader Approval	
IFB	3	Obtain OGS Counsel Approval (If applicable)	
IFB	3	Obtain Assistant Director Approval (If applicable)	
IFB	3	Obtain Director Approval (If applicable)	
IFB	3	Obtain CPO Approval (If applicable)	
IFB	3	Obtain Commissioner Approval (If applicable)	
IFB	3	Agency Concurrence (DOT, State Police, etc.) w/Bid Document (If applicable)	
-	3	Used Appropriate Template/Contract(s) as Guidance Documents (note here)	
-	3	Documentation the Agency has determined its in the best interest of the State to Procure from this particular vendor (Single Source only)	
-	3	Documentation why vendor is the only viable source (Sole Source only)	
-	3	Contract use request (Agency)	
-	3	Use "Piggyback" Agreement as template for solicitation	
-	3	Approval to use contract to Piggyback on (Piggyback Only)	
-	3	Statewide OGS approval form	
-	4	Create Evaluation Team	
-	4	Create Evaluation Procedure before bid opening	
-	4	Conducted Evaluation Team Review (If applicable)	
IFB	4	All Early Engagement Documents (IT only)	
IFB	2	All RFI and RFC Documentation	
IFB	1	Contract Reporter Ad	
IFB	3	Contract Reporter Amendments	
IFB	5	Update Memos and Associated Documentation	
		Complete Section 1 of Encourage NYS form (see Excel tab)	

- Statement of need
- Estimated contract values
- MWBE/SDVOB goals
- Solicitation documents
- Approvals
- Evaluation materials
- NYS Contract Reporter ad & amendments

FPR Folder Structure Descriptions								
Category	Subcategory	Phase		Subfolder	Description of Contents			
Ex. Food	Ex. Bakery	Pre-Procurement (1)		Business Case (1)	All documents related to reasons for doing the procurement (Statement of Need), Agency PR, Contract Use Request (PGB), Sales Reports, Contract Values			
				Info Gathering (2)	All documents related to RFIs, Round Tables, Market Research, etc.			
				RFP/IFB Development (3)		All documents related to the development of the solicitation document, including extended team correspondence, non-disclosure agreements by team members, establishment of MWBE Goals, SDVOB, Documentation of management Approval of Solicitation Document		
				Evaluation Development (4)		All documents, emails, etc. related to the development of the technical, cost and overall evaluation tools		
				Historical Documents (5)		Documents related to any previous procurements that may have been issued but not awarded.		
		Procurement/ Evaluation (2)		Announcements/ Postings (1)	Contract Reporter/Bid Calendar postings (initial, solicitation updates, etc.), BNS List/Announcements, Bidders List, Current Contractors (Anyone notified of opportunity)			
				RFP/IFB (2)		Final Solicitation Documents AND all Addendums		
				Vendor/Community/ Bidder Activities (3)		Pre-Bid Conference info, Intent to Bid forms, Restricted Period letters, add'l designated contact letters, any other activities after release of Solicitation prior to Bid submission		
				Bid Opening (4)		Bid Tab, other documents retained from Bid Opening		
				Proposals (5)		Copies of all submitted proposals (bids)		
				Bidder Disqualifications (6)		By Bidder, memos clearly presenting the justification for any/all Bidder disqualifications		
				Evaluation (7)		Score sheets by Bidder for all Bidders Evaluated. Subfolders for Admin, Tech, Cost, References, VR. Summary spreadsheet with final scoring.		
				Survey of Non-Bidders (8)		Follow-up with Non-Bidders and documentation (required for 2 bidders or less)		
				Clarifications & Disputes (8)		By Bidder		
				Recommendation Memo (9)		Memo summarizing the procurement and how the team arrived at the tentative awardee(s), (Procurement Record Memo) Create tentative contracts (with legal if applicable)		
				Award (3)		RECOMMENDED	Tentative Notification Letters (1)	Award and Non-Award letters to all Bidders, Draft CAN and Approvals
				Vend Resp & Other Admin Req. (2)	By awardee, Vendor Responsibility Questionnaire, Workers Compensation issues and resolutions, Tax Forms, etc.			
				Contract Negotiation (3)			By awardee, documents related to coming to final contract terms	
				APPROVED		Signed Contract (4)	1 fully executed copy for each tentative awardee, Documentation of all Insurance Requirements	
						Debriefing (5)		By Bidder, record of the debriefing
						Protests (6)		By Bidder
				Contract Admin (4)		Communications (1)	Final Approved CAN, FAQ's, How to Use, (documents required for posting the contract info on the web). Hard and Soft copy.	
						SFS/EDB Documents (2)	Single Transaction Summary Document, (Enterprise Data Notification)	
						Fully Executed Contract (3)	Signed and Executed by OGS or by OGS & OSC	
						Solicitation Updates (4)	Solicitation and Contract Award Notification Updates	
				Amendments (5)	Contract Amendment(s) by awardee and occurrence			
				Renewals (6)	Renewal Documents per awardee and occurrence			
		Required for preliminary review and can be provided as early as available.						
		Required for preliminary review but not likely available until the end of the process.						

Evaluation Phase Key Components

PR/Award #: 0		Bid Open Date: January 0, 1900	
Group #: 0		Description: 0	
Project Lead: 0		Column A: add solicitation type as noted Additional edits in blue as noted	
IFB	Solicitation Type		
If labeled below, then required. If blank then disregard	Sub Folder #	Check box below when item is complete.	Hard copy (HC), Soft Copy (SC), or Both.
IFB 3	MWBE Utilization Form		
IFB 3	MWBE 100		
IFB 3	Appendices (Listed below)		
IFB 8	Documentation of Follow up with Non-Bidders (required for 2 or Less Bids)		
IFB 3	Restricted Period Letter(s) for Continuous/Periodic Recruitment, (If Approved)		
IFB 3	Additional Designated Contact Letter(s) - Continuous/Periodic Recruitment, (If Applicable)		
IFB 3	Surveys of Non-Bidders (Used for 2 or less bidders)		
- 5	3 Signature Pages for Periodic Recruitment, Contract Pages, (Date of Signature)		
IFB 5	Workers' Compensation Form(s) Received		
IFB 5	Disability Insurance Benefit Form(s) Received		
IFB 5	All other insurance requirements as outlined in solicitation		
IFB 5	SVRQ(s) Received		
IFB 5	ST220-CA(s) Received		
- 5	Appendix E Fully Completed received/correct, (If applicable)		
- 7	Reseller Agreement(s) Received, (If applicable)		
IFB 7	Agency Concurrence Form of Award Recommendation, (If applicable)		
IFB 7	Brief Management of Award Recommendation		
IFB 7	Manufacturer/Supplier Certificate(s) (if applicable)		
IFB 7	Computation of Bid Results (Bid Tabulation)		
IFB 9	Create Procurement Record Memo (Previous OSC Memo)		
IFB 7	Create Contract(s) with Counsel (If Applicable)		
IFB 4	Copy of original Contract Price list (if applicable)		
IFB 2	Administrative Review Summary (if applicable)		
IFB 2	Technical Review Summary (if applicable)		
IFB 2	Financial Review Summary (if applicable)		
IFB	Complete Section 2 of EncourageNYS form (see Excel .ab)		
	Appendices Names:		

- MWBE documentation
- Surveys
- Forms
- Appendices
- Bid results
- Administrative, technical, and financial summaries

Award Phase Key Components

PR/Award #: 0		Bid Open Date: 1/0/1900	
Group #: 0		Description: 0	
Project Lead: 0			
IFB Solicitation Type			
If labeled below, then required. If blank then disregard	Sub Folder #	Check box below when item is complete.	
IFB	4	Tentative Award Letters	
IFB	4	Non-Award Letters	
IFB	2	DED Omnibus Procurement Act form(s) sent to DED – file copy (If applicable)	
IFB	2	Contract Letter(s)/Pdata(s)	
IFB	2	P-data Encumbrance/SFS Contract Request Form(s)	
IFB	2	Vendor Responsibility Profile(s)	
IFB	2	Vendor Responsibility Checklist(s)	
IFB	2	Vendor Responsibility Report	
IFB	2	State Finance Law 138-J & K	
IFB	2	Procurement Record Checklist	
IFB	1	CAN to Team Leader for Approval	
IFB	1	CAN to Counsel's Office for Approval	
IFB	1	CAN to Assistant Director for Approval (If applicable)	
-	1	CAN to Director for Approval (If applicable)	
-	1	CAN to CPO for Approval (If applicable)	
-	1	CAN to Deputy Commissioner for Approval (If applicable)	
-	1	CAN to 1st Deputy Commissioner for Approval (If applicable)	
-	1	CAN to Commissioner for Approval (If applicable)	
IFB	4	Signed Contracts from Tentative Awardees/Vendors	
Need to check on applicable contract types	3	If Agency specific contract, send entire packet to OSC for approval	
IFB	1	Contract(s)/CAN/Award Letter to Awardee(s)	
IFB		Complete Section 3 of EncourageNYS form (see Excel tab)	

- Tentative award letters
- Non-award letters
- Forms
- Vendor responsibility documentation
- Procurement record checklist
- Contract approvals
- Signed documents
- Notifications



Contract Admin Phase Key Components

PR/Award #:		Bid Open Date			
Group #:		Description:			
Project Lead					
IFB	Solicitation Type				
If labeled below, then required. If blank then disregard	Sub Folder #	Check box below when item is complete.			Indicate if Hard copy (HC), Soft Copy (SC), or Both.
		IFB 1	Create User Procurement Instructions and/or FAQ		
		IFB 1	Final Approved CAN		
		IFB 1	OGS Web Posting		
		IFB 2	Single Transaction Summary Document(s) (Received after approval)		
		IFB 3	Fully Executed Contract Approved by OGS		
		IFB 3	Fully Executed Contract Approved by AG (If applicable)		
		IFB 3	Fully Executed Contract OSC (If applicable)		
		IFB 4	Solicitation Updates (if applicable)		
		IFB 5	Amendments		
		IFB 6	Renewal Letters (if applicable)		
		IFB 6	Renewal Approvals (documents required for approval and posting on the web)		
		IFB 7	Documents required from Assignee		
		IFB 7	Executed Assignments		
		IFB 8	Foil Request from PIO		

- Contract user guides and other helpful resources (best practice)
- Executed contract with approvals (internal, OSC, AG)
- Updates
- Amendments
- Renewals / extensions
- Assignments
- Contract closeout documentation

A Strong Procurement Record Should...

- Present the documents in a logical structure that tells the story of the procurement
 - This applies to both electronic and hard copies!
- Demonstrate a fair and open bid process that did not disadvantage any bidders

A Strong Procurement Record Should...

Answer these questions:

- Have you shown that you followed the method of award in the bid?
- Have you documented that a bidder was or was not responsive?
- Was any bidder information incomplete or missing?
- How did the scope and method of award foster competition?
- Was the evaluation criteria followed as written and did it measure what it was intended to do?
- Were requirements written and applied equally to all bidders, including both new or current contract holders?

Remember: Make sure to not waive a requirement for a current contractor because there was no known issue with them under a previous agreement!



Summary

- Each procurement is unique
- Don't be afraid to create worksheets or guides for bidders so you get from them what you want
- Make sure to document all decisions and approvals
- Complete and well-organized procurement records improve quality and efficiency for audits
- Qualifications and requirements that are included will be evaluated, measurable, and as objective as possible

Helpful Resources

 @NYS_OGS

 @NewYorkStateOGS

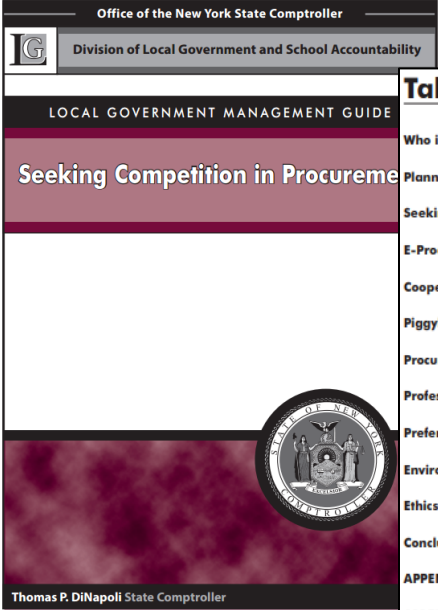
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OSC Guide to Seeking Competition in Procurement

- Provides state and local organizations:
- Information on planning & promotion
- How to seek competition
- e-Procurement guidelines
- Policies & procedures
- Guidance on cooperative purchasing
- Ethics & conflicts of interest info

	
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www.osc.state.ny.us/localgov/pubs/lgmg/seekingcompetition.pdf

https://bsc.ogs.ny.gov/system/files/documents/2021/10/purchasingrequirements_10-18-21.pdf

Helpful Resources

- NYS Procurement Council Guidelines | <https://ogs.ny.gov/system/files/documents/2018/08/psnys-procurement-guidelines.pdf>
- NYS OGS Procurement Services | <https://ogs.ny.gov/procurement>
- New York State Contract Reporter | www.nyscr.ny.gov
- SAMPO | <https://nysampo.us/>
- NASPO | www.naspo.org
- National Institute of Government Purchasing | www.nigp.org

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