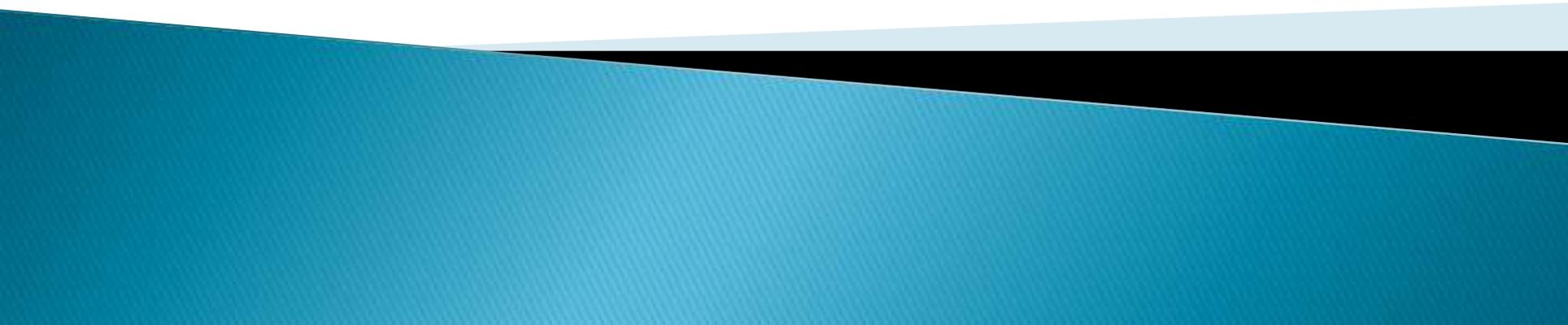


Know Your Sources: Demystifying Vendor Responsibility

May 2013



Presenters

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OSC Bureau of Contracts
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Today – What should you expect?

- ▶ Demystify “Vendor Responsibility”
- ▶ Know about available tools
- ▶ Learn about best practices
- ▶ Understand documentation
- ▶ Hear about “After the Award” changes

Terms

- ▶ Vendor – Entity contracting with NYS
- ▶ Agency – State contracting entity
- ▶ Contract – Transaction
- ▶ FEIN/EIN/TIN – Federal Employer Identification Number/ Taxpayer ID Number
- ▶ Vendor ID – Ten digit number assigned by OSC, usually initiated by a State agency
- ▶ Certify – Action by vendor not by OSC or Agency

Why is Vendor Responsibility Important?

- ▶ Allows agency to award a contract
- ▶ Protects public funds and promotes fairness
- ▶ Protects agency and State against failed contracts
- ▶ Pro-actively solves and mitigates problems
- ▶ Avoids contracting with non-responsible vendors

What is a “Responsible Vendor?”

A responsible vendor is one that has the capacity to fully perform its contractual obligations, a record of past performance, the legal authority to do business with the State, and the integrity to justify the award of public dollars.

VR Factors

- ▶ Financial & Organizational Capacity
- ▶ Legal/Regulatory Authority
- ▶ Integrity
- ▶ Past Performance

Best Tools – OSC Website

<http://www.osc.state.ny.us/vendrep/index.htm>

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OSC Home > VendRep Home

Vendor Responsibility

Vendors

Read below to find out more about vendor responsibility and the [VendRep System](#), including information on the factors considered when vendor responsibility is evaluated and online resources available to check your vendor responsibility status. You can also file your vendor responsibility questionnaire online using the VendRep System.

- [Information for all vendors](#) about doing business with the State of New York
- [Special information for construction vendors](#)
- [VendRep System checklist](#) - steps to enroll in and effectively use the VendRep System

State Agencies

- [Information for State contracting entities](#)

Businesses must have a level playing field to compete for opportunities with the State. My office is doing everything we can to ensure that happens.

News

- 03-19-2013 [Vendors Needing Vendor IDs](#)
- 03-13-2013 [Enhancement for all Authorizers](#)
- 04-17-2012 [VR Profile Video - For State Agency Use](#)
- 04-16-2012 [New Forms - for State Agency Use](#)

Welcome Construction Vendors

State Procurement Guidelines

<http://www.ogs.ny.gov/procurecounc/pdfdoc/BestPractice.pdf>



The screenshot shows the top portion of the Office of General Services (OGS) website. At the top left is a portrait of Governor Andrew M. Cuomo. To its right, the text "OFFICE OF GENERAL SERVICES" is displayed in large white letters on a dark blue background. Further right is the OGS logo. Below the header, a navigation bar lists: HOME | BUILDING ADMINISTRATION | REAL ESTATE SERVICES | DESIGN & CONSTRUCTION | CENTRALIZED PROCUREMENT | ADMINISTRATION / SUPPORT. A secondary navigation bar includes "CORE SERVICES FOR" followed by links for STATE & LOCAL GOVERNMENT, BUSINESS COMMUNITY, SCHOOLS AND NONPROFITS, and THE GENERAL PUBLIC. A search bar is located below these links. The main content area is titled "PROCUREMENT SERVICES" and features a yellow bar for the "NEW YORK STATE STATE PROCUREMENT COUNCIL". Below this, a paragraph describes the council's role, followed by a bulleted list of links: New York State Procurement Guidelines, Appendix A - Standard Clauses for NY State Contracts, Statewide Electronic Procurement Opportunity Notification System Report (SEPONS), and Information on Preferred Sources.

OFFICE OF GENERAL SERVICES

Governor Andrew M. Cuomo *Commissioner RoAnn M. Destito*

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- [BUSINESS COMMUNITY](#)
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Entire site GOV

PROCUREMENT SERVICES

NEW YORK STATE STATE PROCUREMENT COUNCIL

The New York State Procurement Council, established under State Finance Law, Article XI, Section 161, is responsible for the study, analysis and development of recommendations to improve state procurement policy and practices; and for development and issuance of guidelines governing state agency procurement.

- [New York State Procurement Guidelines](#)
- [Appendix A - Standard Clauses for NY State Contracts](#)
- [Statewide Electronic Procurement Opportunity Notification System Report \(SEPONS\)](#)
- [Information on Preferred Sources](#)

NEW YORK STATE PROCUREMENT BULLETIN BEST PRACTICES DETERMINING VENDOR RESPONSIBILITY

Agency Process

- ▶ Collect information
- ▶ Conduct independent review
- ▶ Perform due diligence
- ▶ Assess & Analyze issues identified
- ▶ Document the process
- ▶ Make a responsibility determination

Non-Responsibility Finding

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Thomas P. DiNapoli



Non-responsibility fi



SEARCH

News

Non-Responsibility Finding

Vendor Responsibility Information for State Agencies

Conducting a Vendor Responsibility Review and Making a Responsibility Determination

- [What is a "responsible" vendor?](#)
- [Reasonable process for determination](#)
- [Information an agency must consider](#)
- [Evaluating a contractor's past performance](#)
- [Information that is cause to find a vendor non-responsible](#)
- [Potentially non-responsible finding process](#)
- [List of non-responsible vendors](#)
- [Standards for responsibility determinations](#)
- [Non-responsibility information after an award](#)
- [Vendor responsibility information sent to OSC](#)

SEARCH RESULTS



New List of Non-Responsible Vendors on OGS website

<http://www.ogs.ny.gov/SiteMap.asp>

Getting it Right...



Part 1

HOW DO I:



Part 2

**WHERE DO I
FIND:**

Part 3

**WHAT
SHOULD I DO:**

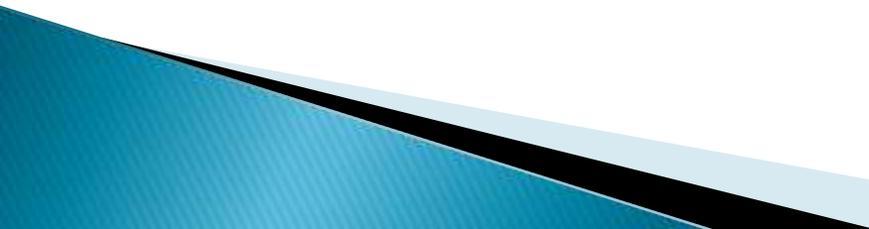
Part 4

**SHOULD I
EVER:**

Part 5

**AFTER THE
AWARD:**

After the Award

- ▶ Continue to monitor the responsibility of the Contractor throughout the contract term.
 - ▶ Should information come to your attention calling into question the responsibility of the contractor you must investigate
- 

After the Award Investigation

- ▶ Depending on the results you may:
 - Do nothing
 - Agree to amend contract
 - Suspend
 - Terminate

Non-Responsibility Determinations

- ▶ Must be emailed within 30 days to:
NYSNon-Responsibility@ogs.ny.gov
- ▶ List of Non-Responsibility determinations will be posted at:
<http://www.ogs.ny.gov/SiteMap.asp>

Additional Information

- ▶ Agency legal staff
- ▶ State Comptroller
 - www.osc.state.ny.us/vendrep/
 - VendRep Team (OSC Help Desk)
- ▶ Procurement Council
 - <http://www.ogs.state.ny.us/procurecouncil/pdffdoc/BestPractice.pdf>

OSC Contact

- ▶ OSC Help Desk
 - 866-370-4672 or 518-408-4672
 - ciohelpdesk@osc.state.ny.us
- ▶ VendRep Website
 - www.osc.state.ny.us/vendrep

THANK YOU!!