



#### **Bureau of Contract Administration**

www.comptroller.nyc.gov



Welcome to Vendor Roadmap: A Guide for Doing Business with the City of New York. New York City is one of the largest contracting jurisdictions in the nation, averaging more than \$20 billion annually in the past two fiscal years in registered contracts for various supplies, services, and construction. The Comptroller's Office is committed to ensuring fairness and competition in City procurement as well as encouraging qualified vendors to seek contracting opportunities.

Explore how to do business with the City using this Roadmap, presented as a step-by-step outline for enrolling as a City vendor, understanding the procurement process, and growing your business. Each step contains essential requirements and information for vendors to consider as well as introductions to valuable resources. Read through each of the sections or jump to a particular step if you have a specific inquiry.



#### **Getting Started**

City, State, and Federal resources for starting a business, information for new and existing businesses seeking to enroll to do business with the City.



#### **Identifying Opportunities**

Resources for vendors seeking notices and announcements regarding current and upcoming contracting opportunities.



#### **Bidding on Contracts**

Tips for vendors preparing their bid or proposal packages in response to agency solicitations.



#### After Contract Award

This section outlines the parts of the contracting process between award selection and contract registration by the NYC Comptroller.



#### Getting Paid

Information related to City invoicing and payment processes.



#### Staying Current

Ongoing considerations for current and potential City contractors.

#### Things to consider when using the Roadmap:

- The Roadmap is primarily geared towards businesses seeking to do work with the City as prime contractors. However, because many City subcontracting opportunities exist for new and/or small businesses. we've included some practical considerations for this audience at various points within the six steps, identified as "Subcontractor Notes".
- The information contained in the Roadmap is intended to be helpful guidance in navigating the City's procurement process. This information should be used in conjunction with instructions from the various resources we cite, and is not intended to be legal advice. Vendors are ultimately responsible for reviewing and adhering to all applicable local, state, and federal laws and regulations that are relevant to their business practices.
- At this time, the information contained in the Roadmap is designed for use when considering doing business with Mayoral Agencies only. While certain information provided in the Roadmap may apply to the City's Non-Mayoral Agencies and Authorities as well as businesses should visit the agency websites directly to find procurement-related information on the latter.

#### **Mayoral Agencies**

- · Administration for Children's Services
- **Business Integrity Commission**
- Civil Service Commission
- Commission on Human Rights
- Civilian Complaint Review Board
- Department for the Aging
- Department of Buildings
- Department of City Planning
- Department of Citywide Administrative Services
- Department of Consumer Affairs
- Department of Correction
- Department of Cultural Affairs
- Department of Design & Construction
- · Department of Environmental Protection
- Department of Finance
- Department of Health and Mental Hygiene
- · Department of Homeless Services
- · Department of Housing Preservation & Development
- Department of Information Technology & **Telecommunications**

- · Department of Investigation
- · Department of Parks & Recreation
- Department of Probation
- Department of Records and Information Services
- · Department of Sanitation
- Department of Small Business
- Department of Transportation
- Department of Youth & Community Development
- Fire Department
- Human Resources Administration
- · Landmarks Preservation Commission
- · Law Department
- Mayor's Office of Criminal Justice
- Office of Administrative Trials and Hearings
- Office of Emergency Management
- Office of the Mayor
- Office of Management and Budget
- Police Department
- · Taxi & Limousine Commission

## 1 Getting Started

**Step 1** provides important guidance on business formation, relevant government filing requirements, and New York City vendor enrollment. The information provided is geared towards those vendors thinking about starting a business as well as existing firms looking to do business with the City.

#### **Business Tools**

If you are seeking to start a business, please visit the website of the below City, State, and Federal resources:

- Resources offered by the City's NYC Business Express to open and operate a business may be found at www.nyc.gov/businessexpress
- Legal filing and other business information offered by New York State may be found at www.ny.gov
- Business tools offered by the United States Small Business Administration may be found at www.sba.gov

#### Register with the City

Every vendor looking to do business with the City must first activate an account in the City's Payee Information Portal (PIP). As a NYC vendor, PIP will be used at various stages in the procurement and contracting process to serve functions such as invoicing, payment, contract management, and keeping your business profile current.

To build your business profile, PIP requires new vendors to enter basic company information such as business name, organizational structure, tax identification number, and contact information for

correspondence regarding various contract-related opportunities, payment, billing, and administration. PIP also requires vendors to select the appropriate commodity codes reflecting the particular goods and/or services that your business provides.

Applications to join existing PQLs remain open on a rolling basis, and reminder notices are published annually in The City Record, posted on a City website (typically the website of the Agency maintaining the PQL) and, for construction, an annual publication of the PQL is required in a local NYC newspaper.

#### **Enrollment in Pregualified Vendor Lists or "PQLs"**

When Agencies determine that the advanced screening of vendor qualifications is necessary to efficiently procure certain services, they are permitted to establish a new PQL or use an existing PQL, distributing solicitations to the listed vendors directly. For example, the Comptroller's Office maintains a PQL of Certified Public Accounting firms for Agencies to utilize when seeking auditing services.

To establish a new PQL for a specific procurement, Agencies are required to publish notice in The City Record as well as post a notice on the City's website identifying the category of goods, services, or construction the PQL covers, inviting vendors to apply for inclusion on the list, and establishing a cutoff date for receipt of applications for a particular procurement.

Applications to join existing PQLs remain open on a rolling basis, and reminder notices are published annually in The City Record, posted on a City website (typically the website of the Agency maintaining the PQL) and, for construction, an annual publication of the PQL is required in a local NYC newspaper.

## M/WBE & EBE INFO STATION



#### The City's Revamped M/WBE & EBE Program

On January 7, 2013, Local Law 1 of 2013 (Local Law 1), which greatly expanded the City's existing Minority and Women-Owned Business Enterprises (M/WBE) and Emerging Business Enterprises (EBE) Programs, was signed into law.

The changes in the M/WBE and EBE Programs under Local Law 1, which is jointly administered by the NYC Department of Small Businesses (SBS) and the Mayor's Office of Contract Services (MOCS), became effective on July 1, 2013. SBS is responsible for administering the certification of M/WBEs and EBEs, creating and maintaining the NYC Online Directory of Certified Businesses, and providing training and technical assistance to M/WBEs and EBEs both during and after certification.

Additionally, both SBS and MOCS are required to collect, analyze, and audit relevant citywide data as well as compile and provide quarterly and annual reports on M/WBE and EBE-specific statistics and figures to the New York City Council. The enhancements implemented by SBS under Local Law 1 are part of an ongoing effort to continue promoting fairness and equity in City procurement processes. In doing so, SBS and the City provide services to strengthen the ability of certified M/WBEs and EBEs to compete successfully in the marketplace by meeting its full range of business needs.

#### City Council Speaker M/WBE Program Compliance Report

The City Council Speaker M/WBE Program Compliance Report, which is compiled by MOCS and SBS on a quarterly basis, provides specific information and data required by Local Law 1. The most recent report covering the first three quarters of Fiscal Year 2014 also provides a useful summary of the differences between Local Law 1 and Local Law 129 (its immediate predecessor) and describes the program's key components as well as the City's efforts to meet program goals.

#### Additional Enrollment for Businesses that Provide Client and Community-Based Services

If your business provides client and community-based services, you can enroll in the City's Health and Human Services (HHS) Accelerator, an online procurement system launched to streamline the competitive contract process. These services include, but are not limited to, day care, home care, homeless assistance, employment training and assistance, vocational and educational programs, preventative services, youth services, and senior centers.

HHS Accelerator prequalifies service providers in various program categories, making it easier for vendors to respond to future solicitations by eliminating the need to produce duplicate information and/or documentation for every proposal. Rather, HHS Accelerator uses a "Document Vault" to store electronic versions of previously submitted material that vendors can update as necessary.

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#### **Identifying Opportunities**

**Step 2** provides information on where the City posts procurement notices, how vendors can find opportunities, and links to available plans listing future opportunities.

#### The City Record

You can find contract opportunities by regularly checking The City Record, which publishes announcements regarding solicitations, contract awards, upcoming public hearings and meetings, proposed and adopted agency rulemaking, and more. The City Record is published each weekday except for legal holidays, and its website contains a searchable database of procurement solicitations including franchises, concessions, and revocable consents as well as related notices. A subscription is available for purchase through its website for those interested in receiving hard copies.

#### **Agency Websites**

In addition to posting to The City Record, Agencies use their own websites to advertise contracting opportunities. Visit Agency websites to learn more.

#### **Direct Solicitations**

After activating a PIP account, your business will receive notices of solicitation identifying upcoming bids and requests for proposals when Agencies are seeking to procure goods and/or services that your business provides. Using information stored in PIP, Agencies can send prospective vendors direct solicitations for purchase orders and small purchases.



#### Tip:

Checkbook NYC is a great tool for understanding the size and scope of current City contracts and spending. It can also be used as a tool to identify potential competition in order to best position your business in the market.



#### Subcontractor Note:

While subcontractors do not respond directly to contract opportunities, staying current with open and upcoming solicitations and resulting contract awards will help you identify potential subcontract opportunities for your business.

#### **Published Contracting Plans**

You can reference published contracting plans to get a better idea of what the City is planning to buy in the near future and identify contracts to compete for.

#### **MOCS Plans and Reports**

MOCS posts the following contract-related resources.

Annual Procurement Plans pursuant to Local Law 1 of 2013

MOCS posts Annual Procurement Plans on behalf of certain Mayoral Agencies each fiscal year. Each Agency's plan lists the upcoming contracts that are subject to Local Law 1, which may contain M/WBE goals.

Annual Procurement Plans pursuant to Local Law 63 of 2011

MOCS also posts Annual Procurement Plans on behalf of certain Mayoral Agencies each fiscal year. Each Agency's plan lists the upcoming standard and professional services contracts that are subject to Local Law 63.

#### Concession Plans

MOCS oversees the Franchise and Concession award processes and posts Agency Annual Concession Plans and Annual Reports.

#### Construction Project Pipeline

The Construction Project Pipeline lists construction projects that Agencies expect to bid out over the next 12 months. MOCS publishes the Construction Project Pipeline three times a year in February, May, and October.

#### **Annual Procurement Indicators Report**

Each fiscal year, MOCS compiles and publishes the Procurement Indicators Report using contract data collected over the reporting period.

#### **HHS Accelerator**

HHS Accelerator posts a Procurement Roadmap of upcoming client and community-based services contract opportunities that will be procured through the system.

### Learn More about Rules Governing NYC Procurement

With limited exceptions, the Procurement Policy Board (PPB) Rules govern the procurement of all goods, services, and construction by City Agencies to be paid for out of the City treasury or out of monies under the control of, assessed, or collected by the City.

The City's Concession Rules govern grants made by City Agencies for the private use of City-owned property, such as for food sales or recreational activity for which the City receives compensation other than in the form of a fee to cover administrative costs. Concessions do not include franchises, revocable consents, or leases. In certain situations, franchises

and concessions are subject to the approval of the City's Franchise & Concession Review Committee.

The Department of Parks and Recreation awards the majority of the City's concessions, with about 500 concessions currently operating in parks throughout the five boroughs. Visit their website to learn more and to find concession opportunities.

Be sure to complete all necessary licensing steps for operating

a concession. The Department of Consumer Affairs (DCA) provides business-related licenses such as Sidewalk Café and General Vendor Licenses. The Department of Health and Mental Hygiene (DoHMH) provides health and safety related licenses in various fields, including several food and restaurant-related licenses. To learn more about the licenses that apply to your business, visit NYC Business Express, mentioned in Step 1: Getting Started.

## M/WBE & EBE INFO STATION



#### **Local Law 1 Annual Procurement Plans**

Each Agency's plan lists all anticipated contracts that are subject to Local Law 1 in a given fiscal year. These contracts may contain M/WBE participation goals in various categories which can be met by utilizing M/WBE certified prime contracts and/or subcontractors. As a certified M/WBE, you can gain an understanding of the Agencies whose contracting portfolios may be a good fit for your business.

#### **Small & Micropurchases**

In addition to proactively seeking opportunities, be ready to respond to the ones that you've created for your business just by enrolling with the City. Activating a PIP account, becoming certified, and enrolling in commodity lists makes you eligible to receive the following small dollar opportunities to sell to the City.

#### Small Purchases ("5+5")

When an agency is seeking goods or services within the small purchase range under the "5+5" method, a unique online system randomly generates a list of at least five non-M/WBE vendors and five M/WBE vendors for the Agency to solicit from directly. Additionally, Agencies are permitted to add other M/WBE vendors to the randomly drawn list. While this method is designed to increase the number of contracting opportunities available to M/WBE vendors, Agencies are still required to make awards to the lowest responsive and responsible vendor.

#### Micropurchases

In July 2013, the Procurement Policy Board (PPB) raised the dollar threshold for mircopurchases from \$5,000 to \$20,000. Micropurchases for goods and services have historically shown strong M/WBE utilization and Local Law 1 further increases the share of contracting opportunities available from Agencies. While no formal competition is required for a micropurchase award, Agencies are still required to ensure cost reasonableness as well as the equitable distribution of awards among responsible vendors, including M/WBE vendors.

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#### **Bidding on Contracts**

**Step 3** contains essential information for vendors responding to City Agency solicitations for goods and/or services.

#### Responding to Solicitations

In general, everything you need to know about the contract being procured will be contained in the solicitation document.

Use the three steps below to guide you on the proper way to respond to identified contract opportunities.

**First**, if the agency has scheduled a pre-bid or pre-proposal conference, you should attend. It is a chance for prospective bidders to ask questions about the solicitation as well as speak with other vendors. While most pre-bid and pre-proposal

conferences are not mandatory, some do require attendance and this will be specified in the solicitation document.

If you are unsure whether your business has the capacity to handle the work as a prime contractor, you may want to explore alternate ways to participate such as through a joint venture or as a subcontractor.

**Second**, as you prepare your bid/proposal in accordance with the solicitation's instructions, keep in mind that it is very important to follow the instructions carefully. Failure to do so may cause your submission to be deemed "nonresponsive" and disqualified from consideration.

**Third**, submit your bid/proposal by the due date.



#### Tip:

Pay careful attention to the deadlines for submitting written questions regarding a solicitation as well as the bid/proposal due date, and be sure to check the Agency's website periodically throughout the open solicitation period.

Most of the time, you will be asked to input some basic contact information in order to access solicitations available for download. Announcements and addenda distributed by the Agency during the open solicitation period will be sent to the e-mail address you provide.



#### Tip:

Checkbook NYC is a great tool for understanding the size and scope of current City contracts and spending. It can also be used as a tool to identify potential competition in order to best position your business in the market.

### **Understanding Standard Forms and Contract Templates**

#### **Standard Forms**

The City uses several standard forms to collect information from vendors. These are often related to compliance and transparency in the procurement process and are subject to change with changing regulations. All required forms will be included as part of the solicitation document. A small sampling of some of the regulations that you may come across are listed below. Refer to the solicitation document for the most up to date versions of these documents.

Contracts subject to the **NYS Iran Divestment Act of 2012** will include a certification page for vendors to sign and return with the submission package.

**Local Law 34 of 2007** established a database of all entities doing or seeking to do business with the City. A Doing Business Data Form may be included in the solicitation.

Contracts that are subject to **Local Law 1 of 2013** will include one of multiple versions (dependent upon the procurement method) of the M/WBE Utilization Plan ("Schedule B"). For construction-related contracts that are subject to Project Labor Agreements (PLA), proposers are required to submit a Letter of Assent to the PLA with their proposal.

#### **Contract Templates**

The City uses standard contract templates for contracts in various industries such as the Standard Construction Contract and the Standard Human Services Contract. HHS Accelerator publishes the Standard Human Services Contract for review by vendors. At this time, the Standard Construction Contract is not available for publication.

#### **Vendor Resources & Assistance**

Solicitation documents will include an Agency contact for you to direct contract-related questions to. Here are some other helpful resources to know about.

#### **Comptroller's Community Action Center**

The Comptroller's Community Action Center (CAC) is the constituent service arm of the Comptroller's office. CAC staff are available to help New Yorkers navigate City government, including questions and issues related to City contracting.

#### **Procurement Policy Board (PPB)**

The Procurement Policy Board (PPB) is authorized under the City Charter to promote and put into effect rules governing the procurement of goods, services, and construction. The PPB Rules address the rights of vendors during the procurement process, such as the appeal process for vendors determined to be non-responsive or non-responsible by an Agency on a given procurement. The Rules also provide practical procedures for common issues facing bidders or proposers, such as when and how to correct a mistake in a solicitation response.

## New York State Freedom of Information Law (FOIL)

City contracts and procurements are generally considered "records" subject to disclosure by Agencies under the New York State Freedom of Information Law (FOIL). Unless the record falls within an enumerated exemption, it can be obtained by members of the public or press by making a FOIL request. Each City agency has a designated Records Access Officer and an Appeals Officer who receives, reviews and responds to FOIL requests. Visit the Agency website to learn more about submitting a FOIL request.

## M/WBE & EBE INFO STATION



#### **SBS Procurement Assistance**

SBS offers additional guidance to the NYC small business community, including M/WBEs and EBEs, on doing business with the City through its Procurement Outreach Program which provides training and literature on NYC's procurement practices. SBS also operates three Procurement Technical Assistance Centers (PTACs) that provide a wide range of procurement assistance, including assistance responding to City contracting opportunities. One-on-one assistance provided by M/WBE account managers is yet another resource SBA makes available to vendors. To learn more about PTAC services and other services offered to the NYC business community, visit a NYC Business Solutions Center.



**Step 4** provides information regarding the procurement process in the period between award selection and contract registration

#### **Award Finalization**

Once a vendor has been selected for a contract, the City will negotiate final contract terms, advertise and hold a contract public hearing (as applicable), work with the City's oversight agencies for final budget and procedural requisites approval, and perform a responsibility determination for the selected vendor.

#### **Responsibility Determination**

The City is required to award contracts to responsible contractors only, and Agencies must review all proposed contract awardees and subcontractors before expending taxpayer dollars. A "responsible vendor" is one who has the capability to fully perform the contract requirements in all respects and the business integrity to justify the award of a City contract.

In completing a responsibility determination, an Agency may request and review information pertaining to the topics below:

#### **VENDEX**

Vendors receiving an award of at least \$100,000 or vendors holding contracts with an aggregate value of at least \$100,000 in the prior 12 months must complete and submit VENDEX Forms for the contracting entity and its principals, as well as any parent companies and certain affiliates and owners. This information is entered into a VENDEX Database and is subsequently used by Agencies in performing their required responsibility reviews.

#### **Employment Practices**

The Division of Labor Services (DLS) enforces Executive Order No. 50 which requires City contractors to comply with Federal, State, and local equal employment opportunity (EEO) laws and regulations. You may be asked to provide information on the workforce composition and employment policies and practices of your business.

#### **Business Taxes**

Business tax status is checked as part of every vendor responsibility review and determination. It is therefore important to ensure that your business taxes are current by visiting the NYC Department of Finance. Vendors should also ensure that their State and Federal taxes are up to date and that there are no outstanding tax liens, warrants, or judgments against the business or any of its principals, affiliates, etc.

#### **Contract Registration**

The Comptroller oversees the City's contract registration process, and Bureau of Contract Administration reviews and registers most City contracts. Once a contract has received all required oversight approvals and has been executed by both parties, the contracting Agency prepares and delivers a contract submission package to the Bureau of Contract Administration as applicable. The Comptroller has 30 calendar days from the date of submission to register, return, or object to the pending contract action.

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#### **Subcontractor Note:**

The City is required to review and approve all subcontractors to ensure that they possess the necessary capacity, integrity, experience, and skills to perform the required work. During the approval process, the City will review one or more of the following as applicable: VENDEX questionnaires, references, licenses, certifications, financial information, etc.

#### **Business Loans**

The loan programs listed below are available to businesses in need of start-up resources or other financial support and may be available to your business to cover contract-related expenditures before invoicing and payment begins.

#### **Fund for the City of New York**

The Fund for the City of New York (FCNY) manages the Returnable Grant Fund, a cash flow loan that provides bridge financing to nonprofit organizations that are waiting for committed funds from governments and foundations.

### New York City Economic Development Corporation (NYCEDC) Loan Programs

NYCEDC offers a variety of business services and loan programs including the Kick-Start Loan Program, NYC Capital Access Loan Guaranty Program, New Markets Revolving Loan Fund, NYC Fashion Production Fund, and NYC Food Manufacturers Growth Fund.

### The United States Small Business Administration (SBA) Loan Programs

SBA offers several federal loan programs such as General Small Business Loans, Microloans, Real Estate and Equipment Loans, and Disaster Loans.

## M/WBE & EBE INFO STATION

#### **SBS Financial Assistance**

Small businesses, including M/WBE vendors, are more likely to face obstacles in obtaining cash flow loans from lending institutions. To help overcome this challenge, SBS partners with institutions such as Citibank and Capital One to offer financial assistance and creative loan solutions.

**Step 5** provides information regarding preparing for and receiving contract payments.

#### The City's Payment System

Once registered in the City's Financial Management System (FMS), payment for services rendered and/or goods provided may begin in accordance with the terms of your contract (i.e., invoice submission, review and approval). You will be able to track all of your City contracts, contract payments, and approved subcontractors in PIP, and your contract will appear in Checkbook NYC.

#### **Substitute W-9**

The City must have current and accurate substitute W-9s for each vendor before making contract payments. You may have submitted a signed substitute W-9 when you activated your PIP account. If you did not, or if any of the information contained on that submission has since changed, complete and submit an updated substitute W-9.

#### **Electronic Payment**

Most City contracts require that payment be disbursed via electronic funds transfer (EFT). If your business has not already enrolled to receive EFT payment, you may find the EFT enrollment form on the PIP homepage.

#### Subcontractor Note:

The City is required to review and approve all subcontractors to ensure that they possess the necessary capacity, integrity, experience, and skills to perform the required work. During the approval process, the City will review one or more of the following as applicable: VENDEX questionnaires, references, licenses, certifications, financial information, etc.

### **Staying Current**

**Step 6** provides information on ongoing considerations for City vendors.

#### **Prepare for Annual Performance Evaluations**

The PPB Rules require that the majority of open contracts be evaluated for performance by the contracting Agency at least once a year. Agencies evaluate vendors on a scale from "Unsatisfactory" to "Excellent" in the following three areas:

- Timeliness of performance
- Fiscal administration and accountability
- Overall quality of performance

Agencies and vendors use annual performance evaluations as contract management tools to identify strengths and target opportunities. Once completed by the contracting Agency, MOCS will notify the contractor of its performance evaluation and provide that vendor with an opportunity to review and respond before the outcomes are posted in VENDEX.

#### **Workshops and Classes**

SBS offers a number of free courses and workshops geared toward new and existing small business which aim to strengthen a vendor's core business process and include courses tailored to doing business with the City. A sampling of SBS-offered courses is listed below:

- Business Planning Basics
- Business Financial Management
- Accessing Financing
- Marketing 101
- Selling to New York City
- Insurance Requirements for Public Work Workshop



It's important to stay up to date with required filings such as VENDEX, insurance, and taxes during your contract term and as you compete for new work.

MOCS offers training and support for nonprofit organizations through their Capacity Building and Oversight (CBO) Program, which conducts organizational capacity assessments, offers assistance with State and Federal compliance requirements, and holds Capacity Building Trainings.

## M/WBE & EBE INFO STATION



#### **SBS Business Courses**

SBS's business courses include several that have been designed specifically for M/WBEs and EBEs. These include Selling to Government Courses and Application Based Courses, as well as courses in other business basics such as Financing & Accounting, Business Planning & Operations, and Marketing.

#### "Compete to Win" Services

NYC Business Solutions offers a suite of services designed to help grow small business and get them ready to compete for City contracts. These services include:

- Technical Assistance in the form of workshops and one-on-one sessions
- NYC Teaming to learn more about partnering with other vendors to bid on larger contracts
- · Upfront Capital Loan to help fund upfront project costs
- · Services for Construction Firms such as the NYC Construction
- Mentorship and the Bond Readiness program
- Strategic Steps for Growth, an executive business management education program provided in partnership with New York University
- Corporate Alliance Program, which allows certified firms to network with and learn from the private sector



# NEW YORK CITY COMPTROLLER SCOTT M. STRINGER

MUNICIPAL BUILDING • 1 CENTRE STREET, 5TH FLOOR • NEW YORK, NY 10007 PHONE (212) 669-3500 FAX (212) 669-8878 WWW.COMPTROLLER.NYC.GOV