

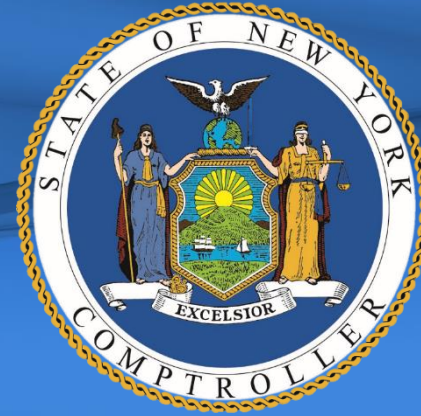
Is there a Procurement Opportunity?

*Best practices for advertising
Single and Sole Source contracts*

Fall Conference, 2018

NYS COMPTROLLER

THOMAS P. DiNAPOLI

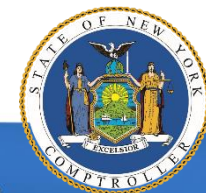
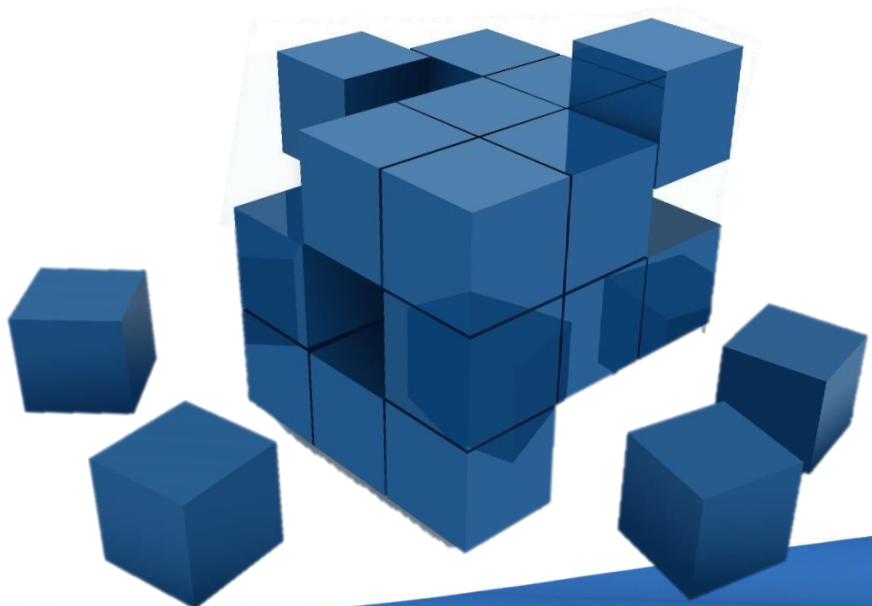


Agenda

- Legal requirements
- Best practices for advertising situations where limited competition exists
- When it's just not feasible to advertise, best practices to document your selection rationale
- EDSS (Electronic Document Submission System) demo



Legal Requirements

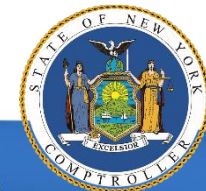


NYS COMPTROLLER
THOMAS P. DiNAPOLI

State Finance Law

- Article 11. State Purchasing
§ 163.8. Public Notice.

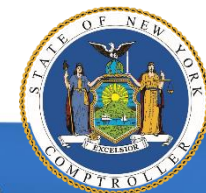
All procurements by state agencies, including SUNY and CUNY, in excess of \$50,000 shall be advertised in the state's procurement opportunities newsletter in accordance with article 4-C of the Economic Development Law.



Economic Development Law

- Article 4-C. Procurement Opportunities Newsletter
§ 146. Approval of comptroller.

The comptroller shall not approve or file any procurement contract for the acquisition of goods or services in the amount of \$50,000 or more shall first have been published in the procurement opportunities newsletter at least 15 business days prior to the date on which a bid or proposal was due.



New York State Contract Reporter

New York State Contract Reporter

Services News Government Local

Opportunities posted today: 43
Opportunities posted in the last 7 days: 196
Total available opportunities: 770

The New York State Contract Reporter
NYS official source of contracting opportunities
Bringing business and government together

Log In
Sign up and register for your free account!
Click here to get started

I want to find contracts to bid on
I want to advertise opportunities
Learn about the New York State Business Registry
Learn about doing business with New York



Economic Development Law

- § 144. Exemptions.

1. The provisions of this article shall not apply to:

- Procurement contracts awarded on an emergency or critical basis, or on the basis that publication is not feasible.
- Procurement contracts being re-bid or re-solicited for substantially the same goods or services, within 45 business days after the date bids or proposals were originally due.
- Procurement contracts awarded to not-for-profit providers of human services pursuant to a non-competitive selection process.

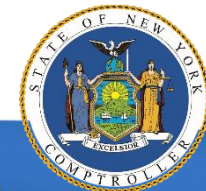


Economic Development Law

- § 144. Exemptions.

2. Any exemption requested for a procurement contract may be granted in accordance with the following procedure:

- The request shall, unless an emergency exists, be in writing and state the nature of the contract and reasons for the exemption. The comptroller may accept an oral request for an exemption in an emergency, provided the agency agrees to submit to the comptroller a written request immediately thereafter.



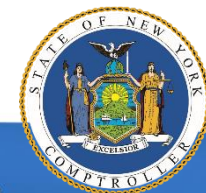
Economic Development Law

- The comptroller shall be responsible for granting or denying an exemption for each individual procurement contract unless the comptroller determines, by regulation, that a specific class of procurement contracts should be exempt.
- The comptroller shall, after consultation with the commissioner, promulgate regulations or guidelines to implement the provisions of this subdivision.



Economic Development Law

- Any agency receiving an exemption for a procurement must publish notice of either the letting or award of the contract, and the reasons for any such exemption, in the procurement opportunities newsletter as soon as practicable.
- In the case of non-competitive awards, such notice shall also state the recipient of the contract, a brief description of the purpose of the contract, the contract term, and the estimated value.



State Finance Law

- § 163.1. Definitions.
 - "Sole source" means a procurement in which only one offerer is capable of supplying the required commodities or services.



State Finance Law

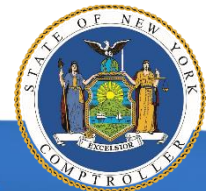
- § 163.1. Definitions.
 - "Single source" means a procurement in which although two or more offerers can supply the required commodities or services, then commissioner or state agency, upon written findings setting forth the material and substantial reasons therefor, may award a contract or non-technical amendment to a contract to one offerer over the other. The commissioner or state agency shall document in the procurement record the circumstances leading to the selection of the vendor, including the alternatives considered, the rationale for selecting the specific vendor and the basis upon which it determined the cost was reasonable.



State Finance Law

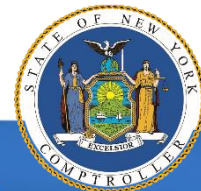
§ 163.10. Letting of Contracts (b).

- Single or sole source procurements for services or commodities, or procurements made to meet emergencies arising from unforeseen causes, may be made without a formal competitive process and shall only be made under unusual circumstances and shall include a determination by the commissioner or the state agency that the specifications or requirements for said purchase have been designed in a fair and equitable manner.



State Finance Law

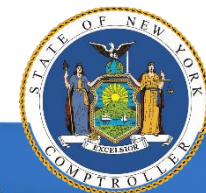
- § 163.10 (b).
- State agencies shall minimize the use of single source procurements and shall use single source procurements only when a formal competitive process is not feasible. State agencies shall document in the procurement record the circumstances and the material and substantial reasons why a formal competitive process is not feasible.



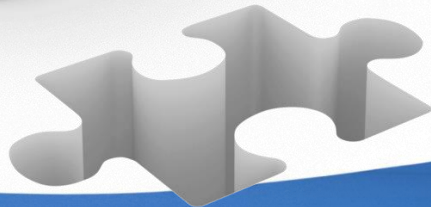
State Finance Law

§ 163.10 (b).

- The term of a single source procurement contract shall be limited to the minimum period of time necessary to ameliorate the circumstances which created the material and substantial reasons for the single source award. Not later than 30 days after the contract award, state agencies shall, for all single source procurement contracts, make available for public inspection on the agency website, a summary of the circumstances and material and substantial reasons why a competitive procurement is not feasible.



Best Practices for Advertising Situations where Limited Competition Exists



Best Practice

- Provide transparency
- Seek competition to the greatest extent possible
- Afford contracting opportunities
- Ensure public trust



Solicit Interest

- Announce the opportunity
- Describe required activities
- Identify minimum qualifications
- Explain how to apply



Announce Opportunity



The
New York State
Contract Reporter

*NYS' official source of contracting opportunities
Bringing business and government together*

This document printed
Wednesday, 05/30/2018

Contracting Opportunity

Title: SOLICITATION OF INTEREST [REDACTED] Harm Reduction Research, Evaluation and Supplies

Agency: [REDACTED]

Division: AIDS Institute

Contract Number: tbd

Contract Term: October 1, 2018 - September 30, 2023

Date of Issue: 05/30/2018

Due Date/Time: 06/20/2018 4:00 PM

County(ies): All NYS counties

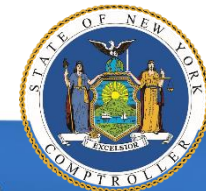
Location: All NYS Counties

Classification: Medical & Health Care - Consulting & Other Services

Opportunity Type: Grant or notice of funds availability

Entered By: [REDACTED]

Description: In 1992, the New York State [REDACTED] adopted regulations authorizing the creation of syringe exchange programs under the authority of Public Health Law Number 3381. The purpose of these regulations is to reduce HIV, Hepatitis B and C; and other blood-borne infections among injection drug users, their partners and their children.



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Describe Activities

Expected Activities/Work Performed

The funded entity will be expected to provide uninterrupted access and availability of harm reduction supplies to all NYS authorized contractors. The expected activities/work to be performed are:

1. Elicit bids for all aspects of the operations;
2. Purchase of prevention, testing, harm reduction and opioid overdose supplies* with an emphasis on price, quality, vendor responsibility and service;
3. Storage and monitoring of harm reduction supplies, including environmental considerations, to ensure that the supplies and materials are properly secured and maintained for future distribution to programs;
4. Appropriate and timely distribution of supplies to each approved contractor using the best modality best suited for the destination;
5. Distribute supplies statewide to more than 550 not-for-profit agencies via various modalities that are the most cost effective and secure for the supplies being sent, including the capacity to provide emergency deliveries when items are urgently needed;
6. Provide maintenance of inventory, database and administrative controls to ensure that harm reduction supplies are available to agencies on preapproved schedules and for emergency deliveries including signed receipts for agency orders;
7. Provision of monthly status reports to the [REDACTED] for supplies received, supplies in storage and supplies delivered by organization and products as well as reports as requested by AI of inventory of supplies as needed;

8. Trouble shoot for problems related to the quality of specific products and consumer complaints, missed or misdirected deliveries;
9. Ensure storage/warehouse space that is adequate to maintain sufficient quantities of goods in clean, secure and in appropriate temperature and environments as per individual requirements for specific items;
10. Provide education to recipient agencies on the ordering, delivery and grievance processes used by the entity for the supplies contract. Periodic visits to the storage/warehouse are required to ensure that the facility is using a "First In/First Out" system of supplies rotation; that the environment meet specifications and that expired goods are not in storage;
11. Provide oversight of subcontractors related to harm reduction program and overdose prevention programs including evaluation and emerging needs.
12. Evaluate specific components of the [REDACTED] Syringe Access Programs, Opioid Overdose Program and/or trends in Drug User Health to inform and guide the [REDACTED] in making programmatic and funding decisions related to these initiatives;
13. Oversee the evaluation component, ensure subcontractor deliverables are met, periodic reports are received and demonstrate progress toward the stated goals; and
14. Receive and pay vouchers from subcontractors and subsequently voucher for paid costs to the [REDACTED]

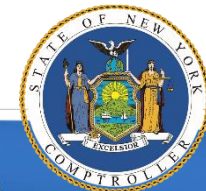


Identify Minimum Qualifications

Minimum Qualifications of Eligible Organizations

- Applicant is eligible to do business with New York State;
- Applicant has a minimum of five (5) years of experience in high volume purchasing, storage, distribution and tracking of harm reduction/health care supplies;
- Applicant has a minimum of three (3) years of experience in conducting research on activities relating to syringe exchange;
- Applicant has a minimum of five (5) years of experience in the field of HIV, AIDS, HCV and drug user health; and
- Applicant has a minimum of two (2) years of experience contracting with a government entity.

In addition, the applicant must attest that they will have an existing electronic system in place for purchasing, tracking, storing and distributing a high volume of harm reduction/health care supplies by July 1, 2018.



Explain How to Apply

How to Apply

Interested eligible organizations should submit a completed Checklist and Application Cover Sheet (available under the “Documents” tab) and no more than a four (4) page document describing the organization’s background, capacity and experience that demonstrates its ability to conduct the activities as described above. These documents must be submitted via email to [REDACTED] no later than 4:00 pm ET on June 20, 2018.



Announce Opportunity



The
New York State
Contract Reporter

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This document printed
Tuesday, 08/01/2017

Contracting Opportunity

Title: Solicitation of Interest [REDACTED] NYS Agricultural Mediation Program

Agency: [REDACTED]

Division: Division of Professional and [REDACTED]

Contract Number: TBD

Contract Term: January 1, 2018 - December 31, 2022

Date of Issue: 08/01/2017

Due Date/Time: 08/22/2017 2:00 PM

County(ies): All NYS counties

Classification: Administrative & Technical - *Consulting & Other Services*

Opportunity Type: General

Entered By: [REDACTED]

Description: [REDACTED] seeks letters of interest from not-for-profit organizations in New York to provide day-to-day operations of the New York State Agricultural Mediation Program. The eligible audience is not-for-profit entities doing business in or able to do business in New York State, excluding those entities currently under contract with [REDACTED] to provide Community Dispute Resolution Centers Program services (CDRCs).



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Describe Activities

Detailed Specifications

While [REDACTED] is responsible for determining NYSAMP's strategic direction and program design, the prevailing contractor will be responsible for the day to day operations of the program including:

- Implementing strategic direction of NYSAMP by developing programs, conducting outreach to statewide stakeholders, and coordinating statewide marketing/ publicity;
- Maintaining relationships with New York state USDA agencies and provide intake and case management services, with the assistance of CDRC regional coordinators, for all cases involving the USDA;
- Maintaining a working knowledge of all USDA regulations and procedures regarding USDA participation in mediation;
- Providing technical assistance to CDRCs to increase their capacity to conduct outreach, develop programs, and coordinate local marketing/publicity;
- Providing technical assistance to and oversight of CDRCs providing NYSAMP mediation services.
- Recruiting, training, and supervision of a roster of CDRC-affiliated mediators for mediation involving USDA agency stakeholders; ensure that such mediators maintain minimum standards for initial training and continuing education;
- Developing new funding streams to support the expanded use of mediation in the agricultural community;
- Maintaining confidential case files; and
- Processing and paying all vouchers for USDA cases and other vendors.

Funding:

Funding for NYSAMP is estimated to total \$325,000 annually, and is contingent on an annual federal grant award amount. Approximately 50% of the total annual funding is allocated to case reimbursements and outreach and paid by the contracting agencies to CDRCs. The remaining funds are available for the contracting organization for the day to day operations of the program.



Identify Minimum Qualifications

Minimum Qualifications

The letter of interest should clearly state any prior experience providing services detailed in the specification and the responding organization's capacity to administer program the program during the period defined in this solicitation: January 1, 2018 – December 31, 2022.



Explain How to Apply

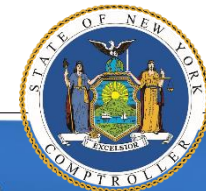
How to Apply

To indicate interest in and eligibility to provide these services, please send

- a line item budget for the available funds (\$325,000) for the initial one year period January-December 2018; and
- a letter of interest (recommended length: 2-3 pages) to:

[Redacted address information]

Letters of interest and forms are due at the address above by 2pm Tuesday, August 22, 2017.

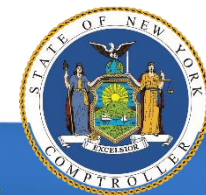


When it's just not feasible to advertise, best practices to document your selection rationale



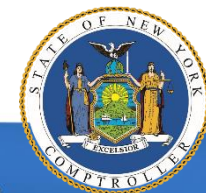
Single Source Justification

- Provide description of goods or services being procured.



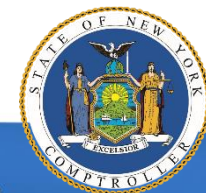
Single Source Justification

- Document the circumstances and the material and substantial reasons why a formal competitive process is not feasible.



Single Source Justification

- Provide vendor selection justification.



Single Source Justification

- Why is the period of time requested the **minimum necessary** to ameliorate the circumstances which created the material and substantial reasons for this request?



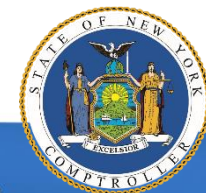
Single Source Justification

- If a future competitive process is anticipated, provide key dates such as: publication of notice in Contract Reporter, bid due date, bid opening date, evaluation and notice of award dates.



Single Source Justification

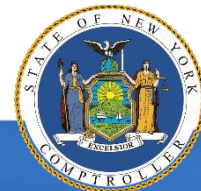
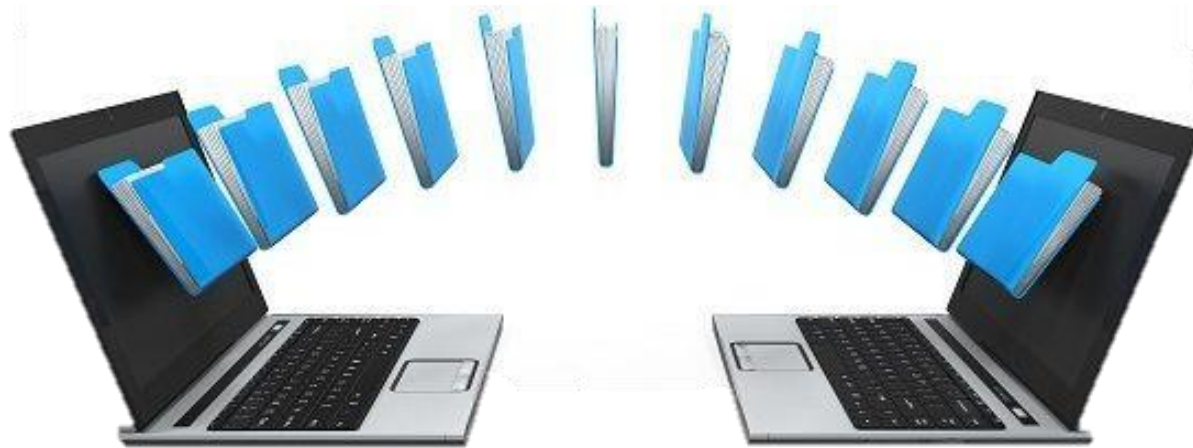
- Provide price justification for request.





EDSS Demo

(Electronic Document Submission System)



NYS COMPTROLLER
THOMAS P. DiNAPOLI

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The Electronic Documents Submission System (EDSS) allows users to easily and securely submit data and documents to the NYS Office of the State Comptroller (OSC) Bureau of Contracts (BOC).

Users are able to view results real-time, keep information and documents centrally organized, and benefit from using electronic documents (rather than hardcopy).

Procurement Record

Document the procurement process and the decisions made during the process. Submit for review after selections are made but prior to the submission of contracts generated from the procurement.

- [Submit New Procurement Record](#)
- [Submit Procurement Record Amendment](#)
- [Submit Limited Funding Request](#)

Exemption Request

Document the reason(s) for requesting an exemption from advertising in the Contract Reporter. Submit for review prior to the submission of the contract(s) generated from the exemption.

- [Submit Contract Reporter Exemption Request \(CRER\)](#)

Recent News

March EDSS Enhancements
March 15, 2018

Scheduled Outage, Sunday, February 25
January 31, 2018

Scheduled Outage, Sunday, January 21
January 19, 2018

December EDSS Enhancements
December 19, 2017

Transactions In Draft

All Submissions ▾

Submission Type	SFS Record ID	Agency Ref #	Record Name ▲	Status	Start Date	Amount
Procurement Record	null - 0000052 - 03XTEST	AGM01-0000052	Statewide Expansion of Hurrell-Harring	Draft	05/01/2018	(\$10,000.00)
Procurement Record	null - (New) - 03XTEST	mltGPR77	parks training	Draft	11/03/2018	\$400,000.00

Transactions In Progress

All Submissions 

Submission Type	SFS Record ID	Agency Ref #	Record Name ▲	Status	Start Date	Amount
Exemption Request	null - (New) - 03XTEST	crerMLT88	Chemical Dep Program	Pending (OSC)	12/04/2018	\$12,999.55
Exemption Request	null - (New) - 03XTEST	GD-4/12/18	In-Hospital Sitter Services	Pending (OSC)	12/01/2017	\$10,873.25
Procurement Record	null - (New) - 03XTEST	AGM01-00000XX	Southern Tier Agriculture Industry Enhan	Pending (OSC)	04/01/2018	\$250,000.00

Support

Contact us for Assistance

For help with the Electronic Documents Submission System (EDSS), please feel free to contact us:



Phone

Weekdays, 8:00 am - 5:00 pm
(Eastern Standard Time)

Long-distance

Within the 50 states, Puerto Rico and Virgin Islands
1-866-370-4672



Mail

Office of the State Comptroller
Bureau of Contracts
110 State Street
Albany, NY 12236



Email

ITServiceDesk@osc.state.ny.us

Create New Contract Reporter Exemption Request

[Need Help?](#)

Enter the CRER identification information.

1

Create

2

Justify

3

Attach

4

Review

5

Submit

Business Unit

XTEST - TEST Business Unit

SFS CRER ID

null - (New) - 03XTEST

Department *

03XTEST - CSS/VendRep Test Authority

Type of Request *

Extension of Time & Increase in Funds

Agency Reference Number *

ABC-CRER-1

Type of Exemption *

Not Feasible to Advertise (Single Source)

NYS Contract Number

C0002229999

Procurement Type *

Service (RFP)

Request Name *

CRER Example

Description

Requesting New Contract Reporter Exemption Request (CRER)

Supplier ID (enter "multiple" if more than one)

1000003769

Supplier Name ID

ACTS II CONSTRUCTION INC

Start Date

12/31/2018

End Date

12/31/2019

Primary Contact

Trainer 2 <mlthompson@osc.state.ny.us>

Estimated Dollar Amount

\$ 158,000.00

Comments

Optional

Cancel

Save for Later

Next >

Justification

[Need Help?](#)

Enter the CRER justification.



Create



Justify



Attach



Review



Submit

Provide description of goods or services being procured:

Provide description of goods or services being procured:

Document the circumstances and the material and substantial reasons why a formal competitive process is not feasible:

Document the circumstances and the material and substantial reasons why a formal competitive process is not feasible:

Provide vendor selection justification:

Provide vendor selection justification:

Why is the period of time requested the minimum necessary to ameliorate the circumstances which created the material and substantial reasons for this request?


Why is the period of time requested the minimum necessary to ameliorate the circumstances which created the material and substantial reasons for this request?


If a future competitive process is anticipated, provide key dates such as: publication of notice in Contract Reporter, bid due date, bid opening date, evaluation and notice of award dates:

If a future competitive process is anticipated, provide key dates such as: publication of notice in Contract Reporter, bid due date, bid opening date, evaluation and notice of award dates:

Provide price justification for the request: (Acceptable ways to justify price)


Provide price justification for the request: (Acceptable ways to justify price)

 Cancel

 Previous

 Save and Preview

 Save for Later

Next 

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- History
- Feedback
- Manage Account
- Help

Attach Documents

[Need Help?](#)

Attach documents.



Attachment Type

Suggested Documents

- Declaration of Emergency
- Solicitation List

Additional Attachment Description

Enter document description

File Attachment

Document Type	Description ▲	Date Uploaded	Type	Size	Action
Declaration of Emergency	Emergency order	08/08/2018	Adobe Acrobat	84.08 KB	Delete
Solicitation List		08/08/2018	Microsoft Word	11.16 KB	Delete

- Home
- Search
- New Request
- Contacts
- History
- Feedback
- Manage Account
- Help

Review CRER

[Need Help?](#)

Please take a moment to review this request before submitting.



CRER Information

Business Unit XTEST - TEST Business Unit	SFS CRER ID null - (New) - 03XTEST
Department 03XTEST - CSS/VendRep Test Authority	Sequence Number N/A
Agency Reference Number ABC-CRER-1	Type of Request Extension of Time & Increase in Funds
Request Name CRER Example	NYS Contract Number C0002229999
Primary Contact Trainer 2 <mlthompson@osc.state.ny.us>	Estimated Dollar Amount \$158,000.00
Supplier ID 1000003769	Supplier Name ACTS II CONSTRUCTION INC
Start Date December 31, 2018	End Date December 31, 2019
Procurement Type Service (RFP)	Status Draft
Type of Exemption Not Feasible to Advertise (Single Source)	Comments
Final Document Document is currently unavailable	

Provide description of goods or services being procured:

Provide description of goods or services being procured:

Document the circumstances and the material and substantial reasons why a formal competitive process is not feasible:

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Provide price justification for the request:

Provide price justification for the request. (Acceptable ways to justify price)

Attachments

Document Type	Description ▲	Date Uploaded	Type	Size	Action
Declaration of Emergency	Emergency order	08/08/2018	Adobe Acrobat	84.08 KB	Delete
Solicitation List		08/08/2018	Microsoft Word	11.15 KB	Delete

History

Time ▲	System	Status	Full Name
08/08/2018 09:04:22 AM	Electronic Documents Submission System	Draft	Trainer 2

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CRER Submitted /

Record Submitted

[Need Help?](#)

The procurement record has successfully been submitted to BOC for review. The primary contract will receive an email notification of the submission.



Create



Justify



Attach



Review



Submit

What's next?

1 Exemption Request will be reviewed.

Your submission is complete and pending review by the Office of the State Comptroller (OSC) Bureau of Contracts (BOC).

OSC will review the submitted exemption request and respond electronically with our decision or request for additional information.

2 Statuses during review process

Review statuses

- **In Progress (OSC)** - The exemption request has been received.
- **Additional Information Requested** - More information is required to complete the review. The Primary Contact will be notified by email. The Agency will have the ability to attach the additional documentation required. The status will return to In Progress (OSC) once the additional information is supplied by the agency.
- **Approved or Non-Approved** - The final Approval/Non-Approval determination has been provided by OSC. The Primary Contact will be notified by email. Additional information will be available in the Approval/Non-Approval letter attached to this exemption request.

How do I get EDSS access?

- **Phone**

Weekdays, 8:00 am - 5:00 pm (Eastern Standard Time)

- **Local**

Within the Albany, NY area: 518-408-4672

- **Long-distance**

Within the 50 states, Puerto Rico and Virgin Islands: 1-866-370-4672

- **Email**

ITServiceDesk@osc.ny.gov



Thank You

