

**New York State Thoroughbred Breeding & Development Fund Corp.
Procurement Contract Guidelines**

In 1986, in accordance with the requirements of Section 2879 of the Public Authority Laws, the Directors duly adopted the following resolution.

RESOLVED that the procurement of goods or services of any kind in the actual or estimated amount of \$5,000.00 or more under any written contract shall be subject to the following guidelines:

The supervision of procurement of goods or services of any kind, including furniture, office equipment, computer services, and any and all other material and support services required by the Fund, shall be the responsibility of the Executive Director. Personal services may be the subject of a contract when the Fund staff is not in a position to provide same.

New York State preferred source organizations and OGS centralized contracts will take precedence over all other sources of supply and competitive procurement methods. If procurements are unavailable from preferred sources, cContractors shall be selected through competitive bidding from at least three sources, unless the services are available from only one source or there is only one source in the judgment of the directors suitably qualified to perform the services. In awarding contracts, the Fund shall consider the past performance, price, quality, reputation, and experience of a proposed contractor. Competitive bidding shall not be required for editorial work, for the services of journalists selected to write on matters relating to the breeding of horses, or for outside accounting services unless the directors shall elect to replace the public accounting firm that has previously audited the Fund's accounts.

The award of any procurement contract in excess of \$5,000.00 shall require the approval of the Board. Effective July 29, 2014, the Board gave authority to the Ad Hoc Committee on Advertising to spend up to \$25,000 on a single procurement of goods and services for promotional activity without seeking full Board approval.

Any contract involving services to be rendered over a period in excess of one year shall require the approval of the Board and shall be subject to an annual review by the Board.

The Executive Director shall, in connection with each contract submitted to the Board for approval, inform the Board whether the contractor is a New York certified minority- and women-owned business or service-disabled veteran-owned business.

Procurement contracts shall contain provisions requiring the contractor to report periodically to the Executive Director on the status of work and the costs incurred to date. When possible, Fund staff, space, and supplies shall be used in order to reduce contract costs.

No procurement contracts may be awarded to any former officer or employee of the Fund during a period of five years from his or her separation.

~~In cases where goods are obtained through an open NYS OGS contract, the above competitive bidding may be bypassed, as OGS has already completed the bidding process.~~

**New York State Thoroughbred Breeding & Development Fund Corp.
Minority and Women Owned and Service-Disabled Veteran-Owned Business Procurement
Policy**

The Fund is subject to Article 15-A of the Executive Law and 5 NYCRR Parts 140-144 Minority- and Women-Owned Business Enterprises (MWBE), which requires preparation of a Master Goal Plan to describe the procedures the Fund will utilize to comply with the requirements of Article 15-A in order to increase participation of MWBEs.

The Fund is also subject to Article 17-B of the Executive Law and 9 NYCRR Part 252 Service-Disabled Veteran-Owned-Business (SDVOB) Enterprise Program, which requires preparation of a Master Goal Plan to describe the procedures the Fund will utilize to comply with the requirements of Article 17-B in order to increase participation of SDVOBs.

In cases in which the Fund has been doing business with a firm that is owned by a MWBE or SDVOB but not certified by New York State, it will advise the firm of the process for seeking certification for their consideration, and also provide the applicable websites and/or contact information.

It has been the Fund's policy to ensure fair access to MWBEs and SDVOBs by offering opportunities to bid on Fund related contracts. In cases in which the value of a contract is less than \$5,000, Fund policy is to either utilize contractors listed per State Finance Law Section 162(4) as preferred source vendors, consult approved by the NYS Office of General Services website for centralized contracts, ~~to~~ request bids from the Business-to-Business Yellow Pages, the MWBE Directory and the NYS Certified SDVOB Database, as well as from businesses who have previously performed work for the Fund.

The Fund maintains a file of MWBE and SDVOB vendors that have expressed an interest in doing business with the Fund. The Fund also reviews the MWBE Directory and has been added to the NYS Certified SDVOB's Database distribution list for opportunities in purchasing and procurement, in order to ensure that certified MWBE and SDVOB vendors have an equitable opportunity to participate and compete for Fund business.

Authorities Budget Office Policy Guidance



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Subject: Preferred Source Procurement

Statutory Citation: Section 162 of New York State Finance Law

Provision: New York State's Preferred Source Program (Program), established under Section 162 of the New York State Finance Law (Law), grants "preferred source" status to veterans, not-for-profit organizations that serve and employ people who are blind and severely disabled, and the correctional industries program to the department of corrections and community supervision (Corcraft).

Section 162(4) of State Finance Law requires public authorities and public benefit corporations, including those public benefit corporations that meet the definition of a state or local authority, as defined by Title 1 Section 2 of Public Authorities Law, to purchase certain approved products and services from preferred sources if available. Purchases from preferred sources take precedence over all other sources of supply and competitive procurement methods.

Authorities Budget Office Policy Guidance: The Authorities Budget Office (ABO) is committed to promoting good corporate governance, including sound financial management and procurement practices. As such, it is expected that all public authorities seek to purchase commodities and services from preferred sources first if a preferred source offering meets the authority's needs for form, function, and utility. The intent of the Program is to advance social and economic opportunities for these groups. The advantage to procuring from Preferred Sources is that the public authority does not need to follow the competitive bid process.

New York State has three Preferred Source organizations:

1. [New York State Department of Correctional Services Division of Industries - Corcraft](#), provides employment opportunities for state inmates.
2. [New York State Preferred Source Program for People Who Are Blind \(NYSPSP\)](#), provides employment opportunities for New Yorkers who are blind and visually impaired.
3. [New York State Industries for the Disabled](#), provides employment opportunities for both New Yorkers who are disabled and who are veterans.

More information for purchasing from a Preferred Source can be found on the [New York State Office of General Services' website](#).