

Revised Procurement Guidelines 2016

NEW YORK JOB DEVELOPMENT AUTHORITY  
Guidelines Regarding the Use, Awarding, Monitoring  
and Reporting of Procurement Contracts

Effective April 25, 2016

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**1. Overview and Requirements**

The following guidelines (the “Guidelines”) are applicable to the use, awarding, monitoring and reporting of procurement contracts of the New York Job Development Authority (“JDA”). JDA is required to adopt procurement guidelines by Article 9, Title 4 of the Public Authorities Law. The same law requires annual review and updating of the guidelines by the JDA Members (“Board”). These guidelines are in lockstep with those of the New York State Urban Development Corporation, d/b/a Empire State Development (“ESD”).

These Guidelines are modeled on the New York State Procurement Guidelines published by the State Procurement Council (the “SPC Guidelines”). The SPC Guidelines apply to all state agencies and thus provide useful guidance for procurement by JDA (which is not a state agency as that term is defined in the SPC Guidelines). The SPC Guidelines cover some issues and procedures rarely encountered by JDA, but should be consulted by staff if a situation arises that does not appear to be covered in these Guidelines, since useful guidance may thereby be obtained. View the [SPC Guidelines](#).

In these JDA Guidelines, a person, firm or corporation who wishes to provide goods and/or services to JDA may be called a “**vendor**” or “**offerer**” or, when responding to a public solicitation for qualified vendors or expressions of interest in becoming a JDA vendor, a “**respondent**.”

**1.1. Contracts covered, and not covered, by the Guidelines**

Pursuant to Public Authorities Law § 2879 (2), “**Procurement Contracts**” are any written agreements for the acquisition of goods or services of any kind in the actual or estimated amount of five thousand dollars (\$5,000) or more. For purposes of compliance with anti-lobbying laws contained in State Finance Law § 139-j and 139-k (see p. 12), Procurement Contracts also include the purchase, lease or grant of any other interest in real property which involves an estimated annualized expenditure by JDA in excess of fifteen thousand dollars (\$15,000).

**Disposition of property** (real or personal) by JDA is not a procurement covered by these Guidelines, but is instead subject to ESD’s Property Disposition Guidelines. However, where a property disposition requires a competitive process, that process should be conducted in accordance with these Guidelines to the extent practicable.

**Loans** made by JDA in furtherance of its economic development mission are not Procurement Contracts, but may be subject to certain provisions of these Guidelines.

A Contract or Memorandum of Understanding (“MOU”) with a sister State agency or authority is not considered a Procurement Contract covered by these Guidelines. Note, however, that appropriate approval(s) as set out in these Guidelines (including Board approval based on the amount and/or duration of the agreement) may apply to MOUs.

In connection with certain of its projects, JDA may need to obtain a license from a governmental agency, authority, or company or a public utility in order to enter the licensor’s premises and perform work. As a precondition to receiving the license, JDA can be required to enter into agreements with the licensor that prescribe conditions for work to be performed on the site, including work and/or oversight of work which must be performed by the licensor’s personnel or contractors, as well as payment of licensor costs by JDA. Examples include licenses for work on rail and utility facilities. Agreements of this kind, often referred to as “**forced contracts**,” are not covered by the competitive solicitation requirements of these Guidelines, because JDA has no discretion or authority with respect to the work to be performed by the licensor’s personnel and contractors. However, appropriate approval(s) as set out in these Guidelines (including Board approval based on the amount and/or duration of the agreement) would apply.

Procurement Contracts **under \$50,000** may be handled by **Purchase Order** approved by Department Head, Procurement Department, Controller’s Office and Contracts Administration. A formal competitive solicitation is not required, but these purchases should be made after obtaining three quotes whenever practicable. For further information, see Section 2.1 below or consult the Procurements Manager.

## **1.2. Types of Procurement Contracts**

The types of goods and services requiring Procurement Contracts include goods and services needed to proceed with a JDA project, or to support the administrative needs of JDA. Procurements of goods cover the entire spectrum of goods, ranging from pens to motor vehicles.

Procurements of personal services include legal, accounting, management consulting, investment banking, temporary employees, planning, training, statistical analysis, research, public relations, architectural, engineering, construction, surveying, appraisal, or other services of a consulting, professional or technical nature for a fee, commission or other compensation by a person or persons who are not providing such services as officers or employees of JDA.

Reasons for procuring personal services include:

- a. Requirements of special expertise or unusual qualifications;
- b. Nature, magnitude or complexity of services required;
- c. Lack of sufficient in-house resources, support staff, specialized facilities or equipment;
- d. Short-term or infrequent need for the services; and