**INSTRUCTIONS FOR
CONSULTANT TERM SERVICE CONTRACT PAYMENT SUBMISSIONS**

When applying for payment under the provisions of a Consultant Term Service Contract, you are required to submit the following completed forms with all supporting documentation verifying actual cost. Incorrect or incomplete submissions could cause substantial delays in payment or rejection of the submission altogether. A checklist of all required documentation for payment submissions appears below in submission order to assist you in ensuring your payment submission is complete.

Payment submissions and supporting affidavits must be signed by an officer, partner, owner, or legally authorized representative, and the signatures on submitted forms must be original. Affidavits/Certifications must be properly notarized. All submissions are to be delivered to the following address for Certification by the Director’s Representative:

OGS Design and Construction Group

Facility Services Unit – Service Contract Unit

31st Floor South, Corning Tower

Empire State Plaza

Albany, NY 12242

The required forms are designed to be filled in electronically and are user-friendly with references to supporting forms. Instructions for completing all forms follow in the order you will need to complete them.

Forms BDC 68, 69, and 74 are in Word format and can be filled in electronically. However, since BDC 68 and 69 are to be completed at the worksite on a *daily* basis on the day the work is actually performed, it’s advisable to print them out prior to use and fill them in by hand.

Forms BDC 70-73 are submission summary/report forms included in an interactive Excel workbook which will automatically fill in repetitive information, i.e., Project No., Contractor Name, Address, etc. once initially entered, as well as perform calculations and carry totals from one worksheet to another.

You can access and download all required forms on the OGS website at the following address:

[**http://www.ogs.state.ny.us/BU/DC/forms/ContractorConstForms.asp**](http://www.ogs.state.ny.us/BU/DC/forms/ContractorConstForms.asp)

NOTE: these forms are periodically updated. therefore, to ensure that you are using the most up-to-date copies, always download them from our website directly prior to use.

**Checklist of Required Documentation for Contractor Payment Submissions *(in submission order)***

[ ]  Form BDC 74 - Certified Application for Payment

[ ]  Form BDC 70 - Contractor Expense and Fee Summary for Term Service Contracts

[ ]  Form BDC 70.1 - Subcontractor Expense and Fee Summary for Term Service Contracts

[ ]  Form BDC 71 - Labor Expense Report for Term Service Contracts

[ ]  Form BDC 68 - Daily Labor Report(s) for Term Service Contracts

[ ]  Form BDC 72 - Material Expense Report for Term Service Contracts

[ ]  Form BDC 69 - Daily Material and Equipment Report(s) for Term Service Contracts

[ ]  Form BDC 73 - Equipment Expense Report for Term Service Contracts *(if applicable)*

[ ]  Subcontractor Backup Documentation

[ ]  Copy(ies) of initial proposal(s), estimate(s), and paid invoices along with established Request for Term Assignment. Additionally, attach any material ship tickets and picking slips issued by the material supplier.

**Daily Forms**

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| **BDC 68 - Daily Labor Report for Term Service Contracts**You will need to complete one form (or more than one depending on how many employees are working) for *each* day of work. This form must be filled out by hand at the work site as the work is performed and be completed on the day in which the work is performed. Enter ALL information as indicated on the form for each entry cell. These forms will be used to compile the **BDC 71 - Labor Expense Report for Term Service Contracts** for your payment application submission. |

Additional Clarification:

* “**Project No.**” refers to the OGS Project No. assigned to the project.
* For “**Daily Scope of Work Accomplished**,” include a description of the work actually accomplished that day and *not* simply the title of the project.
* In the employee information area, use one line per employee and include:
1. Employee Item No.
2. Employee Social Security No. – record only the last four digits
3. Employee Name
4. Labor Classification
5. Time Worked (indicate “am” or “pm” for all entries)
6. Enter the employee’s starting time (“**In**”)
7. Enter the time the employee left for lunch (“**Lunch Out**”)
8. Enter the time the employee returned from lunch (“**Lunch In**”)
9. Enter the employee’s departure time (“**Out**”)

**►►***To comply with New York State Department of Labor and the executed Labor Laws, ALL employees working on a public worksite are required to take a half hour uninterrupted lunch break when working six consecutive hours or more. Paid lunch breaks will not be reimbursed unless required by a bargaining agreement or a pre-existing company policy that states all employees are paid for their lunch break. Submission of documentation of such an agreement or policy will be required PRIOR to the submission of your payment invoice and is subject to the approval of the Contracting Officer.***◄◄**

1. Hours – enter the number of hours for “**Straight**” and/or “**Premium**” time.
*Premium time requires OGS prior approval.*
2. Draw a vertical line from the last employee listed to the end of the employee information area *(preferable but not mandatory)*.
* If further explanation is necessary, an area has been provided for your designated representative’s comments, as well as any by the Client Agency Facility Representative.
* Complete the “**On Site Certification**” *on the date the services are performed*. (The contractor is permitted to designate an on-site representative to sign.)
* The designated Facility Representative must sign and date the (**Client Agency Facility Representative)** “**Certification**” *on the date the services are performed*.

Form Distribution:

*It is the Contractor’s responsibility to provide* ***original copies*** *(with* ***original signatures****) with the payment application submission. OGS will not reimburse hourly services for forms submitted without original signatures.* The contractor should also make a copy of the form(s) for his/her file and for the Client Agency Representative’s file.

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| **BDC 69 - Daily Material and Equipment Report for Term Service Contracts**You will need to complete one form (or more if additional space is needed) for *each* day of work. This form must be filled out by hand at the work site as the work is performed and be completed on the day in which the work is performed. Enter ALL information as indicated on the form for each entry cell. These forms will be used to compile the **BDC 72 - Material Expense Report for Term Service Contracts** and **BDC 73 - Equipment Expense Report for Term Service Contracts** for your payment application submission. |

NOTE:

* *ALL* ***BDC 69 - Daily Material and Equipment Report****s submitted for payment must have a corresponding* ***BDC 68 - Daily Labor Report*** *for verification of work performed on that date.*
* *If the total cost for materials/equipment from a single vendor exceeds $5,000, an original estimate/quote must be submitted from three separate sources detailing the cost, description, and quantity of the materials and/or equipment to be supplied.*

Additional Clarification:

* “**Project No.**” refers to the OGS Project No. assigned to the project.
* For “**Daily Scope of Work Accomplished**,” include a description of the work actually accomplished that day and *not* simply the title of the project.
* In the material/equipment description area, use one line per entry and:
	1. For “**Detailed Description of Material or Equipment**,” provide a *detailed* description of the material or equipment used and *not* simply a reference to an invoice. (**Note:** Attach original invoices and quotes for material cost verification of the material/equipment listed. For materials **over $5,000**, an original estimate/quote must be submitted from three separate sources detailing the cost, description, and quantity of the materials or equipment to be supplied.)
	2. For “**License No./Serial No.**,” a part number or reference to the particular invoice number is acceptable.
	3. For “**Quantity**,” enter the quantity of material used.
	4. For “**Unit**,” enter the unit description, i.e., cu. yd., cu. ft., hrs., etc.
	5. Draw a vertical line from the last entry listed to the end of the material/equipment description area *(preferable but not mandatory)*.
* An area has been provided for any comments by the Client Agency Facility Representative, if applicable.
* Complete the “**On Site Certification**” *on the date the services are performed*. (The contractor is permitted to designate an on-site representative to sign.)
* The designated Facility Representative must sign and date the (**Client Agency Facility Representative)** “**Certification**” *on the date the services are performed*.

Form Distribution:

*It is the Contractor’s responsibility to provide* ***original copies*** *(with* ***original signatures****) with the payment application submission. OGS will not reimburse for material and/or equipment for forms submitted without original signatures.* The contractor should also make a copy of the form(s) for his/her file and for the Client Agency Representative’s file.

**Submission Summary/Report Forms**

***(BDC 70-73 - Consultant Term Service Contract Payment Submission Workbook)***

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| **BDC 70 - Contractor Expense and Fee Summary for Term Service Contracts***Original signatures are required, and the form must be properly notarized.*This form is the first in an EXCEL workbook of all expense and fee summary/report forms needed for a payment application submission. If you are completing the forms electronically, the **Contractor Work**, **Subcontractor Work**, and **Contractor Total Cost** sections will fill in automatically as you complete the rest of the forms in the workbook. Also, the information you enter in the top portion of this form will repeat on successive forms in the workbook, as appropriate. Fill out the top portion of this form, and continue on to the rest of the forms since you will need to complete them first to be able to provide the information you’ll need to finish the BDC 70. |

Top Portion:

Complete this section with the required information where indicated:

 (OGS) Project No.; Contractor Name, Address, Phone and FAX numbers; Date (date you’re completing the forms); (OGS) Work Order No.; (OGS) Contract No.; Payment Submittal No.; Facility (Name); and Period (beginning and ending dates for the submission).

**Contractor Work**

To fill in this section:

1. Complete **BDC 71 - Labor Expense Report for Term Service Contracts** first.
	1. First Employee – enter the hours and the contract “Hourly Billing Rate” for a single duly qualified worker each day work is performed.
	2. All Additional Employees – enter the hours and a rate equal to 75% of the contract “Hourly Billing Rate” each day work is performed.
2. Total Contractor Material – Enter the Total Contractor Material from the **BDC 72 - Material Expense Report for Term Service Contracts**. There are multiple copies of this form in the workbook; be sure to include the grand total of all in this area.
3. Material Percentage Fee from Contract is the Total Contractor Material amount multiplied by 15%.
4. Total Contractor Equipment – Enter the Total Contractor Equipment Expense from the **BDC 73 - Equipment** **Expense Report for Term Service Contracts**, if applicable.
5. Initial Site Visit Fixed Fee – Reimbursement for an Initial Site Visit, if required for scope development, will be reimbursed at a rate of $150.00. Only *ONE* site visit for the purposes of scope development will be reimbursed *per work order*.

**Subcontractor Work**

To fill in this section:

1. Complete **BDC 70.1 - Subcontractor Expense Report for Term Service Contracts**, if applicable. There are 3 copies of this form to accommodate 3 different subcontractors. Subcontractor 1 corresponds to BDC 70.1; Subcontractor 2 corresponds to BDC 70.1 (2); Subcontractor 3 corresponds to BDC 70.1 (3).
2. Enter Subcontractor Name and the Total Lump Sum from the BDC 70.1.
	1. Enter 10% of the first $10,000 of the Total Lump Sum up to a maximum of $1,000.
	2. If the Total Lump Sum exceeds $10,000, enter 5% of the remaining balance on this line.
3. Subcontractor Total - Total Lines A, B, and C.

NOTE:

* *When* Subcontractor Total *(Cost) is $5,000 or less, the subcontractor’s original estimate that includes the description of work to be performed and a quantitative breakdown of the labor and material costs must be submitted with payment submission materials.*
* *When* Subcontractor Total *(Cost) exceeds $5,000, in addition to the original estimate described above, an original estimate/quote must be submitted for least three separate vendors detailing the cost and description of the service(s) to be performed or the type and quantity of the materials and/or equipment to be supplied. If the contractor can show good cause why he/she cannot obtain three written bids for a particular procurement, the Group Director may, at his/her sole discretion, issue a written waiver of the subcontractor or supplier bidding requirements. Such written waiver shall contain either the approved subcontract amount or a description of the method to be used to determine the subcontract amount. This waiver should also be submitted with other payment submission documentation.*

**Contractor Total Cost**

To fill in this section:

1. Add the **Contractor Total** and the **Subcontractor Total** to obtain **Contractor Total Cost**.

***►►This must be the same amount stipulated on the BDC 74 - Certified Application for Payment (Invoice Amt.).◄◄***

**Contractor’s Certification**

You may enter Printed Name and Title electronically (or manually) in the **Contractor’s Certification,** but DO NOT sign until you are before a Notary Public who is to notarize your signature and sign, date, and seal/stamp the form.

**Certification by Director’s Representative**

For OGS USE ONLY. Leave this area blank.

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| **BDC 70.1 - SUBCONTRACTOR EXPENSE REPORT for Term Service Contracts***Original signatures are required, and the form(s) must be properly notarized.*There are three copies of this form included in the workbook; the subcontractor listed on BDC 70.1 corresponds to “Subcontractor 1” on the BDC 70; BDC 70.1 (2) corresponds to “Subcontractor 2”; BDC 70.1 (3) corresponds to “Subcontractor 3.” This report, to be completed by the contractor, is divided into three sections for subcontractor expenses. Payroll and Material Expenses should be detailed per the column headings, and an amount for total subcontractor equipment, if applicable, should be entered. *Original documentation of the subcontractor’s estimate* is required to be included with the BDC70.1. The documentation must specify the description of the work to be performed and a quantitative breakdown of the labor and material required to perform the work. |

Top Portion:

Complete this section with the required information where indicated:

(OGS) Project No., Subcontractor Name and Address, Date, Period (to and from dates), check box to indicate whether Progress Payment or Final Payment.

**A. Labor Expense**

Fill out this area (one employee per line), as appropriate, for subcontractor labor expenses.

1. Multiply the “Regular Time Billing Rate” times “Hours” to obtain “Regular Time Amount Paid.”
2. Multiply the “Premium Time Rate” times “Hours” to obtain the “Premium Time Amount Paid.” *Premium time is authorized and will be paid ONLY when directed by OGS.*
3. Multiply “Regular Time Amount Paid” times “Premium Time Amount Paid” to obtain “Total Labor.”
4. Add all employees’ “Total Labor” costs to obtain **Total Labor Expense**.

**B. Material Expense**

Fill out this area (one material “unit” per line) as appropriate for subcontractor material expenses. All material costs claimed must be documented by detailed invoices, and the invoice number should be included in the report breakdown.

1. Multiply the “Unit Cost” times “Quantity” for each line to obtain the “Total Material” for each material type.
2. Add all materials “Total Material” costs to obtain **Total Material Expense**.

**C. Equipment Expense**

Enter the subcontractor’s **Total Equipment Expense** in this cell.

**D. Total Lump Sum**

Add totals for A thru C and enter the result in this cell. This total amount should be transferred to the BDC 70 where indicated. (If completing the workbook electronically, this will occur automatically upon entering the information on the BDD 70.1.)

NOTE:

* *When* Total Lump Sum *is $5,000 or less, the subcontractor’s original estimate that includes the description of work to be performed and a quantitative breakdown of the labor and material costs must be submitted with payment submission materials.*
* *When* TotalLump Sum *exceeds $5,000, in addition to the original estimate described above, an original estimate/quote must be submitted for least three separate vendors detailing the cost and description of the service(s) to be performed or the type and quantity of the materials and/or equipment to be supplied. If the contractor can show good cause why he/she cannot obtain three written bids for a particular procurement, the Group Director may, at his/her sole discretion, issue a written waiver of the subcontractor or supplier bidding requirements. Such written waiver shall contain either the approved subcontract amount or a description of the method to be used to determine the subcontract amount. This waiver must be included with other payment submission documentation.*

**Subcontractor’s Certification**

You may enter Printed Name and Title electronically (or manually) in the **Subcontractor’s Certification**. The subcontractor must sign but NOT until he/she is before a Notary Public who is to notarize his/her signature and sign, date, and seal/stamp the form.

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| **BDC 71 - LABOR EXPENSE REPORT for Term Service Contracts**All **Daily Labor Report**(s) (BDC 68) for the submission period should be summarized on this form. This report is divided into two sections to differentiate between employees paid at the FIRST EMPLOYEE rate and ALL OTHER EMPLOYEES.  |

Top Portion:

Complete this section with the required information where indicated:

(OGS) Project No.; Contractor Name, Address, Phone and FAX numbers; Date (date you’re completing the forms); and Period (beginning and ending dates for the submission).

**First Employee** Section:

The First Employee rate is the contractual “Hourly Billing Rate” and is the amount allowed for a *single duly qualified worker* each day work is performed.

1. Enter all information for each employee being paid in this capacity for the period.
2. Enter “Billing Rate” and “Premium Rate” as specified by your contract.
3. Multiply “Hours” by “Billing Rate” to obtain “Regular Time Amount Paid” and “Hours” “Premium Rate” to obtain “Premium Rate Amount Paid.”
4. Add both “Amount(s) Paid” to determine the “Total Labor Expense” for each employee.
5. Total all hours worked to carry over to BDC 70, Contractor Work, Line 1a. Add all employees’ “Total Labor Expense” to obtain “A. Total Labor Expense for First Employee Rate.” This figure should then be carried over to BDC 70, Contractor Work, Line 1a. (If completing the workbook electronically, this will occur automatically.)

**All Other Employees** Section:

All other employees required in the performance of the work receive an amount equal to 75% of the contractual “Hourly Billing Rate” each day work is performed.

1. Enter all information for each employee being paid in this capacity for the period.
2. Enter “Billing Rate” and “Premium Rate” as 75% of the “Hourly Billing Rate” as specified by your contract.
3. Multiply “Hours” by “Billing Rate” to obtain “Regular Time Amount Paid” and “Hours” by “Premium Rate” to obtain “Premium Rate Amount Paid.”
4. Add both “Amount(s) Paid” to determine the “Total Labor Expense” for each employee.
5. Total all hours worked to carry over to BDC 70, Contractor Work, Line 1b.
6. Add all employees’ “Total Labor Expense” to obtain “B. Total Labor Expense for All Other Employees Rate.” This figure should then be carried over to BDC 70, Contractor Work, Line 1b. (If completing the workbook electronically, this will occur automatically.)

**Total Contractor Labor**

1. Add A. Total Labor Expense for First Employee Rate and B. Total Labor Expense for All Additional Employees to obtain Total Contractor Labor.

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| **BDC 72 - MATERIAL EXPENSE REPORT for Term Service Contracts**There are four copies of this form included in the workbook to accommodate all materials used during a submission period. (When filled out electronically, all totals from multiple copies will carry over and be included in the Total Contractor Material.) All contractor materials used during the submission period as detailed on the**BDC 69 - Daily Material and Equipment Report**(s) should be summarized on this form.  |

Top Portion:

Complete this section with the required information where indicated:

(OGS) Project No.; Contractor Name, Address, Phone and FAX numbers; Date (date you’re completing the forms); and Period (beginning and ending dates for the submission).

Material Description

1. Enter ALL information as indicated on the form for each entry cell.
2. Multiply “Quantity” times “Unit Cost” to obtain “Total Material Cost.”
3. Add all “Total Material Cost(s)” to obtain “Total Contractor Material.”
4. Enter the “Total Contractor Material” (from BDC 72) on BDC 70. (If completing the workbook electronically, this will occur automatically.)

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| **BDC 73 - EQUIPMENT EXPENSE REPORT for Term Service Contracts**All contractor equipment used during the submission period as detailed on the **BDC 69 - Daily Material and Equipment Report**(s) should be summarized on this form.  |

Top Portion:

Complete this section with the required information where indicated:

(OGS) Project No.; Contractor Name, Address, Phone and FAX numbers; Date (date you’re completing the forms); and Period (beginning and ending dates for the submission).

Equipment Description

1. Enter ALL information as indicated on the form for each entry cell.
2. Follow the directions at the top of the columns for calculating costs.
3. Enter the “Total Contractor Equipment Expense,” and transfer the total to the BDC 70. (If completing the workbook electronically, this will occur automatically.)

**Payment Application**

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| **BDC 74 - Certified Application for Payment***Original signatures are required, and the form must be properly notarized.*This form serves as the cover sheet for your payment submission. It is in Word format and can be downloaded and completed electronically (with the exception of your signature and the notary information). |

Top Portion:

Complete this section with the required information where indicated:

Enter OGS Contract No.; OGS Project No.; Work Order No.; and indicate whether the payment is a Progress Payment or Final Payment.

Payee Information Section:

Enter “Firm Name;” “Remittance or Direct Deposit Address;” “Federal ID No.;” “Consultant Project No.;” “Inovice No.;” “Invoice Date;” and “Invoice Amount.”

**►►***NOTE: “Invoice Amt.” must be the same amount as indicated on the* ***BDC 70 - Contractor Expense and Fee Summary for Term Service Contracts****.* *Therefore it is advisable to complete all of the other payment submission forms prior to completing this cover sheet.****◄◄***

Payee Certification Section:

You may enter “Title;” “Printed Name;” “Firm Name” in the **Payee Certification,** but DO NOT sign until you are before a Notary Public who is to notarize your signature and sign, date, and seal/stamp the form.

**Additional Documentation *(only if applicable)***

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| **BDC 67 - ReCEIPT OF CONSTRUCTION DOCUMENTS OR MATERIALS for Term Service Contracts***Original signatures are required.*When an authorized Client Agency Facility Representative agrees to retain purchased materials that are not incorporated into the project, the transfer of these materials is required to be documented on this form. The form is in Word format and can be filled in electronically (with the exception of the required signatures). The completed form should be submitted with the remainder of the payment submission forms.  |