

## HOW DO I GET STUFF?

### 22) How do I get stuff?

- A. A requisition submitted in CUNYfirst is the only way to start the procurement process (verbal discussions and email exchanges do not constitute a requisition). End users submit requisitions for goods and services needed, and the Purchasing Department chooses the appropriate procurement method and makes the purchase. **End users may not make purchases or engage vendors directly.**
1. Submit a requisition in CUNYfirst, attaching all pertinent documents (e.g. scope of work, specifications, suggested vendor list). CUNYfirst will send your request to your (CUNYfirst) supervisor; the supervisor must approve your requisition within CUNYfirst. Then, after the supervisor (and any other approver required by your campus, department, division, etc.) has approved of the requisition, the CUNYfirst system performs a budget check (at the top of the next hour) to verify availability of funds.

**NOTA BENE:** A purchase requisition is required in advance of all commitments of expenditures with rare exceptions. Contact your Purchasing Department if you have questions about this topic.

2. Note that if your requisition does not clear the CUNYfirst budget check, your requisition will **not** get forwarded to the Purchasing Department, and CUNYfirst does not automatically notify anyone that your requisition is not moving forward. Once your supervisor has approved the requisition, the status will still say “approved” even if the requisition does not clear budget. After submitting your requisition, you should check that your requisition has been approved and has cleared the CUNYfirst budget check; you will need to run a query to determine whether your requisition has actually passed the budget check or use the requisition life cycle field in the Manage Requisitions link in CUNYfirst to see the current status of your requisition. If your requisition does not clear the budget check, it will be sent to Commitment Control, where it may be funded or denied funding.

**NOTA BENE:** Even if your requisition is “approved”, if your requisition does not clear budget, your requisition will **not** be forwarded to Purchasing. It is the end user’s responsibility to ensure that the requisition has passed all checks and that it gets to Purchasing.

- B. Every instance of smart buying involves clear, detailed specifications. The requester must provide a clear, accurate description of the goods (commodities) and services.
  1. Specifications – including such information as dimensions, materials, capacities, performance, and warranties – must be established and written clearly and unambiguously in order to accurately and objectively compare competing products and services and to ensure acquisition of the desired product.
  2. Ask your Purchasing Department for a specification outline or a list of questions you must answer in order to provide the Purchasing Department with the clear, detailed specifications necessary.
- C. “Do it Yourself” Purchases. At some campuses, certain (limited) purchases can be made directly, by:
  1. Using blanket purchase orders, also called “Amounts Only” orders in CUNYfirst. Certain vendors supply goods/services on an as-needed basis (not to exceed a specific dollar amount for the fiscal year) under such blank purchase orders. Once a requisition for the required amount of such goods or services has been made and approved and budget checked, your Purchasing Department will issue purchase orders to these vendors for the required amount.

For example, a College may issue a \$1,500 order to an art supply store for the Design Department. As items are needed, the art supply store delivers against the order throughout the year. If this type of order would be appropriate for your department, contact your Purchasing Department who will assist you in setting one up. Bear in mind that blanket orders are subject to the same purchasing laws and regulations as any other purchase.

2. using a procurement card (“P-card”), if your college has provided one to you or your department, in accordance with the stated limitations and procedures and never for services, software or IT hardware.

### 23) “It’s an emergency!” What should I do?

*First, ask yourself -- is it really an emergency?* The law defines “emergency” for the purposes of procurement as an unforeseen occurrence or condition or situation where a threat to health, safety, life or limb exists, or where a necessary service is threatened with material damage or suspension, or where College or University buildings or property are threatened. If not, Purchasing cannot treat the purchase on an emergency basis. Lack of planning does not constitute an emergency.

- A. If it is an immediate emergency event – such as a fire, an explosion, a flood, then:
  1. call 911;
  2. call Security, Facilities, and/or VP for Finance so that they can work with the Purchasing Department who will make whatever purchases are necessary ;
  3. fix what needs to be fixed (this is not an excuse to install new decorative landscaping); coordinate with the Purchasing Department to procure the required commodities and/or services necessary to address the emergency;
  4. act prudently! ask yourself, what if I (personally) had to pay for it?
  5. work with Purchasing to produce specifications and the information required for a contract to be signed by the vendor and the University that must then be submitted to (depending on funding source) NYS Comptroller or NYC Comptroller for registration. The Purchasing Director will, as appropriate, notify the State Comptroller and/or the City Comptroller to discuss the emergency situation and the procurement plan. A follow-up written communication to the State Comptroller is required when state tax levy funds are to be used.
  6. you’ll need to assist in writing a “Declaration of Emergency” memo for your College VP who will need to send it under his/her signature to the Vice Chancellor of Budget and Finance and the General Counsel and Senior Vice Chancellor of Legal Affairs to advise them of emergency purchase(s) made. The Declaration of Emergency memo must:
    - a. explain the situation – why emergency procurement is necessary;
    - b. what the college plans to do and why the plan is reasonable;
    - c. provide assurance that it is a one-time occurrence; and

d. provide assurance that the emergency procurement procedure is not being used to avoid normal competitive solicitation.

- B. If it's not an immediate emergency event, but is nevertheless a threat to health and safety, life or limb, damage to necessary service, or to a College or University building or property, Purchasing may, in appropriate circumstances, treat the purchase on an emergency basis – the Purchasing Department refers to this type of situation as a “Priority Event”.
1. call your Purchasing Department, who will call OGC for guidance
  2. Purchasing will need to devise a plan for determining how the College will solicit goods and services. The plan must articulate:
    - a. how are you determining that College is getting fair prices?
    - b. how are you determining that College is getting fair terms?
    - c. how are you determining which vendors to invite to participate?
  3. depending on the circumstances, the Purchasing Department may need your help in preparing a Declaration of Emergency memo to advise them of an intended emergency purchase.
  4. Purchasing will conduct a solicitation following “emergency” procedures.
  5. Purchasing will conduct an abbreviated review of the vendor’s credentials and references.
  6. The Purchasing Director will, as appropriate, notify the State Comptroller and/or the City Comptroller to discuss the emergency situation and the procurement plan. A follow-up written communication to the State Comptroller is required when state tax levy funds are to be used.
  7. Purchasing will submit the proposed contract to (depending on funding source) NYS Comptroller or NYC Comptroller for registration. Be advised that even in the case of these “Priority Events”, it may take a number of weeks to complete this process.

<p><i>NOTA BENE:</i> State laws and University-wide policy recognizes states of emergency in only the rarest of circumstances, and declarations of emergency require the College’s Vice President’s consultation with the University’s Office of General Counsel.</p>
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- C. The Declaration of Emergency memo must include an explanation as to the reason why no contract is in place and state clearly what the College is doing to make sure that the emergency procurement is a temporary one and that it is not being used to avoid normal competitive bidding.
- D. Bear in mind that asking a vendor to provide goods or services without a Purchase Order in hand puts the vendor at risk of not being paid.
- E. Bear in mind that the legal standard for bypassing normal required competitive bidding is that there be an “unforeseen occurrence or condition.” An unforeseen occurrence or condition is one that is not anticipated or one that cannot be remedied by the exercise of reasonable care (e.g. expiration of a contract is not considered an emergency since it should have been foreseen).

## 24) How does the University/College engage consultants?

Engaging a consultant is handled just like other purchases of services; Purchasing is required to follow all procurement procedures for the procurement of consultant services (note, however, that there are special procedures for engaging an IT Consultant; contact the OGC for more information). CUNY employees cannot simply request a specific consultant; instead, in order to purchase services from a specific consultant, the end-user must provide substantive reasons why that specific consultant is being identified for the required services, and the Purchasing Department must determine from the information it receives from the end user that a “single source” or “sole source” procurement method is appropriate (see section C, below, and FAQ #43 - “Do we have to go through a public procurement/bid solicitation process? There's only one vendor who can provide me with the goods and services I need. Why can't I just buy the item that I need?” for more on these procurement methods). In addition, reasonableness of price is always a consideration. See FAQ #22 - “How Do I Get Stuff” and FAQ #41 - “Why aren’t there consistent regulations governing ALL purchases?”.

- A. The first step is to provide Purchasing with a (complete and accurate<sup>5</sup>) purchase requisition stating the detailed scope of work, including required deliverables, the specific qualifications required of the consultant needed, and a proposed payment method/schedule (the University pays for goods and services received, so paying for deliverables received from a consultant is a typical payment method). This information is needed for any solicitation effort and for the contract. The scope of work must be prepared by the CUNY employee requesting the services; the scope of work can never be prepared by the consultant who will be providing the services.
- B. Before a consultant can be engaged, the requesting party is responsible for determining that there is no current employee who (is able and qualified and) can fulfill the requirements as part of his/her duties and that hiring a consultant is less expensive and more economically advantageous than hiring a new or additional employee.

If no current employee can fulfill the requirements as part of his/her duties, then Purchasing will recommend an appropriate procurement procedure and assist you in identifying potential consultants who meet your requirements. Purchasing Department staff will consult with the CUNY Office of General Counsel for the purpose of obtaining advice and counsel in the preparation of solicitation documents and contract documents, when appropriate.

- C. If the requestor believes that one consultant is the only entity that provides the required services or is otherwise uniquely qualified to perform the required services, then the end user must provide to the Purchasing Department (a) an

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<sup>5</sup> Detailed specifications are an essential part of a complete and accurate purchase requisition. Ask your Purchasing Department for a specifications outline or specifications questionnaire to help you prepare your specifications and see FAQ # 9 above. In some instances samples of specifications for similar commodities or services may be available from your Purchasing Department.

explanation as to why this one specific consultant is uniquely qualified or the only option to perform the services, (b) identify which other consultants were considered, (c) explain why each of the other consultants considered were determined to be inadequate, and (d) explain how you determined that the price being charged is reasonable. Please note that proposed purchases of consultant services via the single source or sole source procurement method are subject to greater scrutiny since this is a procurement method that could be used to circumvent other procurement methods that can appear to be more open, fair, and transparent.

The Purchasing Department is responsible for making the determination of whether or not a sole source procurement or a single source procurement is appropriate when engaging consultants, and the Purchasing Department is required to create and maintain a file and prepare a non-competitive justification memo indicating that such a purchase is justifiable and appropriate based on information provided by the requestor and based on its research and independent determination.

- D. The Purchasing Department will prepare a solicitation document for the consultant services if the College is not using a single source procurement or a sole source procurement method.
1. To solicit for a consultant for an amount of \$50,000 or more, where no centralized contract is available, the Purchasing Department staff will prepare an advertisement that must run for fifteen business days. To solicit for a consultant for an amount of less than \$50,000, no advertisement is required.
  2. For solicitations of consulting services valued at less than \$100,000, the Purchasing Department may use an informal procurement method, such as a Request for Quotes. A draft of the advertisement and a draft of the RFQ must be submitted to CUNY OGC for review and approval before placing the advertisement and before issuing the RFQ document to potential consultants.
  3. For solicitations of consulting services valued at \$100,000 or more, the Purchasing Department will prepare an Invitation for Bids or Request for Proposals document with the scope of work, deliverables, specific qualifications, and payment terms provided by the end user, which the Purchasing Department will distribute to at least five qualified consultants, including consultants who respond to the advertisement. A draft of the advertisement and a draft of the IFB or RFP solicitation must be submitted to CUNY OGC for review and approval before placing the advertisement and before issuing the IFB or RFP solicitation document to potential consultants.
  4. Before engaging any consultant for an amount of \$100,000 or more on behalf of a senior college, the Purchasing Department staff is required to submit the contract to the State for pre-approval and maintain a procurement record reflecting a rational basis for the purchase and to include in such record reasonableness of price and evidence that the purchase represents best value.

5. As with all contracts valued at \$500,000 or more, consultant contracts that are for an amount of \$500,000 or more require the approval of a board resolution by the CUNY Board of Trustees.
- E. After a consultant is selected, the Purchasing Department will create the Independent Contractor Agreement, using the Office of General Counsel's form agreement and the detailed scope of work, including required deliverables, the specific qualifications required of the consultant needed, and a proposed payment method/schedule provided by the requisitioner.
- F. Consultants (independent contractors) must agree to University terms and conditions by signing the Independent Contractor Agreement ("ICA") and agree to and sign various State-required forms.
  1. Consultants must sign a University-standard agreement "ICA"; the University does not sign vendor's consultant agreements.
  2. Consultants must complete, sign, and submit a Claim for Payment form, verifying that work has been completed and that s/he has not been on CUNY, SUNY, City, State, or any other agency payroll, together with each invoice in order to be paid.
  3. If a consultant receives \$20,000 or more from any combination of the University and any State agencies in a given year, then the consultant is required to complete and submit directly to the State various state-required forms (including a Disclosure of Planned Employment before beginning work, an Annual Employment Report each year (April 1 – March 31) that the contract is in effect.
- G. Consultant agreements that involve expending an amount of \$50,000 or more must be reviewed and approved by the CUNY OGC. Consultant agreements that involve expending an amount of \$100,000 or more must be signed by the General Counsel and submitted to the State for pre-approval.
- H. Consultants engaged by the University or the Colleges must be qualified to provide services for CUNY, including having appropriate immigration status and tax status.
- I. **IMPORTANT TO KNOW:** CUNY employees may not take part in any contracting decision relating to a family member, and former CUNY employees are prohibited from being compensated for providing services to CUNY within two years following the employee's separation from service with CUNY. See the CUNY Conflict of Interest policy.

**25) What about hiring contractors for building renovations or repairs? What about hiring architects and engineer consultants?**

- A. No one at the Colleges is authorized to enter into any agreement that is construction-related unless the agreement is first approved by CUNY Central's Facilities, Planning, Construction and Management (FPCM) (formerly referred to as the Office of Design Construction and Management (DDCM)), regardless of

the source of funding (and even if the services are free to the College). The Colleges are prohibited from: making any alteration or change to the physical structure of the campus; making any capital improvements and/or initiating any acquisitions involving renovation, repairs, or improvements to facilities, whether interior or exterior; and/or hiring of architectural and engineer consulting services without prior approval as to form by the FPCM regardless of funding source. Therefore, call Campus Facilities/Planning first. See Chancellor Goldstein's memorandum dated June 4, 2004 with respect to this topic (attached as Exhibit B).

- B. Solicitation (“bidding”) efforts and contracts with architectural consulting services and engineer consulting services, regardless of source of funding, are conducted by FPCM, which will develop a solicitation document that includes contract terms and, as applicable, FPCM-approved specifications and drawings, prevailing wage rates, environmental assessments, insurance and indemnification requirements, external agency approvals, and code compliance requirements. Construction projects, from planning to solicitation efforts to contract administration, require thorough and advance planning and extra time and effort to develop and administer.
- C. Please note that (design) consultants may not respond to solicitations on (or be awarded contracts for) construction projects that they have designed.
- D. Construction services that do not involve making any alteration or change to the physical structure of the campus (for example, furniture, carpeting, window treatments) or making any capital improvements and/or initiating any acquisitions involving renovation, repairs, or improvements to facilities may, in consultation with CUNY OGC, be procured by the College. The College must use the University’s specifications outline form in describing the scope of work (in addition to drawings and the like) and work closely with the Purchasing Department to ensure that the College receives the services needed.

## **26) What if I need computer equipment (hardware), software, or peripherals?**

Call your College’s Information Technology department (“IT”) first. All computer-related procurements require approval by the University’s Chief Information Officer (“CIO”) to prevent duplicative and incompatible purchases. The Purchasing Departments are prohibited from executing requisitions for computer-related goods until approved by the University CIO or its designee.

When software is purchased, please note that no one is permitted to “click through” to agree to user licenses, software licenses, subscriptions, or the like, unless CUNY OGC has reviewed the terms of such agreement and approved them. If you are uncertain whether the click-through terms have been approved by CUNY OGC (or are otherwise overridden by a written agreement between CUNY and the vendor), do not click without first having contacted the Purchasing Department.

Computer equipment (hardware), software, or peripherals cannot be purchased using a P-card (in part because vendor terms and conditions often attach to the purchase, especially in the case of software).

**27) How do I get furniture?**

Call Campus Facilities/Planning first; furniture acquisition generally requires review and approval of the Department of Campus Facilities, which must be consulted before requisitions for furniture are prepared. Requisitions for furniture will be routed to a Category Approver for requisition category workflow approval.

\*Don't forget: lead time for furniture purchases may be significant – often 8 weeks or more. Ask your purchasing department to speak with the furniture representative to discuss lead times that cross holidays, as some areas experience industry-wide closures (such as during late December/early January).

**28) Are there any special requirements with respect to purchasing printing services?**

Yes, the New York State Printing Law applies. An IFB is required for all purchases in excess of \$50,000. Contracts for printing services are limited to two years. Ask your Purchasing Department for the printing specifications outline and use it when requesting printing services. The law requires that Purchasing keep samples of the printed product(s) in the procurement file for inclusion with the voucher (request for payment) and for audit purposes. Many colleges take advantage of existing printing contracts, such as the Master Commercial Printing Requirements Contract that is let by DCAS.

**29) How are purchases related to environmental, health and safety issues made?**

- A. Any health/environmental concerns to students, staff, or visitors and any violations of EPA regulations, must be reported immediately to your College's designated Health & Safety officer.
- B. If purchases or corrective actions are required, then call Purchasing immediately; Purchasing will work with appropriate EH&S staff and determine the appropriate procurement methodology and engagement of vendors.
- C. All purchases must follow required procedures, and purchases that are not made by Purchasing are unauthorized and subject to non-payment by the University and subject to personal payment by the unauthorized individual. If you have not been specifically granted authority to commit the College or the University, then you are not authorized to make commitments on behalf of the College/University.

**30) How should I deal with vendors? sales representatives?**

*NOTA BENE:* It is a violation of New York State Finance laws and University policies to communicate with vendors during the restricted period of a procurement process. If you are not sure when the restricted period is in effect, please speak with your Purchasing office.

- A. Since they are a valuable source of information, you are encouraged to seek information from potential vendors about their products and services. To help you in dealing with suppliers, we offer the following suggestions:
1. You should advise/remind vendors who contact employees of the College early on that all purchases chargeable to the College must be authorized by an official purchase order, signed by the Director of Purchasing or his/her designee.
  2. Whenever possible, contact more than one supplier. The more alternatives you consider, the more likely your final decision will suit your needs.
  3. Provide the same information to all suppliers that you contact for your specific need. New York State laws require that we give every supplier an equal opportunity to compete for our business.
  4. Look at the total cost of ownership (e.g., maintenance, operating costs, useful life, etc.), not just the initial outlay.
  5. Ask for product demonstrations. Most suppliers will be happy to comply.
  6. Seek the skills and knowledge of potential suppliers to identify product capabilities. Specifications should be based on performance. What do you want the product or service to do?
  7. Be mindful of Project Sunlight and the Procurement Lobbying Act and their requirements; they apply to you and to the vendors (see FAQ #42). Violation of the Procurement Lobbying Act will likely result in inability to purchase a product that you want/need. See FAQ #42 and Procurement Lobbying Act - Advisory Memo from Senior Vice Chancellor and General Counsel Frederick P. Schaffer and Controller Barry Kaufman to the Presidents, Provosts, and Vice Presidents of Finance and Administration dated January 23, 2007.
  8. Remember, that in accordance with the NYS Public Officers Law, you are prohibited from accepting gifts or payments from suppliers.
  9. If a vendor's (sales) representative asks you to sign any written document, such as a contract, order, letter, memorandum of understanding, or letter of intent, refuse to do so. Immediately refer the vendor's representative to Purchasing. Refusing to sign a vendor's document protects you, protects the College, and protects the University.

- B. Once a procurement process is underway - that is, once a decision is made to make a purchase, you are prohibited from direct contact with any vendor who may be selected to provide the goods or services. See FAQ #42 and Procurement Lobbying Act - Advisory Memo from Senior Vice Chancellor and General Counsel Frederick P. Schaffer and Controller Barry Kaufman to the Presidents, Provosts, and Vice Presidents of Finance and Administration dated January 23, 2007. Also see:

<http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/2006PLRules4.11.pps>

1. If a vendor contacts you while a procurement process is underway, you must (politely) advise the vendor that you may not speak with them and that any contact with the College/University must be directed to the

designated individual in Purchasing and terminate the communication. Purchasing designates one individual to be the designated contact person (“Designated Contact”) for each procurement.

2. If a vendor contacts you while a procurement is underway, you must complete a Record of Contact form, which is available on the CUNY website and attached to this document as Exhibit A.
3. If you receive any materials from a vendor while a procurement is underway, immediately forward them (unopened, if possible) to the Purchasing Department.

**31) Private Monies - Are the requirements or procedures different for spending private dollars?**

- A. Purchases made using a College's non-tax levy funds are not governed by State procurement laws and are not covered by these guidelines; however, the College is the entity making the purchase, and sound purchasing procedures must still be followed, demonstrating the College's/University's fiduciary responsibility to protect its public assets and fairness to vendors. This means that the Purchasing Department generally will follow State procurement laws and University regulations. The Purchasing Department will consult with CUNY's Office of General Counsel as necessary. If any contract is funded partially from New York State funds or if a contract is expected to convert (in full or in part) to New York State funding in some future year, full compliance with New York State regulations and these guidelines is required from the outset. It would be wise to remember that purchases made with private monies are a University purchase and look like a University procurement.

<p><i>NOTA BENE:</i> If the College or University is the entity that is named in a contract, then the purchase is a University purchase, regardless of the funding source, and must be signed by an authorized signatory.</p>
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- B. Contracts entered into by separately-incorporated related entities such as auxiliary enterprise corporations and student associations are also outside State procurement laws and these guidelines. Nevertheless, as with a College's non-tax levy money purchases, related entity purchases must be conducted in a fiscally prudent manner and, in the case of auxiliaries and associations, in compliance the CUNY Office of Budget and Finance Financial Management Guidelines for these entities. Related entity contracts must be procured using the appropriate related entity documents and forms (e.g., RFQ, PO, RFP, etc.) and must be signed by an authorized signatory of the entity. A contract procured using College/University documents or forms is a University purchase, even if funded by a related entity. The CUNY Related Entities Group counsel in CUNY's Office of General Counsel can assist with related entity procurements.
- C. Similarly, the regulations and procedures of the State and CUNY do not apply to the CUNY Research Foundation (“CUNY RF”), a legally separate New York

State corporate entity established to administer externally funded grants. The CUNY RF's policies and procedures do reflect sponsor mandates (federal agencies, etc.) and parallel CUNY to the extent feasible. Purchases against CUNY RF grants are processed independently from State-funded purchasing, following CUNY RF procedures and using CUNY RF forms. While not subject to State laws regarding procurement, procurements conducted by the CUNY RF still require diligent stewardship of resources and consideration that the purchases appear to the world as being made by CUNY.

- D. There are cases in which funding for a single purchase may be shared by both State and RF resources. In such a circumstance, both sets of procedures must apply, with the stricter standards (usually State) prevailing. It is vital therefore that good planning and coordination occur to successfully process split-funded purchases.
- E. Be reminded, however, that no construction-related contracts (and that includes architectural, consultant, and engineering services) may be entered into by any University-related entity without FPCM regardless of funding source.

**32) Purchasing says that a formal solicitation is the way we have to go. What does that mean? What must happen?**

- A. A formal solicitation process means that Purchasing will need to conduct a competitive solicitation either in the form of an Invitation for Bids (IFB) or Request for Proposals (RFP) process for the purchase of commodities and/or services that are \$100,000 or more. For a competitive solicitation process, the following steps are required:
  1. Purchasing prepares an IFB/RFP document, including detailed specifications provided by and in collaboration with the end user
  2. Purchasing submits a draft IFB/RFP to OGC for review
  3. Purchasing obtains OGC approval as to form for IFB/RFP  
(Note that no pre-approval by the State or City is required regardless of whether the purchase is for a Community College or Senior College, and regardless of whether the purchase is being made using City funds or State funds)
  4. Purchasing submits the draft advertisement to OGC for review and advertise the solicitation in the City Record and NYS Contract Reporter for fifteen business days
  5. Purchasing, in collaboration with the end user, prepares a board resolution for OGC review if the related expenditure is anticipated to be \$500,000 or more; submit board resolution for next Board of Trustees meeting
  6. Purchasing conducts pre-bid (pre-proposal) conference/site visit (if applicable)
  7. Purchasing receives written questions from vendors
  8. Purchasing, in collaboration with the end user, prepares written responses to written questions (Addenda); seek assistance from OGC; distribute Addenda to all vendors who received the IFB or RFP solicitation from the College

9. Purchasing receives Bid Submission or Proposal packages from vendors
  10. Purchasing conducts a bid opening and public reading of Bid Prices (there is no corresponding public proposal opening) and prepares a Bid Price Tabulation Sheet (which can be available to the public)
  11. Purchasing conducts a review and analysis of Bid Submissions and Proposals (with OGC help as needed) – completes bid submission/proposal analysis
  12. Purchasing identifies the lowest “responsive and responsible” bidder for IFBs and identifies the most responsive proposal for RFPs on the basis of the evaluation by a committee in accordance with criteria set forth in the RFP
  13. Purchasing checks vendor responsibility - review NYS responsibility questionnaire, check VENDEX and NYS VendRep System, references, financials, insurance coverage
  14. Purchasing prepares a contract document
  15. Purchasing sends an award letter to vendor and asks vendor to sign (several copies of ) contract
  16. Purchasing sends the contract to OGC for signature by General Counsel on behalf of the College/University after, if applicable, confirming that the Board of Trustees passed the board resolution
  17. The external approval process differs depending on source of funding:
    - a. Senior Colleges and purchases using State funds:
      - i. Where required, Purchasing submits contracts valued at \$100,000 or more to the Attorney General for legal oversight review and approval.
      - ii. If the AG approves the contract, it will forward contract package to Office of State Comptroller which will evaluate the contract and the solicitation documents to confirm that that the purchase, including the procurement process, complies with State finance law. OSC will then approve and register the contract. Only upon registration is the contract valid.
    - b. Community Colleges and Senior College purchases using City funds:
      - i. Where required, Purchasing submits contracts valued at \$100,000 or more for review and signature by the City Comptroller's office. The agreement will not be a fully executed contract until after the City Comptroller has (electronically) signed the document.
      - ii. Community Colleges using City capital funds must also have their solicitation and contract documents reviewed by the New York City Law Department.
- B. If the College wishes to purchase a particular service or commodity through a competitive solicitation when the commodity or service is available from a Preferred Source, CUNY Contract, and/or State Contract, then the end user must provide information to the Purchasing Department so that it can compile and maintain in the procurement record defensible documents and evidence justifying

why the Preferred Source Contract, the CUNY Contract, and/or State Contract was not selected. Where a Preferred Source was not selected, that Preferred Source must also be given prior written notice with an explanation and an opportunity to respond.

For more information, see FAQ 18.

**33) How is a bidder disqualified?**

- A. A bidder is considered “not responsive” (as defined under New York State law) to specifications if his/her bid submission/proposal does not “respond” to the IFB/RFP solicitation's requirements, i.e. does not meet minimum requirements.
- B. A bidder is deemed “not responsible” (as defined by New York State law) if he/she does not meet the three criteria of demonstrated ability to perform, fiscal integrity, and moral integrity. The designation “not responsible” may be used when poor past performance has been documented, in which case Purchasing, in consultation with OGC, determines that a bidder/proposer's past performance (for a College of the University) fails to meet the required standard of being “responsible” as defined by New York State law.

**34) What if the stuff I get isn't right? What if I have a problem with the vendor?**

- A. Call Purchasing right away. Provide Purchasing with the purchase order number for reference.
- B. If instructed by Purchasing to do so, take notes: take and keep a detailed log (by date/time and to whom you spoke) regarding what went wrong, and send log to Purchasing.
- C. Give Purchasing support in notifying the vendor of problem(s) encountered and, if appropriate, facilitate efforts to give the vendor an opportunity to fix the problem(s).
- D. If the item(s) ordered were not what the user department wanted, then work with the vendor to have the item(s) returned and work with the department to re-order what is needed.
- E. Note that without “proof” (e.g. a record of poor service, non-delivery, inferior products, non-compliance with terms and conditions agreed upon), the University will not be able to refuse to engage this vendor the next time. Purchasing needs your help and input to create a record of what went wrong for its files.