

# NYS OGS Preferred Source Electronic Service Application (ESA) Webinar

## Participant Questions and Answers

Question 1: Are we required to have an approved B-1184 prior to requesting services from a preferred source?

**Answer: No.** The attestation on Form 1 of the application simply requires the Purchasing Agency to confirm that they have completed all B-1184 documentation. If a B-1184 is not required, the Purchaser must attest that their organization will have access to sufficient funds to meet their financial obligation. In either case, the attestation signature must be included on Form 1.

Question 2: Is the ESA for services only?

**Answer: Yes.** The ESA is for approved Preferred Source Service offerings only.

Question 3: Do we have to use this process for Corcraft's services?

**Answer: No.** Under the provisions of State Finance Law Section 162.6a, OGS does not review Corcraft commodity or service applications.

Question 4: Will OGS approve a contract for up to 5 years if there are built in escalators?

**Answer: OGS does not approve contracts; OGS is responsible for price approval, and certifying adherence to State Finance Law, and the Preferred Source Guidelines. OGS may approve estimated pricing including escalators such as adjustments to Prevailing Wage, Minimum Wage, the Consumer Price Index, etc.**

Question 5: Who is responsible for the market comparison attachment?

**Answer: The Preferred Source Facilitating Entity (NYSID or NYSPSP) is responsible for preparing and submitting the Market Comparison attachment. This attachment is used to support the statutory compliance of their proposed pricing.**

Question 6: Where will the presentation be posted?

**Answer: The webinar has been posted on the OGS preferred source webpage. Please follow this link and click on the General Resources tab: <https://ogs.ny.gov/procurement/preferred-sources>**

Question 7: OGS issued a General Information Bulletin dated July 13, 2017. The Bulletin included information about a prohibition of subcontracting under the Preferred Source program. Does this bulletin prohibit NYSID from contracting with one of their not for profit members or corporate partners to provide services?

**Answer: No.** This does not impact corporate partnerships executed in accordance with NYS Finance Law Section 162.7. The Bulletin was intended to make it known that OGS has no authority to approve an application for Preferred Source Services that includes the subcontracting of an approved or non-approved service to an entity that is not a preferred source member or corporate partner.

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Question 8: Many of our agreements with NYSID are under the \$50,000 threshold. Will the Preferred Source Facilitating Entities be using this process (electronic application) for those contracts under \$50,000, or is it expected that that process will remain the same as it has been?

**Answer: Contracts under the \$50,000 threshold will not be impacted by the ESA. OGS encourages the use of the ESA for all Preferred Source service contracts. The ESA is only required for proposed contracts that exceed the discretionary threshold and require OGS price approval. OGS does not review pricing for Preferred Source service contracts below the discretionary limit.**

Question 9: Does this process include the acquisition of temporary personnel?

**Answer: Yes. The ESA is required for all approved Preferred Source Service offerings requiring OGS price review.**

Question 11: Form 1 asks, "Has your Purchasing Agency held a competitively awarded contract for this service within the last five years? If yes, please attach a copy of the contract scope and pricing to Form 1." What does that mean?

**Answer: If your organization held a competitively awarded contract for this service within the last five years, you must attach the scope and pricing from that contract to Form 1, regardless of who was awarded the contract. This does not include non-competitive contracts awarded to a Preferred Source through the Preferred Source Program.**

Question 12: Are the headings on all the forms linked so we don't need to reenter the information?

**Answer: No. The headings are not linked from one form to another because they are separate files. However, the project information for Form 3 does link from one tab to the others.**

Question 13: Why is the number of employees required on Form 3?

**Answer: This information is required for the OGS review process to document the number of disabled or blind individuals who will be employed through each proposed contract. We understand that this number is an estimate that may vary throughout the life of the contract.**

Question 14: Why is the prior approval needed with a new application?

**Answer: This information is used in the OGS review process.**

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Question 15: Will OGS provide notification when revising the forms?

**Answer: OGS will use file revision dates to manage the forms. Each time a form is updated the file revision date in the lower left corner will be updated. Users have been advised to download new forms for each application. By downloading the forms from the OGS webpage, you will be assured of always using the current form.**

Question 16: Are Preferred Source Facilitating Entities required to send market comparisons to the Purchasing Agency?

**Answer: Yes. This information is used to support the statutory compliance of the proposed pricing. The Purchasing Agency is required to sign Form 4 which includes the following four points:**

1. Read and initialed the entire Preferred Source Facilitating Entity Service Application, including all pages, Appendices, Attachments, and other documents referenced in the Preferred Source Service Application Index;
2. Submitted any concerns, suggestions, or questions in writing to the Preferred Source Facilitating Entity and that the Preferred Source Facilitating Entity has provided answers to our satisfaction;
3. Confirmed that all the job titles and equipment listed are necessary to perform the work described herein;
4. Agreed with the number of hours and associated costs proposed to complete the work described herein.

**Form 4 replaces the current Price Concurrence form; therefore, the Purchasing Agency must have all application documents so they can attest to the points above and accept the price proposal.**

Question 17: Is the Purchasing Agency required to initial Form 3?

**Answer: Yes. OGS will add "Initial Here \_\_\_\_" to the bottom right margin.**

Question 18: If I am completing Form 3 for a 5-year contract, are the numbers for all 5 years, or do I complete a new form for each year?

**Answer: You do not have to complete a new Form 3 Excel workbook for each year. However, if the pricing will differ from year to year, you should create additional tabs (worksheets) for each year of the proposed contract.**