

WHAT HELPS ME GET STUFF?

8) What do I need to know about the purchasing process?

Understanding university purchasing policies can be challenging. The Purchasing Department is here to guide you through the process and to assist you in obtaining the goods and services needed while following laws and regulations that protect the University's assets (including money and time).

- A. All purchases made using tuition funds or public/taxpayer dollars (State and City funds) are subject to New York State laws (especially Finance and Education Laws), the rules and regulations promulgated by the Office of the State Comptroller, and the official policies mandated by the Board of Trustees of the City University of New York. In addition, the offices of the State and City Comptrollers have the authority to approve or deny payments and/or contracts and perform audits on various transactions processed by Purchasing.
- B. The key to effective purchasing is careful planning. While it is true that on occasion the unanticipated may occur (and often a crisis results merely from a lack of forethought), there is no substitute for thorough planning. Purchasing is committed to this principle and to providing you with full assistance in every way. If the unanticipated does occur, call your Purchasing Department for help in determining proper action. They are equipped to provide you with guidance and assistance. If there is a life-threatening emergency (e.g. fire or flood), see FAQ #23 - "It's an emergency!" What should I do?" *below*.

NOTA BENE: CUNY employees shall not direct a vendor to provide commodities or services without following proper procedures through the Purchasing Department. Doing so puts the vendor at risk for not getting paid. CUNY employees who are not authorized to make commitments to vendors also **may be responsible for personally paying vendors**.

- C. CUNY employees who direct a vendor to provide commodities or services without following proper procedures through the Purchasing Department may be personally liable, and vendors who provide commodities or services without following proper procedures through the Purchasing Department may be subject to non-payment.

9) What is the role of the requester with respect to preparation of specifications?

- A. 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, need to be established and written clearly and unambiguously in order to accurately and objectively compare competing products and services and to ensure desired product acquisition.

2. Ask your Purchasing Department for a specifications outline or the questions you must answer in order to provide the Purchasing Department with the clear, detailed specifications necessary.
- B. Solicitation of competitive quotes or bids from vendors is possible only by supplying clear specifications which are sufficiently generic to avoid exclusionary consequences, whether inadvertent or deliberate.
 - C. Purchasing Department staff, having the responsibility for executing the procurement of a wide variety of products and services, cannot have full expertise across the full purchasing spectrum and must, at times, seek the assistance of initiating departmental staff or others in specification development. External expertise for specification development may also be sought, whether from OGS, other Colleges, or the private sector, all toward the goal of prudent and proper purchasing. **Note however, that a vendor with whom you consult in developing specifications for a purchase must be disqualified from participating in the procurement directly on its own behalf or indirectly on behalf of another vendor.**

10) What role do I play in the purchasing process? What do I need to do to make the purchasing process work for me?

You are very important to the purchasing process because you are our customer: you are responsible for prudently requesting the supplies, services, or equipment needed for the effective operation of the College and the university. Purchasing is here to both help you and to serve you. Although we exist in a bureaucratic environment with many rules and regulations (which generally reflect good intentions and serve a meaningful purpose), here's how you can help us so that we can work together to meet your needs and navigate the rules and regulations:

- A. **Plan ahead.** Submit your requisitions for major purchases as early in the fiscal year as possible.
 1. Involve and communicate with Purchasing as soon as you have identified your needs. Contact Purchasing when you are first considering a purchase; we may be able to save you time and effort (by guiding you towards the best procurement method early on).
 2. The CUNY fiscal year runs from July 1st - June 30th. All requisitions must be submitted to Purchasing no later than the year-end deadline that is mandated by your College (often April 1, but may be even earlier). Please note that purchases that require a competitive solicitation process may not be completed by fiscal year end if requisitions are not submitted in a timely manner.
 3. Please note that the CUNY Board of Trustees must approve a Board Resolution for each and every purchase that exceeds \$500,000. Board resolutions must be submitted by the College six weeks in advance of each of six Board meetings that take place annually. The Board generally meets on the last Monday of the following months: September, November, January, February, April, June.

To find the Board of Trustees meeting schedule, go to:

- www.cuny.edu
- then click “about” in the left-hand column
- then click “Trustees” in left-hand column
- and then click “Schedule of the Board”

- B. **Share your expertise;** it is needed to facilitate the purchasing process.
1. Educate us! Share your product/vendor research.
 2. Base your request and specification on the need being addressed, including required performance standards, rather than brand, vendor preference or loyalty.
 3. Provide Purchasing with a proper description and detailed information regarding the requested purchase so that Purchasing can specify the correct merchandise and services, consistent with quality requirements. The more information you provide to us and the better we understand your needs, the easier it will be for us to help you get the stuff you need.
 4. Be available for a “needs interview”. Note: sometimes, we may ask you for information that may seem irrelevant (at first); but there's usually a good reason for the questions.
 5. Indicate timing requirements/constraints early.
- C. **Learn the system.** There are laws and policies that govern how we purchase. As CUNY employees, we are obligated to abide by State laws and University policies.
- D. **Work with(in) the system.** Don't try to make purchases on your own and then ask for help (forgiveness) afterwards; it's inefficient and frustrating for everyone and often takes longer than if done properly to begin with. The job will get done faster when we work together.
- E. **Contract us** if you have any questions or concerns. We are here to help you obtain the goods and services that you need and expect.
- F. **Tell us right away** (and take notes!) if you are unhappy with the goods/services or a selected vendor in any way. Send Purchasing a list of specific reasons for dissatisfaction so your concerns and issues can be included in the Purchasing Department's files and can help provide a basis for not selecting this vendor in a future procurement effort. If the problem is not resolved through an informal discussion with the vendor, the vendor must be given written notice of the College's dissatisfaction and provided an opportunity to address the issues raised and/or to fix the problem(s). Take detailed notes regarding the conversations you have with a vendor who has provided unsatisfactory goods or services, including the date and time of such conversations. Always include name(s) of the individual(s) you speak to. Forward copies of notes to Purchasing. Remember that the State generally frowns upon disqualifying vendors, so strong evidence of dissatisfaction is necessary to disqualify a vendor. If you don't develop and record

such evidence, the college may have no basis for giving a low score or negative evaluation to the vendor in a new solicitation.

11) What does Purchasing do for me? What service(s) does the Purchasing Department provide?

- A. Purchasing can, with information and assistance from the requester:
1. direct requesters to information about products, suppliers, market prices, and product availability, and possible alternative resources;
 2. determine best procurement method;
 3. ensure best value for the College and the University (where the University is not awarding based on the lowest price without regard to other qualifications such as product quality or service);
 4. save you (your department, your College) money;
 5. provide an effective interface with vendors and potential suppliers;
 6. ensure compliance with applicable state laws and regulations, in tandem with CUNY policy and practices;
 7. conduct requests for quotes and solicitations, evaluate quotes, bid submissions, conduct vendor reference checks;
 8. facilitate the timely delivery of goods and services;
 9. resolve disputes and discrepancies between items ordered and items received;
 10. maintain relationships with vendors;
 11. help you avoid pitfalls when dealing with vendors;
 12. protect the College against legal actions;
 13. avoid complaints by vendors; avoid challenges to purchases; and
 14. maintain vendor relationships.
- B. The primary function of the Purchasing Departments at the Colleges is to serve our constituents in securing the commodities and services needed, while complying with applicable laws and regulations. The Purchasing Departments at the Colleges secure the most appropriate materials, supplies, equipment, and services at the lowest available price, consistent with quality requirements and delivery needs. Purchasing at CUNY is considered a vital function, integrally supportive of the University's mission as a premier educational and research institution committed to academic excellence and the provision of equal access and opportunity.

12) What laws apply to College purchases – State laws or City laws?

- A. What laws does CUNY follow?
1. CUNY, including all of the senior Colleges and community Colleges, follows State laws and University regulations. CUNY is an independent corporate body that is considered to be an instrumentality of the State, and although it is not a State agency, it may be treated like a State agency under certain circumstances.
 2. CUNY is not a part of the City of New York (nor is it a City agency), and it is not bound by NYC Procurement Policy Board ("PPB") rules.

- B. Are senior Colleges and community Colleges subject to different laws?
 - 1. All of the Colleges of the University follow the same laws and rules, but the source of funding (City or State) may subject Colleges to different review processes and contract registration processes by either the State or the City, respectively.
 - 2. In addition, the community Colleges are mandated to follow certain City procedures unique to affiliates of the City.

13) What's a Preferred Source? Are we required to make purchases from Preferred Sources?

- A. In order to facilitate and advance State-initiated social and economic goals, certain providers have been granted “Preferred Source” status under law by the State of New York. The University is required to purchase approved products and services from these sources in lieu of other available sources of supply. Procurement from a Preferred Source precludes competitive procurement procedures and eliminates the need to advertise the procurement.
- B. New York State Finance Law has designated three (3) entities as Preferred Sources (as of October 2014):
 - 1. CORCRAFT, New York State Department of Correctional Services
 - 2. NYS Preferred Source Program for People Who Are Blind (NYSPSP)
 - 3. New York State Industries for the Disabled, Inc.
- C. For commodities, Preferred Sources must be given priority in the order they are listed above. For services, Preferred Sources are provided equal priority. If more than one Preferred Source can meet the requirement, cost is the determining factor.
- D. *When a commodity or service is available from a Preferred Source in the form and with the function and utility required, and the price is no more than 15% greater than the prevailing market rate², the University is required to purchase from the Preferred Source.* If the College wishes to purchase a particular service or commodity through a competitive solicitation even when the commodity or service is available from a Preferred Source, CUNY Contract, and/or State Contract, then the College must compile defensible documents and evidence justifying why the Preferred Source, CUNY Contract, or State Contract was not selected. If a Preferred Source is not selected, then that Preferred Source also must be given prior written notice with an explanation and an opportunity to respond.

² Methods for determining prevailing market rate include: quotes (oral or written); comparison with competitive, published catalogs, price lists, market prices of commodities, indexes, etc., for the same or similar items; comparison of historical prices paid by CUNY and/or other governmental entities with current proposed prices for the same or similar items; and comparison of proposed prices with independent, internal cost estimates.

- E. There is no requirement to seek competitive pricing when using these vendors, although the price the College pays to these vendors may not be more than 15 percent higher than the prevailing market rate. The Purchasing Department should contact the Office of State Funded Purchasing & Contract staff in the early stages of any planned purchases (such as office furnishings) that may be affected by these regulations.
- F. Guidelines governing the use of Preferred Sources are available at the following website link <http://www.ogs.state.ny.us/procurecounc/pdfdoc/psguide.pdf>.
- G. A list of Preferred Source Offerings can be found at the following link <http://www.ogs.state.ny.us/procurecounc/pdfdoc/pslist.pdf>.
- H. Your Purchasing Department is familiar with the required procedures to follow when making a purchase using a Preferred Source and will provide guidance when making the determination on what is the most appropriate source to meet your needs.
- I. Contact Information:

CORCRAFT

New York State Department of Correctional Services
Division of Industries
550 Broadway
Menands, NY 12204
Phone: (518) 436-6321; (800) 436-6321
Fax: (518) 436-6007; (800) 898-5895
Web Address: <http://www.corcraft.org>

Department of Correctional Services (Corcraft) provides furniture, including landscape modular systems, desks chairs, classroom furniture, lockers, and file cabinets.

NYS Preferred Source Program for People Who Are Blind (NYSPSP)

296 Washington Avenue Extension
Albany, NY 12203-5346
Phone: (518) 456-8671; (800) 421-9010;
Fax: (518) 456-3587
Web Address:
http://www.abilityone.com/OA_HTML/ibeCZzpHome.jsp?minisite=10102&respid=22372&grp=NIB_NYSPSP_SITES

State Account Manager, Larry Mirro (518) 621-0633

The New York State Preferred Source Program (NYSPSP) for People Who Are Blind is a state-mandated initiative to create and sustain employment opportunities for New Yorkers who are blind or visually impaired. The commodities are produced by eight affiliated nonprofit agencies in New York that employ people who are blind or visually impaired. NYSPSP can provide: office supplies (manila file folders, toner cartridges, self-stick notepads), cleaning products (mops, brooms, cleaning solution products), work clothing (safety vests, jerseys, textiles), exam gloves, and flags; and services including: switchboard operations, contact center operations, and computer technology training.

NEW YORK STATE INDUSTRIES FOR THE DISABLED, INC. (NYSID)
155 Washington Avenue, Suite 400
Albany, NY 12210
Phone: (518) 463-9706
Fax: (518) 463-9708
Email: admin@nysid.org
Web Address: <http://www.nysid.org>

Industries for the Disabled provides janitorial and housekeeping supplies, field marking paint, printed apparel as well as certain office and school supplies.

NYSID acts as a “virtual storefront” for a statewide network of 155 community rehabilitation agencies and corporate partners that employ skilled people with disabilities in both facility-based settings and community-based jobs

14) What's a University-wide contract? Are we required to use it?

- A. A University-wide contract is an agreement that originates as the result of a solicitation conducted by the University. Colleges are required to use University-wide contracts whenever possible (assuming no satisfactory Preferred Source is available). Only when the subject of these contracts deviates substantially from a College’s requirements should an alternative procurement method be considered.
- B. Examples of University-wide contracts include contracts for: enterprise information technology, on-line/electronic library resources, armored car services, unarmed security guard services, and hazardous waste removal services.

15) What's a State Contract? OGS (Office of General Services) Contract? Are there other government contracts that we can “buy off of”?

- A. Throughout the University, generic terms are used to refer to various forms of contracts that we use, such as “State Contract”. A State Contract can be either:
 - 1. a University-wide contract that has been registered with the Office of the State Comptroller; or

2. a contract solicited and negotiated by New York State Office of General Services, also referred to as an “OGS Contract”.

The University, including all the Colleges, is required to use these State Contracts whenever they are available after considering Preferred Sources and finding that Preferred Sources do not meet the form, function, and utility requirements of the desired product and/or service.

- B. The Office of General Services is the central purchasing agency for New York State. OGS negotiates regional and state-wide commodity contracts with vendors through a formal competitive process for a variety of consumable supplies, equipment, services and technology (“OGS Contracts”). Besides the usual price advantage gained through the power of volume purchasing and formal competition that OGS Contracts offer, duplicative competitive solicitation efforts can be avoided at the campus level, saving a great deal of time and effort.

The OGS web site is very useful in determining if an item is available under an OGS Contract. OGS Contracts are available for services as well as commodities, including temp service personnel and computer consultants, to name a few. Unlike OGS Contracts for commodities, CUNY is not required to make purchases off of OGS Contracts for services and technology; it is, however, University policy that State and City centralized contracts be afforded next priority after Preferred Sources where there is no existing University-wide contract already in place. When using OGS Contracts, it is important to ensure that you review the latest amendments to each contract. To do so, it is suggested that you search first by description to find the commodity or group number and then go back to the search engine and repeat the search using the commodity group number in the box provided. The OGS contracts may be searched through the following link:
<<http://www.ogs.state.ny.us/Purchase/Search/default.asp>>.

- C. CUNY also is permitted to make purchases from current, valid New York City Department of Citywide Administrative Services (DCAS) contracts, New York City Department of Education (DOE, formerly known as Board of Education) contracts, , and, in certain limited circumstances, General Services Administration (GSA) contracts and New York City Department of Information Technology and Telecommunications (DOITT) contracts.

16) What's “piggybacking”? What are consortia contracts? Are these available for my purchase? What steps are involved?

- A. Piggybacking is a method of procurement executed by making a purchase based on an existing, current contract that another government entity within the United States (other than NYS OGS, NYC DCAS, NYC DOE, NYC DOITT or federal GSA contracts, under which CUNY may make purchases without piggybacking (See 15C, above)), including any state or other political subdivision or district, has entered into following a competitive solicitation process permitted by its local laws. The commodities/services being purchased must exactly match the contract

you are trying to “piggyback” with respect to form, function and utility. The Purchasing Department must obtain written approval from New York State OGS before making such a purchase. Note that, because a consortia is not a governmental entity (see paragraph D, below), CUNY may not “piggyback” on consortia contracts. Similarly, not-for-profit organizations (e.g. BOCES) are not governmental entities, so CUNY may not “piggyback” on not-for-profit organization contracts.

- B. To explore the possibility of piggybacking, consult with Purchasing. Please note that piggyback purchases require State review that may take one month or more.

- C. The University follows these procedures for piggybacking; your Purchasing Department will implement the various steps listed, but may require your assistance with expediting the process:
 - 1. Purchasing will determine if there is an existing contract issued by a government entity to a vendor offering the commodities/services that the College wishes to buy and, if so, whether the contract was a result of a public procurement process.
 - 2. Purchasing will obtain a copy of the original contract from the issuing governmental entity and verify that it is a currently valid contract.
 - 3. Purchasing will verify that the vendor meets State requirements for “responsibility”; check VENDEX and/or the State VendRep System; obtain and verify references and financials.
 - 4. Purchasing will work with the end-user to verify that there is equivalency (quantity, size, and scope) between the College’s requirement for commodities/services offered by the vendor and the commodities/services in the original (government) contract.
 - 5. Purchasing will request and obtain a letter of consent from the originating governmental entity to piggyback.
 - 6. Purchasing will request and obtain a letter of consent from the vendor to piggyback. The vendor's consent to the piggyback request must be in written legal form separate from a purchase order, setting forth the agreed-upon terms of the piggyback.
 - 7. Requestor must provide information to Purchasing so Purchasing can prepare a written justification explaining the requirement for the commodities/services and the rationale for piggybacking, including a determination of need, consideration of the procurement method by which the contract was originally awarded, and an analysis of alternative procurement sources, including an explanation of why the use of an existing centralized contract or a competitive procurement is not in the best interest of the state. This justification must be addressed to the New York State Office of General Services (NYS OGS).
 - 8. Purchasing will include with the written justification to NYS OGS evidence that the pricing offered is reasonable.
 - 9. Purchasing must complete the piggyback “Contract Use Request Form”. This document can be accessed on the OGS link:
<http://www.ogs.state.ny.us/procurecounc/pdfdoc/PGBReqForm.pdf>

10. Upon completion of the form, Purchasing must submit the Contract Use Request Form to NYS OGS for review and approval.
11. Purchasing will prepare a purchase order or contract document, including specifications regarding the commodities/services to be purchased and prices, as well as standard CUNY terms and conditions.
12. Purchasing will obtain signature by the vendor and the University.
13. After approval is received from NYS OGS, Purchasing will submit the University's contract for registration by the City Comptroller or, if required, for pre-audit approval by the State Comptroller.
14. After registration, Purchasing may issue a purchase order and provide notice to the vendor to begin work.

D. A consortium is a group of similar entities that agree to collectively purchase commodities in order to obtain a lower price and better terms and conditions than those otherwise available through individual purchases. State Finance Law allows purchasing from a consortia contract when justified by price. Purchases from consortia contracts may be made for commodities only; services may not be purchased through consortia contracts except in certain circumstances. Consult with your Purchasing office to see if purchasing through a consortium is possible.

1. Use of consortia contract(s) requires membership in the relevant consortium. Note that consortia contracts are not government contracts, and piggybacking on consortia contracts is not permitted.
2. If the commodity can be purchased through a Preferred Source, you must purchase the commodity from the Preferred Source rather than through a consortia contract. Consortia contract purchases of commodities are allowed instead of purchases through centralized contracts when justified by price **only** if the commodity is not available from a Preferred Source.

17) What's an “approved equal”?

When making a purchase, we are permitted to name a particular brand, model number, manufacturer, or standard in the specifications, but vendors must be permitted to offer, as part of its bid submission or proposal, an alternative product as a proposed substitute. The salient characteristics of the brand name product (e.g. functionality, style or capacity) must be identified and described in the solicitation. Vendors must provide supporting evidence that the proposed substitute has the salient characteristics specifically identified in the solicitation. The Purchasing Department will work with the end user to evaluate the proposed substitute product and determine whether it can be deemed an “approved equal”, i.e. an acceptable substitute for the specified product. However, please remember that “approved equal” is a legal standard; if a proposed substitute is offered by a vendor, and the end user does not want to accept it, then Purchasing must consult OGC in making a determination as to whether they may refuse to deem such substitute an approved equal.

18) What’s the difference between Informal Purchasing and Formal Purchasing? What’s an RFQ (Request for Quotations)? What’s an IFB (Invitation for Bids)? What’s an RFP (Request for Proposals)?

“Formal Purchasing” and “Informal Purchasing” differ in the type of documents used, the rules and regulations governing the procurement, and the dollar value of the goods and services being procured (see summary table below). Both Formal Purchasing and Informal Purchasing are methods of procurement that may be used when neither a Preferred Source nor a centralized contract (University-wide³, OGS, DCAS, DOE, DOITT or GSA) are available for a purchase.

A. Formal Purchasing is required for purchases of goods, of services, or of a combination of goods and services, in each case with a total value of \$100,000 or more. Formal Purchasing also may be an appropriate method of procurement for lower dollar values.

1. Formal Purchasing requires the use of a competitive, sealed solicitation process, involving issuing either a Request for Proposals (“RFP”) solicitation document or an Invitation for Bids (“IFB”) solicitation document. Colleges may issue:

- a Request for Proposals (“RFP”) solicitation document seeking sealed proposals from vendors so that an award can be made to the best overall proposal. And RFP solicitation allows the University to choose a vendor based on multiple factors. The technical portion of the proposals are evaluated by an evaluation committee in accordance with criteria set forth in the RFP, and price proposals are evaluated separately by the business office (technical evaluation committee members may not be provided with proposed costs until after their evaluation is complete).

or

- an Invitation for Bids (“IFB”) solicitation document seeking sealed bid submissions pursuant to which an award must be made to the responsive and responsible bidder offering the lowest Bid Price (“responsive” and “responsible” are terms defined under New York State laws).

All purchases of \$50,000 or more must be individually advertised. Your Purchasing Department will determine the appropriate procurement method for each proposed purchase.

2. Formal Purchasing solicitation documents must include information on debriefings. Debriefings are meetings offered to unsuccessful bidders or proposers to address why their submissions were not selected for an award. Debriefings are to be offered within a reasonable time after a contractor is selected for a contract award, and should be completed prior to any required

³ Please note that CUNY has entered into a number of University-wide contracts on an exclusive basis with vendors for certain commodities or services, and in these instances colleges are prohibited from purchasing such commodities or services from other sources. Colleges must direct any questions to the Office of University Controller.

contract appeals. A debriefing will address the reasons that the proposal or bid submitted by the unsuccessful bidder/proposer was not selected for an award. A debriefing may be conducted in person, by video conference, over the phone, or through written summaries. During a debriefing, the College may do one or more of the following:

- limit the discussion to the reasons why the bid/proposal was not successful;
- discuss the reasons why the successful bid/proposal was selected; and/or
- offer advice and guidance to the bidder/proposer to improve future bids/proposals.

B. Informal Purchasing may be used as a method of procurement for purchases of goods, services, or a combination of goods and services, that have a total value of less than \$100,000 when neither a Preferred Source nor a centralized contract (University-wide, OGS, DCAS, DOE, DOITT or GSA) is available for a purchase. For purchases from State-certified minority-owned or women-owned businesses (MWBs) the dollar limit for Informal Purchasing rises to \$200,000.

1. Informal Purchasing is sometimes referred to as “discretionary purchasing” because the Purchasing Department, after following appropriate procurement procedures, may exercise its discretion to choose any vendor who is responsive and responsible (as those two terms are defined by law) and has offered a reasonable price. As with all procurements not being made from a Preferred Source or under a centralized contract, the Purchasing Department is required to create and maintain a file demonstrating that neither a Preferred Source nor a centralized contract was available and providing evidence that the price being paid for the purchase is reasonable. Purchases of \$50,000 or more must be individually advertised. Proposed purchases made using the Informal Purchasing method are subject to greater scrutiny since the College has discretion to award to a vendor other than the one offering the lowest price.
2. A Request for Quotations (“RFQ”) is a document that can be used in Informal Purchasing as one method to determine fair and reasonable prices. All requests for quotes from vendors must be made using the OGC-approved RFQ form so that potential vendors offer and sign their respective price quotes in response to the same specifications and the same terms and conditions. Quotes from vendors on vendors’ letterhead cannot be accepted as a response to an RFQ.

If you are interested in obtaining quotes from vendors for a product or service you need, contact your Purchasing Department beforehand, and find out if your college permits end users to request quotes from vendors. Make sure that you provide the Purchasing Department with specifications (written details of the goods and/or services) that are clear, unambiguous, and conform to College requirements. The Colleges/University cannot accept quotes offered by vendors in any form except on the OGC-issued RFQ document.

NOTA BENE: When seeking quotes, use the RFQ form document provided by your College Purchasing Department; College may accept only quotes offered on the University’s RFQ form. Quotes from a vendor on its letterhead cannot be accepted.

Remember that no one outside of the business office is authorized to sign or agree to vendor quotes on behalf of the College/University or permitted to ask a vendor to begin work; only the business office can ask a vendor to begin work pursuant to a valid Purchase Order.

The following charts highlight the differences between formal and informal purchasing methods, and the various requirements at the specified dollar thresholds. Keep in mind that these charts do not address the “purchasing hierarchy”, i.e. the rules governing the order in which various procurement sources and methods (e.g. Preferred Sources, Centralized Contacts) must be considered for all purchases (see Exhibit D, CUNY Purchasing Hierarchy).

Thresholds and General Purchasing Requirements (for commodities and services)⁴

Informal (Discretionary) Purchases

<p>Purchases up to \$20,000</p>	<p>Discretionary authority of procurement officer who must:</p> <ul style="list-style-type: none"> • Document reasonableness of price (through competition, if appropriate; Telephone Quotes may be used); • Justify selection of vendor in procurement record
<p>Purchases \$20,000 to \$50,000</p>	<p>Discretionary authority of procurement officer who must:</p> <ul style="list-style-type: none"> • Obtain minimum of three (3) quotes using OGC-approved Request for Quotations document; • Document reasonableness of price (through competition, if appropriate); • Justify selection of vendor in procurement record; • Complete all required forms
<p>Purchases \$50,000 to \$100,000 (and up to \$200,000 for procurements made from an NYS Small Business or MWBE; or procurements of recycled or remanufactured commodities or technology; or procurements of food, including milk and milk products, that are</p>	<p>Discretionary authority of procurement officer who must:</p> <ul style="list-style-type: none"> • Advertise or secure exemption from advertising; • Obtain minimum of five (5) quotes using OGC-approved Request for Quotations document

⁴ Note that this summary chart does not include all NYS or CUNY requirements and that these thresholds do not apply to construction projects, architecture, engineering or surveying services.

grown, produced or harvested in NYS)	<ul style="list-style-type: none"> • Document reasonableness of price (through competition, if appropriate); • Justify selection of vendor in procurement record; • Complete all required forms
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Formal Competitive Purchasing

Purchases \$100,000 and greater Commodities and Printing	<p>Procurement officer must execute formal competitive solicitation (either Invitation for Bids or Request for Proposals) and:</p> <ul style="list-style-type: none"> • Complete procurement record including vendor selection and price justification; • Complete all required forms; • Obtain Board of Trustees approval for purchases \$500,000 and above
Services (Senior Colleges Only)	<ul style="list-style-type: none"> • Obtain Attorney General (AG) and State Comptroller (OSC) pre-approval for services.
Single/Sole Source Procurements	<ul style="list-style-type: none"> • Advertise or secure exemption from advertising; • Obtain Attorney General (AG) and State Comptroller (OSC) pre-approval for services

19) What's a site visit or a pre-bid (pre-proposal) conference?

- A. A “pre-bid conference” or “pre-proposal conference” is an opportunity for prospective vendors to visit the campus location where a project is to be completed or where some work is to be performed during a time scheduled by the University.
- B. A pre-bid / pre-proposal conference is intended to:
1. facilitate the bidding / proposal process by allowing vendors to appraise first-hand the scope of a given project or requirement;
 2. allow for questions not anticipated by Purchasing Department staff or other College administrators;
 3. provide an opportunity for prospective vendors to find potential subcontractors (if allowed);
 4. inform the College of the level of interest in the marketplace;
 5. provide an early assessment to the adequacy of written specifications, since attendees at the event generally will have had the opportunity to review and ask questions about the solicitation; and
 6. describe the project and the procurement process to vendors so that they may better understand the University’s goals and objectives.

- C. A prospective vendor's attendance at a pre-bid / pre-proposal conference is rarely mandatory; the Purchasing Department should seek OGC advice before deciding to make any pre-bid /pre-proposal conference a mandatory event. The written solicitation document and any addenda must include all pertinent information so that prospective vendors are able to submit their bid submissions or proposals regardless of whether they attend the site visit / pre-bid conference.
- D. Questions that arise during the course of the site visit/pre-bid conference are recorded by Purchasing Department staff. Answers to the questions are provided together with answers to questions received in writing as an addendum to the solicitation document provided to all prospective vendors who received the solicitation document.

20) What's the Public Bid Opening and Public Reading of Bid Prices?

- A. The Bid Opening and Public Reading of Bid Prices ("Bid Opening") is the event at which the University opens and publicly reads each bid submission received in response to an IFB by the deadline and records on a Bid Tabulation Sheet each bidder's name and the Bid Price offered. No other information is publicly announced or shared until after the bid submissions have been reviewed and evaluated by the Purchasing Department afterwards.

After the Bid Opening and Public Reading of Bid Prices, the Purchasing Department reviews and evaluates the bid submissions to determine whether the vendor offering the "apparent low bid" (the vendor who submitted the bid submission offering the lowest price) is responsible and whether the bid submission is responsive to the solicitation. Contract award will then be made to the "responsive and responsible" bidder offering the lowest price.

- B. Purchasing Department staff will announce as a reminder to the attendees of the "Bid Opening" that the Bid Prices read aloud are not final results and are subject to review and evaluation before contract award.
- C. In all cases, the selected vendor's bid submission must respond to the minimum bidder requirements included in the IFB solicitation document (this determines whether the bidder is "responsive") and the bidder also must be found "responsible," which generally means that the vendor must meet three criteria: a demonstrated ability to perform, fiscal integrity, and moral integrity.

NOTA BENE: A vendor that offers the lowest price in response to an IFB but is not selected may feel justified in lodging a formal complaint in writing to a senior administrator of the College or CUNY and may even initiate legal action against the College or the University. Should such a complaint arise, it is important to have adequate documentation supporting the selection of an awardee that has not offered the lowest price.

21) What are FOIL Requests?

- A. New York State’s Freedom of Information Law (“FOIL”) allows members of the public to access records of governmental entities, including CUNY. FOIL provides a process for the review and copying of an agency’s records. When there is a request for documents, records, or statistical information, requesters should be directed to send a written request to the Campus Records Access Officer of your college.

Note that if the Purchasing Department receives a request after the Bid submission deadline for the results of an IFB solicitation, the Purchasing Department may send a copy of the Bid Tabulation Sheet that was compiled at the Public Bid Opening and Reading of Bid Prices for the IFB without a FOIL request.

- B. Purchasing Offices must direct all FOIL requests for information, such as for former contracts and bid prices for previously issued solicitations (Invitations for Bids and Requests for Proposals,) to the Campus Records Access Officer. Campus Records Access Officers may request assistance on questions relating to FOIL requests from OGC (646-664-9200).
- C. FOIL is generally interpreted in favor of providing access to the public, but includes specific provisions under which access to records may be denied. For example, if a (“bid”) solicitation is in progress, then the University may deny release of certain documents on the basis that such release may “impair present or imminent contract awards.”