

Instructions for Annual Report of State Authority Contracts

Date Issued: January 29, 2013

The Annual Report of State Authority Contracts form serves three purposes. First and foremost, it is the vehicle for State authorities to report to OSC, 30 days in advance of the start of its fiscal year, every eligible contract and eligible contract amendment that it reasonably anticipates entering during the following fiscal year as required by NYCRR Part 206.3. Second, the form is used to provide amendments to previously submitted reports, as described below. Third, it may be used to submit changes to the Primary and Secondary contacts designated by the State authority to receive all correspondence relevant to OSC oversight of State authority contracts, including Written Notices identifying certain contracts for prior approval.

Initial Annual Report

Initial Annual Report Content: Pursuant to NYCRR 206.3, a State authority is required to annually submit a report to OSC of every eligible contract and eligible contract amendment which the State authority reasonably anticipates entering into in the following fiscal year. Every State authority must submit an annual report even if no eligible contracts or eligible contract amendments are anticipated.

Initial Annual Report Due Date: Pursuant to NYCRR 206.3, Annual Reports are due 30 days before the end of the State authority's Fiscal Year.

Amending a Previously Submitted Annual Report

An amended Annual Report submission must be a complete report. Previously reported, unchanged items may not be omitted.

Annual Report Amendments: Pursuant to NYCRR 206.3, Annual Reports must be amended, as necessary, for the following reasons:

1. To add an Eligible Contract(s) or Eligible Contract Amendment(s) not previously reported;
2. To delete an item(s) from the list of Eligible Contracts or Eligible Contract Amendments previously reported;
3. To change information provided in a previous report that affects the Method of Award;
4. To change information provided in a previous report that increases the anticipated value by 25% or more.

Change Type Indicator: For every amended report, it is necessary to clear the contents of the Change Type column before recording changes.

Removing Deleted Items from the Report: Items reported as Deleted on the previous report should be omitted from subsequent amendments.

Unchanged Items: Do not select a Change Type for items that are not changed.

Annual Report Amendment Due Date: Amendments are due no later than 30 days after the State authority has identified the need for an addition or change, or at least 10 days prior to the release of a solicitation related to such addition or change in the event of a competitive procurement, or the execution of a contract related to such addition or significant change in the event of a noncompetitive award.

Exclusions

The following anticipated transactions may be excluded from the State authority's Annual Report:

1. Exempt Contracts and Exempt Contract Amendments;
2. Change orders to construction contracts where the value of the change does not exceed \$100,000;
3. Agreements to extend the duration of a contract for which there is no change in contract amount;
4. Contracts where OSC approval is otherwise required, or provided for, by law or by resolution of a State authority, including, but not limited to, contracts made "for" the State by a state authority.

General Instructions

Where to send Completed Report: Completed Annual Report forms must be emailed to: SAC@osc.state.ny.us

When No Eligible Contracts are Anticipated: State authorities must submit an Annual Report even if no eligible contracts are anticipated during the report period. Authorities are required to complete the header section of the form, update information in Section 1, if applicable, indicate no eligible contracts in Section 2 by checking the appropriate box and submit the report to OSC.

Saving the Blank Form: The State authority should save a copy of the form to a local drive or PC before completing it.

Saving a Completed Report: The State authority should save a copy of the submitted report to facilitate potential amendments, if necessary.

Adding Lines to the Form: The Annual Report form allows rows to be added if necessary.

Questions: Call the SAC help line at 518-408-4076 or email SAC@osc.state.ny.us

Annual Report Form Data Elements

Contracting Authority Name – The name of the State authority that will sign the contract.

Contracting Authority Code – The five–digit State Agency Code assigned to the State authority by OSC.

Report Period – The State authority fiscal year.

Report Options: Initial Report/Updated Report – Select Initial Report for the first report for the report period. Select Updated Report for subsequent amendments for the report period. Select only one option.

Report Date – The date the Annual Report or Annual Report Amendment is prepared by the authority.

Preparer Contact Information – The name, phone number and email address of the person who prepared the report or to whom questions should be directed.

Section 1:

The State authority should use this section to change the Primary and Secondary Contact(s) designated by the State authority to receive all correspondence relevant to OSC oversight of State authority contracts, including Written Notices identifying certain contracts for prior approval. State authorities can

also notify OSC of such changes by sending an email to SAC@osc.state.ny.us at any time during the reporting period.

Section 2:

If the State authority does not anticipate eligible contracts, this should be noted by checking the box. For all eligible contracts and amendments, the following information is required:

Change Type – For the Initial Annual Report, select “Add” from the drop down list provided for each item. For amended reports, select from the drop down list provided the appropriate indicator for each changed item. Change Type should be blank for unchanged items on amended reports.

New Contract or Amendment – Select from the drop down list provided the appropriate indicator for each item. A New Contract is the initial agreement between the State authority and contractor. An Amendment is any renewal, extension or modification to an existing agreement.

Contractor Name, (if known) – The legal business name that is associated with the FEIN for the contractor or proposed contractor. This field may be blank for anticipated competitive procurements but must be provided where the contractor name is known, such as for anticipated contract amendments or single or sole-source awards.

Contract Type – Select from the drop down list provided the appropriate indicator of each item. The Contract Type describes the category of goods or services that are the subject of the contract. For the purposes of the Annual Report, contract categories have the following meaning.

Commodity - Material goods, supplies, products, construction items or other standard articles of commerce, other than contracts for technology or printing, which are the subject of any purchase or other exchange.

Construction – Activities involved in the creation, repair, or rehabilitation of highways, bridges and buildings, etc.

Consultant - Includes all of the following types of services: analysis, evaluation, research, training, data processing , computer programming, IT consulting, engineering, architect services, surveying services, construction management, construction inspection, bridge inspection, environmental, health and mental health services, accounting, auditing, paralegal or similar services.

Equipment – A depreciable asset, including but not limited to computer hardware or software, printing equipment, medical, communications, office machines, and vehicles.

Grant – Grant Contracts awarded, either competitively or non-competitively.

Intergovernmental - Agreement between governmental or quasi-governmental entities to memorialize the services to be provided by each party.

Land Claim - Contract transaction involving the acquisition of land or real property through purchase.

Lease - An agreement for the use of real property or equipment where title does not pass to the State Authority.

Printing – Printed documents required by State Authorities. The defining characteristic of a printing contract is that the vendor is putting ink to paper.

Repayment Agreement - An agreement between parties to allow for the payment or repayment over time of a loan, advance, debt, or audit disallowance.

Revenue – Contract in which monies are received by the State authority as consideration from the vendor and consideration other than the payment of money is given by the State authority.

Service – Any service not covered by the Consultant category. The performance of a task or tasks, which may include the use of a material good or a quantity of material goods.

Contract Purpose Description – A narrative description of the goods or services to be purchased, the services to be provided, or the value to be exchanged under the anticipated contract or contract amendment.

Estimated Contract Value or Revised Total Contract Value – The estimated dollar value of the new contract or, for contract amendments, the new total contract amount after the estimated value of the amendment is added.

Estimated Contract Amendment Value – For contract amendments, the estimated dollar value associated with the renewal, extension or modification.

Projected Solicitation Release Date or Execution Date – The date by which the State authority expects to publish a competitive solicitation or the date when the State authority anticipates executing an anticipated noncompetitive award. Identify whether the date provided is the release date (R) or execution date (E) by selecting the appropriate drop down item in the “Type” field.

Anticipated Funding Source – Select from the drop down list provided, the appropriate indicator for each item. For contracts funded in whole or part with monies appropriated by State, select the item which most closely describes the source. Select other revenue for any other source.

State Appropriation means monies from the State Treasury or any of its funds, or any of the funds under its management pursuant to law including monies appropriated, either directly to a State authority or to a State agency which pays the money to a State authority.

Bond Proceeds backed by State appropriations means 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.

Other Revenue means any source other than State appropriations or Bond Proceeds that are backed by State appropriations.

Method of Award – Select from the drop down list provided the award method that the State authority anticipates utilizing for the contract.

Best Price means the basis for awarding contracts to the lowest cost offerer among responsive and responsible offerers. Used primarily for commodities.

Best Value means the basis for awarding contracts to the offerer that considers both technical and cost factors of all responsive and responsible offerers.

Emergency means the procurement of goods, services or both goods and services to meet emergencies arising from unforeseen causes or to effect repairs to critical infrastructure that are necessary to avoid a delay in the delivery of critical services that could compromise the public welfare.

Grant - Competitive means a contract awarded competitively to primarily (but not exclusively) not-for-profits and municipalities for the provision of human services or for economic development purposes to support the mission of a State authority.

Grant - Noncompetitive means a contract awarded noncompetitively, utilized when funds are awarded to all eligible applicants based on a formula or other set process, or when funds are awarded to all existing providers through legislation.

Most Qualified means the basis for awarding contracts to the most qualified offerer based on criteria established by the State authority, with no consideration of cost. Typically used for consultant services such as architectural, engineering, construction inspection, surveying and mapping.

Negotiated means a contract established by agreements reached between a State authority and a vendor in lieu of bidding. Used primarily for leases.

OGS Mini-Bid means a procurement issued against an Office of General Services centralized contract.

Piggyback means a contract let by any department, agency, or instrumentality of the United States government, or any department, agency, office, political subdivision or instrumentality of any state or state(s).

Preferred Source means the basis for awarding contracts for commodities or services to entities which are accorded preferred source status pursuant to SFL Section 162.

Single source means procurement in which, although there are two or more potential offerers that can supply the required goods or services, the State authority, upon written findings setting forth the material and substantial reasons therefore, awards a contract or contract amendment to one offerer over the other.

Sole source means a procurement in which only one offerer is capable of supplying the required goods or services.

Request Exemption from FOIL Disclosure – Select Yes or No from the drop down list provided to declare whether or not the State authority believes some or all of the information provided in a reported item is exempt from disclosure under FOIL. If the State authority selects Yes, it must in the space provided at the bottom of the form (or in an attachment), identify the specific portion or portions of the reported item asserted to be exempt from disclosure under FOIL and, for each such portion, the State authority’s legal justification for exempting such information from disclosure under FOIL. While OSC will consider the merits of any claimed exemption, State authorities are advised that OSC must make its own determination as to whether it can exempt such information from disclosure under FOIL.

Please Note: This form is created in Microsoft Excel. The Explanation box provided at the bottom of the form consists of merged cells that are formatted to wrap text. To start a new line of text in this box, press ALT + ENTER. Pressing ENTER alone will move the cursor back to the body of the form.