
APPENDIX I

DEFINITIONS

Acceptable Brands List. An acceptable brands list is a list of manufacturer's names(s), brand name(s), or model and catalogue numbers, based on a written specification. It is arrived at by a systematic and formal process which includes public notice and certain tests or other criterion for comparing or examining and approving products for inclusion on the list.

Acceptance. 1) Acknowledgment of an offer. 2) Acknowledgment that a delivery meets contract requirements.

ACCO. An acronym that stands for Agency Chief Contracting Officer. (See Agency Chief Contracting Officer.)

Agency Chief Contracting Officer. Position delegated authority by the Agency Head to organize and supervise the procurement activity of subordinate agency staff in conjunction with the City Chief Procurement Officer.

Agency Contract File. Those file(s) which contain information pertaining to the solicitation, award and management of each contract.

Agency Head. A term referring to heads of city, county, borough, or other office, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the City treasury.

Appeal. A formal request to redress an administrative decision.

Award. The acceptance of a bid or proposal; the presentation of a purchase agreement or contract to an offeror.

Best and Final Offers. The revised and corrected final proposals submitted by proposers after discussions and negotiations have been held by the procuring entity.

Bid. An offer, as a price, whether for payment or acceptance. A tender given specifically to a prospective purchaser upon request, usually in competition with other bidders.

Bidder. Any person or firm submitting a competitive bid in response to a solicitation.

Bidders/Proposers List. A list maintained for the purposes of setting out the names and addresses of suppliers of goods and services from whom bids, proposals, and quotations can be solicited.

Brand Name Only Specification. A specification that cites the brand name, model number, or some other designation that identifies a specific product to be offered exclusive of others.

Brand Name or Equal Specification. A specification that cites brand name, model number, etc., as representing quality and performance called for, and inviting bids on comparable items or products of any manufacturer.

Business. Any corporation, firm, company, organization, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity including not-for-profit organizations.

CCPO. An acronym that stands for City Chief Procurement Officer. (See City Chief Procurement Officer.)

Change Order. An amendment to a contract executed by the parties to the contract or a written order to the contractor to amend the contract as provided for in the contract documents.

Charter. The New York City Charter.

City. City of New York.

City Chief Procurement Officer. Position delegated authority by the Mayor to coordinate and oversee the procurement activity of mayoral agency staff, including the Agency Chief Contracting Officers (ACCOs) and any offices which have oversight responsibility for the procurement of construction, computer and computer services.

Client Services. Client services are programs contracted for by the City of New York on behalf of third party clients, including programs to provide social services, health or medical services, housing and shelter assistance services, legal services, employment assistance services, and vocational, educational or recreational programs.

Competitive Sealed Bidding. The procurement process by which sealed bids are publicly solicited and opened and a contract is awarded to the lowest responsive, responsible bidder.

Competitive Sealed Proposals. The procurement method (Request for Proposals “RFP”) by which a solicitation is made to a number of potential contractors, and between receipt of proposals and award, discussions with offerors may take place to resolve uncertainties in the proposal, advise the offeror of deficiencies in meeting the agency’s requirements, allow for resulting price changes, etc.

Construction. The process of building, reconstructing, rehabilitating, converting, altering, extending, improving, repairing, maintaining or demolishing of City real property or other public improvements.

Construction Management Contract. A form of construction contract which provides that the contractor furnish management and supervisory services necessary for the construction of facilities which may also include construction services and the ability to award the underlying construction contracts.

Contract. For purposes of these rules, a contract is a method of procurement used to purchase goods, services and construction in excess of the amounts established for small purchases.

Contract Change. See Contract Modification or Amendment.

Contract Modification or Amendment. Any alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract signed and approved by the proper authorities as required by law or rule. It must be written and, if required, approved by Corporation Counsel. In addition, all contract changes, change orders, amendments, modifications and time extensions shall be presented to the Comptroller for registration.

Contracting Officer. Any person duly authorized to enter into and administer contracts and make written determinations with respect thereto. The term also includes an authorized representative acting within limits of authority.

Contractor. Any active supplier or potential supplier to the City. See vendor, supplier.

Debarment. Exclusion for cause of a supplier or bidder from consideration for future business for a specified period of time as determined by the Office of Administrative Trials and Hearings.

Discussion. The process through which the Contracting Officer enhances understanding of the City's requirements in conjunction with the offeror's proposals and capabilities to arrive at the best price prior to Best and Final offers in a Competitive Sealed Proposal method of procurement.

Emergency. An unforeseen danger to life, safety, property or a necessary service.

Executed. When referring to a contract, the point at which all requirements for effectiveness of the contract have been fulfilled, including all required signatures and approvals, prior to registration by the Comptroller.

FOIL. Freedom of Information Law.

Goods. All personal property, including but not limited to equipment, materials, printing, insurance, excluding land or a permanent interest in land.

Human Services. See Client Services.

Improper Conduct. Includes but is not limited to intentional or grossly negligent billing irregularities, submitting false or frivolous or exaggerated claims, the falsification of documents or records, the willful destruction of documents or records the contractor had an obligation to maintain, bribery, use of false deceptive statements to obtain some benefit, causing competition to be restrained or limited, misrepresentation, falsely claiming to be a minority or small business, violations of ethical standards established by the New York City Conflicts of Interest Board or the Procurement Policy Board, and other dishonesty incident to obtaining, prequalifying for or performing any contract or modification thereof. Improper conduct can be the basis of a non-responsibility determination and/or grounds for debarment.

Indictment. Legal process associated with charging an individual with a crime.

Inspection. The process of checking material purchased against specifications to insure standards are met.

Inspector. The individual responsible for inspection in accordance with a prescribed inspection procedure.

Intergovernmental Purchase. The issuance of a purchase order or contract to procure goods, services or construction through the United States General Services Administration, any other federal agency, the New York State Office of General Services, any other state agency or in cooperation with another public agency subject to the rules set forth herein.

Invitation for Bids (IFB). All documents, whether attached or incorporated by reference, utilized in soliciting a bid. Usually used in connection with Competitive Sealed Bidding.

LBE. Locally Based Business Enterprise program established under New York City Local Law 49 for the year 1984 as amended by New York City Local Law No. 25 for the year 1989 which provides assistance to small, economical-

ly-disadvantaged construction firms meeting the stated economic criteria regardless of race or sex. The LBE program requires that agencies seek to reach a 10% goal for their construction contracts.

M/WBE. Minority and Woman-Owned Business Enterprise; a business concern authorized to do business in the state, including sole proprietorships, partnerships, and corporations in which (i) at least fifty-one percent of the ownership interest is held by United States citizens or permanent resident aliens who are (a) either minority group members or (b) women, (ii) the ownership interest of such person is real, substantial and continuing, and (iii) such persons have and exercise the authority to control independently the day to day business decisions of the enterprise.

Multi-Step Sealed Bidding. Source selection usually involving two competitive steps, the first step constitutes a technical proposal for furnishing the product or service described in the solicitation, and the second a comparison of prices. Combining elements of competitive sealed bidding and competitive sealed proposals, multi-step bidding can be effective for complex procurements.

Negotiation. The deliberation and discussion of the terms of a proposed agreement; the act of settling or arranging the terms and conditions of a bargain, sale or business transaction.

Negotiated Acquisition. The negotiation of a contract for construction, legal, investigative or confidential services or litigation support where it has been determined that for programmatic reasons there is only one contractor uniquely qualified to provide the construction, legal, investigative or confidential services and that it is not practicable or advantageous to make the procurement by means of competitive sealed bidding or competitive sealed proposals.

Non-Responsive Bid. A bid that does not conform to the requirements of the Invitation for Bids.

Notice of Award. Process of notifying successful bidders of an intended contract award.

OATH. An acronym used to refer to the City's Office of Administrative Trials and Hearings which among other duties adjudicates supplier's appeals of denial or revocation of prequalified status or agency petitions for debarment.

Offer. The act of one person that gives another person the legal power to create a contract to which both of them are parties.

Offeror. A person submitting an offer.

Officer. An individual holding a position of authority either in government or business.

Phased Design and Construction. A method in which construction is begun when appropriate portions have been designed, but before substantial design of the entire structure has been completed.

Performance Specification. A specification describing the performance characteristics sought in a product or service; a purchase description accenting performance over design; a functional rather than a generic or physical specification.

Person. Any business, individual, partnership, corporation, union, firm, company, committee, club, other organization, governmental body, or group of individuals.

Personal Services. Technical or unique functions performed by an independent entrepreneur. Personal services con-

tracts almost always apply to individuals rather than partnerships, firms or corporations, and the services performed frequently are not the full-time occupation of the contractor. Examples of personal services contracts include translation, technical editing, technical appraisal.

Prequalification of Bidders. The screening of potential suppliers in which a purchaser may consider factors such as financial capability, reputation and management in order to develop a list of prospective bidders or offerors qualified to be sent invitations to bid or requests for proposals.

Prevailing Market Price. Prices commonly paid by the public either through a standard price list or catalogue.

Price Analysis. Process of examining and evaluating the reasonableness of a bidder's or proposer's price without evaluation of the separate cost elements and proposed profit of the bidder or proposer.

Principal. One who empowers another to act as his or her representative.

PPB. Acronym used to refer to the Procurement Policy Board.

Procurement. Buying, purchasing, renting, leasing, or otherwise acquiring any goods, services, or construction. It also includes all functions that pertain to the obtaining of any good, service, or construction, including planning, description of requirements, solicitation and selection of sources, preparation and award of contract, and all phases of contract administration, including receipt and acceptance evaluation of performance and final payment.

Procurement Identification Number (PIN). A unique identifying number for each solicitation or contract notification, which must be consistently used by an agency each time any action related to the procurement is published, commencing with the first time a publication related to that procurement is advertised. The first three digits of the PIN shall be the agency budget code.

Professional Service. Technical, and/or unique functions performed by independent contractors whose occupation is the rendering of such services. While not limited to licensed practitioners, the services are considered "professional," and the contract may apply to partnerships, firms, or corporations as well as individuals. Examples of professional services include medicine and the medical arts, architectural and engineering services, management and systems consultation, research, and the performing arts.

Proposal. An offer made by one person to another as a basis for negotiations for entering into a contract.

Proposal Evaluation Criteria. Factors, usually weighted, relating to management capability, technical capability, manner of meeting performance requirements, price and other important considerations used to evaluate which proposer in a competitive negotiation has made the most advantageous offer.

Proposer. A person submitting a proposal in response to a Request for Proposal (RFP).

Protest. A complaint about a governmental action or decision concerning procurement brought by an interested party to the appropriate administrative section with the intention of achieving a remedial result.

Provider. A vendor, contractor or supplier of client services.

Public Notice. Advertisement and announcement of contract actions with the intended purpose of increasing competition, broadening industry participation, assisting small, disadvantaged and minority woman-owned businesses and monitoring of City contracting activities.

Public Opening. The process of opening and readying bids, conducted at the time and place specified in the Invitation for Bids and/or the advertisement and in the presence of anyone who wishes to attend.

Purchase Description. The words used in a solicitation to describe the supplies, services, or construction to be purchased, including any performance, physical, or technical requirements. Unless the context requires otherwise, the terms “purchase description,” “purchase specification,” and “specification” may be used interchangeably.

Purchase Order. An official document of the City notifying the successful vendor of authority to supply goods or services. A purchase order formalizes a purchase transaction with a vendor.

Receiving Report. Form used by receiving unit to document the receipt of goods purchased. A receiver is any person who ascertains or verifies that goods, services or construction conform to specifications.

Registration. The process through which the Comptroller (1) encumbers funds to insure that monies are available to pay contractors upon the satisfactory completion of contract work; (2) maintains a registry of City contracts and agreements; (3) presents objections if in the Comptroller’s judgment, there is sufficient reason to believe that there is possible corruption in the letting of the contract or that the proposed contractor is involved in corrupt activity and (4) tracks City expenditures and revenues associated with those contracts and agreements.

Responsible Bidder or Proposer. A person who has the capability in all respects to perform in full the contract requirements, and the business integrity and reliability that will assure good faith performance.

Responsive Bidder or Proposer. A person whose bid or proposal conforms to the terms set out by the City in the solicitation.

Request for Proposals (RFP). All documents, whether attached or incorporated by reference, used for soliciting competitive proposals.

Restrictive Specification. A specification or purchase description that unnecessarily limits competition by precluding items that would be capable of satisfying the intended need.

Sealed Bid. A bid which has been submitted in response to an invitation for bids in a sealed envelope to prevent its contents being revealed or known before the deadline for the submission of all bids.

Sequential Design and Construction. Sequential design and construction is the preferred method of construction. It is a method in which design of the entire structure is completed prior to beginning the construction process. This approach enables the City to finalize the project scope and price before construction begins and enables the construction manager to separate the project into defined contractor responsibility packages for bid and execution.

Service Contract. A contract that calls for a contractor’s time and effort rather than for delivery of goods or construction. The term as defined here does not include employment agreements or collective bargaining agreements.

APPENDIX II

Services. The furnishing of labor, time, or effort by a contractor. This term shall not include employment agreements or collective bargaining agreements.

Single Bid/Proposal. The only bid/proposal received in response to an Invitation for Bids/Proposals.

Small Purchase. Any expenditure of funds of not more than the competitive sealed bid threshold.

Sole-Source Procurement. An award of a contract for a good, service or construction to the only source for the required good, service or construction.

Solicitation. The process of notifying prospective bidders or offerors that a governmental body wishes to receive bids or proposals for furnishing goods, services or construction. The process may consist of public advertising, mailing invitations for bids or requests for proposals, posting notices, telephone or facsimile messages to prospective bidders, or all of these.

Specification. A description of what the purchaser seeks to buy and, subsequently, what a bidder or proposer must be responsive to in order to be considered for award of a contract. A specification may be a description of the physical or functional characteristics, or the nature of a supply, service or construction. It may include a description of any requirements for inspecting, testing or preparing a supply, service or construction item for delivery; also, Purchase Description.

Standard Specification. A standard specification is developed for repeated use. It is issued in a prescribed format, indexed and cited for reference. Standard specifications carry a designated time for review and updating.

Supplier. An actual or potential contractor; a vendor.

Suspension. An agency decision to exclude a vendor from consideration for award of contracts for a period not exceeding three months plus any extensions pending a debarment determination by the Office of Administrative Trials and Hearings.

Unsolicited Offer. A written proposal submitted to an agency on the initiative of the offeror for the purpose of obtaining a contract with the City and which is not in response to a formal or informal request.

User. An individual or entity for which goods, services or construction are to be purchased.

Using Agency. Any department, division, office, bureau, agency or other governmental body of the City which uses any goods, services, or construction procured under these rules.

VENDEX. A computerized city-wide system providing comprehensive contract management information.

Vendor. (See Supplier.)

WBE. (See M/WBE.)

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PROCUREMENT REFERENCES

I. STATE LAWS

General Municipal Law Section 103

Summary: sets forth policies governing procurement for New York State and its political sub-divisions. Specifically, Section 103 deals with advertising of bids, letting of contracts, criminal conspiracies, grounds for cancellation of contracts by municipal corporations & fire districts, removal of disqualification of public contractors by petition, statement of non-collusion in bids & proposals to political sub-divisions of the state, conspiracies to prevent competitive bidding on public contracts and security bonds/municipal projects.

Section 220 of the New York State Labor Law

Summary: sets forth the prevailing wage rates for public works projects and associated penalties for non-compliance for contractors and subcontractors working on public projects. The statute requires the City Comptroller to validate the amounts due and owed based on certified statements from the contractor.

Section 137 of the State Finance Law

Summary: requires, prior to the approval of any contract, a payment bond guaranteeing prompt payment of monies due to all persons furnishing labor and materials to the contractor or subcontractors in the prosecution of the work provided for in such contract.

Section 175(b) of the State Finance Law

Summary: covers the procurement of products and services of the blind and other severely handicapped, by the state, political subdivisions and public benefit corporations.

Material on state laws can be found in:

**McKinney's Consolidated Laws of New York State (Annotated)
West Publishing
610 Opperman Drive
Eagan, Minnesota 55123-1308
Tel: (800) 328-9352**

**Price/Full Set of 182 books - \$2600 plus 10% cash discount
Price per Volume - \$39.50**

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II. CITY LAW - New York City Law can be found in the New York City Charter and in the Administrative Code of the City of New York. The following are applicable Charter sections relevant to the procurement process.

Chapter 1. - deals with the power of the Mayor, salary, annual statement to the Council, appointment of deputy mayors, general powers of the Mayor, removal and succession. Section 12 requires the Mayor to submit to the council and make public a preliminary management report and by September 17th submit to the council the final management report. Section 12(c)(5) requires the Mayor to submit a summary of procurement actions taken during the previous fiscal year including the number and dollar value of procurement contracts entered into during the fiscal year. The powers of the Mayor in terms of contract review and oversight have been delegated to the City Chief Procurement Officer (CPPO) or the Director - Mayor's Office of Contracts.

Chapter 2. - covers the powers of the Council as the legislative body for the City. Section 30 empowers the Council to periodically review all city procurement policy & procedures including those adopted by the Procurement Policy Board, patterns of contractual spending by the city, access to and fairness in city procurement opportunities, procedures for evaluating contractor performance and procedures for declaring bidders not responsible and for debarring contractors.

Chapter 4. - details the qualifications, election, term, salary, removal and vacancy provisions for the Borough Presidents. Section 82, "**Powers & Duties**" empowers Borough Presidents to monitor and make recommendations regarding the performance of contracts providing for the delivery of services in the borough. When the Borough President deems it appropriate, he or she can require that a hearing be held in the borough and a contract performance panel be formed.

Chapter 5. - the powers & duties of the City Comptroller are contained in this chapter. Section 93(b) authorizes the Comptroller to conduct audits and investigations on all matters relating to and affecting the finances of the city, including without limitation, the performance of contracts and receipt and expenditure of city funds.

Chapter 6. - covers the Expense Budget. Section 100 mandates that the executive expense budget for each year consist of proposed units of appropriation for personal service and other than personal service for the upcoming fiscal year. Section 104 requires each agency, as part of the budget process, to delineate each major category of contractual services and each multiple purpose category of contractual services for which appropriations are being proposed.

Chapter 8. - describes the functions and powers of the Department of City Planning including the appointment and removal of City Planning commission members. Section 203 sets forth the criteria ("**Fair Share**" criteria) for the location of City facilities to insure fair distribution among communities of the burdens and benefits associated with city facilities. City agencies, in preparing their pre-solicitation reviews, must ascertain the impact of their purchases using this criteria prior to initiating the purchase.

Chapter 9.- prescribes the budget process, standards, strategy and restrictions for capital projects (construction, reconstruction, acquisition or installation of a physical public betterment or improvement) including works of art.

Chapter 12. - "Obligations of the City" section apportions the purchase of supplies, materials and equipment made by the Department of Citywide Administrative Services to the cost of the project.

Chapter 13 - most significant section of the Charter dealing with procurement. Covers the establishment of the Procurement Policy Board, methods of source selection, special case determinations, prequalification, registration powers of the Comptroller (328(c)) and prompt payment. This Chapter formulates the framework for the Procurement Policy Board Rules.

Chapter 16. - this section entitled “Heads of Mayoral Agencies” vests in the head of each agency, the powers and duties assigned to each mayoral agency by the Charter. Section 389(c) authorizes heads of mayoral agencies, subject to the constraints of the Charter, to enter into contracts and make purchases to fulfill the duties assigned to them.

Chapter 17. - covers the powers & duties of the Law Department which is headed by the Corporation Counsel. The Law Department is charged with representing the City and instituting actions to protect and preserve the rights, interests, revenues, property, privileges and franchises of the City. The Law Department approves as to form and legal sufficiency all contracts and contract amendments; settles the terms of any contracts for which bids are solicited; certifies agency authority to let contracts; approves, together with the Comptroller, emergency procurements and serves along with the Comptroller on the Board of Time Extension which determines whether an extension of time for a final or substantial completion payment shall be granted. Under Section 397 of the Charter, the Law Department may delegate to any agency the conduct of routine affairs such as the approval of contracts as to form.

Chapter 34. - the powers and duties of the Department of Investigation are detailed in this chapter. DOI is empowered to make any study or investigation in the best interest of the city, including but not limited to investigations of the affairs, functions, accounts, methods, personnel or efficiency of any agency. With respect to procurement, DOI may be asked to ascertain whether or not any proposed contractor is or has been, within a relevant period of time, the subject of an investigation.

Chapter 38. - this section covers the role and responsibilities of the Financial Information Services Agency (FISA). FISA operates the City’s financial operating system called “IFMS” (Integrated Financial Information Management System) and provides reports and data on contract activity and prompt payment.

Chapter 45. - the City Administrative Procedures Act (CAPA) governs the manner in which rulemaking is handled within the City. The Procurement Policy Board Rules are proposed and promulgated subject to the conditions of this Act. Under the Act, agencies are required to publish a regulatory agenda by May 1st of each year. Chapter 45-A creates the Office of Administrative Trials and Hearings (OATH) which is charged with the authority and responsibility to conduct adjudicatory hearings such as those involving personnel, prequalification and debarment.

Chapter 47. - this section entitled “Public Access to Meetings and Information” requires heads of departments to furnish any taxpayer copies of any book, account or record maintained by the administration, department, bureau or office. Under this section, the public may attend all sessions or meetings of the following agencies: Art Commission, Council, Conciliation and Appeals Board, City Planning, to name a few. Section 1064 charges the Mayor with maintaining in a central place, accessible to the public, standard information regarding each city contract and contractor. The Public Access Center, as it is called, is maintained by the Mayor’s Office of Contracts and is located at 253 Broadway.

Chapter 56. - lists the duties, functions and responsibilities of the Department of Business Services and in particular under Section 1304, the role of the Division of Economic and Financial Opportunity in overseeing the City’s Minority and Woman-Owned Business Enterprise program (M/WBE). Section 1305 emphasizes the role of the Division of Labor Services in insuring equal employment opportunities for women and minorities and protecting all

persons from discrimination under the provisions of federal, state, and local law as well as executive orders.

Chapter 59. - the powers and duties of the Department of Citywide Administrative Services are contained in this chapter. DCAS is the central city agency responsible for the maintenance and care of public buildings and facilities, the procurement of goods and other personal property and disposition of surplus property. Regarding the procurement of goods, each agency may procure, unless covered by “requirements” contracts or stocked in the central warehouse, goods not exceeding \$25,000.

Chapter 68. - Chapter 68 of the Charter sets forth the minimum ethical standards, the violation of which may result in serious penalties. The section covers not only the Conflict of Interest Board, but the use of public office for private gain, disclosure of confidential information, acceptance of gifts, gratuities & hospitality, limits on political activity and post employment restrictions. The COIB issues advisory opinions on all matters covered by this chapter with respect to proposed future conduct or action by a public employee.

The New York City Charter may be obtained from:

**Citybooks
Municipal Building
Room 2223, 1 Centre Street
New York, N.Y. 10007
Tel: 212-699-8245
Price: \$25 plus tax**

The Administrative Code of the City of New York is a compilation of local laws regarding City issues. Such local laws are codified in the Administrative Code. Those that pertain to procurement are located in “**Title 6 Contracts, Purchases & Franchises**”. **The Administrative Code can be obtained from:**

**Lenz & Riecker, Inc.
Legal Publishing Division
One Columbia Place
Albany, New York 12207
Tel: (518) 436-8647
In N.Y. (800) 582-8020
Fax: (518) 436-0939**

**Price: \$500 plus \$22.50 shipping/handling & local tax
Price per Volume: \$50 plus \$4.50 shipping/handling (1st vol.)
\$2.00 shipping/handling all subsequent volumes**

III. Procurement-Related Rules

The Procurement Policy Board Rules contain the policies that govern procurement for all mayoral agencies in the City. **A copy of the Rules may be obtained from:**

**Procurement Policy Board
51 Chambers Street - Room 1126D
New York, New York 10007
Tel: (212) 788-7820**

The official version of the Rules is contained in the **Official Compilation of the Rules of the City of New York** (commonly referred to as RCNY) **which can be obtained from:**

**Lenz & Riecker, Inc.
Legal Publishing Division
One Columbia Place
Albany, New York 12207
Tel: (518) 436-8647
In N.Y. (800) 582-8020
Fax: (518) 436-0939**

**Price: \$695 plus \$25 shipping/handling & local tax
Price Per Vol. \$55 each plus \$4.50 shipping/handling (1st vol.)
\$2.00 shipping/handling all subsequent volumes**

Volume 4, Title 9 contains the Procurement Policy Board Rules while Titles 10 & 11 contain the rules for the Department of Business Services, Office of Labor Services and Office of Economic & Financial Opportunity. Conflict of Interest Board rules are located in Title 53, Chapter 1 of RCNY.

Rules governing the City's Minority & Woman-Owned Business Program (M/WBE) can be obtained from the:

**Department of Business Services
Division of Economic and Financial Opportunity
110 William Street - 2nd floor
New York, New York 10038
Tel: (212) 618-8782**

Policies regarding the administration of prevailing wage rates can be obtained from the:

**Department of Business Services
Division of Labor Services
110 William Street - 2nd floor
New York, New York 10038
Tel: (212) 513-6323
(212) 618-8749**

APPENDIX III

IV. Procurement Procedures

“Vendor Information Manual: How to do Business with New York City” (this manual) is a vendor manual describing the best ways of becoming a supplier to the City of New York. Topics covered by this Guide include an explanation of basic procurement policies, how to be placed on bidder’s lists, description of Mayoral and non-mayoral agencies, economic development programs available to suppliers and the most current listing of Agency Chief Contracting Officers.

This Manual may be obtained from:

**Ms. Jeanette M. Megna, Director
Department of Citywide Administrative Services
Division of Municipal Supply Services
Office of Vendor Relations
1 Centre Street - 18th Floor
New York, New York 10007
Tel: (212) 669-8562**

The libraries located at the Procurement Policy Board and at the Procurement Training Institute contain books, pamphlets, reports, studies, standard specifications and videotapes on procurement. To obtain a listing of contents at both libraries, please contact Toby Squitieri at the PPB (788-7820) and Cindy Migliore at the PTI (487-6623)

V. INTERNET ACCESS

Additional information on contracting and employment opportunities with the City of New York including the Procurement Bulletin Board, Procurement Policy Board Rules as well as the New York City Business Resources Guide which contains business assistance programs, information on licenses and permits, Municipal Water Finance Authority Investor Information and other information and programs to facilitate doing business with the City of New York can be accessed via the **Internet** at the following Web site:

NYC Link (<http://www.ci.nyc.ny.us>)

VI. MISCELLANEOUS

Any of the above information (aside from case law) can be researched at the **Municipal Reference & Research Center** located at 31 Chambers Street, Suite 112, New York, N.Y. 10007. Their number is (212) 788-8590. They are open Monday thru Friday from 10 a.m. to 4:00 p.m.

FREQUENTLY ASKED QUESTIONS - DCAS/DMSS OFFICE OF VENDOR RELATIONS

1. I would like to register to sell goods to New York City, can you explain the process?

Registering to sell goods to New York City involves two (2) mailings. First, you complete an application form, selecting the appropriate commodities based on what your company sells. The application is returned to our Office of Vendor Relations.

Once we receive your application, we select a more detailed list of sub-commodity codes. These correspond to the commodities you selected on your initial application. Sub-codes help us to further refine, and detail, the types and variations of commodities you can provide. After we receive the second list mailed by you, we will enter your sub-codes into our data base. You will then be registered with New York City DCAS/DMSS for the commodities you selected.

2. I would like to register with the City, State and the Federal Government. Can you give me information?

To register with NYC for goods, the Office of Vendor Relations will process as described above. All government agencies have at least one centralized purchasing authority. This office at the Federal civilian level is called the General Services Administration.

At the New York State level, the primary centralized purchasing agency is the Office of General Services. Other states, and municipalities, have similar types of agencies. Usually their title includes words like general, services, purchasing, etc. Their function is the wholesale, centralized purchase of goods (and some services).

3. I would like to update my file of commodities which I previously selected. How do I do this?

Write or call the Office of Vendor Relations, asking to update your company's sub-code(s) listings. We will print a file of your current selections, and fax, or mail, this list to you. Once you receive a copy of your current listing, use it as a guide to make the desired changes. Please use your letterhead, so that we know it is your company that is requesting these changes.

4. The type of product I provide is not represented on the application or commodity list. What do I do?

Ask us to help you to choose the correct commodity code listings. Vendor Relations will assist vendors to interpret the commodity code listings, and help them to select the most appropriate codes. If you have a very unusual product, or the correct code listing is unclear, someone at Vendor Relations will contact your purchasing staff. We will ask one of the buyers to determine which is the best one to utilize.

5. I would like to obtain the results of a bid that just opened, or one that opened previously. What do I do?

Bid results are posted for thirty days in the DCAS/DMSS bid room on the 18th floor of the Municipal Building. They are listed in order of the bid opening date. For results that are more than thirty (30) days old, vendors are asked to request information by mail. Use the key words: "Freedom of Information Law".

6. I received a letter telling me my bid was late. Will it be considered?

Once a bid is late, even one minute, there is no consideration. In accordance with the Procurement Policy

Board Rules, Sections 3-02 (k) (1), and under the terms of the revised New York Purchase Contract (Part II, Section 5.0), “any bid received at the place designated in the solicitation after the time and date set for receipt of bids is late and cannot be considered.” Period!

7. I received the DCAS/DMSS postcard providing me with a vendor code and location. Can someone walk me through the Procurement Process?

New vendors can make an appointment with our Director of Vendor Relations for orientation. Call us at (212) 669-8562.

8. I recently received a bid solicitation. After carefully examining it, I still have questions. Can someone help me?

If the questions are of a general nature regarding the bidding process, you can direct them to the Vendor Relations staff. However, if your question relates to specific bids, or very detailed information, the call will be referred to the appropriate buyer.

9. Can someone explain the McBride Provisions and/or the New York City price preference rule to me?

These, and other special clauses, are often confusing to new vendors. The clauses are part of New York City law. The law is translated into procurement rule, and as a policy, it usually results in a special page, or provision, within the context of the bid document.

Someone at the DCAS/DMSS Office of Vendor Relations will be available to interpret these clauses for you. They can also explain how these provisions might affect your firm, your bid application, and the conduct of your work, if you are awarded a City contract.

10. I am a small business. I would like to register for small purchases only. Whom can I speak to?

Vendor Relations can provide a listing of all City agencies’ procurement liaisons who conduct small purchases less than \$25,000 in value. This list includes the independent agencies.

11. I am looking to obtain a street vendor’s license, can you assist me?

Regular street vendor licenses are issued by the Department of Consumer Affairs. You can call them at (212) 487-4051.

Food permits / licenses are regulated by Department of Health. Their number is (212) 788-4627.

12. I have a new product. I would like it approved for sale to the City. What is the procedure?

The process of introducing new products depends upon the nature of the product. Usually, the Office of Vendor Relations can easily determine that a new product belongs to an existing category of goods. If so, we refer the vendor to the appropriate purchasing director. They will handle your marketing inquiries.

However, some new products are so unique, and so new, that there is no pre-existing category which properly fits. In these rare cases, vendors must approach the City agencies with an “unsolicited proposal”. This is a written pro-

posal, describing your firm, your product, and how it will be of significance to the City should we decide to buy it. Also include pricing data and other factors which might make the sale. Although “unsolicited proposal” is a written, formal sales pitch, it must conform to the standards outlined in §3-10 of the Procurement Policy Board Rules. There are nine such standards listed in the Rules ranging from “innovative” to “cannot be procured through competitive methods.” Our City Chief Procurement Officer (CPPO) has the final authority relative to the evaluation, acceptance and rejection of all unsolicited offers.

13. I have questions regarding the VENDEX forms. Can someone help me?

The Mayor’s Office of Contracts, VENDEX Unit, can provide vendor assistance on what the forms are, how they are used, how to complete the forms, and so forth. Call them at (212) 788-0010.

14. I would like to register to bid on professional and/or business services. What do I do?

Contact the Mayor’s Office of Contracts, telephone number (212) 788-0010.

15. I would like to register to bid on construction and construction related services. What do I do?

Contact the Mayor’s Office of Construction, telephone number (212) 788-2502.

16. I would like to buy City surplus items. I also am interested in the auto auctions. Whom can I speak to?

For city goods, auctions of auto and other items, contact the DCAS surplus sales office at (212) 669-8577.

17. Our company made a delivery against a purchase order and the payment is overdue. Whom would I speak to?

The Office of Vendor Relations will direct such calls to a proper agency contact person. DCAS related payment problems will be transferred to the Office of Audits and Accounts.

We gratefully acknowledge the contributions of the members of the Vendor Manual Implementation Team.

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