

RESOLUTION NO. 2970

A RESOLUTION OF THE NEW YORK STATE ENVIRONMENTAL
FACILITIES CORPORATION WITH RESPECT TO THE ANNUAL
REVIEW AND APPROVAL OF THE PROCUREMENT CONTRACT
GUIDELINES OF THE CORPORATION

WHEREAS, the Corporation is required by the provisions of Public Authorities Law Section 2879 to adopt and to annually review and approve its Procurement Contract Guidelines, and to prepare and approve a report on Procurement Contracts, which are defined as any written agreement for the acquisition of goods or services of any kind, in the actual or estimated amount of five thousand dollars or more; and

WHEREAS, pursuant to Resolution No. 2910, the Board of Directors approved the Corporation's Procurement Contract Guidelines on June 13, 2022; and

WHEREAS, the Board of Directors desires to approve the Procurement Contract Guidelines of the Corporation as reflected in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION, AS FOLLOWS:

Section 1. The Corporation's Procurement Contract Guidelines, a copy of which is annexed hereto and made a part hereof as Exhibit A, together with the Annual Report on Procurement Contracts which is annexed hereto and made a part hereof as Exhibit B, are hereby approved.

Section 2. This Resolution shall take effect immediately upon its adoption.

BY: _____/s/
Kate Siobhan Howard
Secretary to the Corporation

Exhibit A

**New York State Environmental Facilities Corporation
Procurement Contract Guidelines**

New York State Environmental Facilities Corporation Procurement Contract Guidelines

I. Overview and Purpose

A. Introduction and Purpose

The New York State Environmental Facilities Corporation (herein, “EFC” or “Corporation”) is a New York State (“State”) public benefit corporation with a mission to assist communities throughout the State to undertake critical water quality infrastructure projects by providing access to low-cost capital, grants, and expert technical assistance. A primary goal is to ensure that these projects remain affordable while safeguarding essential water resources. EFC supports this mission by consistently using an innovative approach to develop and advance new financing strategies to maximize the funding that can be made available to clients, aiding compliance with federal and State requirements, and promoting green infrastructure practices.

The purpose of the EFC Procurement Guidelines (“Guidelines”) is to establish policies and procedures regarding EFC’s use, awarding, monitoring, and reporting of procurement contracts to achieve compliance with applicable laws, regulations, and best practices.

The Guidelines are modeled upon applicable guidance and authorities including the New York State Procurement Council’s Procurement Guidelines, the Office of the State Comptroller (“OSC”) State Authority Contract Manual, Public Authorities Law, Executive Law, State Finance Law, and State regulations. A more comprehensive list of applicable authorities is included in Appendix II, *Authorities*.

B. General Standards and Principles

EFC’s key procurement principles are compliance, effectiveness, efficiency, and economy in connection with the purchase of goods and services (“Procurement Principles”).

In order to ensure that the procurement process and procedures are routinely conducted in accordance with the Procurement Principles, every EFC employee involved in the procurement process as outlined in the Guidelines must understand their role and perform their responsibilities in the procurement process. Compliance with the procurement process in accordance with the Guidelines by all EFC participants should ensure the following:

1. The interests of EFC, the State, and taxpayers are protected;
2. Proper oversight of EFC’s procurement activities, including appropriate checks and balances;
3. Fair and open competition;
4. Achievement of EFC’s objectives; and
5. Safeguards are in place to protect against fraud, favoritism, and unethical conduct.

C. Applicability

Except as otherwise provided herein, all Corporation Procurement Contracts are subject to these Guidelines. A representative, but not exhaustive, list of the types of goods purchased and a description of those areas of responsibility and oversight requiring the procurement of services is set forth in Appendix III, *Types of Goods and Services Purchased*.

D. Annual Review and Approval of Guidelines

The Board shall review and approve EFC's Procurement Contract Guidelines annually.

E. Amendment of Guidelines

The Board may amend these Procurement Contract Guidelines at any time by resolution.

F. Effect of Noncompliance with Guidelines

Failure by EFC to comply with the provisions of these Guidelines shall not be deemed to alter, affect the validity of, modify the terms of, or impair any rights or privileges of EFC under any Procurement Contract.

G. Procurement Manual

EFC shall develop a Procurement Manual for internal use that will set forth the detailed procurement process for each type of procurement, including staff responsibilities, internal controls and required approvals. The Procurement Manual will detail post-procurement activities, such as choosing the type of agreement and contract monitoring. The Procurement Manual will be consistent with the Procurement Guidelines. The Procurement Manual will also set forth best practices for purchases under \$5,000.

II. Determination of Need for Procurement

Before beginning the procurement process, EFC must determine whether it needs the goods or services proposed to be purchased, and whether it needs to conduct a procurement to obtain the goods or services. To make these determinations, EFC should:

- 1. consider its business needs;
- 2. clearly identify the scope of the contemplated goods or services;
- 3. ascertain whether the contemplated services can be adequately and cost-effectively performed by staff within EFC; and
- 4. estimate the availability and price of contemplated goods and services in the marketplace.

III. Order of Purchasing Priority and Choosing the Method of Procurement

A. Order of Purchasing Priority

The Order of Purchasing Priority is as follows:

- 1. Preferred Sources
- 2. New York State Office of General Services (“OGS”) Centralized Contracts
- 3. Piggyback Contracts
- 4. Open Market Procurement
 - a. Discretionary Purchases
 - b. Competitive Procurement
 - i. Single Award
 - ii. Multi-Award
- 5. Non-competitive Procurement
 - a. Single Source
 - b. Sole Source
 - c. Emergency

B. Preferred Sources

If a Preferred Source has goods or services available that meet EFC's form, function, and utility requirements, EFC shall procure such goods or services in accordance with State Finance Law § 162 and the OGS Preferred Source Guidelines before pursuing other methods of procurement. If procuring from a Preferred Source, a competitive bid process is not required regardless of the monetary level of the Procurement Contract. The State has three Preferred Source organizations that may be purchased from in the following order of priority: New York State Department of Correctional Services Division of Industries ("Corcraft"); New York State Preferred Source Program for People Who Are Blind ("NYSPSP"); and New York State Industries for the Disabled ("NYSID").

C. OGS Centralized Contracts

If an OGS Centralized Contract has goods or services available that meet EFC's form, function, and utility requirements, EFC shall procure such goods or services using a Centralized Contract prior to engaging in any of the methods of procurement set forth in Sections III(D) through (G).

D. Piggyback Contracts

EFC may use a contract based on another governmental entity's contract, known as "piggybacking" regardless of the monetary value of the Procurement Contract. EFC will follow the criteria set forth in State Finance Law § 163(10)(e) when piggybacking. Specifically, EFC will document its rationale for using a piggyback contract, including, but not limited to:

1. a consideration of the procurement method by which the other entity's contract was awarded, ensuring that it complies with applicable procurement laws, regulations, and guidelines;
2. an analysis of alternative procurement sources including an explanation why a Competitive Procurement or the use of an OGS Centralized Contract is not in the best interest of the State; and
3. price justification, documenting that the price to be paid is reasonable.

E. Discretionary Purchases

Discretionary purchases are procurements made below statutorily established monetary levels and at the discretion of EFC, without the need for a formal Competitive Procurement process. EFC is authorized to make a discretionary purchase if:

1. The amount of a Procurement Contract does not exceed \$50,000; or
2. The amount of a Procurement Contract does not exceed \$500,000; and
 - a. the goods and/or services that are the subject of the Procurement Contract are purchased from a Small Business; or
 - b. the goods and/or services that are the subject of the Procurement Contract are purchased from a certified MWBE; or
 - c. the goods or technology that are the subject of the Procurement Contract are recycled or remanufactured.

EFC must consider the reasonably expected aggregate amount of all purchases of the same goods and services to be made within a twelve-month period commencing on the date of purchase when determining whether a discretionary purchase is allowable. Aggregate purchases of the same goods and services within a twelve-month period will be deemed a single transaction. Purchases of goods and services shall not be artificially divided for the purpose of satisfying the discretionary buying thresholds. A change to, or renewal of, a discretionary purchase shall not be permitted if the change or renewal would bring the reasonably expected aggregate amount for all purchases of the same goods and services from the same provider within the twelve-month period commencing on the date of the first purchase to an amount greater than the discretionary buying threshold amount.

When making a discretionary purchase, EFC must attempt to obtain at least three quotes. EFC's Procurement Record must include, but not be limited to, the following:

1. The goods and/or services acquired will meet EFC's form, function and utility requirements, including relevant State law and policy requirements;
2. Vendor selection and alternatives considered;
3. Vendor responsibility determination; and
4. Price justification, if available, showing that the price to be paid is reasonable.

F. Competitive Procurement

Two key components of a Competitive Procurement are a "balanced and fair evaluation and selection method" and adequate and timely notice to the public of the opportunity to contract with the State. Specifically, a Competitive Procurement of goods or services requires "a balanced and fair evaluation and selection method developed before the receipt of offers or bids; that is rational, objective and utilizes a quantified scoring system, which evaluated all relevant factors such as cost (revenue), technical merits, or qualifications, and was applied equally to all qualified [offerors]." 2 NYCRR § 206.2(a).

1. Procurement Record

When conducting a Competitive Procurement, EFC's Procurement Record must include, but not be limited to, the following:

- a. Required specifications governing performance and related factors;
- b. Procurement process will reasonably ensure a competitive field;
- c. Process will provide a fair and equal opportunity for offerors to submit responsive offers; and
- d. Process includes a balanced and fair method of award (one which is rational and objective and awards the contract based on a quantified scoring system predicated upon price, a combination of price and qualifications, or a determination of the most qualified bidder at a reasonable price).

2. Single Award

This is a Competitive Procurement that results in award to one vendor following evaluation. In the case of a single award Competitive Procurement, EFC will follow the guidelines noted above for Competitive Procurement.

3. Multi-Award

This is a Competitive Procurement that results in award to more than one vendor following evaluation. In a multi-award Competitive Procurement, EFC will follow the guidelines noted above for Competitive Procurement and the standards set forth in State Finance Law for choosing a vendor among multiple awardees at the time of purchase or performance of services. “[T]he basis for selection among multiple contracts at the time of purchase[/performance of services] shall be the most practical and economical alternative and shall be in the best interests of the state.” State Finance Law § 163(10)(c).

G. Non-Competitive Procurement

EFC will conduct Competitive Procurements to the maximum extent practicable prior to conducting non-competitive procurements.

1. Single Source

“Single Source,” pursuant to 2 NYCRR § 206.2, means a procurement in which although two or more vendors can supply the required goods or services, EFC, upon written findings setting forth the material and substantial reasons therefore, may award a contract or amendment to a contract to one vendor over the other.

If EFC can justify a Single Source procurement, EFC may enter into a Procurement Contract without complying with formal competitive bidding requirements. Prior to entering into a Single Source Procurement Contract, EFC’s Procurement Record must include, but not be limited to, the following:

- a. Vendor selection and alternatives considered;
- b. Vendor responsibility determination; and
- c. Price justification, including that the price to be paid is reasonable.

2. Sole Source

“Sole Source,” pursuant to 2 NYCRR § 206.2, means a procurement in which only one vendor is capable of supplying the required goods or services.

If EFC can justify a Sole Source procurement, EFC may enter into a Procurement Contract without complying with formal competitive bidding requirements. Prior to entering into a sole source contract, EFC’s Procurement Record must include, but not be limited to, the following:

- a. Vendor selection and alternatives considered or an explanation of why no alternatives were available;
- b. Vendor responsibility determination; and
- c. Price justification, including that the price to be paid is reasonable.

3. Emergency

“Emergency” means urgent and unexpected circumstances where the public health or safety or the use or conservation of public resources is at risk, requiring immediate action. Failure to properly plan in advance does not constitute an Emergency.

Where an Emergency exists, EFC may enter into Procurement Contracts without complying with formal competitive bidding requirements. EFC must attempt to obtain at least three quotes. EFC’s Procurement Record for an Emergency contract must include, but not be limited to, the following:

- a. The nature of the emergency giving rise to the procurement, typically in the form of a declaration of emergency;
- b. Vendor responsibility determination; and
- c. Price justification, if available, showing that the price to be paid is reasonable.

IV. Means of Price Justification

“Reasonable” price means a fair market price based on normal competitive conditions and not necessarily the lowest possible price. Reasonableness of price can be documented in several different ways, including but not limited to:

1. Obtaining informal quotes (e.g., telephone or written), from at least three vendors if possible;
2. Comparing costs of the same goods or services provided to other governmental entities; or
3. Making historical cost or price comparisons.

As used in the following paragraph, the term “professional firm” shall be defined as any individual or sole proprietorship, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture, engineering or surveying.

EFC shall not refuse to negotiate with a professional firm solely because the ratio of the “allowable indirect costs” to direct labor costs of the professional firm or the hourly labor rate in any labor category of the professional firm exceeds a limitation generally set by EFC in the determination of the reasonableness of the estimated cost of services to be rendered by the professional firm, but rather EFC should also consider the reasonableness of cost based on the total estimated cost of the service of the professional firm which should include, among other things, all the direct labor costs of the professional firm for such services plus all “allowable indirect costs,” other direct costs, and negotiated profit of the professional firm. “Allowable indirect costs” of a professional firm are defined as those costs generally associated with overhead which cannot be specifically identified with a single project or contract and are considered reasonable and allowable under specific state contract or allowability limits.

V. Notice of Procurement Opportunities

A. Requirements

For all Procurement Contract opportunities in the actual or estimated amount of \$50,000 or more, notice must be published in the New York State Contract Reporter for at least fifteen (15) business days prior to award pursuant to the requirements of Economic Development Law Article 4-C.

B. Exemptions

1. The following types of contracts are exempt from publication requirements, and therefore do not require advertisement in the New York State Contract Reporter:
 - a. Procurement Contracts awarded on an Emergency basis;
 - b. Procurement Contracts with Preferred Sources;
 - c. Centralized Contracts;
 - d. Procurement Contracts being re-bid or re-solicited for substantially the same goods or services, within forty-five business days after the date bids or proposals were originally due;
 - e. Procurement Contracts otherwise exempt from publication pursuant to Economic Development Law Article 4-C; and
 - f. Procurement Contracts for which publication is otherwise not feasible, which exemption is subject to OSC approval where required by law.
2. If a contract is subject to OSC approval as set forth in Section XIII, *Contract Approvals*, EFC must seek OSC approval for an exemption from publication requirements.

VI. Vendor Responsibility

A. Contractors

Prior to awarding a Procurement Contract, EFC shall conduct a review of the prospective contractor to provide reasonable assurances that the vendor is responsible. Vendor responsibility is determined by a review of the prospective contractor's legal authority to do business in the State, business integrity, financial and organizational capacity, and performance history. EFC will also determine, as part of its review, whether the prospective contractor has failed to comply with any statutory provisions relating to debarment.

EFC shall not enter into contracts with any prospective contractors unless a determination of responsibility is made. In addition, if, during the term of a contract, EFC discovers any information that indicates that a contractor may no longer be responsible or may be subject to debarment, EFC will conduct a review and make a determination regarding the contractor's responsibility and/or eligibility to bid on future contracts.

If EFC deems a prospective contractor or contractor non-responsible or ineligible to bid on future contracts, EFC will report such determination to OGS for posting on the OGS website within five days of the determination.

B. Subcontractors

EFC will also conduct a vendor responsibility review of any significant subcontractors. Per 2 NYCRR § 206.5, a subcontractor that is known at the time of award is considered significant for the purposes of documenting a vendor responsibility review when:

1. The subcontractor's qualifications are a material factor in the award. Examples of when the subcontractor's qualifications are a material factor in the award include, but are not limited to, when the subcontractor's qualifications receive points in the evaluation for award or when the subcontractor will be performing the majority of the work; or
2. The value of the subcontract exceeds 25% of the value of the total contract.

VII. Policy and Procedures on Procurement Lobbying

EFC will comply with the procedural controls to prohibit improper lobbying during the Restricted Period for a procurement as set forth in State Finance Law §§ 139-j and 139-k. State Finance Law §§ 139-j and 139-k restrict Contacts between EFC and Offerers during the Restricted Period for Procurement Contracts involving an estimated annual amount of \$15,000 or more, to other than Designated Contacts, unless it is a Contact that is included among certain statutory exceptions.

EFC has established a Policy and Procedures on Procurement Lobbying, which can be found on EFC's website. The President shall appoint a Procurement Integrity Officer ("PIO") who shall be responsible for ensuring EFC's compliance with State Finance Law §§ 139-j and 139-k and the Policy and Procedures on Procurement Lobbying.

VIII. Debriefings

Any vendor who submits an unsuccessful proposal in response to a competitive solicitation issued by EFC will have the opportunity to request a debriefing with EFC within ten business days after the date the vendor is notified by EFC it did not receive a contract award. EFC will provide vendors with fair and equal treatment with respect to their opportunity for debriefing. The debriefing will be limited to the reasons the vendor receiving the debriefing was not selected for contract award.

IX. Disputes

A. Informal Dispute Resolution

In the event there is a dispute with respect to the solicitation or award of a Procurement Contract by an actual or prospective bidder, EFC will exercise its best efforts to resolve the dispute as soon as possible.

B. Formal Dispute Resolution Process

Any actual or prospective bidder who believes that it is aggrieved in connection with the solicitation or award of a Procurement Contract may file a protest with EFC's General Counsel. The protest shall be submitted in writing within ten calendar days after such bidder knows or should have known of the facts giving rise thereto; however, a formal, written dispute may not be filed later than ten business days after issuance of the Procurement Contract award. The formal, written dispute must include the following:

1. Name, address, e-mail address, and telephone numbers of the filer;
2. Solicitation or contract name and/or number;
3. Detailed statement of the legal and factual grounds for the formal dispute, including a description of resulting prejudice to the filer;
4. Copies of relevant documents;
5. Request for a ruling by EFC;
6. Statement as to the form of relief requested;
7. All information establishing that the filer is an actual or prospective bidder whose direct economic interest would be affected by the award of a contract or by the failure to award a contract; and
8. All information establishing the timeliness of the formal dispute.

If the protest is not resolved by mutual agreement, EFC's General Counsel, or their designee, shall promptly issue a decision in writing. EFC's General Counsel's determination shall be final. A copy of the decision shall be mailed or otherwise furnished immediately to the bidder within thirty calendar days of EFC's decision.

X. Procurement Record

For every Procurement Contract, EFC shall maintain a Procurement Record that documents the decisions made and the approach taken in the procurement process. EFC will maintain Procurement Records consistent with these Procurement Guidelines and OSC's State Authority Contract Manual.

XI. Types of Provisions in Procurement Contracts

A. To the extent deemed appropriate by the President or General Counsel, Procurement Contracts will include, but not necessarily be limited to, the following types of provisions:

1. Scope of Services
2. Payment, including Budget and Payment and Reporting Schedule
3. Term
4. Amendment
5. Contractor's Representations and Warranties
6. Contractor's Covenants
7. Independent Contractor
8. Compliance with Laws
9. Notices and Service of Process
10. Assignment of Contract
11. Use of Subcontractors
12. Iranian Energy Sector Divestment
13. Conflicts of Interest
14. Public Officers Law
15. Ethics
16. Contractor Personnel
17. Corporation's Right to Withhold Payments and Setoff
18. Indemnification
19. Insurance
20. Termination
21. Suspension of Work
22. Promotion of New York State Business Enterprises and New York State Residents in Procurements
EFC shall promote and solicit the participation by New York State Business Enterprises and New York State Residents in Procurement Contracts in compliance with Public Authorities Law § 2879.

23. Contractor Requirements and Procedures for Business Participation Opportunities for New York State Certified MWBEs and Equal Employment Opportunities For Minority Group Members And Women

It is the goal of EFC to promote and assist participation by certified MWBEs in competition for Procurement Contracts and to award a percentage of Procurement Contracts to certified MWBEs. It is also EFC's goal to award contracts to those contractors who have evidenced compliance with the laws of the State prohibiting discrimination in employment. Furthermore, if the performance of any Procurement Contracts permits or requires the use of a subcontractor, these contracts shall require the prime contractor to act affirmatively to encourage participation by MWBEs in such subcontract and to report the nature and extent of such efforts to EFC. Accordingly, all Procurement Contracts, where required, shall comply with Executive Law Article 15-A, the regulations at 5 NYCRR Parts 140-145, and the requirements and procedures of Public Authorities Law § 2879 with respect to Procurement Contracts with MWBEs.

24. Participation Opportunities for New York State Certified Service-Disabled Veteran-Owned Businesses

EFC will make a good faith effort to achieve SDVOB participation to the extent such firms are available and will use its best effort so that SDVOB firms are included in Procurement Contracts. All Procurement Contracts, where required, shall comply with Executive Law Article 17-B and the regulations at 9 NYCRR Part 252.

25. Requirements Regarding Foreign Business Enterprises and Discriminatory Jurisdictions

EFC will follow the requirements and procedures of Public Authorities Law § 2879(5) with respect to Procurement Contracts with Foreign Business Enterprises. Accordingly, EFC will impose restrictions on Foreign Business Enterprises located in Discriminatory Jurisdictions with respect to the solicitation and award of Procurement Contracts.

26. Confidentiality and Non-Disclosure

27. Ownership of Materials

28. Release by the Contractor

29. Claims or Actions Related to the Contract

30. Publicity

31. Performance of Work

32. Access to Meetings

33. Records, Inspection, and Audit

34. Compliance with New York State Information Security Breach and Notification Act

35. Arbitration

36. Severability

37. Net Neutrality Principles (Executive Order No. 175)

38. Prohibiting Contracts with Entities that Support Discrimination (Executive Order No. 177)

39. Allowable Expenses

EFC may allow for the reimbursement of actual and necessary expenses incurred during the performance of services pursuant to a Procurement Contract. If EFC decides to reimburse travel expenses, EFC shall limit reimbursement for travel expenses to the maximum extent allowed in accordance with the OSC Travel Manual, available at www.osc.state.ny.us.

XII. Contract Approvals

A. Procurement Contracts Subject to Approval by EFC's Board

The following types of Procurement Contracts are subject to prior approval by EFC's Board of Directors by resolution:

1. Procurement Contracts with a value in excess of \$300,000 in aggregate through the life of the contract, including any renewals or extensions;
2. Procurement Contracts for services for a term in excess of one year, including any renewals or extensions;
3. An amendment to a Procurement Contract not previously approved by the Board that would cause the Procurement Contract to fall into subsections (1) or (2) above; and
4. An amendment to a Procurement Contract that adds value to or extends or renews the term of a Procurement Contract previously approved by the Board, but which previous Board approval did not include the authority to add value or extend/renew the term.

B. Procurement Contracts Subject to Approval or Filing with the Office of the State Comptroller

EFC shall follow the requirements and procedures of Public Authorities Law § 2879-a, 2 NYCRR Part 206, and the OSC State Authority Contract Manual with respect to OSC approval and filing of contracts.

1. Contracts Subject to OSC Approval

In accordance with Public Authorities Law § 2879-a and 2 NYCRR Part 206, OSC may exercise its review and approval authority over an Eligible Contract or Eligible Contract Amendment by issuing a written notice.

An Eligible Contract has an aggregate value, including all reasonably anticipated renewals and amendments, in excess of \$1,000,000; and

- a. is to be awarded by EFC to a Single Source, a Sole Source or pursuant to any other method of procurement that is not competitive; or
- b. is to be paid in whole or in part from monies appropriated directly or indirectly by the State to EFC for such contractual expenditure.

If an Eligible Contract or Eligible Contract Amendment is subject to OSC approval by issuance of a written notice, EFC shall include in the contract or amendment a provision that such contract or amendment is subject to OSC's approval. If OSC has not approved or disapproved any contract or amendment subject to its approval within ninety days of submission to OSC, such contract or amendment shall become valid and enforceable without such approval.

2. Contracts Exempt from OSC Approval

Certain contracts that would otherwise be Eligible Contracts have been classified as exempt from OSC approval pursuant to 2 NYCRR § 206.2 ("Exempt Contracts"), including but not limited to emergency contracts and agreements for the issuance of commercial paper or bonded indebtedness.

3. Contracts Subject to OSC Filing Only

In accordance with 2 NYCRR § 206.7, certain contracts must still be filed with OSC even if not subject to OSC approval. Such contracts subject to filing only include: (1) Eligible Contracts and Eligible

Contract Amendments not the subject of a written notice and (2) Exempt Contracts and Exempt Contract Amendments must be filed with OSC within 60 days of contract execution.

XIII. Procurement Contracts with Former Directors, Officers or Employees of EFC

EFC shall not enter into Procurement Contracts with former directors, officers or employees of EFC where such contracts would be in contravention of law, would create a conflict of interest, or would create the appearance of impropriety.

XIV. Procurement Contract Monitoring

A. Contract Administration and Monitoring

As designated by the President, authorized EFC staff shall be responsible for monitoring the performance of Procurement Contracts to assure that each Procurement Contract is performed efficiently and in accordance with its terms. Such monitoring shall include verifying compliance with these Guidelines.

B. Contract Amendments

1. A Procurement Contract may be amended to extend the term or expand the scope of services as necessary.
2. If the additional scope of services in the amended Procurement Contract has a value that exceeds 20% of either the (i) original contract amount or (ii) if subject to EFC's Board approval, the original total contract amount approved by EFC's Board, EFC shall either use a competitive process to award the additional work or document the reasons why a competitive process is not in the best interests of the Corporation.
3. For all Procurement Contract amendments, EFC will evaluate MWBE and SDVOB goals and reassess as appropriate.

C. Contract Renewals

1. A Procurement Contract can only be renewed for an additional term if there is specific language in the original contract providing for such a renewal option ("Renewal Contracts").
2. For Renewal Contracts, if EFC determines that it is in the best interest of the Corporation to continue the contractual relationship with the contractor, EFC will renew the Procurement Contract for the term specified in the original contract documents.
3. For all Procurement Contract renewals, EFC will evaluate MWBE and SDVOB goals and reassess as appropriate.

XV. Prompt Payment Guidelines

EFC will comply with standards for the payment of invoices within a specified period of time and for payment of interest penalties when invoices are not paid accordingly, as set forth in Public Authorities Law § 2880 and in accordance with EFC's Prompt Payment Guidelines, which can be found on EFC's website.

XVI. Reporting

A. Annual Report on Procurement Contracts

1. As required by Public Authorities Law § 2879, EFC shall prepare an annual report on Procurement Contracts which shall include:
 - a. the Guidelines;
 - b. any amendments to the Guidelines since the last annual report;
 - c. a list of the Procurement Contracts entered into since the last annual report which includes the following: all contracts entered into with New York State Business Enterprises and the subject matter and value thereof; all contracts entered into with certified MWBEs and the subject matter and value thereof; all referrals made and penalties imposed pursuant to Executive Law Section 316; all contracts entered into with Foreign Business Enterprises and the subject matter and value thereof; the selection process used to select such contractors; all Procurement Contracts which were exempt from the publication requirements of Economic Development Law Article 4-C and the basis for such exemption; and the status of existing Procurement Contracts;
 - d. a list of the fees, commissions and other charges paid on the Procurement Contracts listed pursuant to clause 3 above;
 - e. the results of the PIO's investigation of any allegations of improper lobbying or attempted improper lobbying, or any attempt to influence the procurement process in violation of State Finance Law § 139-j, Public Officers Law §§ 73(5) or 74, or EFC's Policy and Procedures on Procurement Lobbying;
 - f. a list of those Contacts between Corporation staff and employees, agents or consultants of any Offerer, pursuant to State Finance Law §§ 139-j and 139-k; and
 - g. annual reporting requirements pursuant to Executive Law Article 15-A.
2. EFC shall submit its annual report on Procurement Contracts to the Division of the Budget, with copies to the Department of Audit and Control, the Department of Economic Development, the Senate Finance Committee, and the Assembly Ways and Means Committee.

B. Annual Report to OSC on Eligible Contracts

1. As required by 2 NYCRR § 206.3, EFC shall submit a report to OSC annually describing any Eligible Contracts and Eligible Contract Amendments it reasonably anticipates entering into in the following fiscal year.
2. The following may be excluded from the annual report to OSC:
 - a. Exempt Contracts and Exempt Contract Amendments;
 - b. Change orders to construction contracts where the value of the change does not exceed \$100,000;
 - c. Agreements to extend the duration of a contract for which there is no change in contract amount;
 - d. Contracts where OSC approval is otherwise required, or provided for, by law or by resolution of a State authority, including, but not limited to, contracts made "for" the State by a state authority.

Appendix I

Glossary

The following terms are defined herein as follows. Unless otherwise specified, all other terms shall be defined as set forth in Public Authorities Law (“PAL”) § 2879, 2 NYCRR Part 206, or Executive Law Article 15-A.

1. **“Competitive Procurement,”** pursuant to 2 NYCRR § 206.2, means a procurement where EFC has:
 - a. published notice of the contract opportunity consistent with any statutory publication requirement including, but not limited to, article 4-c of the Economic Development Law, or, where there is no express statutory requirement for published notice, in the procurement opportunities newsletter or another newspaper, journal or periodical which is reasonably designed to give notice of the contract opportunity to all offerors capable of providing the requisite product, service or work to be performed; and further that such notice, wherever published, is reasonably designed to solicit bids, proposals or offers from all qualified offerors in response thereto; or
 - b. provided notice of the contract opportunity by soliciting bids, proposals or offers through some other method expressly authorized by statute, where such statute has deemed such other method to be competitive; and
 - c. awarded on the basis of a balanced and fair evaluation and selection method developed before the receipt of offers or bids; that is rational, objective and utilized a quantified scoring system, which evaluated all relevant factors such as cost (revenue), technical merits, or qualifications, and was applied equally to all qualified offerors.
2. **“Centralized Contract”** means any contract let by OGS Procurement Services for use by authorized users, including but not limited to EFC, for the purchase of goods or services. Centralized Contracts are established or approved by the Commissioner of General Services as meeting the State’s requirements.
3. **“Contact,”** pursuant to State Finance Law §§ 139-j and 139-k, means any oral, written or electronic communication with EFC under circumstances where a reasonable person would infer that the communication was intended to influence EFC’s conduct or decision regarding the procurement.
4. **“Designated Contact(s)”** means a person or persons who are knowledgeable about a procurement and that EFC designates for such procurement, pursuant to State Finance Law § 139-j, as the person or persons who may be contacted by Offerers relating to the procurement.

5. **“Discriminatory Jurisdiction,”** pursuant to PAL § 2879(5), means any other country, nation, province, state or political subdivision thereof which employs a preference or price distorting mechanism to the detriment of or otherwise discriminates against a New York State Business Enterprise in the procurement of goods and services by the same or a non-governmental entity influenced by the same. Such discrimination may include, but is not limited to, any law, regulation, procedure or practice, terms or license, authorization, or funding or bidding rights which requires or encourages any agency or instrumentality of the state or political subdivision thereof or non-governmental entity influenced by the same to discriminate against a New York State Business Enterprise.
6. **“Eligible Contract”** means any contract executed by EFC on or after March 1, 2010, other than an Exempt Contract, where the aggregate consideration proposed for exchange (including all reasonably anticipated renewals and amendments) may reasonably be valued in excess of \$1 million and such contract either:
 - a. shall be paid in whole or in part with monies appropriated by the State, either directly to EFC or to a State agency which pays the money to EFC; or
 - b. was or shall be awarded on a Single Source basis, a Sole Source basis or pursuant to any other method of procurement that is not a Competitive Procurement. For purposes of determining the value of a contract that has no term or is perpetual in nature, the contract shall be deemed to have a term of five years.
7. **“Eligible Contract Amendment”** means
 - a. any modification to an Eligible Contract; or
 - b. any modification other than an Exempt Contract Amendment, to a contract executed by EFC where such modification was executed on or after March 1, 2010, and where the aggregate consideration under the contract as amended may reasonably be valued in excess of \$1 million and:
 - i. the contract as amended will be paid in whole or in part with monies appropriated by the State, either directly to EFC or to a State agency which pays the money to EFC; or
 - ii. the contract was originally awarded on a noncompetitive basis; or
 - iii. the contract was originally awarded on the basis of a Competitive Procurement, but the modification was neither contemplated nor provided for in the solicitation for such Competitive Procurement.
8. **“Emergency”** means urgent and unexpected circumstances where the public health or safety or the use or conservation of public resources is at risk, requiring immediate action. Failure to properly plan in advance does not constitute an emergency.
9. **“Exempt Contract”** has the meaning set forth in 2 NYCRR § 206.2.
10. **“Exempt Contract Amendment”** has the meaning set forth in 2 NYCRR § 206.2.

11. **“Foreign Business Enterprise,”** pursuant to PAL § 2879(5), means a business enterprise, including a sole proprietorship, partnership or corporation, which offers for sale, lease or other form of exchange, goods which are sought by EFC and which are substantially produced outside the State, or services, other than construction services, sought by EFC which are substantially performed outside the State. For purposes of construction services, Foreign Business Enterprise shall mean a business enterprise, including a sole proprietorship, partnership or corporation, which has its principal place of business outside the State.
12. **“Goods,”** also referred to as commodities, means material goods, supplies, products, construction items, electronic information resource, or other standard articles of commerce which are the subject of any purchase or other exchange.
13. **“Minority-owned Business Enterprise,”** pursuant to Executive Law Article 15-A, means a business enterprise, including a sole proprietorship, partnership, limited liability company or corporation that is:
 - a. at least fifty-one percent owned by one or more minority group members;
 - b. an enterprise in which such minority ownership is real, substantial and continuing;
 - c. an enterprise in which such minority ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise;
 - d. an enterprise authorized to do business in this State and independently owned and operated;
 - e. an enterprise owned by an individual or individuals, whose ownership, control and operation are relied upon for certification, with a personal net worth that does not exceed fifteen million dollars, and such other amount as shall be set forth in 5 NYCRR Parts 140-145, as adjusted annually on the first of January for inflation according to the consumer price index of the previous year; and
 - f. an enterprise that is a small business pursuant to Executive Law Article 15-A.
14. **“New York Resident,”** pursuant to PAL § 2879, means a natural person who maintains a fixed, permanent, and principal home located within the State and to which such person, whenever temporarily located, always intends to return.
15. **“New York State Business Enterprise,”** pursuant to PAL § 2879, means a business enterprise, including a sole proprietorship, partnership or corporation, which offers for sale or lease or other form of exchange, goods which are sought by EFC and which are substantially manufactured, produced or assembled in the State, or services, other than construction services, which are sought by EFC and which are substantially performed within the State. For purposes of construction services, a New York State Business Enterprise shall mean a business enterprise, including a sole proprietorship, partnership, or corporation, which has its principal place of business in the State.

16. **“Offerer,”** pursuant to State Finance Law §§ 139-j and 139-k, means the individual or entity, or any employee, agent or consultant or person acting on behalf of such individual or entity, that contacts EFC about a procurement during the Restricted Period of such procurement whether or not the entity has a financial interest in the outcome of the procurement; provided, however, that a governmental agency or its employees that communicates with EFC regarding a governmental procurement in the exercise of its oversight duties shall not be considered an Offerer.
17. **“Preferred Source,”** pursuant to State Finance Law § 162, refers to those vendors afforded preferred source status meaning they are exempted from the Competitive Procurement requirements otherwise applicable to Procurement Contracts for certain goods and services that meet the form, function, and utility required by the governmental entity.
18. **“Procurement Contract,”** pursuant to PAL § 2879, means any written agreement for the acquisition of goods or services of any kind by EFC, in the actual or estimated amount of five thousand dollars (\$5,000) or more. A purchase order shall be deemed to be a Procurement Contract unless the purchase order is issued pursuant to an existing Corporation contract or a Centralized Contract where neither the contract nor the relevant procurement guidelines require a mini-bid or similar competitive process.
19. **“Procurement Record,”** pursuant to 2 NYCRR § 206.2, means documentation of the decisions made and the approach taken by EFC in the procurement process.
20. **“Restricted Period,”** pursuant to State Finance Law §§ 139-j and 139-k, means the period of time commencing with the earliest posting, on EFC’s website, in a newspaper of general circulation, or in the procurement opportunities newsletter in accordance with Economic Development Law Article 4-C, of written notice, advertisement or solicitation of a request for proposal, invitation for bids, or solicitation of proposals, or any other method provided for by law or regulation for soliciting a response from Offerers intending to result in a Procurement Contract with EFC and ending with the final contract award and approval by EFC and, where applicable, OSC.

21. **“Service-Disabled Veteran-Owned Business Enterprise,”** pursuant to Executive Law Article 17-B, means a business enterprise, including a sole proprietorship, partnership, limited liability company or corporation that is:
 - a. at least fifty-one percent owned by one or more service-disabled veterans;
 - b. an enterprise in which such service-disabled veteran ownership is real, substantial, and continuing;
 - c. an enterprise in which such service-disabled veteran ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise;
 - d. an enterprise authorized to do business in this State and is independently-owned and operated;
 - e. an enterprise that is a small business which has a significant business presence in the State, not dominant in its field and employs, based on its industry, a certain number of persons as determined by the director, but not to exceed three hundred, taking into consideration factors which include, but are not limited to, federal small business administration standards pursuant to 13 CFR part 121 and any amendments thereto; and
 - f. certified by OGS.

22. **“Services”** means the performance of a task or tasks and may include a material good or quantity of material goods, and which is the subject of any purchase or other exchange. Technology shall be deemed a service for purposes of these Guidelines.

23. **“Single Source,”** pursuant to 2 NYCRR § 206.2, means a procurement in which although two or more vendors can supply the required goods or services, EFC, upon written findings setting forth the material and substantial reasons therefore, may award a contract or amendment to a contract to one vendor over the other.

24. **“Small Business,”** pursuant to State Finance Law § 160(8), means a business which is resident in the State, independently owned and operated, not dominant in its field and employs one hundred or less persons.

25. **“Sole Source,”** pursuant to 2 NYCRR § 206.2, means a procurement in which only one vendor is capable of supplying the required goods or services.

26. **“State”** means New York State.

27. **“Technology”** means either a good or service or a combination thereof, that results in a technical method of achieving a practical purpose or in improvements in productivity. Technology shall be deemed a service for purposes of these Guidelines.

28. **“Women-owned Business Enterprise,”** pursuant to Executive Law Article 15-A, means a business enterprise, including a sole proprietorship, partnership, limited liability company or corporation that is:

- a. at least fifty-one percent owned by one or more United States citizens or permanent resident aliens who are women;
- b. an enterprise in which the ownership interest of such women is real, substantial and continuing;
- c. an enterprise in which such women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise;
- d. an enterprise authorized to do business in this State and independently owned and operated;
- e. an enterprise owned by an individual or individuals, whose ownership, control and operation are relied upon for certification, with a personal net worth that does not exceed fifteen million dollars, and such other amount as shall be set forth in 5 NYCRR Parts 140-145, as adjusted annually on the first of January for inflation according to the consumer price index of the previous year; and
- f. an enterprise that is a small business pursuant to Executive Law Article 15-A.

Appendix II

Authorities

The following are applicable guidance and authorities used in drafting and implementing these Guidelines.

A. Laws

1. Economic Development Law Article 4-C, *Procurement Opportunities Newsletter*
2. Executive Law Article 15-A, *Participation by Minority Group Members and Women with respect to State Contracts*
3. Executive Law Article 17-B, *Participation by Service-Disabled Veterans with respect to State Contracts*
4. Public Authorities Law § 2879, *Procurement Contracts*
5. Public Authorities Law § 2879-a, *Comptroller Approval of Contracts*
6. Public Authorities Law § 2880, *Prompt Payment*
7. State Finance Law §§ 139-j, *Restrictions on Contacts during the Procurement Process*
8. State Finance Law § 139-k, *Disclosure of Contacts and Responsibility of Offerers*
9. State Finance Law § 162, *Preferred Sources*
10. State Finance Law § 163, *Purchasing Services and Commodities*

B. Regulations

1. 2 NYCRR Part 206, *Comptroller Approval of Contracts made by State Authorities*
2. 5 NYCRR Parts 140-145, *Participation by Minority Group Members and Women with respect to State Contracts*
3. 9 NYCRR Part 252, *Service-Disabled Veteran-Owned Business Enterprise Program*

C. Guidance

1. Authorities Budget Office, *Public Authority Procurement Guidelines*, available at www.abo.ny.gov
2. EFC, *Policy and Procedures on Procurement Lobbying*, available at www.efc.ny.gov
3. EFC, *Prompt Payment Guidelines*, available at www.efc.ny.gov
4. New York State Procurement Bulletin, *Discretionary Purchasing Guidelines*, available at www.ogs.ny.gov
5. New York State Procurement Bulletin, *Preferred Source Guidelines*, available at www.ogs.ny.gov
6. New York State Procurement Council, *Procurement Guidelines*, available at www.ogs.ny.gov
7. OSC, *State Authority Contract Manual*, available at www.osc.state.ny.us

Appendix III

Types of Goods and Services Purchased

A. Types of Goods Purchased

The following is an illustrative (but not exclusive) list of the types of goods purchased by EFC in the past and may purchase in the future:

- Computer equipment and supplies such as mainframe components and related equipment, personal computers, software, and peripheral equipment, accessories and supplies; and
- Office equipment, furniture and supplies such as printers, copiers, audio/visual equipment, copier toner and paper.

B. Types of Services Purchased

The following is an illustrative (but not exclusive) list of the types of services EFC has purchased in the past or may purchase in the future:

- Audit
 - Provide audit services pertaining to the year-end preparation of financial statements of EFC in conformance with generally accepted accounting principles. Perform special audits and perform financial advisory services as requested.
- Engineering
 - Provide engineering services for EFC, including but not limited to, design and construction inspection engineering services.
- Equipment Maintenance
 - Provide routine service and repair of office equipment.
- Financial Advisory
 - Provide financial advisory services to EFC's financing activities, including but not limited to, independent advice on investments and the structure of debt instruments.
- Information Technology
 - Assist EFC with the design, implementation and operation of computer programs and cloud computing services that will enable EFC to function more efficiently.
- Legal
 - Provide legal services to EFC in the areas of bond and note financings, underwriting counsel services, litigation and other matters deemed necessary by EFC.
- Printing
 - Provide financial printing services based upon specifications and detail provided by EFC. Provide various technical printing services relative to the reproduction of forms and other printed matter. Provide technical, graphic, layout printing services in connection with production of EFC's annual report and any other reports, brochures, maps or printed matter that may be necessary or desirable.
- Underwriting
 - Provide assistance in the preparation, sale, marketing and distribution of EFC debt issues. Provide liaison with institutional and retail investor communities; enhance visibility of EFC as an issuer; sell bonds and notes of EFC.
- Other
 - As deemed necessary in the furtherance of the interests of EFC.

Exhibit B

**New York State Environmental Facilities Corporation
Annual Procurement Contracts Report**

**NYS Environmental Facilities Corporation
2022 -23 Annual Report on Procurement Contracts**

Vendor Name	Contract Type	Procurement Description	Award Process	Begin Date	End Date	Maximum Contract Amount (if applicable)	Amount Expended for Fiscal Year	Amount Expended for Life to Date	MWBE	NYS Business
Arcadis of New York, Inc.	Consulting Services	Advisor - Asset Management Program	Competitive	9/15/2022	9/15/2026	2,499,000.00	385,245.00	439,545.00	N	Y
Bamboo HR LLC	Technology - Software	Human Resources Software	Non-Competitive	12/21/2022	12/21/2023		3,759.21	3,759.21	N	N
Barclays Capital Inc.	Financial Services	Underwriter	Competitive	1/14/2020	1/13/2023		124,299.25	155,260.08	N	Y
Barton & Loguidice, D.P.C.	Consulting Services	Document Collection / Site Visit	Competitive	8/1/2021	7/31/2024	1,266,520.00	69,090.00	96,760.00	N	Y
Blackbaud Fundware	Technology - Software	Accounting Software	Non-Competitive	3/11/2022	3/11/2025	155,822.00	29,225.00	47,886.82	N	N
Bloomberg Finance L.P.	Technology - Software	Bloomberg Anywhere	Non-Competitive	11/1/2022	10/31/2024		14,594.00	14,594.00	N	Y
Bloomberg Finance L.P.	Technology - Software	Bloomberg Terminal	Non-Competitive	7/26/2018	7/26/2023	158,520.00	26,255.00	125,755.00	N	Y
BofA Securities, Inc.	Financial Services	Underwriter	Competitive	1/14/2020	1/13/2023		646,511.71	697,910.83	N	N
Cabrera Capital Markets LLC	Financial Services	Underwriter	Competitive	1/14/2020	1/13/2023		50,440.48	63,892.96	Y	Y
Capital District Records Mgmt	Other Professional Services	File Storage & Retrieval	Competitive	5/1/2010	3/31/2023		148.92	32,207.04	N	Y
Center for Internet Security, Inc.	Technology - Software	Cyber Security	Non-Competitive	2/27/2023	2/27/2024		28,847.25	28,847.25	N	Y
CheckWise Payroll	Financial Services	Payroll services	Competitive	1/1/2021	12/31/2025		8,240.65	18,078.60	N	Y
Citigroup Global Markets Inc.	Financial Services	Underwriter	Competitive	1/14/2020	1/13/2023		48,648.06	82,642.74	N	Y
Dell Marketing L.P.	Technology - Hardware	Hardware	Competitive	3/18/2023	3/18/2024		3,387.04	3,387.04	N	Y
Drexel Hamilton LLC	Financial Services	Underwriter	Competitive	1/14/2020	1/13/2023		92,439.11	161,302.96	Y	Y
Executive Information Systems, LLC (SAS)	Technology - Software	SAS Software Maintenance	Non-Competitive	12/15/2021	12/14/2023	47,628.00	23,814.00	47,628.00	N	N
Fitch Solutions, Inc.	Technology - Software	Credit Analytics	Non-Competitive	8/1/2021	7/31/2023	29,635.00	15,179.00	29,635.00	N	Y
Fitch, Inc.	Financial Services	Bond Rating 2022 A	Non-Competitive	4/21/2022	4/21/2022		77,000.00	77,000.00	N	Y
Fitch, Inc.	Financial Services	Bond Rating 2022 B	Non-Competitive	12/6/2022	12/6/2022		77,000.00	77,000.00	N	Y
Hawkins Delafield & Wood LLP	Legal Services	Legal Services	Competitive	1/12/2020	1/11/2024		290,000.00	567,649.00	N	Y
Hawkins Delafield & Wood LLP	Financial Services	Arbitrage Rebate Services	Competitive	1/1/2021	12/31/2023		27,800.00	58,750.00	N	Y
Hilltop Securities Inc.	Financial Services	Financial advisory	Competitive	2/3/2022	2/3/2025		135,000.00	135,000.00	N	N
ICE Data Pricing	Technology - Software	Valuation Services	Non-Competitive	9/20/2021	9/19/2023	28,504.20	14,238.81	22,371.89	N	N
Insight Public Sector	Technology - Software	Tableau Software	Competitive	9/3/2021	9/3/2023		8,697.68	8,697.68	N	N
Jefferies LLC	Financial Services	Underwriter	Competitive	1/14/2020	1/13/2023		566,463.63	809,073.90	N	Y
KPMG LLP	Financial Services	Audit Services	Competitive	4/1/2020	3/31/2024	556,801.00	108,199.00	320,367.00	N	Y
Kronos	Other	Maintenance for Kronos Software	Competitive	4/12/2022	4/12/2023		1,510.32	1,510.32	N	Y
Loop Capital Markets	Financial Services	Underwriter	Competitive	1/14/2020	1/13/2023		372,974.04	557,292.96	Y	Y
MacLeod Watts	Consulting Services	Actuarial GASB 75	Competitive	1/1/2023	12/31/2023		1,800.00	8,500.00	N	N
Micro Strategies Inc.	Technology - Software	IBM Maximo Software	Competitive	12/23/2020	12/23/2025		61,785.10	308,925.50	N	N
Moody's Analytics, Inc.	Technology - Software	Credit Review	Competitive	11/4/2021	11/3/2023	184,600.00	96,695.00	184,600.00	N	Y
Moody's Investors Service	Financial Services	Bond Rating 2022 A	Non-Competitive	4/21/2022	4/21/2022		38,026.11	38,026.11	N	N
Moody's Investors Service	Financial Services	Bond Rating 2022 B	Non-Competitive	1/20/2023	1/20/2023		155,000.00	155,000.00	N	N
Nixon Peabody LLP / D. Seaton and Associates	Legal Services	Legal Services	Competitive	1/12/2020	1/11/2024		110,841.83	524,011.83	N	Y
PFM Financial Advisors LLC	Financial Services	Financial advisory	Competitive	2/11/2022	2/11/2025		195,000.00	195,000.00	N	N
RBC Capital Markets LLC	Financial Services	underwriter	Competitive	1/14/2020	1/13/2023		41,167.07	96,888.55	N	Y
Refinitiv	Other	Municipal Market Data	Non-Competitive	8/1/2022	7/31/2023		8,838.00	8,838.00	N	N
Rice Securities, LLC	Financial Services	Underwriter	Competitive	1/14/2020	1/13/2023		47,943.85	100,228.31	Y	Y
Samuel A. Ramirez & Co., Inc.	Financial Services	Underwriter	Competitive	1/14/2020	1/13/2023		237,876.85	730,021.78	Y	Y
SHI International Corp.	Technology - Hardware	Rubrik Backup Solution	Competitive	10/28/2022	10/28/2025		139,175.86	139,175.86	Y	N
Siebert Williams Shank & Co., LLC	Financial Services	Underwriter	Competitive	1/14/2020	1/13/2023		117,683.17	322,887.92	Y	Y
SourceMedia LLC d/b/a Arizent	Financial Services	Online Service to Bond Buyer	Non-Competitive	11/14/2022	11/13/2023	8,010.00	8,010.00	8,010.00	N	Y

**NYS Environmental Facilities Corporation
2022 -23 Annual Report on Procurement Contracts**

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SS & C Technologies, Inc.	Technology - Software	Bond Structuring Software	Non-Competitive	9/16/2022	9/16/2023		40,786.00	118,829.00	N	Y
Standard & Poor's	Financial Services	2022 B Bond Rating	Non-Competitive	12/6/2022	12/6/2022		119,475.00	119,475.00	N	Y
Standard & Poor's	Financial Services	2022 A Bond Rating	Non-Competitive	4/21/2022	4/21/2022		119,212.00	119,212.00	N	Y
Standard & Poor's Financial / RatingsDirect	Technology - Software	Ratings and Research	Non-Competitive	8/31/2021	8/30/2023	53,506.00	26,753.00	53,506.00	N	Y
Standard & Poor's Financial / RatingsXpress	Technology - Software	Research	Non-Competitive	8/31/2021	8/30/2023	63,290.00	31,645.00	63,290.00	N	Y
State Records Center (NYS Archives)	Other Professional Services	Records Management	Non-Competitive	7/1/2015	7/1/2024		3,427.59	34,960.86	N	Y
UBS Financial Services, Inc.	Financial Services	Underwriter	Competitive	1/14/2020	1/13/2023		65,841.05	65,841.05	N	Y
WageWorks	Other Professional Services	NYS Flex Spending Account	Competitive	1/1/2018	12/31/2022		1,236.46	5,516.44	N	N
West (a Thomson Reuters business)	Commodities/Supplies	West Complete Library	Non-Competitive	6/1/2020	5/31/2023		6,855.40	19,723.00	N	N
West (a Thomson Reuters business)	Technology - Software	West Proflex	Non-Competitive	1/18/2018	11/20/2022		8,429.87	52,309.00	N	N
West (a Thomson Reuters business)	Technology - Software	West Proflex	Non-Competitive	9/30/2022	9/30/2023		8,811.30	10,637.56	N	N
Wilmington Trust (M&T Bank)	Financial Services	Trustee/Payee/Account Fees	Competitive	4/1/2022	3/31/2023		261,554.84	261,554.84	N	Y