



Procurement 101

Queens College

By: Allena Aikens
Director of Procurement



Procurement 101

➤ Public Procurement Concept

- Ensuring the Prudent Use of Public Funds by:
 - Competition
 - Level-playing Field
 - Advertising – Maximizing the vendor pool
 - Fair and Reasonable Cost/Price

Procurement 101

Public Procurement Concept

Consideration of Social Program Objectives

- MWBE (NYS certified small minority and women-owned business enterprise)
- SDVOB (service disabled veteran-owned small businesses)

NY STATE FISCAL YEAR 2022 - SENIOR COLLEGES						
Campus Name	MWBE YTD Rate	MWBE YTD Spend	Chairman's Challenge Goal	SDVOB YTD Rate	SDVOB YTD Spend	Current FY Benchmark 6% SDVOB Goal
Queens College	68.11%	\$3,891,681.50	\$2,000,000	0.04%	\$2,362.50	\$342,835.91

- Transparency
- Accountability and Audit
- Avoidance of corruption



Procurement 101

➤ What “stuff” can I purchase?

- “Stuff” includes commodities (e.g. pens, furniture, lab equipment and other tangible goods) and services (e.g. consultants, security guards, maintenance)

➤ Who and what is Purchasing? What is Purchasing's purpose?

- The Purchasing Department staff is here to serve our constituents with quality service, timely delivery, and the “best value” available in the marketplace, while fostering sound business controls to protect the assets of the College.



Procurement 101

- ▶ **Why does purchasing at QC seem so cumbersome?**
 - ▶ As a government public entity, the College is subject to New York State laws, audit, and public scrutiny.
 - ▶ The College has a fiduciary responsibility to protect its public assets and fairness to vendors, which mandates transparency of processes unique to a publicly-funded institution.
 - ▶ Remember, the source of the funds that we spend comes predominantly from taxpayer dollars and student tuition.



Procurement 101

- ▶ **Why does purchasing at QC seem so cumbersome? (continued)**
 - ▶ Although you may feel overwhelmed by all the purchasing requirements and procedures, bear in mind that the requirements are not intended to confuse or hinder but to encourage competition, ensure transparency of operations and to deter favoritism and malfeasance.
 - ▶ It is important to remember that the Purchasing Department staff is available to execute all purchases and to assist you in navigating the process.
 - ▶ The Purchasing Department is here to help save you money - so that you can spend it on other things your department needs.
 - ▶ The practice of competitive solicitation drives prices downward and ensures participation of a representative cross section of qualified vendors, thereby guarding against favoritism and fraud.
 - ▶ We are a public college and are firmly committed to prudent and effective stewardship of resources.



Best Procurement Practices: Example

- ▶ **An example of the due diligence process by the Purchasing Department:**
 - ▶ A requisition came for computer supplies with CDW as a suggested vendor for \$1121.89
 - ▶ A team member went ahead and sourced these same supplies from a NYC certified MWBE vendor for \$955.50 - **a net savings of 18%.**



Best Procurement Practices: Example

- ▶ Another example of due diligence process done by Purchasing team member:
 - ▶ A requisition came for the purchase of fourteen (14) computers with Q&A Tech (CDW MWBE partner under CUNY contract) as suggested vendor for \$20,418.16
 - ▶ Purchasing went ahead and sourced these same computers from another NYS certified MWBE vendor for \$ 16,170.84 (savings of \$4,427.32) – **a net savings of 22%**.
- ▶ *In Purchasing, we look at each requisition carefully and do our due diligence to go the extra mile and save money for the college.*

Best Procurement Practices: Example

RFQ #21678 Description of Goods/Services HP CPMPTER AND LG DVD DRIVE Response Deadline: 3/24/2023

QUOTE TABULATION SHEET CITY College Purchasing Department

This tabulation sheet is used in connection with a Request for Quotes (RFQ) that was issued by the College to determine the reasonableness of pricing associated with a potential contract to be awarded under the College's discretionary purchasing authority. The RFQ is not a solicitation. No determination of responsiveness or responsibility or accuracy of arithmetic has yet been made. The University may decide to make no purchase as a result of this RFQ.

	Name of Vendors Solicited	Quote Price (or "No Quote")	Responsive? (Y/N)	Did vendor attempt to take exception to RFQ terms? (Y/N)	State Certified MWBE? Small/Green Business (Y/N)	Notes
1	COMPULINK	\$ 44,599.80	N	N	Y	
2	CORPORATE COMPUTER	\$ 44,675.00	Y	N	Y	
3	QNA TECH	\$ 49,179.85	Y	N	Y	
4	CDW	\$ 61,911.50	N	N	N	
5	DERIVE TECH	\$ 0.00	Y	N	Y	NO RESPONSE
6	CD BUSINESS	\$ 0.00	Y	N	Y	NO RESPONSE

Reminders to College:

- The RFQ may be used for purchases of goods or services up to \$100,000 using its discretionary authority under law and University policy.
- An RFQ may be used to determine reasonableness of prices.
- Advertise the RFQ if the value of the proposed purchase is \$50,000 or more.
- Quote Prices from vendors may be received by mail, courier, fax, or email any time before the RFQ Response Deadline.
- Enter the vendor's name and the (total) Quote Price (i.e. for all goods and/or services identified in the RFQ document) offered by the vendor.
- The College/University must make a determination of responsiveness and responsibility of the Quote Submission and the vendor before making a purchase.
- The College/University may decide to make no purchase as a result of this RFQ.

Number of RFQ Packages Sent: 6

Number of Quote Submissions Received: 4

I certify that I reviewed each of the quote submissions received by or before the RFQ Response Deadline and recorded each vendor's offered Quote Price on this document of pages.

(signature)

ALLENA AIKENS
(print name)

Date:

RFQ #21699 Description of Goods/Services SOFTWARE LICENSES Response Deadline: 3/29/2023

QUOTE TABULATION SHEET CITY College Purchasing Department

This tabulation sheet is used in connection with a Request for Quotes (RFQ) that was issued by the College to determine the reasonableness of pricing associated with a potential contract to be awarded under the College's discretionary purchasing authority. The RFQ is not a solicitation. No determination of responsiveness or responsibility or accuracy of arithmetic has yet been made. The University may decide to make no purchase as a result of this RFQ.

	Name of Vendors Solicited	Quote Price (or "No Quote")	Responsive? (Y/N)	Did vendor attempt to take exception to RFQ terms? (Y/N)	State Certified MWBE? Small/Green Business (Y/N)	Notes
1	JAMF SOFTWARE LLC	\$ 28,350.00	Y	N	N	
2	CONNECTION IT	\$ 35,531.57	Y	N	N	
3	INSIGHT	\$ 39,133.50	Y	N	N	
4	CDWG-G	\$ 37,783.50	Y	N	N	
5	DERIVE	\$ 28,747.50	Y	N	Y	
6		\$	Y	N		

Reminders to College:

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- Enter the vendor's name and the (total) Quote Price (i.e. for all goods and/or services identified in the RFQ document) offered by the vendor.
- The College/University must make a determination of responsiveness and responsibility of the Quote Submission and the vendor before making a purchase.
- The College/University may decide to make no purchase as a result of this RFQ.

Number of RFQ Packages Sent: 5

Number of Quote Submissions Received: 5

I certify that I reviewed each of the quote submissions received by or before the RFQ Response Deadline and recorded each vendor's offered Quote Price on this document of pages.

(signature)

ALLENA AIKENS
(print name)

Date: 03/31/2023



Procurement 101

- ▶ **Purchasing is here to help you**
 - ▶ Avoid incurring personal liability and negative publicity
 - ▶ To ensure an open process and compliance with laws
- ▶ **To guarantee effective buying of commodities and services for the College, it is essential that the authority to purchase and the responsibility for purchasing be clearly defined:**
 - ▶ *The University has charged the Purchasing Department with the responsibility of buying commodities and services for the College while following state laws and university guidelines.*
 - ▶ *The Purchasing Department ensures compliance with State laws and regulations governing purchasing, ensures cost controls in obtaining reasonable prices, and maintains internal control procedures, purchase orders and contracts.*



Procurement 101

➤ Who may make purchases?

- Only the Purchasing Department has the authority to make purchases of commodities and services on your (department's) behalf.

➤ Who may not make purchases?

- Faculty, staff, and administrators do **not** have authorization:
 - To procure commodities/services
 - To enter into contractual relationships with vendors
 - To make any commitments on behalf of the College/University
- While it is often appropriate and necessary for faculty, staff, and administrators to provide information regarding an anticipated procurement to the Purchasing Department, only the Purchasing Director or his/her designee may sign a purchase order or a procurement contract.
- The signature of an authorized member of the Purchasing Department staff certifies that applicable policies have been followed.



Procurement 101

➤ Who may not make purchases? (continued)

- Commitments made through quotes, work statements, letters, or memoranda by an unauthorized individual (whether verbal or in writing) are subject to non-payment by the College – and will incur personal payment by the unauthorized individual.
- **NOTA BENE:** It is a violation of New York State finance law to procure a service or commodity without acquiring necessary approval and documents in advance.



Procurement 101

- ▶ **May I sign any purchasing-related documents on behalf of the College?**
 - ▶ **No** - you may not sign any documents provided by vendors, regardless of the type of document:
 - ▶ A vendor's proposal
 - ▶ Scope of work (SOW)
 - ▶ A quote, a work order, a sales acknowledgment
 - ▶ A description of an item's specifications, an invoice, an order form
 - ▶ A credit reference or application form
 - ▶ An application from a vendor to purchase an item on credit
 - ▶ A letter of intent
 - ▶ A memorandum of understanding, or any other document presented to you by a vendor.



Procurement 101

- ▶ **May I sign documents provided by vendors? May I accept “click-through” agreements?**
 - ▶ **No** - you may not accept “click-through” (“click-wrap”, “click-and-accept”) agreements
 - ▶ That would be the equivalent of signing a vendor’s agreement that has not been approved per the guidelines of the **Office of the General Counsel (aka CUNY Legal)**.



Procurement 101

- ▶ **May I purchase IT hardware, software, or services with a P-card?**
 - ▶ **No**
 - ▶ These terms typically include a vendor agreement that automatically assumes you are accepting the terms/conditions of the manufacturer by making the purchase and using the product or services.
 - ▶ For more information, you can review the State's Purchasing Card Guidelines at <http://www.ogs.ny.gov/purchase/snt/awardnotes/7900822712can.htm> (click "Resources & Forms")



Procurement 101

- ▶ **NOTA BENE: As a general rule - do not sign anything.**
 - ▶ Anything in writing can be deemed a contract or a commitment – quotes, invoices, letters, letters of intent, memoranda of understanding, purchase orders, work scopes, work orders, service agreements, vendor letters, vendor terms and conditions, agreements, letter agreements, vendor agreements, etc.
- ▶ **Generally, College staff not in the Purchasing Department is only authorized to e-sign and submit purchase requisitions and receive reports. The requestor must submit a receiving report (receipt of goods) in CF to allow AP to process payments to vendor.**



Procurement 101

➤ Document Signing Authority

- Only the following individuals have been delegated the authority to sign documents on behalf of the College, provided that any such document has first been approved by the Office of the General Counsel:
 - **General Counsel**
 - **College President**
 - **College Vice-Presidents for Finance and Administration**
 - **College Purchasing Director (and designees)**



Procurement 101

- ▶ **What is the role of the OFFICE OF THE GENERAL COUNSEL (OGC)?**
- ▶ **OGC:**
 - ▶ Approves documents as to form, sometimes referred to as “signing off” on a document (which is not the same as the General Counsel “signing” or executing a document);
 - ▶ Interprets and assists the College in complying with rules, laws, and regulations to protect the State, City, and the College;
 - ▶ Advises on policies and practices to ensure transparency in purchasing and provide a level playing field for vendors;
 - ▶ Reviews draft Board Resolutions for conformity, appropriateness, and correct procurement method;
 - ▶ Obtains the General Counsel’s signature for contracts.



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- ▶ **What is the role of the New York State Office of the State Comptroller (OSC)?**
- ▶ **OSC:**
 - ▶ Conducts a “worth and wisdom” evaluation
 - ▶ Pre-audits state tax levy procurements that meet certain dollar thresholds;
 - ▶ Reviews and approves state tax levy-funded emergency procurements;
 - ▶ Reviews and approves requests for exemptions from advertising;
 - ▶ Initiates and conducts procurement and voucher audits;
 - ▶ Verifies validity of sole source/single source procurement designation;
 - ▶ Signs contracts requiring OSC approval (such contracts are not fully executed until and unless approved and signed by the OSC).



Procurement 101

- **What helps me get “stuff”?**

- The key to effective purchasing is careful planning.

- While it is true that on occasion the unanticipated may occur, thorough planning is vitally important. Purchasing is committed to this principle and to providing you with full assistance in every way.

- If the unanticipated does occur, call the Purchasing Department for help in determining proper action. The Purchasing team is equipped to provide you with guidance and assistance.

- **NOTA BENE:** College employees shall not direct a vendor to provide commodities or services without following proper procedures through the Purchasing Department – otherwise the vendor is at risk for not getting paid.



Procurement 101

- ▶ **What is the role of the creator with respect to preparation of specifications?**
 - ▶ Every instance of smart buying involves clear, detailed specifications. The requester must provide a clear, accurate description of the goods (commodities) and services.
 - ▶ Specifications, including information such as dimensions, materials, capacities, performance, and warranties, need to be established and written clearly and unambiguously in order to accurately and objectively compare competing products/ services and to ensure desired product acquisition.
 - ▶ Solicitation of competitive quotes or bids from vendors is possible only by supplying clear specifications which are sufficiently generic to avoid exclusionary consequences, whether inadvertent or deliberate.



Procurement 101

- **What role do you, as the end-user, play in the purchasing process?**
 - The end-users are very important to the purchasing process because you are our customer.
 - You are responsible for prudently requesting the supplies, services, or equipment needed for the effective operation of the College.
 - Purchasing is here to both help you and to serve you.



Procurement 101

- ▶ Although we exist in a bureaucratic environment with many rules and regulations (which generally reflect good intentions and serve a meaningful purpose), here's how you can help us so that we can work together to meet your needs and navigate the rules and regulations:
 - ▶ **Plan ahead**
 - ▶ **Share your expertise**
 - ▶ **Learn the system**
 - ▶ **Work with(in) the system**
 - ▶ **Contact us**
 - ▶ **Tell us right away**



Procurement 101

- ▶ **What's a Preferred Source? Are we required to make purchases from Preferred Sources?**
 - ▶ In order to facilitate and advance State-initiated social and economic goals, certain providers have been granted "Preferred Source" status under law by the State of New York.
 - ▶ The University is **required** to purchase approved products and services from these sources in lieu of other available sources of supply. Procurement from a Preferred Source precludes competitive procurement procedures and eliminates the need to advertise the procurement.
 - ▶ New York State Finance Law has designated three (3) entities as Preferred Sources
 - ▶ **CORCRAFT, New York State Department of Correctional Services**
 - ▶ **NYSPSP, NYS Preferred Source Program for the people who are Blind**
 - ▶ **NYSID, NYS Industries for Disabled, Inc.**



Best Procurement Practices

➤ Procurement Hierarchy

- Preferred Source (NYS Industries for the Disabled; NYS Industries for Blind; Corcraft)
- Centralized Contracts (NYS OGS, DCAS, DOE, GSA-Schedule 70 & 84 only)
- University-wide Contracts (refer to current CUNY-wide contract listing)
- Informal Purchasing (telephone quotation & request for quote)
- Single/Sole Source, if necessary (**justification required**)



Best Procurement Practices

- **Additional options, which shall be given equal priority:**
 - “Piggybacking” off of an established government contract (other than OGS commodities contract or other centralized contract)
 - Consortia Contracts approved by the office of General Counsel and the office of Budget and Finance
 - Campus Procurements (with or without a formal competitive process depending on the total value of the procurement)
 - Emergency Purchase



Best Procurement Practices

➤ Informal Purchasing Procedures

- May use if goods or services are less than \$100,000 and not available through a preferred source or centralized contracts
- Used often for lower dollar, less complex, one-time purchases
- Must meet criteria and reviewed and approved by Purchasing
- Anything over \$50,000 must be advertised in NYS Contract Reporter
- Meeting MWBE and SDVOB Goals (**NYS current mandate is 30% - CUNY Board of Trustees increased to 60%**)
- Procurement Record
- Split Ordering is prohibited



Best Procurement Practices

➤ Informal (Competitive) Purchasing Methods

- Telephone Quotation (**By Purchasing Staff only**) – may be used to obtain verbal quotes for commodities or services with a value under \$20,000.
 - Telephone quotations are **NOT** allowed for purchases with a value of \$20,000 or more.
- A minimum of three (3) quotations must be obtained using OGC forms. Completed forms are maintained as part of the procurement record.
- For purchases with a value of \$20,000 or more, the written “RFQ” request for quotations must be used.



Best Procurement Practices

- ▶ **Informal (competitive) Purchasing Methods (cont.)**
 - ▶ Request for Quotations (RFQ) can be used for the following:
 - ▶ Purchases of commodities with a value of less than \$ 75,000
 - ▶ Services with a value of less than \$ 50,000
 - ▶ Certain exceptions apply to the threshold (i.e. NYSCR advertisement for over \$50K)
 - ▶ Must use the RFQ form issued by CUNY OGC and maintain the completed form and all vendor responses as part of the procurement record.
 - ▶ In order to increase MWBE and SDVOB's participation, CUNY has determined a price to be fair and reasonable if it is within fifteen percent (15%) of the lowest price offered from the responsive and responsible vendor(s) or within fifteen percent (15%) of the other current pricing indicator used by the College.



Best Procurement Practices

► Formal Purchasing

- Involves a competitive purchasing process using sealed bids and sealed proposals
- More complex purchases
- Complete specifications from end-user to get the best vendor for services
- Need CUNY OGC approval before proceeding with solicitation processes
- For all purchases of \$100,000 or more
- Consult the Purchasing Department to determine the best method of procurement (IFB vs RFP)
- Anything over \$50,000 must be advertised in NYS Contract Reporter
- Anything over \$75,000 that does not have a NYS Centralized Contract or CUNY-Wide Contract will require OSC review and approval



Best Procurement Practices

➤ Single Source

- A single source purchase is when competition exists (i.e. there is more than one vendor capable of providing the needed commodity or service), but one vendor clearly represents the best possible source due to a range of factors including: price, technical requirements, capabilities, expertise, resources facilities, and/or schedule.
- **Must provide a detailed justification in writing to the Purchasing Department to support a single source which would be part of our procurement record for future audit purposes**



Best Procurement Practices

➤ Sole Source

- A sole source purchase occurs when there is only ONE entity capable of providing the needed commodity or service
- Exclusive capability
- Must be documented in writing with a detailed letter of justification
- Justification will be part of the procurement record
- Price must always be justified as fair and reasonable



Best Procurement Practices

► Emergency Procurement

- An emergency for the purpose of procurement is “An unforeseen occurrence or condition or situation where a threat to health, safety, life or limb exists, or where a necessary service is threatened with material damage or suspension, or where College buildings or property are threatened.”
- If not, Purchasing cannot treat the purchase on an emergency basis. NYS as well as CUNY procurement guidelines still require three (3) Bids.
- Planning is important, Emergency Procurements provisions do not include instances where planning was insufficient. Lack of Planning does not constitute an emergency.



Best Procurement Practices

- **For purchase of any software subscription:**
 - An IT Security questionnaire needs to be completed and signed off by campus CIO after getting input from the department in order to get terms & conditions of a software subscription agreement approved by CUNY OGC.
 - When making a request in CUNYBuy there is a section Labeled "Procurement Forms" where you will need complete all "Software purchases/renewals"

QUESTIONS/DISCUSSION BEFORE WE DISCUSS CUNY MARKETPLACE?



Marketplace Overview

- ▶ **What is the main system of record for Marketplace activity?**
 - ▶ **CUNYBuy** is the new the system of record for *initiating, submitting and approving requisitions, receiving orders, and submitting receipts for payment.*
- ▶ **Who can initiate a marketplace requisition?**
 - ▶ **Creators** will have access to the Marketplace through CUNYBuy.
 - ▶ If there is a conflict, users must complete and submit a Procurement Access Form to the IT security team to remove the conflicting role(s).
- ▶ **What items are available in the Marketplace?**
 - ▶ Only CUNY-wide approved contract items are available in the Marketplace.
 - ▶ Campus-specific restrictions are our responsibility to enforce during the requisition approval process.



Marketplace: best practices

- ✓ **ALWAYS** Use Mozilla Firefox (don't use Chrome or Microsoft Edge)
- ✓ Only create one requisition per vendor
- ✓ Verify there are no items in your marketplace cart before starting a new punchout
- ✓ Finalize cart contents in marketplace before returning to CUNYBuy
- ✓ Confirm "Ship To" information in CUNYBuy, to include building and room number prior to submitting a requisition for approval
- ✓ Enter a receipt for every marketplace order once a product has been received



CUNYBuy Marketplace process for Creators

- Submitted requisitions follow the established approval process but do not require manual approval by the Purchasing office
- CUNY business processes will otherwise remain unchanged, including:
 - Regular (non-marketplace) requisitions
 - Budget errors and resolution
 - Non-contracted items



Important Marketplace Restrictions


▶ Are there any marketplace item restrictions?

▶ **Yes** - certain items cannot be ordered from specific vendors, including;

- ▶ Edge/Grainger – items with a unit price **more than than \$5,000**
- ▶ Complete Book – anything other than books, including periodicals, serials, databases, etc.
- ▶ Proftech/Staples is currently unavailable


▶ Are there any minimum order dollar thresholds?

▶ **Yes** – Proftech/Staples has a minimum order threshold of **\$20.00**



Important Marketplace Information: Blanket Orders

- ▶ **Can a user order restricted or non-contract items?**
 - ▶ **Yes** – a user can submit a special request for non-contract and/or restricted items that are subject to campus purchasing review and approval.
 - ▶ Line-item detail is *required*. No blanket orders should be approved for marketplace suppliers.
- ▶ **Can we continue to create blanket orders as exceptions for special requests from our campus users?**
 - ▶ No – there are no exceptions for blanket orders with marketplace suppliers.
 - ▶ Users should create regular requisitions including; quantity, unit price and line-item detail.



Important Marketplace Information: Budget Errors

➤ How should budget errors be resolved?

- Budget errors may occur in CUNYBuy and the end user should work with the budget office to resolve any errors.
- Once budget errors are resolved, the requisition will automatically source to a PO with no further action required.

Budget Status

Error – will not source to a PO

Not Chk'd – will not source to PO

Valid – Requisition available to be sourced and dispatched



Training & Support Information for Marketplace Requisitions/PO's

► Online Live Support :

- Creators, Department approvers, category approver, asset approver, GASB approvers and Inspectors. Advance registration is not required. You are required to have completed the Blackboard training prior to joining these sessions.
- Every Tuesday, 11:00AM - 12:30PM
- Every Thursday, 11:00AM - 12:30PM

CUNYBuy Training Portal:

<https://cuny907.sharepoint.com/sites/CUNYBuy>

(Use your CUNYfirst login credentials)

CUNYBuy Marketplace Requisition

The screenshot displays the CUNYBuy Procurement portal. At the top, the header includes the CUNY logo, 'Buy Queens College', and navigation options like 'All', 'Search (Alt+Q)', and '0.00 USD'. The main content area is titled 'Shop • CUNYBuy Procurement' and features three tabs: 'CUNYBuy Approver', 'CUNYBuy Base Role', and 'CUNYBuy Procurement'. A large '0' is visible in the top left of the main content area. Below this, a 'Welcome to CUNYBuy!' message states that the platform provides a full suite experience starting July 2023. It lists capabilities such as creating marketplace and non-marketplace requisitions, requesting new suppliers, searching existing suppliers, and creating receipts. A link to the CUNYBuy training portal is provided: <https://cuny907.sharepoint.com/sites/CUNYBuy>. The 'Showcase' section, under 'Procurement Forms', includes 'Software Purchases & Renewals' and 'Single/ Sole Source Form'. A 'Marketplace' section highlights three suppliers: ProfTech (Workplace Solutions, 'Not Available for Ordering'), edge (State Tax Levy), and Complete Book (State Tax Levy). On the left, a sidebar contains a navigation menu with icons for home, shopping cart, clock, award, building, people, bar chart, lock, and settings. Below the menu are sections for 'Quick Links' (e.g., 'Create New Receipt', 'Basic Supplier Search'), 'Approvals/Action Items' (with 'MY ASSIGNED APPROVALS' showing 4 items and 'UNASSIGNED APPROVALS' showing 80 requisitions), and 'MY ASSIGNED APPROVALS'.


 **Thank you!** **Questions?**

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