

To reference when completing Contractor Compliance with Omnibus Procurement Act (Form I).

* NYS MWBE Vendors are listed at: <http://www.esd.ny.gov/MWBE/directorySearch.html>

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* Below is an excerpt from SUNY Procurement Document 7553- the entire document can be found at:

http://www.suny.edu/sunypp/documents.cfm?doc_id=428

I. Objectives and Standards

K. New York State Vendors:

1. In accordance with NYS Finance Law §139-i (Omnibus Procurement Act, referred to as “Section 139-i”), all bid documents must include a statement that information concerning the availability of New York State subcontractors and suppliers is available from the New York State Empire State Development agency, which shall include the directory of certified M/WBEs, and that it is the policy of New York State to encourage the use of New York State subcontractors and suppliers, and to promote the participation of certified M/WBEs where possible, in the procurement of commodities and services.
2. It is further required that subsequent to the award of procurement contracts of \$1 million or more, all state agencies shall ensure that:
 - a) contractors have documented their efforts to encourage the participation of the New York State business enterprises as suppliers and subcontractors by showing that they have:
 - (i) solicited bids in a timely and adequate manner from New York business enterprises including New York State certified M/WBEs; or
 - (ii) contacted the New York State Empire State Development agency to obtain listings of New York business enterprises; or
 - (iii) placed notices for subcontractors or suppliers in newspapers, journals or other trade publications distributed in New York State; or
 - (iv) participated in bidder outreach conferences.If a contractor determines that New York business enterprises are not available to participate in such contract, the contractor shall provide a statement indicating the method by which such determination was made. If a contractor does not intend to use subcontractors, the contractor shall provide a statement verifying such intent.
 - b) contractors have attested to compliance with the Federal Equal Employment Opportunity Act of 1972 (P.L. 92 261), as amended.
 - c) contractors have documented their efforts to provide notification to New York State residents of employment opportunities through listing any positions with the Community Services Division of the New York State Department of Labor or provide for such notification in such manner as is consistent with existing collective bargaining agreements.
 - d) Form I is a suggested document to be completed and returned by contractors to fulfill the campus's responsibility to assure contractor compliance with terms (a) - (c) above on contracts of \$1 million or more.
3. For contracts of \$1 million or more for the purchase of commodities and services from a foreign business enterprise, Section 139-i requires notification to the New York State Commissioner of the Empire State Development agency of the award simultaneously with notifying the successful bidder. Such notice shall be at least 15 business days prior to contract signing (except for contracts awarded on an emergency or critical basis or where the Commissioner of the Empire State Development agency has waived this requirement) and shall include: firm name, address, telephone number, facsimile number, brief description of the commodities or services, the amount and term of the proposed contract and the name of the principal contact person at the firm (See Form II for a proposed Standard 15 Day Notification form).
4. All bid documents shall contain a statement notifying bidders located in foreign countries that the University may assign or otherwise transfer offset credits created by any procurement contract of \$1,000,000 or more to third parties located in New York State.
5. Section 139-i requires that all state agencies annually report to the Empire State Development agency, before the first business day each June, all procurement contracts of \$100,000 or more during the previous year. This report is produced by system administration based on information entered into the University online purchasing module.
6. In addition, NYS Economic Development Law §142 requires that every notice in the NYSCR must contain a statement as to whether the commodities or services sought, had in the immediately preceding three year period, been supplied by a foreign (out-of-state) business enterprise.
7. NYS Finance Law §165(6) requires the Commissioner of the Empire State Development agency to maintain a list of states which discriminate against New York vendors. State agencies are prohibited from soliciting proposals from, or entering into contracts with, businesses from such states. Such prohibition is subject to waiver, in writing, by a campus president, if in the best interest of the State.

**State University of New York
Checklist to Determine Contractor's Compliance with Omnibus Procurement Act
For Contracts of \$1 Million or More**

1. Contractor has copy of the NYS Directory of Certified Minority-and-Women-Owned Business Enterprises:

Yes___ No___
2. Contractor has solicited quotes from firms listed in the Directory?

Yes___ No___
3. Contractor has contacted the NYS Department of Economic Development to obtain listings of NYS subcontractors and suppliers for products and services currently purchased from out-of-state/foreign firms?

Yes___ No___
4. Contractor has utilized other sources to identify NYS subcontractors and suppliers (such as Thomas Register, inhouse vendor list)?

Yes___ No___

If yes, please identify source.
5. Contractor has placed advertisement in NYS newspaper(s)?

Yes___ No___
6. Contractor has participated in vendor outreach conferences?

Yes___ No___
7. Contractor has provided New York State residents notice of new employment opportunities resulting from this contract through listing any such positions with the Community Services Division of the NYS Department of Labor, or providing such notification by another method?

Yes___ No___
8. Contractor attests to compliance with the Federal Equal Employment Opportunity Act of 1972 (P.L. 92-261), as amended?

Yes___ No___

Note: If contractor has determined that New York State business enterprises are not available to participate in such contract, the contractor shall provide a statement indicating the method by which such determination was made. If contractor does not intend to use subcontractors, the contractor shall provide a statement verifying such intent.