Procurement Records
Why They’re Important & How to Create Them

May 4 & 5, 2022
Today’s Focus

- Who is responsible for developing the procurement record
- Why you need it
- When it should be used
- What it includes
When Choosing the Procurement Method… You Must Follow the Order of Purchasing Priority

1. Buy from a Preferred Source*
   *There’s a GovBuy class on this!

2. Use OGS Centralized Contracts**
   • Commodities
   • Services
   • Technology

3. Use Other Agency-Established Contracts
   • Piggybacking**
   *There are previous classes posted on the OGS Procurement Services website.

4. Conduct Your Own Procurement
   • IFB/RFP*
   • Discretionary spending

State finance law requires government agencies to follow a process to make purchases.
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.
<table>
<thead>
<tr>
<th>Phase</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Bid</td>
<td>• Document statement of need&lt;br&gt;• Determine your procurement method&lt;br&gt;• Establish MWBE, SDVOB, etc. goals&lt;br&gt;• Develop the solicitation (method of award, scope, etc.)&lt;br&gt;• Advertise in contract reporter</td>
</tr>
<tr>
<td>Evaluation</td>
<td>• Ensure all required forms were submitted with bid&lt;br&gt;• Document evaluation process followed (administrative, technical, financial)&lt;br&gt;• Conduct vendor responsibility (VR) review</td>
</tr>
<tr>
<td>Award</td>
<td>• Send contracts to awardees for signatures, if applicable&lt;br&gt;• Obtain all internal contract/award approvals&lt;br&gt;• Encumber funds&lt;br&gt;• Debriefing opportunity</td>
</tr>
<tr>
<td>Contract Management</td>
<td>• Communications – web postings, announcements, etc.&lt;br&gt;• SFS and notification documents&lt;br&gt;• Contract updates (amendments, renewals, etc.)</td>
</tr>
</tbody>
</table>
Pre-Procurement Key Components

- Statement of need
- Estimated contract values
- MWBE/SDVOB goals
- Solicitation documents
- Approvals
- Evaluation materials
- NYS Contract Reporter ad & amendments
<table>
<thead>
<tr>
<th>Category</th>
<th>Subcategory</th>
<th>Phase</th>
<th>Subfolder</th>
<th>Description of Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ex. Food</td>
<td>Ex. Bakery</td>
<td>Pre-Procurement (1)</td>
<td>Business Case (1)</td>
<td>All documents related to reasons for doing the procurement (Statement of Need), Agency PR, Contract Use Request (PGB), Sales Reports, Contract Values</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Info Gathering (2)</td>
<td>All documents related to RFIs, Round Tables, Market Research, etc.</td>
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<tr>
<td></td>
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<td></td>
<td>RFP/IFB Development (3)</td>
<td>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</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Evaluation Development (4)</td>
<td>All documents, emails, etc. related to the development of the technical, cost and overall evaluation tools</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Historical Documents (5)</td>
<td>Documents related to any previous procurements that may have been issued but not awarded.</td>
<td></td>
</tr>
<tr>
<td>Procurement/ Evaluation (2)</td>
<td>Announcements/ Postings (1)</td>
<td>RFP/IFB (2)</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vendor/Community/ Bidder Activities (3)</td>
<td>Proposals (5)</td>
<td>Copies of all submitted proposals (bids)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bid Opening (4)</td>
<td>Bid Tab, other documents retained from Bid Opening</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Survey of Non-Bidders (8)</td>
<td>Clarifications &amp; Disputes (8)</td>
<td>Follow-up with Non-Bidders and documentation (required for 2 bidders or less)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Recommendation Memo (9)</td>
<td>Award (3)</td>
<td>Memo summarizing the procurement and how the team arrived at the tentative awardee(s), (Procurement Record Memo) Create tentative contracts (with legal if applicable)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tentative Notification Letters (1)</td>
<td>Auch Award (4)</td>
<td>By Bidder, record of the debriefing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vend Resp &amp; Other Admin Req. (2)</td>
<td>By awardee, Vendor Responsibility Questionnaire, Workers Compensation issues and resolutions, Tax Forms, etc.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Contract Negotiation (3)</td>
<td>Signed Contract (4)</td>
<td>1 fully executed copy for each tentative awardee, Documentation of all Insurance Requirements</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Debriefing (5)</td>
<td>By Bidder, record of the debriefing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Protests (6)</td>
<td>By Bidder</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Contract Admin (4)</td>
<td>Communications (1)</td>
<td>Final Approved CAN, FAQ’s, How to Use, (documents required for posting the contract info on the web), Hard and Soft copy.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>SFS/EDB Documents (2)</td>
<td>Single Transaction Summary Document, (Enterprise Data Notification)</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Fully Executed Contract (3)</td>
<td>Signed and Executed by OGS or by OGS &amp; OSC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Solicitation Updates (4)</td>
<td>Solicitation and Contract Award Notification Updates</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Amendments (5)</td>
<td>Contract Amendment(s) by awardee and occurrence</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Renewals (6)</td>
<td>Renewal Documents per awardee and occurrence</td>
</tr>
</tbody>
</table>

**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

- MWBE documentation
- Surveys
- Forms
- Appendices
- Bid results
- Administrative, technical, and financial summaries
### Award Phase Key Components

<table>
<thead>
<tr>
<th>PR/Award #: 0</th>
<th>Bid Open Date: 1/0/1900</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group #: 0</td>
<td>Description: 0</td>
</tr>
<tr>
<td>Project Lead: 0</td>
<td></td>
</tr>
</tbody>
</table>

**Solicitation Type**

- **Tentative Award Letters**
- **Non-Award Letters**
- **Forms**
- **Vendor responsibility documentation**
- **Procurement record checklist**
- **Contract approvals**
- **Signed documents**
- **Notifications**

**Checklist**

- Tentative award letters
- Non-award letters
- Forms
- Vendor responsibility documentation
- Procurement record checklist
- Contract approvals
- Signed documents
- Notifications
## Contract Admin Phase Key Components

<table>
<thead>
<tr>
<th>Solicitation Type</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>If labeled below, then required. If blank then disregard.</td>
<td>Check box below when item is complete.</td>
</tr>
<tr>
<td><strong>IFB</strong></td>
<td>Indicate if Hard copy (HC), Soft Copy (SC), or Both.</td>
</tr>
</tbody>
</table>

- **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  #2022NYGovBuy
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

www.osc.state.ny.us/localgov/pubs/lgmg/seekingcompetition.pdf
BSC Purchasing Requirements Guide

Helpful Resources

- NYS OGS Procurement Services | [https://ogs.ny.gov/procurement](https://ogs.ny.gov/procurement)
- SAMPO | [https://nysampo.us/](https://nysampo.us/)
- NASPO | [www.naspo.org](http://www.naspo.org)
- National Institute of Government Purchasing | [www.nigp.org](http://www.nigp.org)
Can’t Find Something? We’re Here to Help!

Contact our Customer Services Team!
(518) 474-6717
customer.services@ogs.ny.gov
Questions?

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