Know Your Sources: Demystifying Vendor Responsibility

May 2013

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 a Vendor Responsibility Assessment Important?

- 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

Office of the State
COMPTROLLER

NEW YORK STATE COMPTROLLER
Thomas P. DiNapoli

Our Office | Newsroom | Resources For... | Find Info About... | Search

OSC Home > VendRep Home

- VendRep System
- For Vendors
- For State Agencies

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

State Procurement Guidelines

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

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
- Opportunity to be heard if possibility of non-responsibility determination

Non-Responsibility Finding

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
- Perform responsibility review, give due process/opportunity to be heard

After the Award Investigation

- Depending on the results you may:
  - Do nothing
  - Reach Agreement with Contractor to make changes
  - 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/procurecounc/pdfdoc/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

Presenters

- Noreen VanDoren
  OGS Legal Services
  518-474-5607
  n.vandoren@ogs.ny.gov

- Irene Waldorf
  OSC Bureau of Contracts
  518-474-2277
  IWaldorf@osc.state.ny.us

THANK YOU!!