

Key Terms

NYCRR Title 2 Part 206

http://www.osc.state.ny.us/pubauth/Documents/regulations/part_206.pdf

Refer to the regulation for full definition of these terms

Contract

Any written agreement including, but not limited to:

- Any agreement for the acquisition or sale of goods or services of any kind;
- Public work, construction, alterations, or improvements to public facilities;
- Grant contracts;
- Employment contracts;
- Revenue or concession contracts;
- Exchange of personal or real property;
- Exchange of services; or any combination thereof.

A purchase order is a contract unless it is issued pursuant to:

1. An existing State authority contract; or
2. An Office of General Services centralized contract where a mini-bid or similar competitive process is not required.

Competitive Procurement

A procurement where a State authority has advertised:

1. Consistent with any statutory publication requirement including, but not limited to, article four-c of the Economic Development Law, or
2. Where there is no express statutory requirement, in the Procurement Opportunities Newsletter or another newspaper, journal or periodical.

The award is made on the basis of a balanced and fair evaluation

Selection method is:

- Developed before the receipt of offers or bids;
- Is rational, objective and utilized a quantified scoring system.

Eligible Contract

Any contract executed on or after March 1, 2010, *other than an exempt contract*, where:

- The aggregate consideration proposed for exchange may reasonably be valued in excess of \$1,000,000 and such contract either:
 1. Will be paid with monies appropriated by the State, or
 2. Is not a Competitive Procurement

When determining the contract value, authorities must include the value of all reasonably anticipated renewals and amendments.

Eligible Contract Amendment

1. Any modification to an Eligible Contract; or
2. Any modification executed on or after March 1, 2010 where the aggregate consideration under the contract as amended may reasonably be valued in excess \$1,000,000 and:
 - o The contract as amended will be paid with monies appropriated by the State, or
 - o The contract was originally awarded noncompetitively; or
 - o The contract was originally awarded competitively, but the modification was neither contemplated nor provided for in the solicitation.

Exempt Contract

Any contract or amendment, executed on or after March 1, 2010, that would otherwise be an Eligible Contract or Eligible Contract Amendment, but specifically excluded in Public Authorities Law §2879a because it is:

1. Issuance of debt
2. Emergencies
3. Most hospital contracts
4. Purchase or sale of energy
5. Energy for economic development

Exempt Contract Amendment

A modification to an Exempt Contract where such modification would otherwise be an eligible contract amendment, but it is for an exempt purpose.

Monies Appropriated by the State

1. Monies from the state treasury or any of its funds, or any of the funds under its management pursuant to law; or
2. The proceeds of bonds, where such bonds shall be paid in whole or in part with monies from the state treasury or any of its funds, or any of the funds under its management pursuant to law.