

# Gateway to Success in Grant Procurements

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NYS COMPTROLLER

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# Harvesting Knowledge

2016 Fall Conference | October 25 - 26

## Office of Operations

John Traylor, Executive Deputy Comptroller

## Division of Contracts & Expenditures

Margaret N. Becker, Deputy Comptroller  
Charlotte Davis, Director, Bureau of Contracts



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# Agenda

- Introduction to Grant Procurements
- Competitive Grant Procurements
- Grants Gateway Overview of Competitive Grant Procurement Functionality



# Introduction

## Guiding Principle

- The purpose of State procurement is to facilitate each State agency's mission while protecting the interests of the State and its taxpayers and promoting fairness in contracting.



# Introduction

## What is a grant?

- Grants are not specifically defined in statute. Grants are only referred to in one section of State Finance Law, Article 11-B, the Prompt Contracting Law.
- Called “program” contracts, grants are usually associated with work that supports the mission of an agency by ensuring that critical services are provided.
- Grant programs often have multiple contracts associated with them.



# Introduction

## What is a grant?

- Grants are provided for the benefit of the public to non-profits, municipalities and other entities, including for-profits and universities.
- The lack of statutory definition for a “grant” sometimes creates a challenge for State agencies in determining whether a procurement is a grant or a service.



# Introduction

## Grant or Service Procurement?

Component	Service Contract	Grant Contract
Purpose of Funds	Services are being provided to support the operations of the agency.	Services are being provided to the public at large for a specific purpose which aligns with the State agency's mission.
Matching Requirements by Contractor	Does not contain matching requirements.	Frequently contains a matching requirement.
Evaluation of Cost	Typically best value.	Based on reasonableness of individual proposal and responsiveness to documented cost criteria.



# Introduction

## Characteristics of the Contract?

Component	Service Contract	Grant Contract
Payment	Payment is made upon receipt of invoice for completed services. No advances are typically allowed.	Advances to non-profits are generally allowed up to 25%. Payments should be on a pre-defined schedule.
Additional Statutory Requirements	Subject to Tax Law, Consultant Disclosure and the Procurement Lobby Law.	Subject to Prompt Contracting Law.





# Introduction

## Funding for Grants

- The State budget divides programs into three general appropriation categories: operating funds, aid to locality funds and capital project funds.
  - Operating funds are generally intended for State operations (State Finance Law Section 163 Procurements).
  - Aid to Locality funding is typically designated to support non-profits and municipalities.
  - Capital project funds can be either for State operations or grants depending on the language in the appropriation.



# Introduction

## State Procurement Process Objectives

- Ensure fair and open competition.
- Guard against favoritism, extravagance, fraud and corruption.
- Ensure the results meet agency needs.
- Provide for checks and balances to regulate and oversee agency procurement activities.
- Protect the interests of the State and its taxpayers.



# Introduction

## Documenting Decisions

- Procurement Records document the procurement process and the decisions made during the process.
- Grant Procurement Records are submitted to OSC for review after selections have been made but prior to the submission of contracts generated from the procurement.



# Introduction

## Documenting Decisions

- Agencies should submit a complete Procurement Record to OSC with sufficient time for approval which allows for the timely execution of contracts.
- Once an approval or non-approval determination is made for a Procurement Record, a letter indicating OSC's determination is generated and sent to the State agency electronically.



# Introduction

## Grant Procurement Methodologies

- Based on the criteria and the funding guidelines, the following methodologies are available for procuring grants:
  - Competitive Procurement
  - Non-Competitive Procurement
    - Contract Reporter Exemption Request (CRER)
    - Designated Recipients



# Competitive Procurement Record

AC 3270-S (Effective 4/12)

**OSC USE ONLY**  
Procurement Record ID:

OFFICE OF THE STATE COMPTROLLER  
**COMPETITIVE GRANTS**  
**PROCUREMENT RECORD CHECKLIST**

BACKGROUND INFORMATION		
Agency Contact Person:	Phone:	Email:
Business Unit / Department ID: /		
Agency Name:		
Program Name:		
Eligible Applicants: Not-for-Profits      Yes <input type="checkbox"/> No <input type="checkbox"/> For-Profits            Yes <input type="checkbox"/> No <input type="checkbox"/> Municipalities        Yes <input type="checkbox"/> No <input type="checkbox"/> Other                    Yes <input type="checkbox"/> No <input type="checkbox"/>	OSC Reporting Code (Completed by OSC):	
Contract Term/Length:		
Earliest Contract Begin Date:	Number of Contract Awards:	
Latest Contract Expire Date:	Total Amount of Funding:	



# Competitive Procurement Record

DOCUMENTATION		
Check:	STATUTE:	Comments:
<input type="checkbox"/>	1. Enacting Legislation	
<input type="checkbox"/>	2. Appropriation	
<b>SOLICITATION:</b>		
<input type="checkbox"/>	3. NYS Contract Reporter/ State Register Advertisement; or	
<input type="checkbox"/>	4. Substantial Compliance Justification	
<input type="checkbox"/>	5. Solicitation List	
<input type="checkbox"/>	6. Bidder/Applicant List	
<input type="checkbox"/>	7. Request for Proposal (RFP), or	
<input type="checkbox"/>	8. Request for Application (RFA)	
<input type="checkbox"/>	9. List of Bidder Conference Attendees	
<input type="checkbox"/>	10. Questions and Answers	
<input type="checkbox"/>	11. Letters of Intent	
<input type="checkbox"/>	12. Evaluation Instrument	
<input type="checkbox"/>	13. Applicant/Awardee List	
<input type="checkbox"/>	14. Protest letters and resolution documentation	
<b>CONTRACT DOCUMENTS:</b>		
<input type="checkbox"/>	15. Boilerplate contract	
<b>ADDITIONAL COMMENTS</b>		



# Competitive Procurement Record

## Competitive Procurement Overview

- State agencies implement program plans as determined by the State Budget.
- State agencies create solicitations, such as Request for Proposals (RFPs) and Request for Applications (RFAs), for community distribution.
- State agencies must make procurement opportunities available to all qualified entities.





# Competitive Procurement Record

## Competitive Procurement Overview

- Advertising should include the Contract Reporter and should also include any other relevant resources to enhance competition.
- Solicitation documents should be designed to encourage competition.
- All applicants must know the rules for submission, start on an equal playing field and know how proposals will be evaluated prior to the submission of their application.
- The procurement process should ensure that all applicants are fairly evaluated and objectively awarded.



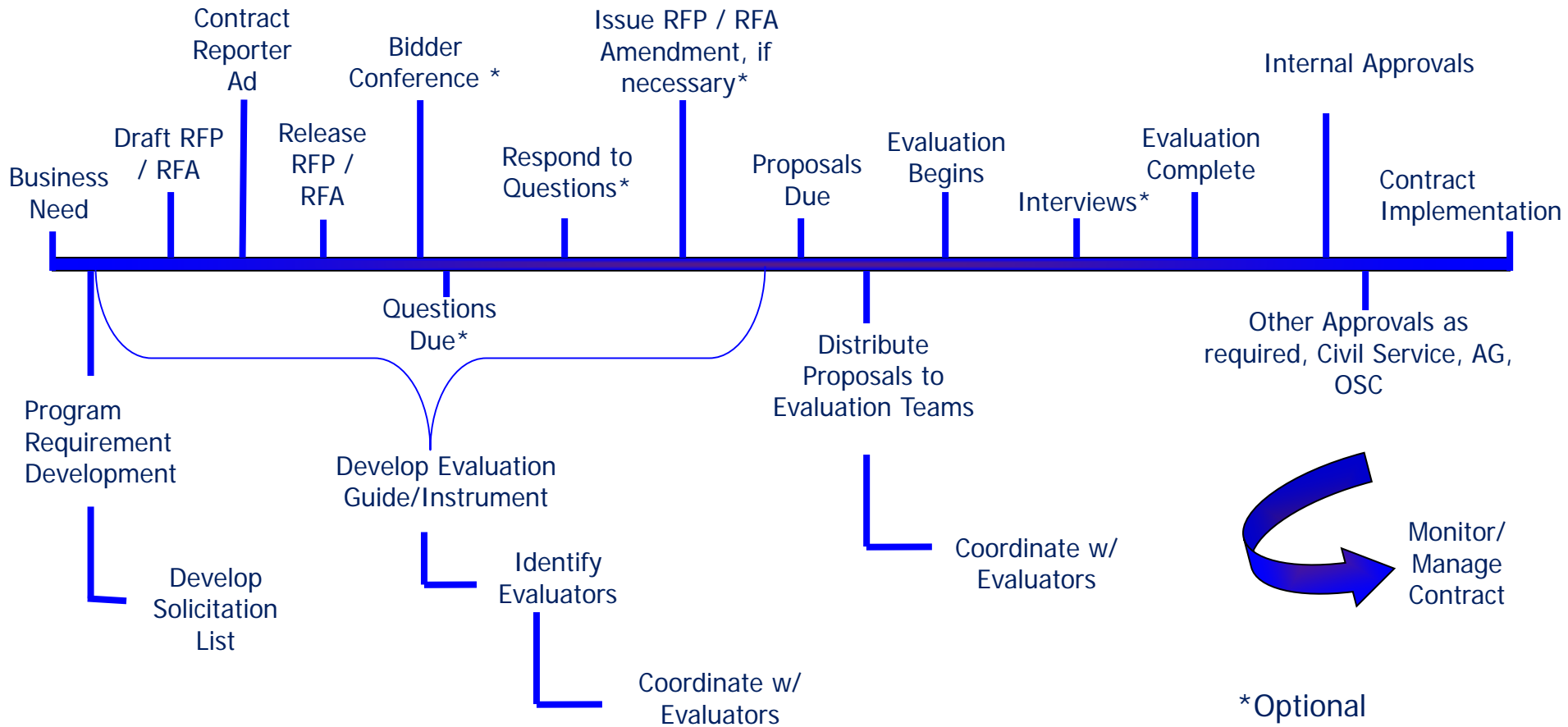
# Competitive Procurement Record

## Components of a Competitive Procurement

- Planning
- Solicitation Development
  - Award Methodology
  - Evaluation Process



# Competitive Procurement Timeline



# Competitive Procurement Record

## Considerations for Developing a Solicitation

- What is being procured?
- How will those services be delivered?
- Where is the need?
- Who is a qualified or eligible applicant?
- How will reasonableness of cost be determined?
- Are matching funds required?



# Competitive Procurement Record

## All Solicitations Must Include

- Minimum Qualifications to be Considered an Eligible Applicant
- Contract Term
- Evaluation Criteria
- Award Methodology
- Funding Determination

## Evaluation Criteria Must Include

- Evaluation Instrument
- Instructions to Evaluators



# Competitive Procurement Record

## Award Methodology

- What criteria will be taken into consideration when making awards?
- How will the criteria be scored?
- How will awards be made?
  - Highest Score
  - Regionally
  - Statistically Documented Need



# Competitive Procurement Record

## Evaluation Process

- Prior to the receipt of proposals, develop the evaluation instrument, or process.
- Include a methodology for evaluating the proposals or applications.
- Establish written guidelines and instructions for evaluators.
- Identify mandatory requirements, how they will be reviewed and the consequences for proposals that fail to meet them.
- Decide how reasonableness of cost will be determined and documented in the record. OSC recommends cost be at least 20% of the total final score.



# Competitive Procurement Record

## Components of an Evaluation Methodology

- Pass / Fail Requirements
- Program Evaluation
- Cost Evaluation
- Final Calculations





# Competitive Procurement Record

## Components of an Evaluation Methodology

- Pass / Fail
  - Pass / Fail requirements cannot be subjective.
  - Procurement Record must document that an application meets (or passes) the pass / fail requirements.



# Competitive Procurement Record

## Components of an Evaluation Methodology

- Program Evaluation
  - Solicitation documents must clearly identify the program requirements.
  - Evaluators review how well the applicant's proposal meets the program requirements identified in the solicitation.
  - Evaluation instruments should include predefined scores or values being used to fairly measure each applicant's response to the solicitation.
  - Values, or weights, are assigned to each set of scoring criteria.



# Competitive Procurement Record

## Planning the Evaluation of Proposals

- The evaluation must provide for scoring that is uniform among all applicants to ensure a fair and equitable competitive process.
- Agencies should contemplate the potential for numerous responses when designing the criteria, RFP and the methods of evaluation.
- If an agency finds it necessary to use more than one team of evaluators, it should, to the extent possible,
  - minimize the number of teams of reviewers and
  - consider having the same set of reviewers review separable parts of the evaluation tool.



# Competitive Procurement Record

## Components of an Evaluation Methodology

- Instructions for Evaluators
  - Evaluators, especially when using multiple teams, should have a common and consistent understanding of the evaluation criteria for reviewing and scoring applications.

Applicant	Evaluator 1	Evaluator 2	Evaluator 3	Average
Doing Good	64	98	100	87
Here for You	72	89	91	84
Community Friends	70	95	94	86

\* The scores depicted above indicate large discrepancies which must be addressed in the Procurement Record.



# Competitive Procurement Record

## Components of an Evaluation Methodology

- Program Score Summary
  - Include individual evaluator scores for each proposal.
  - Show final calculations used to determine the final application scores.
  - Provide a score summary in rank order according to the pre-defined Method of Award.
  - Address discrepancies and wide variances in scores between evaluators.



# Competitive Procurement Record

## Components of an Evaluation Methodology

- Score Summary Best Practices
  - Completely evaluate single applications.
  - Identify minimum acceptable scores, if applicable.
  - Have a plan for applicants with tied scores.
  - Break criteria down into subcategories that can easily measure how well an applicant responded to the program's various requirements.



# Competitive Procurement Record

## Summary of Requirements for All Procurements

- Use the OSC Checklist when submitting the Procurement Record.
- Include all documentation and information required on the checklists in the procurement record.
- Ensure that all dollar values in the transaction are consistent between the value of the awards, the appropriation authorization and the amount listed on the checklist.
- Include accurate contract terms, an accurate value of the procurement and the correct department ID on all completed checklists.
- Provide a copy of the boilerplate contract and incorporate samples of the Budget, Work Plan, Payment Terms and Advance Language.



# Procurement Record Approval Letter

## BUREAU OF CONTRACTS PROCUREMENT RECORD APPROVAL LETTER

<b>Business Unit:</b>	OSC01	<b>Determination:</b>	Approved
<b>Program Name:</b>	Competitive Procurement Record Fall Conference Presentation	<b>Approval Date:</b>	07/25/2016
<b>Procurement Record ID:</b>	OAS01-0000050-3670000	<b>Approved Through:</b>	03/31/2021
<b>Reporting Code:</b>	GKXC01	<b>Sequence Number:</b>	0

**To:** Mr. State Agency Representative

The procurement record for the above referenced procurement has been deemed acceptable as supporting documentation. Please note that these contracts shall not be deemed effective until they have received the Comptroller's approval pursuant to State Finance Law §112. The proposed contract awards related to this procurement can be submitted for review and approval as follows:

Competitive – Fall Conference Competitive Procurement Record Presentation

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**Comments:** Competitive – One award, contract C000001, to the Imaginary Non-Profit Company totaling \$50,001 for a multi five year contract with a term of 10/25/2016 – 10/24/2021. A 25% advance is allowed.

Please attach a copy of this note when submitting any contracts and/or amendments under this program. In order for OSC to process your contract transactions efficiently, please include the Procurement Record Identification Number and Reporting Code identified in this letter in the description field of the Single Transaction Summary (STS) or Contract Encumbrance Request (AC340-S.)



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# Grants Gateway Functionality



## Streamlining State Grant Processes

[Home](#) | [State Agencies](#) | [Grantees](#) | [Videos](#)

**The New York State Grants Gateway is Live.**

[Click here to access the Grants Gateway](#)

[Nonprofit Infrastructure Capital Investment Program for Fiscal Year 2017 Information](#)



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# Grants Gateway Functionality

<http://grantsreform.ny.gov/>



# Competitive Procurement Record

## Resources

- NYS Guide to Financial Operations  
<https://osc.state.ny.us/agencies/guide/MyWebHelp/>
- Grants Reform  
<https://grantsreform.ny.gov/>
- NYS Division of the Budget  
<https://budget.ny.gov/>
- NYS Office of General Services Procurement Services  
<http://ogs.ny.gov/bu/pc/SPC.asp>
- NYS Contract Reporter  
<https://nyscr.ny.gov/>
- Office of the State Comptroller Grants Team Email Box  
[BOCGrantsTeam@osc.state.ny.us](mailto:BOCGrantsTeam@osc.state.ny.us)



# OSC Grant Team Staff

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# Questions/Discussion

# Thank You!

