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Office of  
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# Procurement Records

## Why They Are Important & How to Create Them



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#2018NYGovBuy  @NYSPRO  @nysprocurement



## Today's Speakers

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## Today's Focus

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

# 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?

- 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.





# 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 Sources\*

## 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!

# 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 Your Procurement Record

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



# Pre-Procurement Key Components

PR/Award #:		Bid Open Date:	
Group #:		Description:	
Project Lead:			
<b>IFB</b>	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 ( <b>Business Case</b> ): i.e., Agency Specific Purchase Requirement or <b>Filed Price Requirements, etc.</b>	
IFB	1	Estimated Contract Value/Quantities	
IFB	1	Sales Report(s) from Current Contractor(s) Reviewed ( <b>If applicable</b> )	
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 ( <b>DOT, State Police, etc.</b> ) w/Bid Document (If applicable)	
	- 3	<u>Used Appropriate Template/Contract(s) as Guidance Documents (note here)</u>	
	- 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 goals
- Solicitation documents
- Approvals
- Evaluation materials
- Contract Reporter ad & amendments

# 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.	
	IFB 3	MWBE Utilization Form	Hard copy (HC), Soft Copy (SC), or Both.
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 tab)		
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		
<b>IFB</b>	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	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 Component

PR/Award #: 0		Bid Open Date: 1/0/1900		
Group #: 0		Description: 0		
Project Lead: 0				
<b>IFB</b> 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 1	Create User Procurement Instructions and/or FAQ	
		IFB 1	Final Approved CAN	
		IFB 1	OGS Web Posting	
		IFB 1	Other documents required for posting the contract to web	
		IFB 2	Single Transaction Summary Document(s) (Received after approval)	
		IFB 2	Enterprise Data Notification	
		IFB 3	Agency Approval (If applicable ie. IT)	
		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)			

- User guides and other helpful resources (best practice)
- Executed contract with approvals (internal, OSC, AG)

# 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.

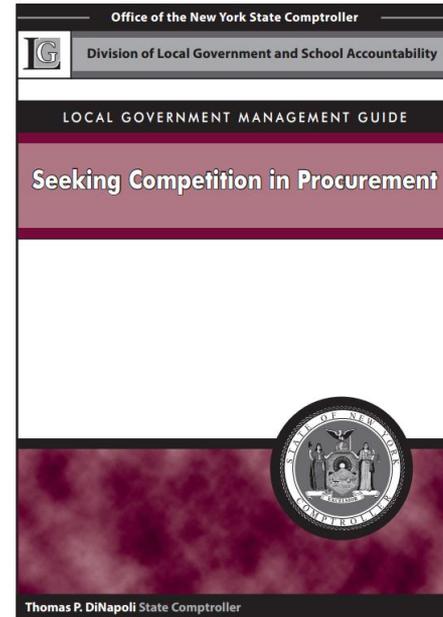
# Helpful Resources



# OSC Guide to Seeking Competition in Procurement

It 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 information



[www.osc.state.ny.us/localgov/pubs/lgmg/seekingcompetition.pdf](http://www.osc.state.ny.us/localgov/pubs/lgmg/seekingcompetition.pdf)

# Use the BSC Purchasing Requirements Guide

Find it on: [www.bsc.ogs.ny.gov/sites/default/files/PurchasingRequirements.pdf](http://www.bsc.ogs.ny.gov/sites/default/files/PurchasingRequirements.pdf)

**Business Services Center**  
A Division of the Office of General Services

**New York State Purchasing Requirements for BSC Customer Agencies**

**1 Preferred Sources**

Preferred Sources must be considered first. State agencies are required to purchase from a Preferred Source if it meets the agency's form, function and utility. If a Preferred Source is available and not used, the agency must document how it did not meet their form, function, or utility. Formal waivers are required. See the Preferred Sources Guidelines: <http://www.ogs.ny.gov/procurement/pdf/for/pubs/psguid.pdf>

Purchasing Commodities & Technology from a Preferred Source		Purchasing Services from a Preferred Source	
If Your Dollar Amount of Purchase is \$0 - \$49,999	If Your Dollar Amount of Purchase is \$50,000 & over	If Your Dollar Amount of Purchase is \$0 - \$49,999	If Your Dollar Amount of Purchase is \$50,000 & over
What purchasing method do I use?	Person possible	Person possible	Person possible
Who solicits quotes or issues bid documents?	Agency price	Agency price	Agency price
If Technology-related, is FTP approval required?	NO	NO	NO
Do I have to advertise in the Contract Reporter?	NO	NO	NO
Do I need OSC approval?	NO	NO	NO
Do I need a Vendor Responsibility Profile/ Checklist?	NO	NO	NO
Do I need a Vendor Responsibility Questionnaire?	NO	NO	NO
Is a NYS Procurement Lobbying Law form required?	NO	NO	NO
Are there any MWBE Goals?	NO	NO	NO
Do I need DOB B-1184 approval?	DOB varies based on Technology-related, is FTP approval required?	DOB varies based on Technology-related, is FTP approval required?	DOB varies based on Technology-related, is FTP approval required?

**2 NYS Centralized Contract**

State agencies must use New York State centralized contracts after consideration of Preferred Sources. Centralized contracts are administered by OGS Procurement Services and can be found on the OGS public website: <http://nysproc.ogs.ny.gov>. Customer support is available at 518.474.6717.

Purchasing Commodities, Technology & Services from a Centralized Contract		Purchasing SERVICES via Centralized Contracts that require a minibid	
FOR ALL DOLLAR AMOUNTS		FOR ALL DOLLAR AMOUNTS	
What purchasing method do I use?	Agency procurement card where possible or Purchase Requirement	Agency procurement card where possible or Purchase Requirement	Agency procurement card where possible or Purchase Requirement
Who solicits quotes or issues bid documents?	Agency - from contract price lists or as defined in the contract	Agency defines requirements, contracts, minibids, and enters requisition in SFS. BSC generates Purchase Order.	Agency defines requirements, contracts, minibids, and enters requisition in SFS. BSC generates Purchase Order.
If Technology-related, is FTP approval required?	YES - If \$50,000 or more	YES - If \$50,000 or more	YES - If \$50,000 or more
Do I have to advertise in the Contract Reporter?	NO	NO	NO
Do I need OSC approval?	NO	NO	NO
Do I need a Vendor Responsibility Profile/ Checklist?	NO	NO	NO
Do I need a Vendor Responsibility Questionnaire?	NO	NO	NO
Is a NYS Procurement Lobbying Law form required?	NO	NO	NO
Are there any MWBE Goals?	Minibid policies vary by agency. Check your agency's MWBE policy.	Agency sets as defined in centralized contract requirements.	Agency sets as defined in centralized contract requirements.
Do I need DOB B-1184 approval?	DOB B-1184 approval threshold varies based on what is being purchased. See B-1184 Approval Thresholds (page 6)	DOB B-1184 approval threshold varies based on what is being purchased. See B-1184 Approval Thresholds (page 6)	DOB B-1184 approval threshold varies based on what is being purchased. See B-1184 Approval Thresholds (page 6)

The BSC will conduct solicitations for Invitations for Bids for one-time commodity purchases upon request. New York State Technology Services Procurement (PTP) approvals are required for any procurement of a product or service that is greater than \$100,000. Approval is also required when procuring from an originating contractor from participating from any agreement or enterprise agreements of dollar amount that are not subject to PTP. For OGS, the discretionary purchasing limit is \$50,000 for the transaction purchase limit. OGS will require a contract or formal solicitation for purchases between \$50,000 and \$100,000. These written quotes should be obtained. OGS will allow agencies to advertise in the Contract Reporter for Open Market Purchases \$100,000 and over. \*Executive Chamber approval of MWBE goals may be required for purchases over page 4.

**Business Services Center**  
A Division of the Office of General Services

**New York State Purchasing Requirements for BSC Customer Agencies**

**Division of the Budget B-1184 Approval thresholds**

Thresholds are subject to change based on DOB Bulletins. Thresholds stated here are as of December 2014.

Purchase Type	B-1184 Approval Threshold	Executive Chamber MWBE Participation Goals Approval Threshold (Attachment C)
Employee-Related Events		
Membership Dues to As-Non-Institutional Food P		
In-State Travel		
Promotional Items		
Capital-Change Orders/Contracts-Amendments		
Contracts-New		
Local Assistance Grants		
Contractual Services		
Temporary Personnel Se		
NPS Purchases		
NPS Leases		
Member Item Requests		
Centralized Contracts		
Contracts - RFP/RFP/Pre-Capital Design		
Capital Design		

Clarification of thresholds should document its decision.

**3 Open Market**

Agencies may purchase commodities, technology and services in the open market when the procurement/purchasing need cannot be met by a Preferred Source or NYS Centralized Contract.

Purchasing COMMODITIES, TECHNOLOGY & SERVICES			Purchasing COMMODITIES & TECHNOLOGY in the Open Market		Purchasing SERVICES in the Open Market		Purchasing with a NYS Small Business Enterprise (SBE) goal	
If Your Dollar Amount of Purchase is \$0 - \$2,500	If Your Dollar Amount of Purchase is \$2,501 - \$10,000	If Your Dollar Amount of Purchase is \$10,001 - \$49,999	If Your Dollar Amount of Purchase is \$50,000 & over	If Your Dollar Amount of Purchase is \$50,000 & over	If Your Dollar Amount of Purchase is \$50,000 & over	If Your Dollar Amount of Purchase is \$50,000 & over	If Your Dollar Amount of Purchase is \$50,000 & over	If Your Dollar Amount of Purchase is \$50,000 & over
What purchasing method do I use?	Procurement Card where possible or Purchase Requirement	Procurement Card where possible or Purchase Requirement	Procurement Card where possible or Purchase Requirement	Contract Purchase Requirement	Service Contract (long-term requirement)	Contract Purchase Requirement	Contract Purchase Requirement	Contract Purchase Requirement
Who solicits quotes or issues bid documents?	Agency - informal quote	Agency - 1 written quote	Agency - 3 written quotes	Agency or OSC/FB	Agency Formal Bid	Agency - 3 written quotes	Agency - 3 written quotes	Agency - 3 written quotes
If Technology-related, is FTP approval required?	NO	NO	NO	YES	YES	YES	YES	YES
Do I have to advertise in the Contract Reporter?	NO	NO	NO	YES	YES	YES	YES	YES
Do I need OSC approval?	NO	NO	NO	YES - if over \$50,000*				
Do I need a Vendor Responsibility Profile/ Checklist?	NO	NO	NO	YES	YES	YES	YES	YES
Do I need a Vendor Responsibility Questionnaire?	NO	NO	NO	YES - if over \$100,000				
Is a NYS Procurement Lobbying Law form required?	NO	NO	YES - if over \$15,000	YES	YES	YES	YES	YES
Are there any MWBE Goals?	MWBE policies vary by agency. Check your agency's MWBE policy.	MWBE policies vary by agency. Check your agency's MWBE policy.	YES - if over \$20,000	YES	YES	YES	YES	YES
Do I need DOB B-1184 approval?	DOB B-1184 approval threshold varies based on what is being purchased. See B-1184 Approval Thresholds (page 6)	DOB B-1184 approval threshold varies based on what is being purchased. See B-1184 Approval Thresholds (page 6)	DOB B-1184 approval threshold varies based on what is being purchased. See B-1184 Approval Thresholds (page 6)	DOB B-1184 approval threshold varies based on what is being purchased. See B-1184 Approval Thresholds (page 6)	DOB B-1184 approval threshold varies based on what is being purchased. See B-1184 Approval Thresholds (page 6)	DOB B-1184 approval threshold varies based on what is being purchased. See B-1184 Approval Thresholds (page 6)	DOB B-1184 approval threshold varies based on what is being purchased. See B-1184 Approval Thresholds (page 6)	DOB B-1184 approval threshold varies based on what is being purchased. See B-1184 Approval Thresholds (page 6)

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**NY GovBuy**

# Helpful Resources

- NYS Procurement Council Guidelines | [www.ogs.ny.gov/BU/PC/SPC.asp](http://www.ogs.ny.gov/BU/PC/SPC.asp)
- NYS OGS Procurement Services | [www.nyspro.ogs.ny.gov](http://www.nyspro.ogs.ny.gov)
- New York State Contract Reporter | [www.nyscr.ny.gov](http://www.nyscr.ny.gov)
- SAMPO | [www.nysampo.org](http://www.nysampo.org)
- NASPO | [www.naspo.org](http://www.naspo.org)
- National Institute of Gov. Purchasing | [www.nigp.org](http://www.nigp.org)

# Can't find something? We are here to help!

## Contact us

(518) 474-6717

[customer.services@ogs.ny.gov](mailto:customer.services@ogs.ny.gov)

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# Questions