

New York State Procurement Council Resolution No. 2019-01

WHEREAS, on April 30, 1998 the New York State Procurement Council (“Procurement Council”) delegated to the Office of General Services (“OGS”) the authority to review Preferred Source applications for new commodities and services up to \$100,000 on behalf of the Procurement Council and the Procurement Council also conferred on Empire State Development (“ESD”) the authority to review such applications as to their impact on the NYS business community; and

WHEREAS, on July 14, 2004 the Procurement Council amended the foregoing delegation of authority and delegated to OGS its authority and responsibility to review Preferred Source applications for new commodities and services when the Preferred Source price is within 10% of prevailing market, projected annual sales volume is less than \$500,000, and an application review by ESD does not identify objections from the business community; and

WHEREAS, the Preferred Source Guidelines require that a Preferred Source application for the addition of new commodities and services be received by OGS at least forty-five (45) days prior to a scheduled meeting date of the Procurement Council to receive consideration at that meeting; and

WHEREAS, the Preferred Source Guidelines require that ESD perform its impact assessment on NYS Vendor/Suppliers of a Preferred Source application for the addition of new commodities and services to “run concurrent with OGS review to be completed within 120 days of receipt of application”; and

WHEREAS, the application review times for ESD and OGS are inconsistent and should be reconciled; and

WHEREAS, OGS has previously expressed its concern that forty-five (45) days is an insufficient time frame to perform its review of applications for new Preferred Source commodities and services; and

WHEREAS, ESD also finds 45 days to be an insufficient period of time to perform a thorough impact assessment of the applications for new Preferred Source commodities and services upon NYS Vendors/Suppliers; and

WHEREAS, ESD and OGS believe that a time frame of ninety (90) days would be sufficient for both agencies to concurrently complete the impact assessment and analysis of applications for new Preferred Source commodities and services; and

WHEREAS, the Procurement Council seeks to amend Section X. Adding a Commodity or Service to the List of Preferred Source Offerings, subdivision F, Application Lead Times, of the Preferred Source Guidelines, effective October

2014, to establish a consistent timeframe for both ESD and OGS at a time period of 90 days.

NOW, THEREFORE, be it resolved that the Procurement Council hereby amends Section X. Adding a Commodity or Service to the List of Preferred Source Offerings, subdivision C. Impact Assessment on NYS Vendor/Suppliers to change the time period for submittal to ESD from one hundred twenty days to ninety days and subdivision F, Application Lead Times, of the Preferred Source Guidelines, to change the time period for submittal to OGS from forty-five days to ninety days.

Upon adoption, this resolution amends the Resolution adopted by the Procurement Council on July 14, 2004.

April 17, 2019

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