

WHY CAN'T I JUST HAVE MY STUFF?

39) Why can't I just buy what I need when I need it?

- A. Actually, for some items, you can! Policies vary from College to College, but certain (limited) purchases can be made directly, by:
1. using blanket purchase orders. Your Purchasing Department has issued purchase orders to vendors who supply services/commodities on an as-needed basis not to exceed a specific dollar amount for the fiscal year;
 2. 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 for assistance in setting one up;
 3. ordering office supplies from the University-wide office supply vendor; and

4. using a procurement card (a credit card, often referred to as a “P-card”) for small purchases of non-IT goods only (not for services, software or IT hardware) in accordance with the P-card limitations and procedures, if your College has provided one to you (your department).
- B. You can't just buy what you need when you need it because compliance with State laws and regulations and University rules requires the actions of designated Purchasing Department staff. Purchasing Department staff has specific knowledge and is trained to ensure cost controls in obtaining reasonable prices and compliance with State laws and regulations and University rules and internal control procedures, consistent with the University’s commitment to public trust and transparency. The Colleges are all constituent parts of the City University of New York, which is a State political subdivision predominantly funded by public monies, and subject to State laws and University guidelines.
- C. Your College's Purchasing Department has expertise in making sure that the College makes its purchases at the lowest available price, consistent with quality requirements, from vendors who have proved themselves to be reliable and who meet established standards/requirements. The Purchasing Department is responsible for:
1. clearly representing the requester’s requirements to vendors in order to ensure the procurement of the proper goods or services within a particular timeframe;
 2. meeting the needs of the University while providing the best value (getting the best “bang for the buck”);
 3. protecting the interests of the tax payers of New York State and New York City;
 4. ensuring transparency - fair and open competition for vendors; and
 5. guarding against favoritism, improvidence, extravagance, fraud, and corruption.

<p><i>NOTA BENE:</i> CUNY employees who direct a vendor to start providing commodities or services without an approved contract in place may be personally liable for the amount owed to the contractor.</p>
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- D. All purchase commitments by the University, of which each of the Colleges is a part, must be made only by authorized individuals acting within the scope of their authority and in full compliance with the laws governing New York State purchasing practices. It is against NYS finance laws to procure a service or commodity without acquiring necessary approvals and documents in advance. Authority for purchases is vested in the Director of Purchasing and Purchasing Department staff. Purchases consummated by other means are unauthorized (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) and are subject to non-payment by the University and subject to payment to the vendor by the unauthorized individual purporting to make the commitment on behalf of the University.

40) Why can't I just buy the stuff I want and ask Purchasing to do the "paperwork" afterwards?

- A. Because it's not just "paperwork", and it is against NYS finance laws to procure a service or commodity without following required procedures and acquiring necessary approvals and documents in advance.
- B. If you do, the invoice will not be paid by Accounts Payable, and you will have to find an alternative source of funds. CUNY employees who direct a vendor to provide commodities or services without an approved contract in place may be held personally liable for the amount owed to the vendor.
- C. There's no guarantee that purchases made in violation of proper procedures will be honored by the College since the required procedures may not result in a purchase that is the same as the one you made. That is, the required procedures may point to a different vendor, product, and/or **price than the one(s) you chose**. If so, then you may be personally liable for the purchase you made.

41) Why aren't there consistent regulations governing ALL purchases?

- A. Actually, there are. There is understandable confusion arising from the fact that not all acquisitions of goods and services require identical procedural steps. CUNY follows State-mandated rules that are based on numerous factors, such as: (1) the nature or commodity classification of the products or services specified; (2) availability of suppliers on existing government or University contracts; (3) quantitative value of the procurement; and (4) scope and complexity of the acquisition. Your College's designated Purchasing Department staff is trained to identify the appropriate classification of all procurements, and is required to follow the mandated procedure in each case, as explained below.

NOTA BENE: Under no circumstances is "split ordering" permitted as a means of altering the nature or dollar value of a planned acquisition or to circumvent procurement procedures.

- B. Here's a general description of how it works:
 - 1. Once you have submitted a (complete and accurate⁷) approved requisition for a commodity or service and funding was made available, Purchasing Department staff will determine whether or not the purchase can be made (a) from a NYS Preferred Source (as defined under State law), or (b) through an existing CUNY-wide, or New York State (OGS) contract, New York City (DCAS), or NYC Department of Education contract; (c) from a State-certified MWBEs or small business, if the purchase is for less than \$200,000. If the purchase can be made through one of these three sources (limited to \$200,000 for purchases from MWBEs and small businesses), then a purchase order will be issued without a formal ("bid") competitive solicitation process and, in most cases, without advertising the

⁷ 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.

procurement, since alternative procurement procedures will have already been followed.

2. Once the value of the purchase reaches \$50,000, then advertising for fifteen business days is required for all purchases except those from NYS Preferred Source, an existing CUNY-wide, New York State (OGS), New York City (DCAS), or NYC Department of Education contract.
3. A “NYS Preferred Source” is a supplier that has met certain State-established criteria, usually related to employment of economically disadvantaged or physically challenged individuals. See FAQ # 13 above.
4. **IMPORTANT TO KNOW:** The approved requisition gives Purchasing the authority to begin working on your purchase. Purchasing is not permitted to begin making a purchase without an approved (complete and accurate) requisition, and with CUNYfirst, will not receive your requisition until it has been approved and cleared budget.
5. If the purchase cannot be made from or through a NYS Preferred Source, CUNY-wide contract, other government contract, or an MWBE, then the University is obligated to adhere to the following:
 - a. **FOR PURCHASES LESS THAN \$50,000**, the Purchasing Department may follow informal purchasing procedures; it is required to maintain a procurement record reflecting a rational basis for every purchase and to include in such record reasonableness of price. Competition is usually the best technique, but fairness and reasonableness of price may be done in a variety of ways, including (1) the solicitation of three or more quotations using the University RFQ form, (2) identifying published list pricing and determining a reasonable percentage off, (3) comparison of pricing offered to others, particularly to government entities, or (4) if the purchase is less than \$20,000, oral quotes provided to and recorded by the Purchasing Department using the Telephone Quotes form from three or more vendors. **WHILE IT IS ACCEPTABLE FOR DEANS, DIRECTORS, FACULTY, AND STAFF OF THE COLLEGE TO REQUEST GENERAL INFORMATION SUCH AS INFORMAL, PRELIMINARY PROPOSALS, AND/OR PUBLISHED LIST PRICES, THE PROVISION OF SUCH GENERAL INFORMATION BY VENDORS IS NOT RECOGNIZED AS OFFICIAL OFFERINGS TO THE COLLEGE.** All requests for prices must be issued by the Purchasing Department, and all procurements require the issuance of an official purchase order, which must be generated by designated Purchasing Department staff. Purchases are subject to post-audit by the Office of the State Comptroller.

NOTA BENE: Concocting smaller purchases (by breaking up a larger purchase, by not disclosing anticipated needs, etc.) to meet lower threshold requirements is strictly prohibited.

- b. FOR PURCHASES OF GOODS \$50,000 - \$100,000, the Purchasing Department may follow informal purchasing procedures; it is required to advertise purchases for fifteen business days in the Contract Reporter and the City Record, and to maintain a procurement record reflecting a rational basis for every purchase and to include in such record reasonableness of price.
- c. PURCHASES OF \$100,000 OR MORE, in the absence of a pre-approved contracted supplier, require more complicated procedures and lengthier time frames for processing. Advertisement of (bidding) solicitation opportunities, mandated by law, requires the scheduling of bid submission deadlines that are reasonable and that will promote competition among qualified vendors. Most procurements at this dollar threshold require solicitations of bids or proposals, using documents appropriate to the scope and nature of the services or goods to be provided (Invitations for Bids or Requests for Proposals). Purchasing Department staff will consult with OGC for the purpose of obtaining advice and counsel in the preparation of solicitation documents and formal contract documents, when appropriate. Procurements for \$500,000 or more require the approval of a board resolution by the CUNY Board of Trustees. Purchasing Department staff is trained to determine the necessity of submitting such a document, consistent with established policies, and will facilitate the submissions to the CUNY Board of Trustees.
- d. SOLE SOURCE or SINGLE SOURCE determination may be facilitated by contacting your Purchasing Department staff who is trained to assist you in establishing sole **source or single source status**. While these designations may preclude following some of the procedures outlined above, valid proof that competitive products or services are unavailable for a given procurement are required *regardless of cost of the procurement*, and Purchasing Department staff bring a broad range of experience to handling this issue. A vendor's self-declaration of such status is of little value and not sufficient justification for circumventing the solicitation process. Additional research and inquiry will be required in all cases, and your Purchasing Department staff is trained to provide guidance and seek advice from OGC when necessary.

Note: All purchases are subject to post-audit by the Office of the State Comptroller/the Comptroller of the City of New York.

42) Why are communications with vendors restricted -- during the procurement process or at any other time? Does the Procurement Lobbying Act apply to me? What's the Record of Contact form? What is Project Sunlight, and what are its reporting requirements? What rules and guidelines are in place regarding conflicts of interest?

- A. Communicating with the vendors is restricted during the procurement process to ensure a level playing field for vendors and to avoid attempts to influence a procurement. And, yes, the Procurement Lobbying Act applies to you, whether you are an employee of the University, one of the Colleges, or you are a member of the business community interested in or doing business with the University. See 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 with respect to this topic (attached as Exhibit C). See also <http://ogs.ny.gov/acpl/>.
- B. The Record of Contact form is a form that each CUNY employee must complete, sign, and immediately submit to the Purchasing Department if s/he receives a Contact (i.e. oral, written or electronic communications that a reasonable person would infer are attempts to influence a procurement at the College/University) from a vendor during a Restricted Period, even if the employee is the Designated Contact. See Record of Contact form attached as Exhibit A.
- C. Definitions in the Procurement Lobbying Act
1. "Contact" is defined by statute and refers to those communications (written or oral) that a reasonable person would infer are attempts to influence a procurement at the College/University.
 2. "Designated Contact" is a University employee who is responsible for receiving vendor communications permissible under the Procurement Lobbying Act. The name and contact information of the Designated Contact is stated in the solicitation document.
 3. "Restricted Period" is the period during which communication between vendors (and their representatives) and University employees (including consultants and representatives) are prohibited. It begins with the earliest written notice, advertisement, or method of soliciting a response from vendors for a contract through contract registration (or the equivalent) at the City or the State and ends when the subject contract has been signed by the vendor and the University and registered by the City or the State. For CUNY procurements, the Restricted Period will begin when the Purchasing Department has been requested to initiate a solicitation. If the basis of the procurement is a single source contract or a sole source contract, then the Restricted Period will begin with the earliest method used by the University to solicit a response from vendors intending to result in a procurement contract. All communication regarding the intended purchase between University employees (except for the Designated Contact) and any potential vendors must cease as soon as the end users have requested that Purchasing initiate a purchase effort.

4. “Record of Contact” is the form that must be completed by the University employee for each “Contact” (person or organization) that takes place during a “Restricted Period”. The Purchasing Department must include all “Records of Contact” in its purchasing record for each contract.
- D. Requirements of the Procurement Lobbying Law (“PLL”) (also referred to as the Procurement Lobbying Act):
1. the PLL requires CUNY to direct all communications concerning a potential procurement to a designated contact person (“Designated Contact”) during certain periods in the procurement process;
 2. the PLL prohibits vendors from contacting anyone other than a designated contact person during these periods (e.g. during an Invitation for Bids solicitation process);
 3. the PLL requires CUNY and all of its campuses to record and maintain documentation regarding certain communications made by vendors and their representatives during these periods;
 4. the PLL requires CUNY to include such documentation in the related procurement record and be ready to submit same to the State; and
 5. the PLL requires CUNY to include certain provisions of the PLL in its procurement and contract documents.
- E. What are the consequences/penalties for violating the Procurement Lobbying Law?
1. If a vendor knowingly and willfully violates the law, then the vendor and its subsidiaries, related entities, and successor entities will be found “non-responsible” (defined in the law) and may not be awarded the contract. Two such findings within four years will result in debarment, that is, the vendor will be ineligible to respond to any solicitation or be awarded any (New York State) procurement contract for four years from date of second finding of non-responsibility.
 2. It is not yet clear what the consequences might be if the University is found to violate the Act, but it is likely that the subject contract would not be registered (and would therefore be invalid and would not be paid).
- F. What is Project Sunlight? Does it affect communications during a procurement?
1. Project Sunlight, an important component of the Public Integrity Reform Act of 2011, is an online database that provides the public with an opportunity to see the individuals and entities that are interacting with government decision-makers. Unlike the Procurement Lobbying Act, which applies during the procurement process, the reporting rules of Project Sunlight apply only when no procurement process with respect to a good or service has been initiated. The University must report, within five business days where feasible, any “appearance” between covered

individuals that concerns a potential procurement, regardless of any actual procurement is anticipated at the time.. Any individual at the University who has the power to exercise discretion in a procurement is a covered individual.

2. For purposes of the Act an “appearance” if it is a substantive interaction that is meant to affect the decision-making process of the University. Only in-person meetings and video conferences may be considered appearances. Phone calls, emails, letters, and faxes are not considered appearances and are not reported into the Project Sunlight database.
3. Appearances during the Restricted Period under the Procurement Lobbying Act do not need to be reported. If you are not sure if a meeting is a reportable appearance for the purposes of Project Sunlight requirements, please consult with the Purchasing Department and/or OGC.

G. What rules and guidelines are in place regarding conflicts of interest?

1. A CUNY employee may not engage in activities that would create or *appear to create* a conflict with their positions or raise suspicion among the public that they are likely to be engaged in acts that are in violation of their public trust.

There are several areas where the potential for a real or apparent conflict of interest could exist, including:

- personal outside employment or investments;
 - nepotism and improper political considerations in hiring and contracting;
 - release of confidential information; and
 - gifts.
2. CUNY employees are prohibited from:
 - engaging in transactions with any business entity where the employee has a financial interest that can conflict with their duties;
 - making investments that may be directly related to the employee’s decisions or which otherwise create a substantial conflict with their duties;
 - using their position to secure unwarranted privileges for one’s self or others;
 - giving reasonable basis for the appearance that they are affected by kinship, rank, position or influence of any party or person; and
 - giving the impression that any person can improperly influence or unduly enjoy favor in the performance of their official duties.
 3. No employee of CUNY may take part in any hiring or contracting decision relating to a family member. If any hiring or contracting matter arises relating to a family member, then the employee must advise his or her supervisor of the relationship.

4. CUNY employees may hold outside employment; however, the CUNY employee is required to advise his or her supervisor and the Office of Human Resources of such outside employment to verify there is no conflict of interest with the provision of the employee's CUNY job responsibilities.
5. If a CUNY employee is also engaged in providing goods and services as a vendor, the employee's firm cannot do business worth \$25 or more with any state/city agency including CUNY unless there is public notice and competitive bidding.
6. If a CUNY employee owns or controls 10% or more of the stock in a corporation, that employee may not be involved in the award of any transaction to such corporation.
7. No former employee of the University (Senior/Community Colleges, Central Office), the State University of New York (SUNY) or any New York State agency or authority (any entity whose funds are derived from New York State) may provide services to CUNY for a period of two years from the date of the individual's separation from service with CUNY. In addition, there is a lifetime prohibition on former employees returning to work on projects, initiatives, etc., that they were directly involved in while employed at CUNY.

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?

- A. If you believe that only one vendor can provide you with the goods and/or services you need, let the Purchasing Department know. Only the Purchasing Department can make the determination of whether a single source/sole source procurement method is appropriate, and it is Purchasing Department's responsibility to review and approve all sole source and single source purchases and to ensure that the procurement record includes "material and substantial reasons" for the single source or sole source purchase.
- B. What is a single source procurement? What is a sole source procurement? Are they different?
The State defines and distinguishes between a single source procurement and a sole source procurement.
 1. A sole source procurement is used when only one vendor is capable of supplying the required commodities or services.
 2. A single source procurement is used when the desired commodities or services can be supplied by several vendors, but there are material and substantial reasons to prefer one vendor over the others, such as the need to upgrade current equipment with parts or to obtain software from the original manufacturer or to select a consultant for a particular expertise.
- C. End users must provide a memo to the Purchasing Department that includes:
 1. a description of the commodity and/or service being sought;

2. a statement that explains the specific elements that differentiate the selected vendor/product that the College requires from all other vendors/products available (why this one vendor/product represents the best possible source/product when considering characteristics, technical capabilities, availability of resources, facilities, expertise);
3. identification of the other vendors/products considered and, if single source procurement, a description of how the vendor was selected from the pool of potential vendors who also provide the product/service;
4. the specific reasons for selecting this vendor instead of the others describe how the product/service uniquely meets the College's needs and how selecting this vendor is in the best interests of the College and why competitive solicitation is not warranted;
5. if applicable, a description of the previous similar purchases, future requirements, and long-range objectives, including what efforts are being made to ensure future competition;
6. the overall (long-term) estimated costs of the product/service;
7. consequences if this vendor/product were not selected (as a single/sole source);
8. the basis upon which the College determined that the vendor's price is fair and reasonable (as required for all purchases).

NOTA BENE: A letter from the vendor declaring that it is the sole source for a product is not sufficient justification for a purchase to be made on a single source or sole source basis; the Purchasing Department must conduct its own due diligence to determine whether that vendor is the exclusive source for the required goods and/or services.

- D. It is the Purchasing Department's responsibility to review and approve all sole source and single source purchases and to ensure that the procurement record includes "material and substantial reasons" for all purchases made using sole source and single source as the procurement method. For both sole source procurements and single source procurements, Purchasing is required to include in the procurement record information regarding the circumstances leading to Purchasing's selection of the vendor, including the alternatives considered and why the alternatives would not suffice, the rationale for selecting the specific vendor, and the basis upon which a determination was made that the price was fair and reasonable.
- E. Purchases made by sole source or single source procurement methods for an amount of \$50,000 or more are subject to advertising requirements. The Purchasing Department must publish a "blind" advertisement (i.e. one that does not specifically name the proposed single/sole source vendor) in the New York State Contract Reporter and the City Record for fifteen business days. If The Purchasing Department decides to request an exemption from advertising from the State, the College must wait for the exemption before proceeding and a notice of the exemption must then be published.

- F. Please note that purchases made through a single source or sole source procurement method are subject to greater scrutiny since these methods could be used to circumvent other procurement methods that can appear to be more open, fair, and transparent. While a sole source or single source procurement method may be used to expedite ordering and may preclude a time-consuming (bid) solicitation process, the appropriate criteria must be met, and the Purchasing Department will help you determine whether it is appropriate.
- G. Steps involved in a sole source or single source procurement:
1. identify vendor providing needed commodities/services;
 2. end user submits justification memo to Purchasing, identifying why the identified vendor is uniquely qualified to provide the commodities/services, identifying the other vendors considered and why each one is not suitable for College's needs, and explaining how reasonableness of price was determined;
 3. Purchasing must review responsibility of vendor - check VENDEX, references, financials;
 4. Purchasing prepares procurement file that includes end user-provided information that justifies the decision to make the purchase on a single source/sole source basis, including why competitive solicitation is not warranted, how it was determined that the vendor's price is reasonable and fair, and what would happen if College doesn't make the purchase (as a single/sole source);
 5. request and secure exemption from advertising from OSC and publish notice;
 6. advertise in NYS Contract Reporter and City Record if (total) expenditure is \$50,000 or more;
 7. after the required advertisement has run for fifteen days, prepare contract based on University form contract;
 8. submit draft contract to OGC for review and approval as to form;
 9. submit board resolution and obtain board approval if (total) expenditure is \$500,000 or more;
 10. obtain vendor's signature;
 11. obtain University signature;
 12. secure approval from OSC/OCC (Office of State Comptroller/Office of City Comptroller), as appropriate; and
 13. notify vendor to start work.

44) The vendor and CUNY have signed the contract. Why can't I get my stuff now?

- A. No document for a purchase made with New York State funds is a contract until it is registered by the New York State Comptroller. (State Finance Law Section 112)
- B. No document for a purchase made with New York City funds is a contract until it is registered by the New York City Comptroller.

- C. If a College administrator or staff member directs a vendor to begin work before a contract is registered, and subsequently the Comptroller does not register the contract, then the administrator or staff member who directed the vendor to begin work may be personally liable for an indebtedness that is ultimately held to be owed to the vendor. It is against NYS finance laws to procure a service or commodity without following required procedures and acquiring necessary approvals and documents in advance. One of these essential, mandated procedures is the registration of the contract by the New York State Comptroller or the New York City Comptroller (depending on the source of funding)

45) What's our policy with respect to Minority-Owned Business Enterprises and Women-Owned Business Enterprises (M/WBEs)? What's our policy with respect to Service Disabled Veteran-Owned Businesses (SDVOBs)? What's our Supplier Diversity Program?

- A. It is the University's policy and commitment to make good faith efforts to ensure that New York State-certified minority and women-owned business enterprises ("MWBEs") and New York State-certified service-disabled veteran owned businesses ("SDVOBs") are given the opportunity to provide the University with commodities and services at competitive prices. The University recognizes the potential economic and social benefits of working with MWBEs and SDVOBs. Our MWBE and SDVOB programs are collectively called CUNY's Supplier Diversity program.
- B. In furtherance of this commitment, the University has established a University-wide Supplier Diversity Goal for MWBE and SDVOB participation, to be calculated on an annual, fiscal year basis. End-users should check with their Purchasing Directors for the current MWBE and SDVOB participation goals.
- C. Article 15-A of the NYS Executive Law requires CUNY's senior colleges, honors and professional schools, and the vendors and contractors with whom they do business to make good faith efforts to procure materials, supplies, equipment, and services from NYS-certified MWBEs. Article 17-B of the NYS Executive Law requires CUNY's senior colleges, honors and professional schools, and the vendors and contractors with whom they do business to make good faith efforts to procure materials, supplies, equipment, and services from NYS-certified SDVOBs. It is the University's policy to extend the spirit of these Executive Laws to all CUNY procurements, including those procurements by our community colleges.
- D. The purpose of these policies is to give those targeted businesses an opportunity to benefit from CUNY's purchasing activity, on the assumption that those targeted businesses historically have been excluded from participation and have not had an equal chance to compete. The University and the colleges are given MWBE and SDVOB participation goals, expressed as percentages of total available purchasing volume, and are instructed to implement and facilitate special outreach initiatives geared toward MWBE and SDVOBs.

- E. Empire State Development Corporation (ESD) has a searchable database that is useful in locating certified MWBEs (www.ny.newyorkcontracts.com). The NYS Office of General Services (OGS) has a spreadsheet that is useful in locating SDVOBs (www.veterans.ny.gov/business).
- F. The University reports senior college MWBE utilization to ESD which is responsible for monitoring senior colleges' MWBE utilization and measuring it against the University's Supplier Diversity Goal. The University reports senior college SDVOB utilization to OGS which is responsible for monitoring senior colleges' SDVOB utilization and measuring it against the University's Supplier Diversity goal. This information is also made public by the State.
- G. When engaging MWBE and SDVOB vendors, **all existing procurement rules apply**. The University reminds purchasing staff that there is an increase to the informal purchasing (discretionary procurement) threshold – up to \$200k – when targeting MWBEs, among other targeted industries. Additionally, CUNY encourages purchasing agents to actively engage MWBE and SDVOBs whenever possible.
- H. Purchasing staff are strongly encouraged to purchase directly from NYS-certified MWBEs through available governmental contracts and the University's discretionary purchasing authority to meet the dual goals of procurement efficiency and MWBE/SDVOB participation.
- I. MWBE/SDVOB Subcontracting Goals – MWBEs and SDVOBs also may serve as subcontractors or suppliers on University contracts. All contracts exceeding \$25,000 for labor, services, (including financial, printing, and other professional services), travel, supplies, equipment, materials or combination of the items listed, and contracts exceeding \$100,000 for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements must be assessed for practicable, feasible, and appropriate MWBE and/or SDVOB subcontracting goals. Please refer to CUNY – MWBE Subcontracting Goal Setting Procedures for additional information.
 - i. Goals – Purchasing staff must set MWBE and/or SDVOB subcontracting goals, tailored to each solicitation, expressed as a percentage of project value payable to MWBEs and SDVOBs as subcontractors or suppliers (MWBE/SDVOB Subcontracting Goal). Any subcontracting goal that is less than the University's current goal must be reviewed by the Office of the University Controller.
 - ii. Utilization Plans – If a University contract has an established MWBE and/or SDVOB Subcontracting Goal, then the Contractor is required to submit a Utilization Plan setting forth the Contractor's efforts to meet CUNY's Supplier Diversity Goal. The University requires all Proposals submitted in response to RFPs to include a Utilization Plan. When evaluating Bids submitted in response to IFBs, the University requires the responsible Bidder offering the lowest Bid Price (the apparent awardee) to

submit a Utilization Plan. All Utilization Plans must be reviewed by the Office of the University Controller.

- iii. Waivers – If the prime contractor cannot meet the established MWBE and/or SDVOB Subcontracting Goal, that vendor may apply for a waiver (or partial waiver) of goals from the University. Waivers must be reviewed by the Office of the University Controller.
- iv. Quarterly Contractor Compliance Report – Each quarter, prime contractors with MWBE and/or SDVOB subcontracting goals must submit a Quarterly Contractor Compliance Report to notify the University of all payments made to MWBE/SDVOBs in accordance with their respective agreements. The colleges submit these reports to the Office of the University Controller.

- J. NYS, and therefore CUNY, only recognizes a vendor as an MWBE or SDVOB vendor if it has been certified as such by NYS. We do not accept the City of New York’s MWBE certification or the federal SDVOSB certifications.
- K. Additional information regarding CUNY’s Supplier Diversity program is available on www.cuny.edu/selltocuny.

46) Why do vendors wait so long before they get paid? What can I do to help?

- A. There are a number of reasons that contribute to delays in getting vendors paid:
 - 1. often because proper procurement processes were not followed.
 - 2. often because the vendor does not send its invoices to Accounts Payable (and instead sends their invoices to the requester).
 - 3. often because requester does not sign the “receiving” paperwork promptly after receipt of the goods/services and does not create a receipt in CUNYfirst after receipt of the goods/services.
 - 4. often because requesters make purchases without going through Purchasing and necessary processes and paperwork are lacking or improperly completed.
- B. In order to process a vendor payment, a requisition, a Purchase Order, a valid invoice submitted to Accounts Payable, and a department-certified receipt with supporting documents in CUNYfirst are all required. Upon receipt of all required documents, Accounts Payable generates a voucher which goes to the City or the State, and then the City or the State wires funds to the vendor.
- C. The University avoids making late payments because:
 - 1. it's bad practice (we want our vendors to be paid on time and fairly for goods and services rendered);
 - 2. (future) pricing offered by vendors will reflect long waits for payment; and
 - 3. if more than thirty (30) days elapse from satisfactory receipt of goods to vendor payment, the University must pay penalty interest that is automatically imposed in accordance with New York State Prompt Payment Legislation; and
- D. Vendors should not suffer because the requester has not completed the necessary paperwork.

47) What's our responsibility to the business community?

- A. We are responsible for conducting all of our business transactions with high standards--adhering to the highest standards of business ethics.
- B. We are responsible for conducting all of our business transactions with fairness and transparency to garner public trust.
- C. We are responsible for welcoming participation in the procurement process by all qualified and competent business entities offering goods and services congruent with our goals and mission as a world-class University.
- D. As holders of public trust, we are responsible to uphold our fiduciary responsibility towards all of our funding sources for prudent stewardship of those resources. It is important to bear in mind that vendors calling on us are businesses who contribute to the public treasury.
- E. We are responsible to make sure that doing business with CUNY is mutually beneficial - CUNY is entitled to optimal quality of service, timely delivery and available in the marketplace (not always just the lowest price) and vendors are entitled to a fair profit.