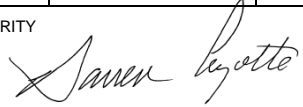
 Department of Corrections and Community Supervision DIRECTIVE	TITLE Purchasing Supplies and Equipment		NO. 2916
			DATE 06/18/2024
SUPERSEDES DIR #2916 Dtd. 01/19/24	DISTRIBUTION A	PAGES PAGE 1 OF 7	DATE LAST REVISED
REFERENCES (Include but are not limited to) See Section III	APPROVING AUTHORITY 		

I. BACKGROUND: This directive provides internal guidance for purchasing supplies and equipment consistent with the [New York State \(NYS\) Procurement Guidelines](#) (dated 9/2023, revised 11/2023) and the NYS Business Services Center (BSC) Finance & Purchasing Policies. This directive and referenced resources together set forth required procurement policies and describe procedures and techniques to be followed by all Department of Corrections and Community Supervision (DOCCS) staff involved in the purchasing process (e.g., Institution Steward, Plant Superintendent, Purchasing Agent, Head Account Clerk, Office Assistant [OA] 3, OA2, or other appropriate designee).

II. POLICY: It is generally required to ensure that the State obtains “services” (including technology) on the basis of “best value” and commodities on the basis of “lowest price” from responsible vendors, while also meeting the programmatic or operational needs (form, function, and utility). Staff shall adhere to all applicable provisions when initiating purchase requests, generating documentation to support purchasing decisions, and maintaining internal controls over the purchasing process.

NOTE: In compliance with Executive Order #22, “Leading By Example: Directing State Agencies to Adopt a Sustainability and Decarbonization Program,” the preference is to purchase GreenNY products when making form, function, and utility determinations. Information on GreenNY purchasing, including specifications and product listings, can be found at: <https://ogs.ny.gov/greeny-purchasing-requirements-and-tools>.

III. REFERENCES

- State Financial Law
- Procurement Stewardship Act of 1995
- Health Insurance Portability and Accountability Act (HIPPA)
- Executive Order #22
- ACA Expected Practices: 5-ACI-1B-14, 2-CO-1B-09
- Directives #2011, #2604M, #2604S, #2915
- Business Services Center (BSC) Finance Policy
- New York State (NYS) Procurement Guidelines
- Office of the State Comptroller (OSC) Guide to Financial Operations (GFO)
- Budget Bulletin B-1184

IV. RESOURCES

- A. [NYS Procurement Guidelines](#) (dated 9/2023, revised 11/2023) may be accessed via the Office of General Services’ (OGS) [NYS Procurement Council](#) website by scrolling down the page.

- B. The OSC Guide to Financial Operations, Chapter XI, "Procurement and Contract Management," may be accessed through the [OSC website](#), within the State Agency Representatives section.
- C. [NYS Purchasing Requirements](#) for BSC Customer Agencies.
- D. [NYS Procurement Council](#) website also provides access (scroll down the page) to several helpful procurement resources, such as:
 - 1. Preferred Source Guidelines
 - 2. Procurement Record and Checklist
 - 3. Discretionary Purchases
 - 4. NYS Contract Reporter
 - 5. Appendix A – Standard Clauses for NYS Contracts

V. GENERAL REQUEST AND PURCHASE PROCEDURES

A. Requester (Unit/Office Supervisor)

- 1. Prepare [Form #DC158](#), "Purchase Requisition," and complete specification/description (i.e., name, size, colors, etc.) including the delivery date, if desirable, and provide justification as follows: if the new item is operational or programmatic, or if a replacement, list what was wrong with the old one, attempted repairs, and why the items remain necessary for the purchase.
- 2. Attach quotations and/or any background documentation, if available, to the Purchase Requisition.
- 3. Forward request and documentation to the Deputy Superintendent/Division Head/Regional Director for approval.

Best Practice: Requester/Requesting Unit staff may obtain one quote and provide it to Business Office Purchasing Unit staff, along with other possible vendors from whom comparable quotes may be obtained (include vendor name and vendor contact, if known).

NOTE: For equipment purchases, please see Directive #2915, "Equipment Acquisition Guidelines," and [Form #2915A](#), "Capital Equipment Funding Request," which includes DOCCS Equipment Request (new or replacement) Guidelines.

B. Deputy Superintendent/Division Head/Regional Director

- 1. Must be satisfied that the order represents the type and quantity of goods needed to carry out the unit's mission.
- 2. Records their approval or disapproval on the request. If approved, forwards to the Institution Steward/Purchasing Officer (Support Operations Purchasing Unit for Central Office).

C. Steward/Purchasing Officer

- 1. Reviews the request *vis-a-vis* the action plan.
- 2. Notes approval on the request or explains disapproval to requester.
- 3. Checks current inventory and stock levels.

4. Uses available resources, such as the Statewide Financial System (SFS) vendor system, to identify suitable vendors. Utilizes Empire State Development's Minority and Women-Owned Business Enterprise (MWBE) Directory to identify MWBE vendors whenever possible. Utilizes the online OGS Service-Disabled Veteran-Owned Business (SDVOB) Directory.

NOTE: The DOCCS MWBE/SDVOB Team is also an available resource to assist with searching for MWBE/SDVOB vendors to meet the required form, function, and utility. They can be contacted at: MWBE-SDVOB@doccs.ny.gov.

5. For "OGS or less" or other discretionary purchases where alternate vendors are being solicited, obtains quotes, selects a responsible vendor based on reasonableness of price, etc., and uses the appropriate procurement methodology.
 - a. Whenever possible, the Purchasing Officer should obtain a minimum of one additional quote and verify all others.
 - b. If not possible to obtain additional quotes, the Purchasing Officer must verify all quotes obtained.

Best Practice Discretionary Purchase: If quotes were submitted with the purchase request, the Business Office Purchasing Officer/designee should verify the quotes and obtain additional quotes as necessary to determine reasonableness of price from any suggested vendors and any other vendors that may be able to quote for the purchase at hand.

- D. Requisitions: As per Guide to Financial Operations (GFO), Section XI-A.3, "Purchase Orders," a purchase requisition should be used for any planned purchases from Preferred Sources, OGS Centralized Contracts, and "Discretionary Vendors Origin."
- E. Purchase Orders (PO): POs can be directly entered in the PO Module if a requisition is not required. This includes all orders against DOCCS contracts and emergency-related orders where a PO could not be processed prior to purchase (confirming orders).
 1. Out-of-Scope for the OGS BSC for POs that do not require BSC approval, PO Origin must be 'ONL.' Once fully approved by DOCCS, PO will budget check, then auto-dispatch to vendor. For the 'Print' Dispatch Method, buyer must manually dispatch PO. Examples of out-of-scope POs include all POs for: Central Pharmacy; Food Production; Commissary; Employee Dining; Federally funded Grants; and any PO with HIPAA concerns, where the PO will include an incarcerated individual's personal information, Department Identification Number (DIN), or other identifiers to indicate a releasee or sex offender.
 2. In-Scope for the BSC: For POs that do require BSC approval and dispatch, the PO Origin must be 'EXT.' This adds an additional level of approval routing to the PO. Once fully approved by both DOCCS and BSC, PO will budget check and the BSC will facilitate PO dispatch to vendor.
 3. Purchase Orders should include, regardless of whether in or out-of-scope for the BSC:
 - a. All required documentation attached, as per Purchase Order Checklist. (The PO Checklist is available on the BSC website under topic [Purchasing Forms.](#))

- b. Items/services clearly identified in line description.
 - c. Verified pricing.
 - d. B-1184, if required.
 - e. Contract #, on each PO Line, for OGS and DOCCS contract POs.
 - f. Justification, which must include need statement along with reasonableness of price determination.
 - g. Method and reason for vendor selection.
 - h. Any vendor prompt-pay discounts (entered under supplier details).
 - i. Proper receiving terms.
 - j. Appropriate billing location (OGS01 when payment will be made by BSC, DOC01 followed by 5-digit agency code when payment will be made by DOCCS).
4. Purchase Orders may be monitored utilizing SFS Reports.
- a. PO Activity Report (Path in SFS: Purchasing – Purchase Orders – Reports – Activity): This report provides a listing of all POs created for the date(s) chosen, along with the PO status. In-scope POs in ‘dispatched’ status have been issued to the vendor by the BSC. POs in “pending approval” or “approved” status should update to ‘dispatched’ status within 5-7 days. If not, they should be investigated.
 - b. NYS Req-PO Budgetary Activity Report (Path in SFS: Purchasing – Purchase Orders – Reports – NYReq-PO Budgetary Activity): This report can be used to identify POs that are encumbered under your department code and are holding funds.

Facilities may print copies of POs, as per facility policy, such as for Agency-Purchasing Unit, and Agency-Delivery location. The PO Request, supporting documentation, and any documentation that supports both the selection of vendor and the reasonableness of the price, should be retained in accordance with the General Retention and Disposition Schedule (see Directive #2011, “Disposition of Departmental Records”).

NOTE: In accordance with GFO Section XIV.9, “Statewide Financial Imaging and Attachment Guidance,” the supporting documentation can be attached to the PO when completed in SFS and used as the sole document repository for the official procurement record.

VI. INTERNAL CONTROLS & CONTROLS OVER THE PROCUREMENT PROCESS

- A. **Separation of Duties: OSC internal control guidelines (Guide to Financial Operations Procurement) require that the following functions be performed by different personnel:**
1. Preparing purchasing specifications
 2. Receiving responses to proposals
 3. Evaluating proposals
 4. Receiving of products and services

5. Payment for products and services
- B. Transaction Records: The Business Office shall maintain records of purchases which include documentation to support both the selection of vendor and the reasonableness of the price paid. These records shall be retained in accordance with the General Retention and Disposition Schedule, for six years, or after completion of the procurement (whichever occurs later).
- C. Statewide Financial System (SFS)
1. Purchasing staff shall use SFS for all transactions where appropriate (e.g., P-card) within established thresholds or, in special circumstances, upon approval of the Director of Support Operations (e.g., high-cost medications or emergency repairs of essential equipment).
 2. Security: The facility SFS Security Administrator (Institution Steward or designated assignee) will ensure separation of duties by limiting job function assignments through role mapping.
- D. Purchasing Requirements
1. Purchasing staff shall ensure that purchase requisitions are used and approved as required, utilizing:
 - a. Preferred sources (Corcraft, NYSID, NYSPSP/Blind).
 - b. OGS centralized contracts.
 - c. DOCCS Let contracts.
 - d. MWBE/SDVOB, etc. (see Directive #2604M, "Minority & Women-Owned Business Enterprise," and Directive #2604S, "Service-Disabled Veteran-Owned Business").
 2. Discretionary or Open Market Purchases: When purchasing items/services from open market (after first checking preferred source, centralized contracts, agency contracts, MWBE, SDVOB, etc.), the following are the minimum recommendations:
 - a. \$0 - \$2,500
 - (1) Ensure that the commodities and services acquired meet their form function and utility needs (make sure the item/vendor you select meets the needs of the end user and that GreenNY products are given preferential consideration).
 - (2) Document and justify the selection of the vendor (lowest price, best delivery date, best product fitting end user's needs, etc.).
 - (3) Document and justify the reasonableness of the price to be paid (obtain one or more additional quotes [verbal quotes are acceptable], compare with published prices and past purchases).
 - (4) Utilize P-card whenever possible (up to \$5,000).
 - (5) Buy from a responsible vendor (verify online website, verify phone number and address, verify workers' compensation insurance on the Department of Labor website, note if this is a vendor whom you have done business with and have first-hand knowledge of reputation and workmanship, etc.).

- b. \$2,501 - \$10,000
- (1) Obtain one written quote. Business Office/Purchasing staff to verify any quotes received from the requester.
 - (2) Appropriate documentation should be noted in procurement file (authorizations, quotes/attempts to obtain quotes, single/sole source, justifications, verified emergencies, etc.).
- NOTE: Utilize P-card within established thresholds or in special circumstances upon approval of the Director of Support Operations (e.g., high-cost medications or emergency repairs of essential equipment) whenever possible.
- c. \$10,001 - \$49,999
- (1) Obtain three written quotes (a diligent effort should be made to obtain a minimum of three quotes), if quotes are not obtained by Business Office staff. Quotes must be verified by the Business Office Purchasing Officer.
 - (2) Consider advertising opportunity in the NYS Contract Reporter.
 - (3) If over \$15,000, obtain lobbying forms from vendors.
 - (4) If \$20,000 or more submit Agency Spending Controls Application (ASCA) as required per Budget Bulletin B-1184. Information on this can be found on the DOB website at <https://www.budget.ny.gov/guide/bprm/b/b-1184.html#agency-spending-controls-application>.
- NOTE: Prior to submitting any ASCA (B-1184), purchasing staff must consult with the DOCCS-CPU MWBE//SDVOB Team at MWBE-SDVOB@doccs.ny.gov to review compliance goals and identify vendors. If the MWBE/SDVOB Team identifies any potential vendors, they must be solicited for quotes (non-contract) or included in a bidders list for a contract solicitation.
- EXEMPTION:** The Division of Facilities Planning and Development is not required to follow this direction for the following projects:
- (a) OGS
 - (b) New York Power Authority (NYPA)
 - (c) Corcraft Hazmat
 - (d) Information Technology Services (ITS) Letter of Intent (LOI)
- (5) Complete Agency Certification for lobbying.
 - (6) Keep thorough procurement records.
- d. \$50,000 (unless the procurement is going through BSC, then the limit is \$85,000) and over – regardless of any special funding source: If OGS or Agency contract purchase, obtain the approved agency spending controls application that can be found on the [Division of Budget \(DOB\) website](#).

- (1) If discretionary/open market purchase of a contract is required, first reach out to DOCCS MWBE/SDVOB Team for potential vendors to add to the contract solicitation bidder's list, obtain the ASCA-B-1184 approval, and then proceed with a formal advertised (Contract Reporter) bid solicitation, which should be initiated by the Purchasing Officer in the Business Office. Refer to the [NYS Procurement Guidelines](#). Make sure the MWBE Directory is referred to, in order to identify companies that should be added to the bid solicitation list.

-OR-

- (2) Obtain three written quotes from MWBE or SDVOB vendor(s), up to \$500,000 and follow procurement guidelines for discretionary purchasing with MWBEs (must be advertised in Contract Reporter, must justify price, and MUST be sent to OSC for approval, etc.).
3. Emergency Procurement: There should be adequate documentation to support emergency procurement. In accordance with State Finance Law, an "emergency" is defined as an urgent and unexpected requirement where health and public safety or the conservation of public resources is at risk. The "Agency Head" must approve of the emergency procurement determination to forego competitive bidding requirements, and this must be documented in the procurement record. At the facility level, the "Agency Head" is defined as the Superintendent, or in their absence, a designee.
4. Minor Rehab Projects: Regardless of any funding source that may be provided by the Division of Facilities Planning, all procurements completed relative to Minor Rehab projects must be completed in accordance with [NYS Procurement Guidelines](#). Physical Plant emergencies must be declared as such by OGS to pay vendors for any work exceeding the \$50,000 contract threshold. Failure to comply with these guidelines will most likely result in OSC rejecting voucher payments. Additionally, if possible, SDVOB vendors should be prioritized for these projects.
5. P-card transactions must be reconciled and approved in SFS timely.