

**NEW YORK STATE HOUSING FINANCE AGENCY
STATE OF NEW YORK MORTGAGE AGENCY
NEW YORK STATE AFFORDABLE HOUSING CORPORATION
STATE OF NEW YORK MUNICIPAL BOND BANK AGENCY
TOBACCO SETTLEMENT FINANCING CORPORATION**

*Annual Procurement
Report
Fiscal Year 2009 - 2010*

January 27, 2011

For the period commencing November 1, 2009 and ending October 31, 2010¹

641 Lexington Avenue
New York, New York 10022
212-688-4000
www.nyshcr.org

¹ Although AHC's fiscal year runs from April 1st through March 31st, for purposes of this consolidated Report, AHC's procurement activity is reported using a November 1, 2009 – October 31, 2010 period, which conforms to the fiscal period shared by the majority of the Agencies.

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Annual Procurement Report

For the period commencing November 1, 2009 and ending October 31, 2010

Annual Procurement Report Index

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TAB 1

AGENCIES' LIST OF PRE-QUALIFIED PANELS

Appraisal and Market Study Consultant pre-qualified panel of the:

- ▶ New York State Housing Finance Agency
 - Capital Appraisal Services, Inc.
 - Emminger, Newton, Pigeon & Magyar, Inc.
 - Gar Associates, Inc.
 - Grubb & Ellis Consulting Services
 - Jacques O. Tuchler & Associates²
 - Jerome Haims Realty, Inc.
 - Klauk, Lloyd & Wilhelm, Inc.
 - MR Valuation Consulting, LLC¹
 - Patjo Appraisal Services, Inc.¹
 - Phoenix Real Estate Counselors Inc.
 - Pomeroy Appraisal Associates, Inc.
 - Richard J. Lampert Real Estate Consulting and Market Research
 - Saratoga Associates Landscape Architects, Engineers, and Planners, P.C.
 - The Weitzman Group, Inc.

Audit Services pre-qualified panel of the:

- ▶ New York State Affordable Housing Corporation
 - Dadia Velles & Co. CPAs LLP¹
 - Israeloff Trattner & Co., P.C.
 - KPMG LLP
 - Les S. Thompson & Co., LLP¹
 - Lumsden & McCormick, LLP
 - Tabriztchi & Co., CPA, P.C.
 - Toski, Schaefer & Co., P.C.
 - Watson Rice LLP¹
 - Wei Wei & Co., LLP¹

¹Minority-Owned Business Enterprise

²Women-Owned Business Enterprise

Financial Advisor pre-qualified panels of the:

- ▶ New York State Housing Finance Agency
 - CSG Advisors
 - First Southwest Company
 - Lamont Financial Services Corporation
 - Piper Jaffray & Co.
 - Public Resources Advisory Group
 - NW Financial Group LLC
 - Swap Financial Group

- ▶ State of New York Mortgage Agency
 - CSG Advisors
 - First Southwest Company
 - Lamont Financial Advisory Group
 - Piper Jaffray & Co.
 - Public Resources Advisory Group
 - Swap Financial Group

- ▶ State of New York Municipal Bond Bank Agency
 - CSG Advisors
 - First Southwest Company
 - Lamont Financial Advisory Group
 - Piper Jaffray & Co.
 - Public Resources Advisory Group
 - Swap Financial Group

- ▶ Tobacco Settlement Financing Corporation
 - CSG Advisors
 - First Southwest Company
 - Lamont Financial Advisory Group
 - Piper Jaffray & Co.
 - Public Resources Advisory Group
 - Swap Financial Group

Investment Manager pre-qualified panel of the:

- ▶ State of New York Mortgage Agency
 - Deutsche Investment Management Americas, Inc.
 - J.P. Morgan Investment Management Inc.

Outside Bond Counsel prequalified panels of the:

- ▶ New York State Housing Finance Agency
 - Gonzalez, Saggio & Harlan LLP¹
 - Harris Beach LLP
 - Hawkins Delafield & Wood LLP
 - Hiscock & Barclay LLP
 - Holland & Knight LLP
 - Lewis & Munday, PC¹
 - Mintz Levin Cohn Ferris Glovsky and Popeo PC
 - Nixon Peabody LLP
 - Orrick, Herrington & Sutcliffe LLP
 - Squire, Sanders & Dempsey L.L.P.

- ▶ State of New York Mortgage Agency
 - Hawkins Delafield & Wood LLP

- ▶ State of New York Municipal Bond Bank Agency

- ▶ Tobacco Settlement Financing Corporation
 - Hawkins Delafield & Wood LLP
 - Orrick, Herrington & Sutcliffe LLP

¹Minority-Owned Business Enterprise

Outside Non-Bond Counsel pre-qualified panel of the:

- ▶ New York State Housing Finance Agency
- ▶ State of New York Mortgage Agency
- ▶ New York State Affordable Housing Corporation
- ▶ State of New York Municipal Bond Bank Agency
- ▶ Tobacco Settlement Financing Corporation
 - Anderson Kill & Olick, P.C.
 - Arnold & Porter, LLP
 - Berkman, Henoch, Peterson & Peddy, P.C.
 - Boylan, Brown, Code, Vigdor & Wilson, LLP
 - Cullen & Dykman, LLP
 - Davies Ward Phillips & Vineberg, LLP
 - Gilberti Stinziano Heintz & Smith, P.C.
 - Golenbock Eisman Assor Bell & Peskoe
 - Harris Beach, PLLC
 - Hoguet Newman & Regal²
 - Holland & Knight, LLP
 - Jaspan Schlesinger Hoffman, LLP
 - Manatt, Phelps & Phillips, LLP
 - McKenna Long & Aldridge, LLP
 - Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C.
 - Nixon Peabody, LLP
 - Rosenberg & Estis, P.C.
 - Squire, Sanders & Dempsey, LLP
 - Venable, LLP

²Women-Owned Business Enterprise

Photography prequalified panel of the:

- ▶ New York State Housing Finance Agency
- ▶ State of New York Mortgage Agency
- ▶ New York State Affordable Housing Corporation
 - Amiaga Architectural Photographer
 - Jay Rosenblatt Photography
 - MJ Okoniewski Photographer
 - Teri Bloom Photography²
 - Thomas Leighton

Physical Condition Inspections Firms Certified by HUD to Perform Under the REAC Protocol pre-qualified panel of the:

- ▶ New York State Housing Finance Agency
 - Bernard J. Morosco, Consulting
 - Inspection & Training Services
 - LS Engineering Associates Corporation

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²Women-Owned Business Enterprise

Physical Needs Assessment, Construction Monitoring and/or Management Consultant pre-qualified panel of the:

- ▶ New York State Housing Finance Agency
 - BANC3, Inc.¹
 - Beardsley Design Associates
 - Cashin Associates, PC
 - Clampett Industries LLC (d/b/a EMG)
 - Clough Harbour & Associates, LP
 - CSA Group NY Architects & Engineers, PC¹
 - Greyhawk North America, Inc.
 - Heritage Architecture LLC¹
 - Hillmann Group, LLC
 - HiRise Engineering, P.C.
 - IVI Due Diligence, Inc.
 - Kenneth O. Wille & Associates, Inc.
(d/b/a KOW Building Consultants)
 - Keystone Associates, Architects, Engineers and Surveyors, LLC
 - LaBella Associates, PC
 - LiRO Program and Construction Management, PC
 - Lockwood Kessler & Bartlett Inc.
 - Munoz Engineering & Land Surveying PC¹
 - Promatech, Inc.²
 - STV Construction, Inc.

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Printer pre-qualified panel of the:

- ▶ New York State Housing Finance Agency
- ▶ State of New York Mortgage Agency
- ▶ New York State Affordable Housing Corporation
 - CLR Printing Plus²
 - Courier Printing Corp.
 - DG3
 - Nittany Valley Offset
 - Printex.com Inc.
 - On Demand Color Group
 - On Demand Color Group

*Technical Assistance Provider prequalified panel with respect to the
Manufactured Home Cooperative Fund Program of the:*

- ▶ New York State Housing Finance Agency
 - PathStone Corporation (formerly, Housing Opportunities, Inc.)
 - Inhouse Corporation
 - Long Island Housing Partnership, Inc.

²Women-Owned Business Enterprise

TAB 2

Run Date: 01/10/2011

Procurement Contract Report For '09 - '10 (11/01/2009 to 10/31/2010)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/09 to 10/31/10					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
Appraisal Services														
HFA	Gar Associates Inc. 2399 Sweet Home Rd. Amherst, NY 14228	APPRAISAL AND MARKET STUDY ANALYSIS CONSULTANT SERVICES	2552	05/13/2010 05/12/2015	Preq List 06/22/2009	13	N	0						0
Architectural and Engineering Services														
HFA	BANC3, Inc. + 379 Princeton Hightstown Road East Windsor, NJ 08512	PHYSICAL NEEDS ASSESSMENT, CONSTRUCTION MANAGEMENT & CONSTRUCTION MONITORING CONSULTANT SERVICES	2213	07/26/2007 07/25/2012	Preq List 04/23/2007	7	Y	121,550	100%					140,745
HFA	Beardsley Design Assoc. Architecture 431 East Fayette Street Syracuse, NY 13202	PHYSICAL NEEDS INSPECTIONS & CONSTRUCTION MONITORING CONSULTANT SERVICES	2243	07/26/2007 07/25/2012	Preq List 04/23/2007	7	Y	8,265	100%					8,265
HFA	Clough Harbour & Associates, LLP 111 Winners Circle PO Box 5269 Albany, NY 12205	PHYSICAL NEEDS ASSESSMENT, CONSTRUCTION MONITORING & CONSTRUCTION MANAGMENT CONSULTANT SERVICES	2514	06/05/2009 06/04/2014	Preq List 09/29/2008	16	Y	7,444	100%					7,444
HFA	Clampett Industries, LLC 11011 McCormick Road Hunt Valley, MD 21031	PHYSICAL NEEDS ASSESSMENT & CONSTRUCTION MONITORING CONSULTANT SERVICES	2211	07/26/2007 07/25/2012	Preq List 04/23/2007	7	N	425,252	100%					446,452
HFA	HiRise Engineering, P. C. 50 Charles Lindbergh Blvd. Suite 503 Uniondale, NY 11553	PHYSICAL NEEDS ASSESSMENT & CONSTRUCTION MONITORING CONSULTANT SERVICES	2212	07/26/2007 07/25/2012	Preq List 04/23/2007	7	Y	11,500	100%					26,825

+ Minority-Owned Business Enterprise

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Architectural and Engineering Services</u>														
HFA	Hillmann Environmental Group, LLC 1600 Route 22 E Union, NJ 07083	PHYSICAL NEEDS ASSESSMENT & CONSTRUCTION MONITORING CONSULTANT SERVICES	2472	06/04/2009 06/03/2014	Preq List 09/29/2008	16	N	5,500	100%					5,500
HFA	IVI International, Inc. 55 West Red Oak Lane White Plains, NY 10604	PHYSICAL NEEDS ASSESSMENT & CONSTRUCTION MONITORING CONSULTANT SERVICES	2453	06/05/2009 06/04/2014	Preq List 09/29/2008	16	Y	13,100	100%					13,100
HFA	Inhouse Corporation PO Box 1426 Riverhead, NY 11901	CONSULTANT SERVICES	633	03/17/2004 // Upon Notice	Preq List 01/31/2005	3	Y	8,560	100%					26,423
HFA	Inhouse Corporation PO Box 1426 Riverhead, NY 11901	TECHNICAL & ASSISTANCE PROVIDER SERVICES	634	09/08/2004 // Upon Notice	Preq List 01/31/2005	3	Y	19,807	100%					67,274
HFA	Kenneth O. Wille & Associates, Inc. 1034 West Jericho Turnpike Smithtown, NY 11787	PHYSICAL NEEDS ASSESSMENT & CONSTRUCTION MONITORING CONSULTANT SERVICES	2231	07/26/2007 07/25/2012	Preq List 04/23/2007	7	Y	2,500	100%					12,400
HFA	Bernard J. Morosco 1603 Girard Street Utica, NY 13501	ENGINEERING SERVICES	963	02/05/2004 // Upon Notice	Preq List 11/13/2003	6	Y	450	100%					16,950

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									HFA	SONYMA	AHC	MBBA	TSFC	
Architectural and Engineering Services														
HFA	PathStone Corporation 400 East Avenue Rochester, NY 14607	CONSULTANT SERVICES	2340	03/25/2003 // Upon Notice	Preq List 01/31/2005	3	NYD	6,222	100%					10,788
HFA	PathStone Corporation 400 East Avenue Rochester, NY 14607	TECHNICAL SERVICES & ASSISTANCE PROVIDER SERVICES	2437	08/15/2003 // Upon Notice	Preq List 01/31/2005	3	NYD	3,733	100%					3,733
Audit and Accounting Services														
SONYMA	Deloitte & Touche, LLP 2 World Financial Center New York, NY 10281-1414	AUDITOR'S SERVICES	340	09/04/2004 09/03/2010	RFP 04/28/2004	3	NYD	219,930		100%				1,095,246
AHC	Deloitte & Touche, LLP 2 World Financial Center New York, NY 10281-1414	AUDITOR'S SERVICES	341	09/04/2004 09/03/2010	RFP 04/28/2004	3	NYD	14,000			100%			74,480
MBBA	Deloitte & Touche, LLP 2 World Financial Center New York, NY 10281-1414	AUDITOR'S SERVICES	342	09/04/2004 09/03/2010	RFP 04/28/2004	3	NYD	17,280				100%		88,560
HFA	Deloitte & Touche, LLP 2 World Financial Center New York, NY 10281-1414	AUDITOR'S SERVICES	343	09/04/2004 09/03/2010	RFP 04/28/2004	3	NYD	230,430	99%	1%				1,370,583

NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Audit and Accounting Services</u>														
TSFC	Deloitte & Touche, LLP 2 World Financial Center New York, NY 10281-1414	AUDITOR'S SERVICES	344	09/04/2004 09/03/2010	RFP 04/28/2004	3	NYD	11,610					100%	55,620
HFA	Ernst & Young LLP 5 Times Square New York, NY 10035-6530	AUDIT SERVICES	2539	06/10/2010 06/09/2015	RFP 03/16/2010	3	Y	65,314	100%					65,314
SONYMA	Ernst & Young LLP 5 Times Square New York, NY 10035-6530	AUDIT SERVICES	2556	06/10/2010 06/09/2015	RFP 03/16/2010	3	Y	35,440		100%				35,440
MBBA	Ernst & Young LLP 5 Times Square New York, NY 10035-6530	AUDIT SERVICES	2557	06/10/2010 06/09/2015	RFP 03/16/2010	3	Y	5,648				100%		5,648
TSFC	Ernst & Young LLP 5 Times Square New York, NY 10035-6530	AUDIT SERVICES	2558	06/10/2010 06/09/2015	RFP 03/16/2010	3	Y	6,000					100%	6,000
AHC	Ernst & Young LLP 5 Times Square New York, NY 10035-6530	AUDIT SERVICES	2568	06/10/2010 06/09/2015	RFP 03/16/2010	3	Y	0						0
AHC	+ Les S. Thompson & Co., LLP 386 Park Avenue South, Suite 5 New York, NY 10016	AUDIT SERVICES	2308	03/31/2008 / / Upon Notice	Preq List 02/05/2007	10	Y	2,324			100%			2,324
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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Audit and Accounting Services</u>														
AHC	Tabriztchi & Co. CPA, P.C. 7 Twelfth Street Garden City, NY 11530	AUDIT SERVICES	2290	03/31/2008 // Upon Notice	Preq List 02/05/2007	10	Y	9,500			100%			17,300
AHC	Toski, Schaefer & Co., P.C. 555 International Drive Williamsville, NY 14221	AUDIT SERVICES	2291	03/08/2008 // Upon Notice	Preq List 02/05/2007	10	Y	3,800			100%			9,500
AHC	+ Wei, Wei & Co., LLP 133-10 39th Avenue Flushing, NY 11354	AUDIT SERVICES	2293	03/31/2008 // Upon Notice	Preq List 02/05/2007	10	Y	3,948			100%			8,122
<u>Communications/Marketing Services</u>														
SONYMA	Advance Publications, Inc. 950 W Fingerboard Road Staten Island, NY 10305	SONYMA ADS/ STATEN ISLAND ADVANCE	2390	03/06/2009 12/03/2009	Unique Qual 03/06/2009	0	Y	2,916		100%				12,540
SONYMA	Advance Publications, Inc. 950 W Fingerboard Road Staten Island, NY 10305	SONYMA ADS/ STATEN ISLAND ADVANCE	2474	12/04/2009 // Upon Notice	Unique Qual 12/04/2009	0	Y	7,128		100%				7,128
SONYMA	Advance Publications, Inc. 950 W Fingerboard Road Staten Island, NY 10305	SONYMA ADS/ STATEN ISLAND ADVANCE	2535	05/01/2010 // Upon Notice	Unique Qual 05/01/2010	0	Y	5,508		100%				5,508

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									HFA	SONYMA	AHC	MBBA	TSFC	
Communications/Marketing Services														
SONYMA	Amsterdam News Corp 2340 Frederick Douglas Blvd New York, NY 10027	SONYMA ADS--NEW YORK AMSTERDAM NEWS	2549	07/01/2010 06/30/2011	Unique Qual 07/01/2010	0	NYD	5,044		100%			5,044	
SONYMA	CBS Radio Corp. 1010 WINS - AM 345 Hudson Street - 10th FL New York, NY 10014	SONYMA RADIO ADS/YANKEE FEST	2424	07/01/2009 09/12/2009	Unique Qual 07/01/2009	0	Y	7,547		100%			30,000	
SONYMA	CBS Radio Corp. 1010 WINS - AM 345 Hudson Street - 10th FL New York, NY 10014	SONYMA RADIO ADS/ 1010 WINS	2454	08/26/2009 11/30/2009	Unique Qual 08/26/2009	0	Y	22,368		100%			33,552	
SONYMA	CBS Radio Corp. 1010 WINS - AM 345 Hudson Street - 10th FL New York, NY 10014	SONYMA RADIO ADS /1010 WINS	2508	02/26/2010 05/31/2010	Unique Qual 02/26/2010	0	Y	33,552		100%			33,552	
SONYMA	CBS Radio Corp. 1010 WINS - AM 345 Hudson Street - 10th FL New York, NY 10014	SONYMA RADIO ADS/ 1010 WINS	2537	06/01/2010 08/30/2010	Unique Qual 06/01/2010	0	Y	33,552		100%			33,552	

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Bold and Italics indicate Procurement Contracts Executed During '09 - '10 (11/01/2009 to 10/31/2010)

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									HFA	SONYMA	AHC	MBBA	TSFC	
Communications/Marketing Services														
SONYMA	Capstar Radio Operating Company 230 Park Avenue, Suite 605 New York, NY 10169	SONYMA RADIO ADS / WKTU	2512	03/01/2010 03/31/2010	Unique Qual 03/01/2010	0	Y	11,497		100%				11,497
HFA SONYMA AHC	Courier Printing Corp. 24 Laurel Bank Avenue Deposit, NY 13754	PRINTING SERVICES	2504	05/08/2009 05/07/2014	Preq List 01/12/2009	10	Y	645	47%	50%		1%	1%	645
SONYMA	Daily News, LP 450 West 33rd Street - 3rd Fl New York, NY 10001	SONYMA ADS	2306	09/01/2008 08/31/2009	Unique Qual 09/01/2008	0	NYD	380		100%				50,886
SONYMA	Daily News, LP 450 West 33rd Street - 3rd Fl New York, NY 10001	SONYMA ADS-NYDN.COM	2436	06/08/2009 08/08/2009	Unique Qual 06/08/2009	0	NYD	4,127		100%				4,127
SONYMA	Daily News, LP 450 West 33rd Street - 3rd Fl New York, NY 10001	SONYMA ADS	2465	09/01/2009 08/31/2010	Unique Qual 09/01/2009	0	NYD	44,800		100%				44,800
SONYMA	Daily News, LP 450 West 33rd Street - 3rd Fl New York, NY 10001	SONYMA ADS--PUERTO RICAN DAY PARADE EVENT 6/12/10	2532	05/10/2010 06/12/2010	Unique Qual 05/10/2010	0	NYD	5,000		100%				5,000
SONYMA	Daily News, LP 450 West 33rd Street - 3rd Fl New York, NY 10001	SONYMA ADS	2546	08/01/2010 10/31/2010	Unique Qual 08/01/2010	0	NYD	8,960		100%				8,960
NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.														

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Communications/Marketing Services</u>														
SONYMA	EL DIARIO LLC 1 Metro Tech Center 18th Fl Brooklyn, NY 11201	SONYMA ADS	2483	10/01/2009 09/30/2010	Unique Qual 10/01/2009	0	Y	17,707		100%				17,707
SONYMA	Entravision Communications 345 Hudson St.-13th Floor New York, NY 10014	SONYMA ADS/ EL DIARIO	2203	09/27/2007 09/30/2009	Unique Qual 09/27/2007	0	NYD	1,647		100%				20,062
SONYMA	Gannett Co., Inc. Binghamton Press & Sun Bulleti P.O. Box 822802 Philadelphia, PA 19182-2802	SONYMA ADS/ ITHACA JOURNAL	2391	05/05/2009 05/04/2010	Unique Qual 05/05/2009	0	Y	3,410		100%				5,675
SONYMA	Gannett Co., Inc. Binghamton Press & Sun Bulleti P.O. Box 822802 Philadelphia, PA 19182-2802	SONYMA ADS/ BINGHAMTON PRESS	2392	04/25/2009 04/24/2010	Unique Qual 04/25/2009	0	Y	1,245		100%				2,195
SONYMA	Gannett Co., Inc. Binghamton Press & Sun Bulleti P.O. Box 822802 Philadelphia, PA 19182-2802	SONYMA ADS/ THE UTICA OBSERVER DISPATCH / HOME SHOWCASE ADS	2425	05/20/2009 05/19/2010	Unique Qual 05/20/2009	0	Y	2,352		100%				3,381

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									HFA	SONYMA	AHC	MBBA	TSFC	
Communications/Marketing Services														
SONYMA	Gannett Co., Inc. Binghamton Press & Sun Bulletin P.O. Box 822802 Philadelphia, PA 19182-2802	SONYMA ADS/ BINGHAMTON PRESS	2524	04/02/2010 04/01/2011	Unique Qual 04/02/2010	0	Y	800		100%				800
HFA SONYMA AHC	Goodson Holding Co. 1015 Benner Pike State College, PA 16801	PRINTING SERVICES --NITTANY VALLEY OFFSET	2519	03/01/2010 05/07/2014	Preq List 01/12/2009	10	N	2,245	47%	50%		1%	1%	2,245
HFA SONYMA AHC	Group Q Holdings, Inc. d/b/a Q Group Ltd 490 Wheeler Road, Suite 150 Hauppauge, NY 11788	GRAPHIC DESIGN SERVICES FOR ANNUAL REPORT 2009	2517	03/16/2010 09/15/2010	Comp Bid 02/18/2010	3	Y	6,472	47%	50%		1%	1%	6,472
SONYMA +	ICBC - NY, LLC 3 Park Ave 41st Fl New York, NY 10016	SONYMA RADIO ADS / WBLS & WLIB	2420	06/22/2009 10/31/2009	Unique Qual 06/22/2009	0	Y	42,085		100%				55,000
SONYMA +	ICBC - NY, LLC 3 Park Ave 41st Fl New York, NY 10016	SONYMA RADIO ADS / WLIB AM	2547	08/09/2010 08/14/2010	Unique Qual 08/09/2010	0	Y	5,000		100%				5,000
SONYMA	Liberty Group New York Holding , Inc. The Observer Dispatch 221 Oriskany Plaza Utica, NY 13501	SONYMA ADS--THE OBSERVER DISPATCH	2541	07/01/2010 06/30/2011	Unique Qual 07/01/2010	0	Y	1,423		100%				1,423

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									HFA	SONYMA	AHC	MBBA	TSFC	
Communications/Marketing Services														
HFA SONYMA AHC	Michael J. Okoniewski 143 Peck Ave Syracuse, NY 13206	PHOTOGRAPHY SERVICES	2346	12/03/2008 12/02/2013	Preq List 09/08/2008	6	Y	3,145	47%	50%		1%	1%	6,380
SONYMA	New York Teacher 800 Troy- Schenectady Rd. Latham, NY 12110-2344	SONYMA ADS / NEW YORK TEACHER/CITY AND STATE EDITIONS	2423	06/17/2009 06/17/2010	Unique Qual 06/17/2009	0	Y	32,815		100%				34,746
SONYMA	<i>New York Teacher 800 Troy- Schenectady Rd. Latham, NY 12110-2344</i>	<i>SONYMA ADS-NEW YORK STATE TEACHER -CITY AND STATE EDITIONS</i>	2554	<i>08/04/2010 06/23/2011</i>	<i>Unique Qual 08/04/2010</i>	0	Y	2,237		100%				2,237
SONYMA	NYS Bricklayers/ AREO P.O. Box 8101 Hicksville, NY 11802	SONYMA AD	2479	10/29/2009 // Upon Notice	Unique Qual 10/29/2009	0	Y	800		100%				800
SONYMA	ZC Operations, LLC 5950 N.W. 1st Place Gainesville, FL 32607	SONYMA ADS/ NY STATE REALTOR	2313	09/22/2008 12/31/2009	Unique Qual 09/22/2008	0	N	2,120		100%				12,717
SONYMA	ZC Operations, LLC 5950 N.W. 1st Place Gainesville, FL 32607	SONYMA ADS / NY STATE REALTOR	2499	10/13/2009 12/31/2010	Unique Qual 10/13/2009	0	N	8,478		100%				8,478
SONYMA	<i>ZC Operations, LLC 5950 N.W. 1st Place Gainesville, FL 32607</i>	<i>SONYMA ADS--E-NEWS FOR NEW YORK STATE REALTORS</i>	2502	<i>11/23/2009 05/31/2010</i>	<i>Unique Qual 11/23/2009</i>	0	N	2,100		100%				2,100

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Communications/Marketing Services</u>														
SONYMA	<i>ZC Operations, LLC 5950 N.W. 1st Place Gainesville, FL 32607</i>	<i>SONYMA ADS / NY STATE ASSOCIATION OF REALTORS</i>	2538	<i>05/19/2010 // Upon Notice</i>	<i>Unique Qual 05/19/2010</i>	0	N	4,200		100%				4,200
SONYMA	<i>ZC Operations, LLC 5950 N.W. 1st Place Gainesville, FL 32607</i>	<i>SONYMA ADS/ NY STATE ASSOCIATION OF REALTORS</i>	2548	<i>08/06/2010 // Upon Notice</i>	<i>Unique Qual 08/06/2010</i>	0	N	0						0
SONYMA	<i>ZC Operations, LLC 5950 N.W. 1st Place Gainesville, FL 32607</i>	<i>SONYMA ADS/ NY STATE ASSOCIATION OF REALTORS</i>	2570	<i>10/18/2010 12/31/2011</i>	<i>Unique Qual 10/18/2010</i>	0	N	0						0
SONYMA	<i>The Network Journal Communications 139 Fulton Street Suite 407 New York, NY 10038</i>	<i>SONYMA ADS</i>	2485	<i>12/08/2009 02/28/2010</i>	<i>Unique Qual 12/08/2009</i>	0	NYD	1,800		100%				1,800
SONYMA	<i>The Network Journal Communications 139 Fulton Street Suite 407 New York, NY 10038</i>	<i>SONYMA ADS</i>	2505	<i>02/18/2010 10/31/2010</i>	<i>Unique Qual 02/18/2010</i>	0	NYD	4,800		100%				4,800
SONYMA	<i>New York Press Service, Inc 1681 Western Avenue Albany, NY 12203</i>	<i>ADVERTISING PLACEMENT SERVICES FOR SONYMA</i>	2198	<i>08/02/2007 08/01/2012</i>	<i>RFP 07/02/2007</i>	2	Y	310,129		100%				864,861
NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.														

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Communications/Marketing Services</u>														
SONYMA	Newsday, Inc. 330 W 34 Street, 17th Fl New York, NY 10001	SONYMA ADS/ AM NEW YORK	2455	09/23/2009 09/22/2010	Unique Qual 09/23/2009	0	NYD	23,712		100%				23,712
SONYMA	New York Amsterdam News 2340 Frederick Douglass Blvd New York, NY 10027	SONYMA ADS	2421	06/18/2009 06/17/2010	Unique Qual 06/18/2009	0	NYD	11,768		100%				17,148
HFA	The New York Times Company 229 West 43rd Street New York, NY 10036	LEGAL NOTICES	1856	12/01/2005 // Upon Notice	Unique Qual 12/01/2005	0	NYD	76,709	100%					586,450
HFA SONYMA AHC	On Demand Color Group, LLC 30-02 48th Avenue 3rd Fl Long Island City, NY 11101	PRINTING SERVICES	2418	05/08/2009 05/17/2014	Preq List 01/12/2009	10	Y	7,750	47%	50%		1%	1%	15,525
HFA SONYMA AHC	Read Media, Inc. 418 Broadway-4th floor Albany, NY 12207	PRESS RELEASE DISTRIBUTION SERVICES	2467	09/20/2009 09/19/2010	Comp Bid 08/31/2009	1	NYD	9,169	47%	50%		1%	1%	9,169
SONYMA	Screenvision Direct 360 Linden Oaks Rochester, NY 14625	SONYMA ADS--ON SCREEN THEATRE ADVERTISING	2515	04/08/2010 10/08/2010	Unique Qual 04/08/2010	0	NYD	15,520		100%				15,520

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Communications/Marketing Services</u>														
HFA SONYMA AHC	++Teri Bloom Photography Inc. 300 Mercer Street # 6C New York, NY 10003	PHOTOGRAPHY SERVICES	2345	12/03/2008 12/02/2013	Preq List 09/08/2008	6	Y	5,883	47%	50%		1%	1%	6,883
SONYMA	+ The Positive Community Corp 133 Glenridge Avenue Montclair, NJ 07042	SONYMA ADS	2482	09/14/2009 04/30/2010	Unique Qual 09/14/2009	0	N	2,625		100%				3,150
SONYMA	+ The Positive Community Corp 133 Glenridge Avenue Montclair, NJ 07042	SONYMA ADS	2516	03/16/2010 04/30/2011	Unique Qual 03/16/2010	0	N	2,625		100%				2,625
SONYMA	Times Herald Record P.O. Box 223510 Pittsburgh, PA 15251-2510	SONYMA ADS	2349	01/01/2009 12/31/2009	Unique Qual 01/01/2009	0	Y	3,694		100%				16,009
SONYMA	Times Herald Record P.O. Box 223510 Pittsburgh, PA 15251-2510	SONYMA ADS	2509	12/28/2009 // Upon Notice	Unique Qual 12/28/2009	0	Y	0						0
SONYMA	Times Herald Record P.O. Box 223510 Pittsburgh, PA 15251-2510	SONYMA ADS	2511	12/28/2009 // Upon Notice	Unique Qual 12/28/2009	0	Y	11,083		100%				11,083
SONYMA	Univision Radio New York Inc. 485 Madison Avenue New York, NY 10022	SONYMA RADIO ADS (WADO 1280AM & WQBU 92.7FM) WORLD SERIES BASEBALL 2009	2469	10/29/2009 11/05/2009	Unique Qual 10/29/2009	0	Y	6,500		100%				6,500

++ Women-Owned Business Enterprise
+ Minority-Owned Business Enterprise

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Communications/Marketing Services</u>														
SONYMA	Univision Radio New York Inc. 485 Madison Avenue New York, NY 10022	SONYMA RADIO ADS (WADO 1280AM) AND (WQBU 92.7FM)	2536	06/03/2010 08/30/2010	Unique Qual 06/03/2010	0	Y	35,000		100%			35,000	
SONYMA	W.M.T. Publications, Inc. 250 Goodman Street N Rochester, NY 14607	SONYMA ADS/CITY NEWSPAPER	2444	08/05/2009 08/04/2010	Unique Qual 08/05/2009	0	Y	10,488		100%			13,524	
SONYMA	W.M.T. Publications, Inc. 250 Goodman Street N Rochester, NY 14607	SONYMA ADS/CITY NEWSPAPER	2543	08/11/2010 08/10/2011	Unique Qual 08/11/2010	0	Y	1,940		100%			1,940	
SONYMA +	WPAT D/B/A Spanish Broadcasting System 2601 South Bayshore Dr Suite 400 Coconut Grove, FL 33133	SONYMA RADIO ADS	2530	04/08/2010 07/02/2010	Unique Qual 04/08/2010	0	Y	19,475		100%			19,475	
SONYMA +	WSKQ D/B/A Spanish Broadcasting System 2601 South Bayshore Dr Suite 400 Coconut Grove, FL 33133	SONYMA RADIO ADS	2531	04/12/2010 07/11/2010	Unique Qual 04/12/2010	0	Y	19,500		100%			19,500	
<u>Debt Issuance Services</u>														

+ Minority-Owned Business Enterprise

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Debt Issuance Services</u>														
HFA SONYMA	CSG ADVISORS INCORPORATED 1 Post Street, Suite 2130 San Francisco, CA 94104	FINANCIAL ADVISORY SERVICES	2320	05/07/2008 // Upon Notice	Preq List 02/25/2008	14	N	100,000	50%	50%			222,500	
HFA SONYMA	First Southwest Company 250 West 57th Street Suite 1420 New York, NY 10107	FINANCIAL ADVISORY SERVICES	2336	05/07/2008 // Upon Notice	Preq List 02/25/2008	14	N	20,000	100%				80,000	
MBBA TSFC	First Southwest Company 250 West 57th Street Suite 1420 New York, NY 10107	FINANCIAL ADVISORY SERVICES	2529	05/07/2008 // Upon Notice	Preq List 02/25/2008	14	N	2,500				100%	2,500	
HFA	+ ImageMaster, Inc. 1182 Oak Valley Drive Ann Arbor, MI 48108	FINANCIAL PRINTING	2468	09/11/2009 09/10/2012	RFP 06/15/2009	3	N	20,664	100%				20,664	
SONYMA	+ ImageMaster, Inc. 1182 Oak Valley Drive Ann Arbor, MI 48108	FINANCIAL PRINTING	2471	09/11/2009 09/10/2012	RFP 06/15/2009	3	N	10,021		100%			10,021	
MBBA TSFC	+ ImageMaster, Inc. 1182 Oak Valley Drive Ann Arbor, MI 48108	FINANCIAL PRINTING	2492	09/11/2009 09/10/2012	RFP 06/15/2009	3	N	6,283				100%	6,283	

+ Minority-Owned Business Enterprise

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Debt Issuance Services</u>														
MBBA TSFC	<i>Lamont Financial Services Corporation 201 Willowbrook Boulevard, 5th Wayne, NJ 07470</i>	<i>FINANCIAL ADVISORY SERVICES</i>	<i>2513</i>	<i>12/01/2009 // Upon Notice</i>	<i>Preq List 02/28/2008</i>	<i>14</i>	<i>N</i>	<i>24,500</i>				<i>100%</i>		<i>24,500</i>
HFA SONYMA	Public Resources Advisory Group, Inc. 40 Rector Street, Suite 1600 New York, NY 10006-2908	FINANCIAL ADVISORY SERVICES	2358	05/07/2008 // Upon Notice	Preq List 02/25/2008	14	Y	25,500	2%	98%				54,250
MBBA TSFC	Public Resources Advisory Group, Inc. 40 Rector Street, Suite 1600 New York, NY 10006-2908	FINANCIAL ADVISORY SERVICES	2566	05/07/2008 05/06/2014	Preq List 02/25/2008	14	Y	25,000				100%		25,000
HFA	SS&C Technologies, Inc. 80 Lambertson Rd. Windsor, CT 06095	PROGRAM LICENSE & SUPPORT SERVICES FOR HOUSING & FINANCE PROGRAM	1265	01/30/1996 // Upon Notice	Unique Qual 07/26/2004	2	Y	3,850	100%					124,034
HFA SONYMA	Swap Financial Group LLC 76 South Orange Avenue, Ste 6 South Orange, NJ 07079	SWAP ADVISORY SERVICES	2318	05/07/2008 // Upon Notice	Preq List 02/25/2008	14	N	2,500		100%				163,500
<u>Facilities & Administrative Services</u>														
HFA SONYMA AHC	AVAYA, Inc. 211 Mount Airy Road Basking Ridge, NJ 07920	AVAYA COMMUNICATIONS HARDWARE & SOFTWARE MAINTENANCE	49	04/10/2002 04/09/2010	St Ctrct 04/10/2002	0	Y	-95 See End Notes	100%					262,046

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									HFA	SONYMA	AHC	MBBA	TSFC	
Facilities & Administrative Services														
HFA	All City Corporate Transportation, Inc. 349 Grand Concourse Bronx, NY 10451	TRANSPORTATION SERVICES	2070	12/09/2005 04/01/2013	Comp Bid 03/03/2008	3	Y	7,579	73%	21%	1%	5%		27,191
HFA SONYMA AHC	AT&T 65 Wolf Rd. Albany, NY 12205	COMMUNICATION SERVICES	1882	05/19/2002 08/15/2017	St Ctrct 05/19/2002	0	NYD	45,423	51%	47%		1%	1%	332,637
HFA SONYMA	++Citistorage, Inc. 5 North 11th Street Brooklyn, NY 11211	RENTAL SPACE FOR DOCUMENT STORAGE	2090	01/01/2006 12/31/2011	RFP 10/03/2005	3	Y	35,919	47%	50%		1%	1%	176,009
HFA SONYMA	Coffee Distributing Corp. 200 Broadway Garden City, NY 11040	SUPPLYING OF COFFEE, ETC., PREPARATION PRODUCTS & MAINTENANCE OF EQUIPMENT	2140	01/25/2007 01/24/2011	RFP 05/29/2006	2	Y	19,051	47%	50%		1%	1%	51,902
HFA SONYMA	Collins Building Services, Inc. 1775 Broadway-Suite 1420 New York, NY 10019	MAINTENANCE & CLEANING SERVICES	2145	01/01/2007 12/31/2010	Unique Qual 01/01/2007	0	Y	81,728	47%	50%		1%	1%	286,259
HFA SONYMA AHC	Elrac, Inc. 1550 Route 23 North Wayne, NJ 07470	AUTO RENTAL	1975	08/15/2005 02/15/2011	St Ctrct 08/15/2005	0	NYD	4,785	79%	21%				33,887

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++ Women-Owned Business Enterprise

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Facilities & Administrative Services</u>														
HFA SONYMA AHC	Expedite Video Conferencing Services, Inc 1025 Old Country Road Westbury, NY 11590	WEB CASTING VIDEO SERVICES	2169	05/25/2007 // Upon Notice	St Ctrct 05/25/2007	0	N	15,407	47%	50%		1%	1%	20,020
HFA SONYMA	Falk Technical Service Corp. 227 West 19th Street New York, NY 10011	SERVICE & MAINTENANCE OF HEATING, VENTILATION & AIR CONDITIONING SYSTEMS	2164	06/01/2007 05/31/2012	RFP 04/23/2007	7	Y	4,300	47%	50%		1%	1%	15,050
HFA	Fire Service, Inc. 39-27 59th Street Flushing, NY 11377	MAINTENANCE OF FIRE ALARM SYSTEM & EQUIPMENT	2305	05/01/2008 04/30/2011	Unique Qual 05/01/2008	0	Y	1,296 See End Notes	47%	50%		2%	1%	1,928
HFA	HOSELTON CHEVROLET INC. 909 Fairport Road East Rochester, NY 14445	AUTO LEASE	2359	03/09/2009 03/08/2012	St Ctrct 03/09/2009	0	NYD	8,340	47%	50%		1%	1%	15,325
HFA	Major Fleet & Leasing Corp 43-40 Northern Blvd. Long Island City, NY 11101	AUTO LEASE	2360	02/26/2009 02/25/2012	St Ctrct 02/26/2009	0	NYD	5,358	47%	50%		1%	1%	9,377
HFA SONYMA	ExxonMobil P.O. Box 688938 Des Moines, IA 50368-8938	AUTO EXPENSES	1954	11/06/1985 // Upon Notice	St Ctrct 11/06/1985	0	NYD	4,936	47%	50%		1%	1%	93,328

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									HFA	SONYMA	AHC	MBBA	TSFC	
Facilities & Administrative Services														
SONYMA	NYS Indus. For The Disabled 155 Washington Ave.-Suite 400 Albany, NY 12210	SCANNING OF SONYMA SINGLE FAMILY MORTGAGE LOAN DOCUMENTS	2101	11/21/2006 12/31/2010	Pref Src 05/23/2005	0	Y	89,311		100%				194,976
HFA SONYMA AHC	Pitney Bowes, Inc. 430 New Karner Road Albany, NY 12205	LEASING OF POSTAGE MACHINE	1963	05/01/2005 // Upon Notice	St Ctrct 05/01/2005	0	N	10,803	50%	47%		1%	1%	54,994
HFA	Time Warner Cable Of N.Y. City PO BOX 105046 Newark, NJ 07101	CABLE TV SERVICES	2079	08/09/1994 // Upon Notice	Unique Qual 08/09/1994	0	Y	1,682	47%	50%		1%	1%	14,360
HFA SONYMA AHC	United Parcel Service P.O. Box 7247-0244 Philadelphia, PA 19170-0001	COURIER SERVICES	2354	01/02/2009 12/31/2013	St Ctrct 01/02/2009	0	NYD	29,995	53%	40%		5%	1%	51,689
HFA SONYMA AHC	Verizon 11 Wards Lane Menands, NY 12204	COMMUNICATION SERVICES	1906	05/19/2002 08/15/2017	St Ctrct 05/19/2002	0	NYD	104,522	52%	46%		1%	1%	745,464
HFA SONYMA AHC	Verizon Wireless 7600 Montpelier Road Laurel, MD 20723	WIRELESS COMMUNICATION SERVICES	1907	08/17/2004 08/15/2017	St Ctrct 08/17/2004	0	NYD	45,250	47%	50%		1%	1%	203,900

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									HFA	SONYMA	AHC	MBBA	TSFC	
Facilities & Administrative Services														
HFA SONYMA AHC	Xerox Corporation 8 Southwoods Blvd. Albany, NY 12211	LEASE & MAINTENANCE OF OFFICE EQUIPMENT	1946	06/01/2002 05/31/2012	St Ctrct 06/01/2002	0	Y	127,357	48%	49%		1%	1%	935,133
Financial Services														
HFA	Automatic Data Processing, Inc. 1 ADP Blvd Roseland, NJ 07068	PAYROLL SERVICES	1972	10/01/2005 // Upon Notice	RFP 10/01/2005	0	NYD	4,833	95%			3%	3%	22,499
SONYMA	Automatic Data Processing, Inc. 1 ADP Blvd Roseland, NJ 07068	PAYROLL SERVICES	1973	10/01/2005 // Upon Notice	RFP 10/01/2005	0	NYD	10,213		100%				44,017
AHC	Automatic Data Processing, Inc. 1 ADP Blvd Roseland, NJ 07068	PAYROLL SERVICES	1974	10/01/2005 // Upon Notice	RFP 10/01/2005	0	NYD	6,327			100%			24,730
HFA SONYMA	Bloomberg, L.P. 499 Park Ave. New York, NY 10022	ELECTRONIC INFO SERVICES - LEASE OF DATA DISTRIBUTION	173	05/01/2003 // Upon Notice	Unique Qual 05/01/2003	0	NYD	24,600	47%	50%		1%	1%	169,522
HFA	<i>Bond LogistiX 777 south Figueroa Street Suite 3200 Los Angeles, CA 90017</i>	<i>ARBITRAGE REBATE CALCULATIONS</i>	2528	<i>03/04/2010 03/03/2015</i>	<i>RFP 12/21/2009</i>	6	Y	2,450	100%					2,450

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									HFA	SONYMA	AHC	MBBA	TSFC	
Financial Services														
SONYMA	Cfx Incorporated 588 Broadway - Suite 1203 New York, NY 10012	COMPUTATIONAL CONSULTING SERVICES	2369	01/01/2009 12/31/2011	RFP 09/08/2008	3	Y	750,000		100%				1,312,500
HFA	Hawkins, Delafield, & Wood One Chase Manhattan Plaza Floor 42 New York, NY 10005	FINANCIAL SERVICES / ARBITRAGE REBATE CALCULATIONS	566	03/04/2005 // Upon Notice	RFP 12/13/2004	4	Y	36,584	100%					307,321
HFA	Hawkins, Delafield, & Wood One Chase Manhattan Plaza Floor 42 New York, NY 10005	ARBITRAGE REBATE CALCULATIONS	2518	03/04/2010 03/03/2015	RFP 12/21/2009	6	Y	61,070	100%					61,070
MBBA	Hawkins, Delafield, & Wood One Chase Manhattan Plaza Floor 42 New York, NY 10005	ARBITRAGE REBATE CALCULATIONS	2523	04/08/2010 04/07/2015	RFP 12/21/2009	6	Y	0						0
SONYMA	Hawkins, Delafield, & Wood One Chase Manhattan Plaza Floor 42 New York, NY 10005	ARBITRAGE REBATE CALCULATIONS	2526	03/10/2010 04/07/2015	RFP 12/21/2009	6	Y	0						0
TSFC	Hawkins, Delafield, & Wood One Chase Manhattan Plaza Floor 42 New York, NY 10005	ARBITRAGE REBATE CALCULATIONS	2527	04/08/2010 04/07/2015	RFP 12/21/2009	6	Y	0						0

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									HFA	SONYMA	AHC	MBBA	TSFC	
Financial Services														
Information Technology Services														
SONYMA	Application Oriented 9100 NW 36 Street Doral, FL 33178	SOFTWARE MAINTENANCE SERVICES	27	03/05/1984 // Upon Notice	Unique Qual 03/05/1984	0	N	179,871		100%				1,419,125
SONYMA	Application Oriented 8550 N.W. 33rd Street Doral, FL 33122	SOFTWARE MAINTENANCE OF LENDER ONLINE	28	10/31/2000 // Upon Notice	Unique Qual 10/31/2000	0	N	64,871		100%				213,584
HFA SONYMA	Housing and Development Software, LLC 2685 Executive Park Drive Suite 8 Weston, FL 33331	SECTION 8 CONTRACT ADMINISTRATION SOFTWARE & MAINTENANCE SERVICES	2542	02/01/2007 // Upon Notice	Unique Qual 02/01/2007	0	NYD	8,652	100%					8,652
HFA	RealPage, Inc. P.O. Box 671339 Dallas, TX 75267-1339	HOUSING SOFTWARE LICENSING FOR SECTION 8 HAP PAYMENTS	2567	08/13/2010 // Upon Notice	Unique Qual 08/13/2010	0	NYD	0						0
SONYMA	Sungard Availability Services LP 680 E. Swedesford Road Wayne, PA 19087	COMPUTER DATA RECOVERY SERVICES	1261	11/01/1996 11/30/2011	Unique Qual 11/01/1996	0	N	32,508	47%	50%		1%	1%	506,290

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Information Technology Services</u>														
SONYMA	<i>TF&G Consulting, Inc. 351 Silver Creek Drive Leander, TX 78641</i>	<i>IT CONSULTANT SERVICES</i>	<i>2551</i>	<i>08/23/2010 // Upon Notice</i>	<i>Comp Bid 08/23/2010</i>	<i>3</i>	<i>N</i>	<i>0</i>						<i>0</i>
HFA SONYMA	Vision Internet Providers, Inc. 2530 Wilshire Blvd.-2nd Fl Santa Monica, CA 90403	WEBSITE MAINTENANCE SERVICES	1333	04/25/2005 11/28/2010	RFP 12/10/2004	15	N	8,400	47%	50%		1%	1%	126,722
<u>Insurance Services</u>														
HFA SONYMA AHC MBBA TSFC	E.G. Bowman Co., Inc. + 97 Wall Street New York, NY 10005	INSURANCE BROKERAGE SERVICES	2157	05/03/2007 05/02/2012	RFP 02/12/2007	4	Y	288,760	47%	50%		1%	1%	1,082,098
HFA SONYMA	<i>Guardian Life Insurance Company of 7 Hanover Square New York, NY 10004</i>	<i>DENTAL INSURANCE SERVICES</i>	<i>2533</i>	<i>06/01/2010 05/31/2011</i>	<i>Comp Bid 06/01/2010</i>	<i>5</i>	<i>Y</i>	<i>181,157</i>	<i>56%</i>	<i>34%</i>	<i>7%</i>	<i>1%</i>	<i>1%</i>	<i>181,157</i>
HFA	Insurance Advisors LLC 1200 High Ridge Road Suite 211 Stamford, CT 06905	INSURANCE CONSULTING SERVICES	2426	05/01/2009 03/31/2010	RFP 02/16/2009	1	N	10,448	100%					14,083
HFA	<i>Insurance Advisors LLC 1200 High Ridge Road Suite 211</i>	<i>INSURANCE CONSULTING SERVICES</i>	<i>2520</i>	<i>04/01/2010 03/31/2013</i>	<i>RFP 06/29/2009</i>	<i>4</i>	<i>N</i>	<i>9,990</i>	<i>100%</i>					<i>9,990</i>

+ Minority-Owned Business Enterprise

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Insurance Services</u>														
	<i>Stamford, CT 06905</i>													
HFA SONYMA AHC	Lincoln Life & Annuity Co. of N.Y. P.O. Box 7247-0347 Philadelphia, PA 19170-0347	DISABILITY INSURANCE	2175	04/02/2007 // Upon Notice	Comp Bid 04/02/2007	0	N	82,940 See End Notes	48%	41%	8%	1%	1%	255,002
HFA SONYMA	Metropolitan Life Insurance Company 200 Park Ave New York, NY 10166	DENTAL INSURANCE SERVICES	2270	06/01/2008 05/31/2010	Comp Bid 02/15/2008	4	NYD	157,067	48%	40%	9%	1%	1%	605,973
<u>Investment Banking Services</u>														
SONYMA	<i>Deutsche Investment Mgt America Inc.dba 345 Park Ave New York, NY 10154</i>	<i>INVESTMENT MANAGEMENT SERVICES</i>	<i>2545</i>	<i>04/21/2010 // Upon Notice</i>	<i>Preq List 05/25/2009</i>	6	N	0						0
SONYMA	J.P. Morgan Investment Management Inc. 245 Park Avenue New York, NY 10167	INVESTMENT MANAGEMENT SERVICES	2476	10/05/2009 // Upon Notice	Preq List 05/25/2009	6	Y	32,561		100%				32,561
<u>Legal - Bond Counsel Services</u>														
HFA	<i>Gonzalez Saggio & Harlan LLP + 292 Madison Ave, 19th Floor New York, NY 10017</i>	<i>BOND COUNSEL SERVICES</i>	<i>2553</i>	<i>12/03/2009 12/02/2011</i>	<i>Preq List 06/09/2008</i>	20	Y	0						0

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Legal - Bond Counsel Services</u>														
HFA	Harris Beach PLLC 100 Wall Street, 23rd Fl New York, NY 10005	BOND COUNSEL SERVICES	2363	12/03/2008 12/02/2011	Preq List 06/09/2008	20	Y	99,761	100%					161,036
SONYMA	Hawkins, Delafield, & Wood One Chase Manhattan Plaza Floor 42 New York, NY 10005	BOND COUNSEL SERVICES	2335	12/03/2008 12/02/2011	Preq List 06/09/2008	20	Y	905,113		100%				1,468,347
HFA	Hawkins, Delafield, & Wood One Chase Manhattan Plaza Floor 42 New York, NY 10005	BOND COUNSEL SERVICES	2341	12/03/2008 12/02/2011	Preq List 06/09/2008	20	Y	900,599	100%					1,308,132
TSFC	Hawkins, Delafield, & Wood One Chase Manhattan Plaza Floor 42 New York, NY 10005	BOND COUNSEL SERVICES	2419	12/03/2008 12/02/2011	Preq List 06/09/2008	20	Y	16,835					100%	22,405
HFA	Hiscock & Barclay, LLP 50 Beaver Street Albany, NY 12207-2830	BOND COUNSEL SERVICES	1881	12/01/2005 11/30/2008	Preq List 12/01/2005	0	Y	3,924 See End Notes	100%					402,856
<i>HFA</i>	<i>Hiscock & Barclay, LLP 50 Beaver Street Albany, NY 12207-2830</i>	<i>BOND COUNSEL SERVICES</i>	<i>2503</i>	<i>12/03/2009 12/02/2010</i>	<i>Preq List 06/09/2008</i>	20	Y	<i>45,176</i> See End Notes	<i>100%</i>					<i>0</i>

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Legal - Bond Counsel Services</u>														
HFA	Holland & Knight LLP 31 West 52nd Street New York, NY 10019	BOND COUNSEL SERVICES	2342	12/03/2008 12/02/2011	Preq List 06/09/2008	20	Y	263	100%					28,285
HFA	Mintz, Levin Cohn, Ferris, Glovsky 666 Third Ave. New York, NY 10017	BOND COUNSEL SERVICES	2352	12/03/2008 12/02/2011	Preq List 06/09/2008	20	Y	50,000	100%					101,308
HFA	Nixon Peabody, LLP 437 Madison Avenue New York, NY 10022	BOND COUNSEL SERVICES	2364	12/03/2008 12/02/2011	Preq List 06/09/2008	20	N	55,539	100%					179,923
HFA	Orrick, Herrington & Sutcliffe 51 West 52nd Street New York, NY 10019-6142	BOND COUNSEL SERVICES	2367	12/03/2008 12/02/2011	Preq List 06/09/2008	20	N	118,155	100%					200,227
MBBA	Orrick, Herrington & Sutcliffe 51 West 52nd Street New York, NY 10019-6142	BOND COUNSEL SERVICES	2452	08/03/2009 12/02/2011	Preq List 06/09/2008	20	N	380,000				100%		380,000
<u>Legal - Other Outside Counsel Services</u>														
HFA SONYMA	Anderson, Kill & Olick, P.C. 1251 Avenue of the Americas New York, NY 10020	NON-BOND COUNSEL SERVICES	2131	11/01/2006 // Upon Notice	Preq List 05/01/2006	19	Y	6,568	99%	1%				17,625

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Legal - Other Outside Counsel Services</u>														
HFA SONYMA	Boylan, Brown, Code, Vigdor & Wilson,LLP 2400 Chase Square Rochester, NY 14604	NON-BOND COUNSEL LEGAL SERVICES	2283	02/01/2008 01/31/2011	Preq List 05/01/2006	19	Y	5,327	99%			1%	1%	24,679
HFA SONYMA	Golenbock, Eiseman, Assor, Bell & 437 Madison Avenue New York, NY 10022-7302	NON-BOND COUNSEL LEGAL SERVICES	2123	11/01/2006 // Upon Notice	Preq List 05/01/2006	19	N	91	100%					19,282
HFA SONYMA AHC	Hitsman, Hoffman, & O'Reilly LLC 570 Taxter Road- Rm 349 Elmsford, NY 10523	LABOR COUNSEL SERVICES	2162	11/01/2006 // Upon Notice	RFP 05/01/2006	9	Y	105,980	47%	51%		1%	1%	220,891
TSFC	K & L Gates LLP 1251 Avenue of the Americas 45th Floor New York, NY 10020	NON-BOND COUNSEL LEGAL SERVICES	2478	08/28/2009 // Upon Notice	Unique Qual 08/28/2009	0	Y	41,097					100%	41,097
HFA SONYMA	Nixon Peabody, LLP 401 9th Street, N.W. Suite 900 Washington, DC 20004	NON-BOND COUNSEL LEGAL SERVICES	2122	11/01/2006 // Upon Notice	Preq List 05/01/2006	19	N	5,400	100%					46,144
<u>Legal - Research, Library Services</u>														
HFA	Legislative Retrieval System State of New York Legislative Bill Drafting Comm 55 Elk Street	ELECTRONIC LEGISLATIVE INFO. SERVICES	1983	03/13/2002 03/12/2012	Unique Qual 03/13/2002	0	NYD	4,250	47%	50%		1%	1%	38,564
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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Legal - Research, Library Services</u>														
	Albany, NY 12210													
HFA	Reed Elsevier, Inc. 125 Park Ave.-23rd Floor New York, NY 10017	ELECTRONIC ONLINE DATABASE ACCESS SERVICES (LEX/NEX)	1896	06/01/1997 01/31/2011	St Ctrct 06/01/1997	0	N	21,835	52%	24%	23%	1%	1%	258,266
SONYMA	++Professional Library Serv. Inc 11 Brook Path Plainview, NY 11803	WEEKLY LIBRARY FILING SERVICE	1105	12/07/2000 // Upon Notice	Comp Bid 02/07/2005	0	Y	390	48%	50%		1%	1%	34,000
HFA	Seisint, Inc. PO Box 7247-6157 Philadelphia, PA 19170	ELECTRONIC ONLINE DATABASE ACCESS SERVICES (ACCURINT)	2348	09/01/2008 // Upon Notice	St Ctrct 09/01/2008	0	NYD	4,680	47%	50%		1%	1%	9,750
HFA	West Publishing Corp. DBA West Group P.O. Box 6292 Carol Stream, IL 60197-6292	ELECTRONIC ONLINE DATABASE ACCESS SERVICES (CHOICEPOINT)	2417	03/31/2009 // Upon Notice	St Ctrct 03/31/2009	0	NYD	100	48%	50%		1%	1%	275
HFA	West Publishing Corp. DBA West Group P.O. Box 6292 Carol Stream, IL 60197-6292	ELECTRONIC INFORMATION SERVICES (WESTLAW)	2484	07/01/2009 // Upon Notice	St Ctrct 07/01/2009	0	NYD	16,604	47%	50%		1%	1%	20,603
<u>MIF Services</u>														
SONYMA	Genworth Financial Services, Inc. P.O. Box 277231 Atlanta, GA 30384-7231	ADMINISTRATIVE & UNDERWRITING SERVICES	2415	02/01/2005 12/31/2010	RFP 06/16/2004	0	NYD	87,200		100%				114,658
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++ Women-Owned Business Enterprise														

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>MIF Services</u>														
SONYMA	Radian Guaranty 1601 Market Street Philadelphia, PA 19103	REINSURANCE & ADMINISTRATIVE SERVICES FOR SONYMA MIF	1944	01/01/2001 // Upon Notice	RFP 02/05/2001	4	Y	168,986		100%			7,650,908 #	
<u>Management Consulting Services</u>														
MBBA	George W. Graham 130 West 30th Street Apt. 10C New York, NY 10001	CONSULTANT SERVICES	2451	08/10/2009 12/31/2009	Unique Qual 08/10/2009	0	NYD	21,092				100%	29,990	
<u>Neighborhood Stabilization Program Services</u>														
HFA	Monte Franke 2 Ashley Place Saratoga Springs, NY 12866-8784	CONSULTING SERVICES	2319	10/01/2008 09/30/2013	Unique Qual 10/01/2008	0	NYD	4,856	100%				20,041	
<u>Non Procurement Services</u>														
HFA SONYMA	Conference of Mayors, Inc. 119 Washington Ave. Albany, NY 12210	OFFICE RENTAL AT 119 WASHINGTON AVENUE, ALBANY, NY	2368	09/01/2008 08/31/2013	Brd Res 09/01/2008	0	N	20,966	47%	50%		1%	1%	40,402
HFA SONYMA	First Lexington Corporation C/O Rudin Management Co., Inc. 345 Park Avenue New York, NY 10154-0101	RENEWAL OF LEASE FOR 641 LEXINGTON AVENUE, NY, NY.	2142	01/01/2009 01/31/2019	Brd Res 01/01/2009	0	Y	4,632,131	47%	50%		1%	1%	8,164,859

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Includes payment for prior services performed by Commonwealth Mortgage Assurance Company and Amerlin. Commonwealth Mortgage Assurance Company and Amerlin merged to form successor entity "Radian Guaranty Inc."

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Non Procurement Services</u>														
HFA	ISKALO DEVELOPMENT CORP. 5166 Main Street Williamsville, NY 14221	OFFICE LEASE FOR 535 WASHINGTON ST, BUFFALO, NY	2438	05/11/2009 08/31/2019	Brd Res 05/11/2009	0	NYD	21,489	100%					27,231
HFA SONYMA	Lexington 55th Garage Corp. 345 Park Avenue-33 Fl New York, NY 10154	LEASED GARAGE SPACE	1895	02/26/1993 // Upon Notice	Brd Res 02/26/1993	0	Y	10,704	47%	50%		1%	1%	144,661
SONYMA	New York City Housing Authority 250 Broadway New York, NY 10007	SONYMA ADS	2376	04/01/2009 01/31/2010	Unique Qual 04/01/2009	0	Y	1,728		100%				5,184
SONYMA	<i>New York City Housing Authority 250 Broadway New York, NY 10007</i>	SONYMA ADS	2481	<i>11/18/2009 08/31/2010</i>	<i>Unique Qual 11/18/2009</i>	0	Y	0						0
SONYMA	<i>New York City Housing Authority 250 Broadway New York, NY 10007</i>	SONYMA ADS	2525	<i>03/24/2010 01/31/2011</i>	<i>Unique Qual 03/24/2010</i>	0	Y	2,976		100%				2,976
SONYMA	<i>New York City Housing Authority 250 Broadway New York, NY 10007</i>	SONYMA ADS	2569	<i>10/14/2010 06/30/2011</i>	<i>Unique Qual 10/14/2010</i>	0	Y	0						0

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Other Services</u>														
	Nashville, TN 37203													
SONYMA	Neighborhood Reinvestment Corp. 1325 G St NW Washington, DC 20005	CONSULTANT SERVICES	2239	02/15/2008 03/31/2011	Unique Qual 02/15/2008	0	NYD	411,534		100%				1,127,000
<u>Training Services</u>														
HFA SONYMA AHC	Anderson - Davis, Inc. 1777 Larimer St. Suite 2208 Denver, CO 80202	TRAINING AND CONSULTING SERVICES	2510	02/26/2010 08/25/2010	Unique Qual 02/26/2010	0	N	3,200	47%	50%		1%	1%	3,200
<u>Trustee Services</u>														
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1403	04/05/2004 // Upon Notice	RFP 04/05/2004	0	Y	117	100%					5,617
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1422	05/21/2004 // Upon Notice	RFP 05/21/2004	0	Y	117	100%					6,617
TSFC	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1426	05/29/2003 // Upon Notice	RFP 05/29/2003	0	Y	9,100					100%	228,100

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Trustee Services</u>														
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1428	12/29/2003 // Upon Notice	RFP 12/29/2003	0	Y	465	100%					9,465
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1429	05/14/2004 // Upon Notice	RFP 05/14/2004	0	Y	117	100%					10,617
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	Trustee	1435	01/22/2003 // Upon Notice	RFP 01/22/2003	0	Y	385	100%					13,698
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1453	12/29/2003 // Upon Notice	RFP 12/29/2003	0	Y	504	100%					12,004
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1455	11/29/2004 // Upon Notice	RFP 11/29/2004	0	Y	117	100%					5,617
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1467	06/05/1985 // Upon Notice	RFP 06/05/1985	0	Y	525	100%					53,167

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Trustee Services</u>														
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1468	06/05/1985 // Upon Notice	RFP 06/05/1985	0	Y	525	100%					36,823
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1472	01/17/2003 // Upon Notice	RFP 01/17/2003	0	Y	504	100%					16,555
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1796	06/09/2003 // Upon Notice	RFP 06/09/2003	0	Y	10,655	100%					150,576
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1798	12/29/2003 // Upon Notice	RFP 12/29/2003	0	Y	504	100%					20,555
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1801	07/08/1991 // Upon Notice	RFP 07/08/1991	0	Y	39	100%					8,539
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1802	01/22/2003 // Upon Notice	RFP 01/22/2003	0	Y	154	100%					29,154

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Trustee Services</u>														
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2086	09/29/2006 // Upon Notice	RFP 09/29/2006	3	Y	117	100%					3,867
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2087	09/05/2006 // Upon Notice	RFP 09/05/2006	5	Y	156	100%					3,906
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2096	09/05/2006 // Upon Notice	RFP 09/05/2006	5	Y	116	100%					3,866
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2099	10/02/2006 // Upon Notice	RFP 10/02/2006	0	Y	11,735 See End Notes	100%					64,406
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2186	07/10/2007 // Upon Notice	RFP 07/10/2007	3	Y	39	100%					3,789
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2188	01/17/2007 // Upon Notice	RFP 01/17/2007	5	Y	117	100%					4,867

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Procurement Contract Report For '09 - '10 (11/01/2009 to 10/31/2010)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/09 to 10/31/10					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Trustee Services</u>														
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2190	06/05/2007 // Upon Notice	RFP 06/05/2007	3	Y	156	100%					3,906
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2193	08/29/2007 // Upon Notice	RFP 08/29/2007	4	Y	39	100%					3,840
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2209	09/12/2007 // Upon Notice	RFP 09/12/2007	3	Y	116	100%					3,116
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2220	08/31/2007 // Upon Notice	RFP 08/31/2007	4	Y	21,925	100%					57,620
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2238	10/14/2007 // Upon Notice	RFP 10/14/2007	3	Y	5,000	100%					11,000
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2273	06/08/2008 // Upon Notice	RFP 06/08/2008	3	Y	1,750	100%					7,000

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Procurement Contract Report For '09 - '10 (11/01/2009 to 10/31/2010)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/09 to 10/31/10					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Trustee Services</u>														
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2276	06/06/2008 // Upon Notice	RFP 06/06/2008	3	Y	1,750	100%					7,000
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2295	07/22/2008 // Upon Notice	RFP 07/22/2008	5	Y	39	100%					2,389
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2298	08/12/2008 // Upon Notice	RFP 08/12/2008	4	Y	2,539	100%					17,539
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2331	12/01/2004 // Upon Notice	RFP 12/01/2004	0	Y	77	100%					1,077
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2495	06/26/2001 // Upon Notice	RFP 06/26/2001	0	Y	231	100%					231
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2496	06/26/2001 // Upon Notice	RFP 06/26/2001	0	Y	233	100%					233

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Procurement Contract Report For '09 - '10 (11/01/2009 to 10/31/2010)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/09 to 10/31/10					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Trustee Services</u>														
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2497	06/26/2001 // Upon Notice	RFP 06/26/2001	0	Y	427 See End Notes	100%				427	
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2498	06/26/2001 // Upon Notice	RFP 06/26/2001	0	Y	504 See End Notes	100%				504	
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2500	12/18/2009 // Upon Notice	RFP 12/18/2009	4	Y	6,121	100%				6,121	
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2506	02/16/1995 // Upon Notice	RFP 02/16/1995	0	Y	300	100%				300	
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2507	09/01/1991 // Upon Notice	RFP 09/01/1991	0	Y	1,084	100%				1,084	
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2534	11/09/2009 // Upon Notice	RFP 11/09/2009	5	Y	1,850	100%				1,850	
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2540	07/22/2008 // Upon Notice	RFP 07/22/2008	5	Y	39	100%				39	

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Procurement Contract Report For '09 - '10 (11/01/2009 to 10/31/2010)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/09 to 10/31/10					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Trustee Services</u>														
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2550	12/04/1997 // Upon Notice	RFP 12/04/1997	0	Y	40	100%				40	
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2574	10/08/2010 // Upon Notice	RFP 10/08/2010	3	Y	0					0	
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2575	10/08/2010 // Upon Notice	RFP 10/08/2010	3	Y	0					0	
HFA	The Bank Of New York Mellon 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	2578	10/08/2010 // Upon Notice	RFP 10/08/2010	3	Y	0					0	
SONYMA	Bank Of New York Mellon P.O. Box 19445A Newark, NJ 07195-0445	TRUSTEE	1883	10/15/1997 // Upon Notice	RFP 10/15/1997	0	NYD	220,665		100%			1,904,749	
SONYMA	Bank Of New York Mellon P.O. Box 19445A Newark, NJ 07195-0445	TRUSTEE	2050	06/01/1999 // Upon Notice	RFP 06/01/1999	0	NYD	28,676		100%			70,176	

NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.

Bold and Italics indicate Procurement Contracts Executed During '09 - '10 (11/01/2009 to 10/31/2010)

Run Date: 01/10/2011

Procurement Contract Report For '09 - '10 (11/01/2009 to 10/31/2010)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/09 to 10/31/10					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Trustee Services</u>														
HFA	Bank Of New York Mellon P.O. Box 19445A Newark, NJ 07195-0445	TRUSTEE	2489	04/10/2006 // Upon Notice	RFP 04/10/2006	0	NYD	348 See End Notes	100%					348
HFA	Bank Of New York Mellon P.O. Box 19445A Newark, NJ 07195-0445	TRUSTEE	2491	04/10/2006 // Upon Notice	RFP 04/10/2006	0	NYD	194 See End Notes	100%					194
HFA	The Bank Of New York 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1415	10/17/2002 // Upon Notice	RFP 10/17/2002	0	Y	39	100%					100,244
HFA	The Bank Of New York 111 Sanders Creek Parkway East Syracuse, NY 13057	TRUSTEE	1442	09/30/1994 // Upon Notice	RFP 09/30/1994	0	Y	5,213	100%					103,874
HFA	Deutsche Bank Trust Company Americas PO Box 1757 New York, NY 10008	TRUSTEE	1419	09/21/1978 // Upon Notice	RFP 09/21/1978	0	NYD	2,000	100%					17,680
HFA	Deutsche Bank Trust Company Americas PO Box 1757 New York, NY 10008	TRUSTEE	1437	09/03/2003 // Upon Notice	RFP 09/03/2003	0	NYD	2,240	100%					21,980

NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.

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Procurement Contract Report For '09 - '10 (11/01/2009 to 10/31/2010)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/09 to 10/31/10					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Trustee Services</u>														
SONYMA	Deutsche Bank Trust Company Americas PO Box 1757 New York, NY 10008	TRUSTEE	1910	07/07/1997 // Upon Notice	RFP 07/07/1997	0	NYD	1,500		100%				114,000
SONYMA	HSBC Bank USA 2 Hanson Pl Brooklyn, NY 11217	TRUSTEE	1912	08/09/1983 // Upon Notice	RFP 08/09/1983	0	Y	27,356		100%				104,088
HFA	M & T Bank M & T BLDG 1 M AND T PLZ FL7 Buffalo, NY 14203	TRUSTEE	2456	03/24/2009 // Upon Notice	RFP 12/11/2008	5	Y	1,500	100%					3,455
HFA	M & T Bank M & T BLDG 1 M AND T PLZ FL7 Buffalo, NY 14203	TRUSTEE	2457	03/24/2009 // Upon Notice	RFP 12/11/2008	5	Y	1,500	100%					3,455
MBBA	M & T Bank M & T BLDG 1 M AND T PLZ FL7 Buffalo, NY 14203	TRUSTEE	2459	03/12/2009 // Upon Notice	RFP 12/11/2008	5	Y	1,006				100%		7,941
HFA	M & T Bank M & T BLDG 1 M AND T PLZ FL7 Buffalo, NY 14203	TRUSTEE	2460	03/12/2009 // Upon Notice	RFP 12/11/2008	5	Y	1,000	100%					3,705
NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.														

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Procurement Contract Report For '09 - '10 (11/01/2009 to 10/31/2010)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/09 to 10/31/10					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Trustee Services</u>														
HFA	M & T Bank M & T BLDG 1 M AND T PLZ FL7 Buffalo, NY 14203	TRUSTEE	2461	03/12/2009 // Upon Notice	RFP 12/11/2008	5	Y	1,000	100%					2,455
HFA	M & T Bank M & T BLDG 1 M AND T PLZ FL7 Buffalo, NY 14203	TRUSTEE	2462	03/12/2009 // Upon Notice	RFP 12/11/2008	5	Y	1,000	100%					2,705
HFA	M & T Bank M & T BLDG 1 M AND T PLZ FL7 Buffalo, NY 14203	TRUSTEE	2463	03/12/2009 // Upon Notice	RFP 12/11/2008	5	Y	5,500	100%					10,455
MBBA	M & T Bank One M&T Plaza-7th Floor Buffalo, NY 14203	TRUSTEE CUSTODIAL	2521	03/12/2009 // Upon Notice	RFP 12/11/2008	5	Y	3,054				100%		3,054
MBBA	M & T Bank One M&T Plaza-7th Floor Buffalo, NY 14203	TRUSTEE CUSTODIAL	2522	03/12/2009 // Upon Notice	RFP 12/11/2008	5	Y	2,932				100%		2,932

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Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/09 to 10/31/10					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Trustee Services</u>														
HFA	U.S. Bank Trust Nat'l Assoc. 100 Wall St New York, NY 10005	TRUSTEE	1413	11/17/1978 // Upon Notice	RFP 11/17/1978	0	N	19,210	100%					70,540
HFA	U.S. Bank Trust Nat'l Assoc. 100 Wall St New York, NY 10005	TRUSTEE	1431	12/14/1970 // Upon Notice	RFP 12/14/1970	0	N	253	100%					67,807
HFA	U.S. Bank Trust Nat'l Assoc. 100 Wall St New York, NY 10005	TRUSTEE	1432	11/24/1971 // Upon Notice	RFP 11/24/1971	0	N	585	100%					34,977
HFA	U.S. Bank Trust Nat'l Assoc. 100 Wall St New York, NY 10005	TRUSTEE/CUSTODIAL	1995	07/14/2005 // Upon Notice	RFP 07/14/2005	0	N	169	100%					2,620
HFA	U.S. Bank Trust Nat'l Assoc. 100 Wall St New York, NY 10005	TRUSTEE/CUSTODIAL	2000	07/14/2005 // Upon Notice	RFP 07/14/2005	0	N	105	100%					4,561
HFA	U.S. Bank Trust Nat'l Assoc. P.O. Box 70870 St. Paul, MN 55170-9690	TRUSTEE	2370	03/04/2009 // Upon Notice	RFP 12/11/2008	5	N	5,000	100%					10,000

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Procurement Contract Report For '09 - '10 (11/01/2009 to 10/31/2010)

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									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Trustee Services</u>														
HFA	U.S. Bank Trust Nat'l Assoc. P.O. Box 70870 St. Paul, MN 55170-9690	TRUSTEE	2395	03/24/2009 // Upon Notice	RFP 12/11/2008	5	N	1,500	100%				11,500	
HFA	U.S. Bank Trust Nat'l Assoc. P.O. Box 70870 St. Paul, MN 55170-9690	TRUSTEE	2396	03/24/2009 // Upon Notice	RFP 12/11/2008	5	N	10,000	100%				10,000	
HFA	U.S. Bank Trust Nat'l Assoc. P.O. Box 70870 St. Paul, MN 55170-9690	TRUSTEE	2555	08/03/2010 // Upon Notice	Preq List 08/03/2010	5	N	1,500	100%				1,500	
HFA	Wells Fargo Bank, NA 1 Boston Pl Boston, MA 02108	TRUSTEE	2399	03/24/2009 // Upon Notice	RFP 12/11/2008	5	NYD	1,750	100%				5,750	
HFA	Wells Fargo Bank, NA 1 Boston Pl Boston, MA 02108	TRUSTEE	2400	03/24/2009 // Upon Notice	RFP 12/11/2008	5	NYD	1,750	100%				5,750	
HFA	Wells Fargo Bank, NA 1 Boston Pl Boston, MA 02108	TRUSTEE	2401	03/24/2009 // Upon Notice	RFP 12/11/2008	5	NYD	1,750	100%				5,750	
HFA	Wells Fargo Bank, NA 1 Boston Pl Boston, MA 02108	TRUSTEE	2402	03/24/2009 // Upon Notice	RFP 12/11/2008	5	NYD	1,750	100%				5,750	
NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.														

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Procurement Contract Report For '09 - '10 (11/01/2009 to 10/31/2010)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/09 to 10/31/10					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Trustee Services</u>														
HFA	Wells Fargo Bank, NA 1 Boston Pl Boston, MA 02108	TRUSTEE	2403	03/24/2009 // Upon Notice	RFP 12/11/2008	5	NYD	3,250	100%					6,500
HFA	Wells Fargo Bank, NA 1 Boston Pl Boston, MA 02108	TRUSTEE	2404	03/24/2009 // Upon Notice	RFP 12/11/2008	5	NYD	1,750	100%					5,000
HFA	Wells Fargo Bank, NA 1 Boston Pl Boston, MA 02108	TRUSTEE	2405	03/24/2009 // Upon Notice	RFP 12/11/2008	5	NYD	1,750	100%					5,000
HFA	Wells Fargo Bank, NA 1 Boston Pl Boston, MA 02108	TRUSTEE	2406	03/24/2009 // Upon Notice	RFP 12/11/2008	5	NYD	1,750	100%					6,500
HFA	Wells Fargo Bank, NA 1 Boston Pl Boston, MA 02108	TRUSTEE	2407	03/24/2009 // Upon Notice	RFP 12/11/2008	5	NYD	1,750	100%					5,000
HFA	Wells Fargo Bank, NA 1 Boston Pl Boston, MA 02108	TRUSTEE	2408	03/24/2009 // Upon Notice	RFP 12/11/2008	5	NYD	1,750	100%					5,000

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Run Date: 01/10/2011

Procurement Contract Report For '09 - '10 (11/01/2009 to 10/31/2010)

Agency(s)	Vendor Name and Address	Scope of Services	Contract No.	Contract Dates	Method of Sel & Date	Bids	NYS	Amount Paid	Allocation of Payments for the period of 11/01/09 to 10/31/10					Life of Contract Amount Paid
									HFA	SONYMA	AHC	MBBA	TSFC	
<u>Trustee Services</u>														

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Endnotes for Procurement Contract Report For 2009-2010 (11/01/2009 to 10/31/2010)

Agency(s)	Vendor Name	Scope of Services	Contract No.	Contract Date	ENDNOTE
HFA SONYMA AHC	AVAYA, Inc.	AVAYA COMMUNICATIONS HARDWARE & SOFTWARE MAINTENANCE	49	04/10/2002	10/31/2010 NEGATIVE PAYMENT AMOUNT REPRESENTS VENDOR REFUND. ACCOUNT IS CLOSED.
HFA	Hiscock & Barclay, LLP	BOND COUNSEL SERVICES	1881	12/01/2005	10/31/2010 DUE TO TRANSFER OF PAYMENTS FROM CONTRACT #1881 TO CONTRACT # 2503, LIFE OF CONTRACT AMOUNT ON CONTRACT # 1881 IS ACTUALLY \$357,680 NOT \$402,856. INFORMATION TECHNOLOGY WORKING ON RESOLVING PROGRAMMING PROBLEM WITH THIS CONTRACT.
HFA	The Bank Of New York Mellon	TRUSTEE	2099	10/02/2006	10/31/2010 Not a new procurement; method of selection and number of bids received are not applicable. Trustee Account acquired by The Bank of New York from JP Morgan Chase as of 10/02/06.
HFA SONYMA AHC	Lincoln Life & Annuity Co.	DISABILITY INSURANCE	2175	04/02/2007	10/31/2010 Effective 4/2/07, Jefferson Pilot Life Insurance merged with Lincoln Life & Annuity Company on New York and is now known as Lincoln Life & Annuity Company of New York. See contract # 1894.
HFA	Fire Service, Inc.	MAINTENANCE OF FIRE ALARM SYSTEM & EQUIPMENT	2305	05/01/2008	10/31/2010 DUE TO TRANSFER OF PAYMENTS FROM CONTRACT #2501 [INACTIVE CONTRACT] TO CONTRACT # 2305, LIFE OF CONTRACT AMOUNT FOR CONTRACT # 2305 IS \$3,193 NOT \$1,928. INFORMATION TECHNOLOGY WORKING ON RESOLVING PROGRAMMING PROBLEM WITH THESE CONTRACTS.
HFA	Bank Of New York Mellon	TRUSTEE	2489	04/10/2006	10/31/2010 NOT A NEW PROCUREMENT--CONTRACT # 1441 AND #2489 ARE THE SAME CONTRACT. AS OF 04/10/06--JPMORGAN CHASE TRUSTEE ACCOUNTS ACQUIRED BY BANK OF NEW YORK MELLON. USE CONTRACT # 2489 TO PAY INVOICES.
HFA	Bank Of New York Mellon	TRUSTEE	2491	04/10/2006	10/31/2010 NOT A NEW PROCUREMENT--CONTRACT # 1444 AND #2491 ARE THE SAME CONTRACT. AS OF 04/10/06--JPMORGAN CHASE TRUSTEE ACCOUNTS ACQUIRED BY BANK OF NEW YORK MELLON. USE CONTRACT # 2491 TO

Endnotes for Procurement Contract Report For 2009-2010 (11/01/2009 to 10/31/2010)

Agency(s)	Vendor Name	Scope of Services	Contract No.	Contract Date	ENDNOTE
					PAY INVOICES.
HFA	The Bank Of New York Mellon	TRUSTEE	2495	06/26/2001	10/31/2010 NOT A NEW PROCUREMENT--US TRUST TRUSTEE ACCOUNTS ACQUIRED BY BANK OF NEW YORK K/N/A BANK OF NEW YORK MELLON AS OF 6/26/01. NUMBER OF BIDS NOT APPLICABLE.
HFA	The Bank Of New York Mellon	TRUSTEE	2496	06/26/2001	10/31/2010 NOT A NEW PROCUREMENT--US TRUST TRUSTEE ACCOUNTS ACQUIRED BY BANK OF NEW YORK K/N/A BANK OF NEW YORK MELLON AS OF 6/26/01. NUMBER OF BIDS NOT APPLICABLE.
HFA	The Bank Of New York Mellon	TRUSTEE	2497	06/26/2001	10/31/2010 NOT A NEW PROCUREMENT--US TRUST TRUSTEE ACCOUNTS ACQUIRED BY BANK OF NEW YORK K/N/A BANK OF NEW YORK MELLON AS OF 6/26/01. NUMBER OF BIDS NOT APPLICABLE.
HFA	The Bank Of New York Mellon	TRUSTEE	2498	06/26/2001	10/31/2010 NOT A NEW PROCUREMENT--US TRUST TRUSTEE ACCOUNTS ACQUIRED BY BANK OF NEW YORK K/N/A BANK OF NEW YORK MELLON AS OF 6/26/01. NUMBER OF BIDS NOT APPLICABLE.
HFA	Hiscock & Barclay, LLP	BOND COUNSEL SERVICES	2503	12/03/2009	10/31/2010 DUE TO TRANSFER OF PAYMENTS FROM CONTRACT #1881 TO CONTRACT # 2503, LIFE OF CONTRACT AMOUNT ON CONTRACT # 2503 IS ACTUALLY \$45,176 NOT ZERO. INFORMATION TECHNOLOGY UNIT WORKING ON RESOLVING PROGRAMMING PROBLEM WITH THIS CONTRACT.

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Purchase Orders

11/01/2009 - 10/31/2010

Vendor	Subject Matter	Selection Code	Current Period							Payments	
			NYS	Payment	HFA	SON	AHC	MBBA	TSFC	10/31/2007 To Date	
ARC Electrical Construction Co., Inc. 739 East 2nd Avenue New York, NY 10016	Cleaning & Maintenance Furniture & Fixtures Info.Tech. - Maintenance Leasehold Improvements Purchase of Office Equip	Preferred Sources Uniquely Qualified Source	NYD	1,763	47%	50%			1%	1%	19,131
Berkshire Hathaway, Inc. P.O. Box 650 Buffalo, NY 14240	COI- Bond Counsel Gen Financial Exp(SONYMA) Marketing Fees Printing	Uniquely Qualified Source	Y	4,853	54%	46%					7,984
LexisNexis Matthew Bender PO Box 7247-0178 Philadelphia, PA 19170-0178	Books & Periodicals	Competitive Bid State Contract	NYD	6,311	47%	50%			1%	1%	19,568
Binding Products Inc. JAF Station P.O. Box #7751 New York, NY 10116	Office Supplies	Competitive Bid	NYD	2,154	47%	50%			1%	1%	11,463
JP Morgan Chase Bank 12 Corporate Woods Blvd.-4th F Albany, NY 12211	Fees & Exp- Trustee	Competitive Bid	Y	35,897	52%	48%					60,450
Citizens Housing & Planning 50 East 42 Street- Suite 407	Sponsorship Fees	Uniquely Qualified Source	NYD	4,500	47%	50%			1%	1%	13,500

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Purchase Orders

11/01/2009 - 10/31/2010

Vendor	Subject Matter	Selection Code	Current Period							Payments	
			NYS	Payment	HFA	SON	AHC	MBBA	TSFC	10/31/2007 To Date	
New York, NY 10017-5405											
CDW Government Inc. 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515	Info. Tech. -Acquisition Purchase of Office Equip	Competitive Bid State Contract	NYD	3,262	47%	50%			1%	1%	83,708
Computer Resources of America, Inc. 44 West 56th Street New York, NY 10019	Cleaning & Maintenance Maint of Office Equipment	Competitive Bid	NYD	7,220	47%	50%			1%	1%	7,220
Gannett Rochester Newspapers Democrat & Chronicle P.O. Box 1587 Binghamton, NY 13902	COI- Bond Counsel Gen'l Admin Exp (SONYMA) Marketing Fees Printing Reimbursed by Project	Uniquely Qualified Source	N	1,085	17%	83%					9,824
Dell Marketing L.P. PO Box 643561 Pittsburgh, PA 15264-3561	Info. Tech. -Acquisition Purchase of Office Equip	Competitive Bid State Contract	NYD	103,085	47%	50%			1%	1%	248,366
First Lexington Corporation C/O Rudin Management Co., Inc. 345 Park Avenue New York, NY 10154-0101	Cleaning & Maintenance Furniture & Fixtures Leasehold Improvements Misc- OTPS & Board Meet	Sole Source Uniquely Qualified Source	Y	375	48%	51%			1%	1%	6,883

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Purchase Orders

11/01/2009 - 10/31/2010

Vendor	Subject Matter	Selection Code	Current Period						Payments	
			NYS	Payment	HFA	SON	AHC	MBBA	TSFC	10/31/2007 To Date
Graphic Paper New York, Inc. P.O. Box 9024 Central Islip, NY 11722	Office Supplies	State Contract	NYD	17,725	47%	50%		1%	1%	70,794
Hewlett Packard Co. File # 73703 P.O. Box 6000 San Francisco, CA 94160-3703	Info. Tech. -Acquisition	Competitive Bid State Contract	NYD	60,554	47%	50%		1%	1%	61,908
Industries For The Blind 296 Washington Ave. Albany, NY 12203-5346	Office Supplies	Competitive Bid Preferred Sources	NYD	4,748	47%	50%		1%	1%	9,259
Insight Direct USA, Inc. 6820 S. Harl Drive Tempe, AZ 85283	Purchase of Office Equip	Competitive Bid	NYD	0						5,683
Mitchell's Newspaper Delivery P.O. Box 4309 Sunnyside, NY 11104	Books & Periodicals	Competitive Bid Competitive Bid/Critical Contr Uniquely Qualified Source	NYD	2,503	47%	50%		1%	1%	7,223
Metropolitan Office & Computer 345 Park Avenue New York, NY 10154	Info. Tech. -Acquisition + Misc- OTPS & Board Meet Office Supplies Printing Purchase of Office Equip	Competitive Bid Competitive Bid/Critical Contr Emergency Preferred Sources	Y	70,399	47%	50%		1%	1%	168,398
NYS Indus. For The Disabled 155 Washington Ave.-Suite 400	Cleaning & Maintenance	Competitive Bid Preferred Sources	Y	8,852	47%	50%		1%	1%	21,429

+ Minority owned business enterprise

NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.

Run Date:01/10/2011

Purchase Orders

11/01/2009 - 10/31/2010

Vendor	Subject Matter	Selection Code	Current Period						Payments	
			NYS	Payment	HFA	SON	AHC	MBBA	TSFC	10/31/2007 To Date
Albany, NY 12210	Office Supplies	State Contract								
NYS Rural Housing Coalition 879 Madison Ave. 2nd Floor Albany, NY 12208	Sponsorship Fees Travel- Conf & Seminars	Uniquely Qualified Source	NYD	5,050	48%	50%		1%	1%	15,050
Neighborhood Preservation 40 Colvin Ave. Albany, NY 12206	Sponsorship Fees	Sole Source Uniquely Qualified Source	NYD	0						10,000
NY State Clipping Service 75 East Northfield Road Livingston, NJ 07039	Books & Periodicals	Board Resolution Competitive Bid Competitive Negotiations Sole Source Uniquely Qualified Source	NYD	2,960	48%	50%		1%	1%	11,706
National Housing Conference 1801 K Street, N.W. Suite M-100 Washington, DC 20006	Sponsorship Fees	Competitive Bid	NYD	0						7,000
Novell, Inc. P.O. Box 641025 Pittsburgh, PA 15264-1025	Info.Tech. - Maintenance	State Contract	NYD	2,970	47%	50%		1%	1%	42,145
News Corporation D/B/A P.O. Box 7247-7702 Philadelphia, PA 19170-7702	COI- Bond Counsel Gen Financial Exp(SONYMA) Marketing Fees Printing	Uniquely Qualified Source	NYD	9,501	62%	38%				29,043

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Purchase Orders

11/01/2009 - 10/31/2010

Vendor	Subject Matter	Selection Code	Current Period							Payments	
			NYS	Payment	HFA	SON	AHC	MBBA	TSFC	10/31/2007 To Date	
Premier Stationers 357 W. 36th Street New York, NY 10018	Office Supplies	Competitive Bid	NYD	1,429	47%	50%			1%	1%	9,771
Sky Advertising 14 East 33rd Street - 8th Fl New York, NY 10016	Personnel Recruit & Adv	Board Resolution Competitive Bid Sole Source State Contract	NYD	268	48%	50%			1%	1%	12,000
Specialty Signs 54 West 21st Street New York, NY 10010-6908	Office Supplies	Competitive Bid Uniquely Qualified Source	NYD	1,161	48%	50%			1%	1%	5,141
West Publishing Corp. DBA West Group P.O. Box 6292 Carol Stream, IL 60197-6292	Books & Periodicals Electronic Info. Services	State Contract Uniquely Qualified Source	NYD	10,774	47%	50%			1%	1%	15,349
New York University Wagner 295 Lafayette Street New York, NY 10012	Temp Employees- Empl Agy Travel- Conf & Seminars	Uniquely Qualified Source	NYD	257	48%	50%			1%	1%	5,257
Europa Bar & Grill 1776 Broadway Suite 1500 Attn: Accounts Receivable New York, NY 10019	COI- Bond Counsel COI- Other Gen Financial Exp(SONYMA) Reimbursed by Project Travel- Bus Lunch &	Competitive Bid Competitive Negotiations	NYD	25,256	44%	55%			1%	0%	69,016

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Purchase Orders

11/01/2009 - 10/31/2010

Vendor	Subject Matter	Selection Code	Current Period						Payments		
			NYS	Payment	HFA	SON	AHC	MBBA	TSFC	10/31/2007 To Date	
	Recpt Workshops										
Verizon PO Box 15124 Albany, NY 12212-5124	Communications Leasehold Improvements Purchase of Office Equip	Competitive Bid State Contract	NYD	8,694	100%						374,325
Antovel Gelberg & Wallpapering, Inc. 21-52 45th Ave. Long Island City, NY 11101	Leasehold Improvements	Preferred Sources Uniquely Qualified Source	Y	0							8,100
IBT Legislative Services 18 Industrial Park Road Troy, NY 12180	Books & Periodicals	Uniquely Qualified Source Waived Per Guidelines- Artical	NYD	0							5,501
N.G. Slater Corp. 42 West 38th Street- Suite 100 New York, NY 10018	Marketing Fees	Competitive Bid	NYD	0							29,986
SurfControl, Inc. DEPT CH 10987 Palantine, IL 60055-0987	Info.Tech. - Maintenance	Preferred Sources	N	0							13,324
Falk Technical Service Corp. 227 West 19th Street New York, NY 10011	Cleaning & Maintenance Leasehold Improvements	Competitive Bid Preferred Sources Uniquely Qualified Source	Y	8,375	47%	50%		1%	1%		20,317
Copy XPress 700-5 Union Parkway Ronkonkoma, NY 11779	Marketing Fees Office Supplies	Competitive Bid	Y	725		100%					9,525

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Purchase Orders

11/01/2009 - 10/31/2010

Vendor	Subject Matter	Selection Code	Current Period						Payments	
			NYS	Payment	HFA	SON	AHC	MBBA	TSFC	10/31/2007 To Date
	Printing									
Zones , Inc. P.O. Box 34740 Seattle, WA 98124-1740	+ Info. Tech. -Acquisition Purchase of Office Equip	Competitive Bid	N	43,700	47%	50%		1%	1%	54,285
Thomson Legal & Reg. Inc. P.O. Box 6292 Carol Stream, IL 60197-6292	Books & Periodicals Electronic Info. Services	Competitive Bid Sole Source Uniquely Qualified Source	Y	0						21,753
IESI Corporation P.O. Box 34233 Newark, NJ 07189	Cleaning & Maintenance	Competitive Bid Preferred Sources Uniquely Qualified Source Waived Per Guidelines- Artical	NYD	1,750	48%	51%		1%	1%	15,862
TLIC Worldwide, Inc. 400 South County Trail, A208 Exeter, RI 02822	Info.Tech. - Maintenance	State Contract Uniquely Qualified Source	NYD	3,313	47%	50%		1%	1%	6,563
SHI International Corp. Weston Canal Plaza Two Riverview Drive Somerset, NJ 08873	Info. Tech. -Acquisition	State Contract	NYD	9,281	47%	50%		1%	1%	9,281
Source Media, Inc. PO Box 71633 Chicago, IL 60694-1633	Books & Periodicals COI- Printing Marketing Fees Misc Financing Expenses	Competitive Bid Sole Source Uniquely Qualified Source Waived Per Guidelines- Artical	NYD	4,908	10%	10%		80%	0%	25,397

+ Minority owned business enterprise

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Purchase Orders

11/01/2009 - 10/31/2010

Vendor	Subject Matter	Selection Code	Current Period						Payments	
			NYS	Payment	HFA	SON	AHC	MBBA	TSFC	10/31/2007 To Date
	Reimbursed by Project									
S & B Computer & Office products, Inc. 747 Pierce Road Clifton Park, NY 12065	++ Office Supplies + Purchase of Office Equip	Competitive Bid State Contract Uniquely Qualified Source	Y	0						23,448
Qualys, Inc. 1600 Bridge Parkway 2nd Fl Redwood City, CA 94065	Info. Tech. -Acquisition	State Contract Uniquely Qualified Source	NYD	2,995	47%	50%		1%	1%	8,985
Avrio Corporation 222 N Sepulveda Blvd Suite 2140 El Segundo, CA 90245	Info.Tech. - Maintenance	Competitive Bid Requests for Proposals Uniquely Qualified Source	NYD	10,560	34%	64%		1%	1%	15,960
Quadrant Construction Ltd 420 Lexington Ave. Suite 1927 New York, NY 10170	Leasehold Improvements	Competitive Bid	NYD	0						81,941
Union Leasing P.O. Box 75850 Chicago, IL 60675-5850	Auto Expenses	Competitive Bid Requests for Proposals	NYD	0						16,451
JDM Infrastructure Dept. #4240 PO Box 87618 Chicago, IL 60680	Info. Tech. -Acquisition Info.Tech. - Maintenance Purchase of Office Equip	Competitive Bid State Contract	NYD	0						32,302
Housing and Development Software, LLC 2685 Executive Park Drive Suite 8	Info.Tech. - Maintenance	Sole Source	NYD	0						15,015

++ Women owned business enterprise
+ Minority owned business enterprise

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Purchase Orders

11/01/2009 - 10/31/2010

Vendor	Subject Matter	Selection Code	Current Period							Payments
			NYS	Payment	HFA	SON	AHC	MBBA	TSFC	10/31/2007 To Date
Weston, FL 33331										
Accuity, Inc. PO Box 71690 Chicago, IL 60694	Books & Periodicals	Competitive Bid Sole Source	N	2,735	47%	50%		1%	1%	8,051
Expedite Video Conferencing Services, Inc 1025 Old Country Road Westbury, NY 11590	Maint of Office Equipment Purchase of Office Equip	Competitive Bid Preferred Sources State Contract	N	4,639	47%	50%		1%	1%	5,008
Kimball International Marketing Inc 1600 Royal St., GOX -201 Jasper, IN 47549-1001	Furniture & Fixtures	Competitive Bid State Contract	NYD	0						7,594
Central Security Integration Solutions 345 Park Avenue New York, NY 10154	Cleaning & Maintenance Furniture & Fixtures Leasehold Improvements Maint of Office Equipment Office Supplies Purchase of Office Equip	Competitive Bid Uniquely Qualified Source	N	6,040	47%	50%		1%	1%	21,074
On Demand Color Group, LLC 30-02 48th Avenue 3rd Fl Long Island City, NY 11101	Printing	Competitive Bid	Y	0						34,409
Chefs Extraordinaire LTD 2137 Merrick Road Merrick, NY 11566	Travel- Bus Lunch & Recpt	Competitive Bid	NYD	0						22,710

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Purchase Orders

11/01/2009 - 10/31/2010

Vendor	Subject Matter	Selection Code	NYS	Current Period						Payments
				Payment	HFA	SON	AHC	MBBA	TSFC	10/31/2007 To Date
Bagpeddler, Inc. 20015 SW Pacific Hwy Suite 300 Sherwood, OR 97140	Marketing Fees	Competitive Bid	NYD	0						5,830
ICBC - NY, LLC ATTN: Jason Harris 3 Park Ave 41st Fl New York, NY 10016	+ Sponsorship Fees	Uniquely Qualified Source	Y	0						5,000
USNET SOLUTIONS INC. 147 Seeley Ave Keansburg, NJ 07734	+ Communications Purchase of Office Equip Stationery & Supp- EDP	Competitive Bid	Y	0						6,831
JASON'S CATERING & FOOD SERVICES, INC. 600 West 28th Street New York, NY 10001	Reimbursed by Project Travel- Bus Lunch & Recpt	Competitive Bid Waived Per Guidelines- Artical	Y	18,016	72%	27%	1%	0%	0%	40,350
ISKALO DEVELOPMENT CORP. 5166 Main Street Williamsville, NY 14221	Furniture & Fixtures Misc- OTPS & Board Meet Purchase of Office Equip Reimbursed by Project	Uniquely Qualified Source	NYD	4,622	100%					5,622
GOTHAM TECHNOLOGY GROUP, LLC 1 Paragon Drive Suite 200 Montvale, NJ 07645	Info. Tech. -Acquisition Info.Tech. - Maintenance	Competitive Bid State Contract	NYD	526,824	47%	51%		1%	1%	1,021,977

+ Minority owned business enterprise

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Purchase Orders

11/01/2009 - 10/31/2010

Vendor	Subject Matter	Selection Code	Current Period						Payments	
			NYS	Payment	HFA	SON	AHC	MBBA	TSFC	10/31/2007 To Date
	Rental of Office Equipmnt									
ADCOM DIGITAL, INC. 47 Sheer Plaza Plainview, NY 11803	Office Supplies Printing	Competitive Bid	NYD	2,705	47%	52%		1%	1%	7,974
National Business Promotions, Inc. 19 Colvin Ave Albany, NY 12206	Marketing Fees	Competitive Bid	NYD	0						11,925
Vasco Data Security, Inc. 1901 S. Meyers Road, Ste 210 Oakbrook Terrace, IL 60181	Info. Tech. -Acquisition Info.Tech. - Maintenance	Competitive Bid Uniquely Qualified Source	NYD	6,900		100%				22,879
Google Adwords 201 S Division Street Ann Arbor, MI 48104	Marketing Fees	Uniquely Qualified Source	NYD	0						10,457
ISD Security, Inc. 3525 Del Mar Heights Road, # 744 San Diego, CA 92130	Info. Tech. -Acquisition	Uniquely Qualified Source	NYD	12,649	47%	50%		1%	1%	26,062
Spoon Bread, Inc. 364 West 110th Street New York, NY 10025	++ Travel- Bus Lunch & Recpt	Competitive Bid	Y	18,115	47%	50%		1%	1%	18,115
Verizon Network Intergration Corp. P.O. Box 650457 Dallas, TX 75265--045	Communications Info. Tech. -Acquisition Maint of Office Equipment	State Contract	NYD	40,275	47%	50%		1%	1%	40,275

++ Women owned business enterprise

NYD indicates Not Yet Determined. Unavailable data at this time as Agencies are in the process of updating their files.

TAB 3

**PROCUREMENT AND CONTRACT GUIDELINES OF
THE NEW YORK STATE HOUSING FINANCE AGENCY,
STATE OF NEW YORK MORTGAGE AGENCY,
NEW YORK STATE AFFORDABLE HOUSING CORPORATION,
STATE OF NEW YORK MUNICIPAL BOND BANK AGENCY,
AND TOBACCO SETTLEMENT FINANCING CORPORATION
ESTABLISHING STANDARDS
FOR THE USE, AWARD, MONITORING AND REPORTING
OF PROCUREMENT CONTRACTS**
(effective as of December 15, 2005, revised as of September 14, 2010)

ARTICLE I

1. STATEMENT OF PURPOSE AND APPLICABILITY

- a. Statement of Purpose. These Guidelines are adopted pursuant to the provisions of the Acts and §2879 of the Public Authorities Law, as guidelines of the New York State Housing Finance Agency, State of New York Mortgage Agency, New York State Affordable Housing Corporation, State of New York Municipal Bond Bank Agency and Tobacco Settlement Financing Corporation (collectively hereinafter referred to as "Agencies" or each individually as "Agency") and, in accordance therewith, are to be reviewed and approved by the Members and Directors of each respective Agency at least annually.
- b. Applicability. These Guidelines apply to the Procurement by the Agencies of goods or services in the actual or estimated amount of \$5,000 or more.
- c. Title. Outside of this document, these Guidelines may be referred to as the "Procurement and Contract Guidelines" and herein may be referred to as "Guidelines."

ARTICLE II

2. DEFINITION OF TERMS

- a. Definitions. The following terms shall, for purposes of these Guidelines, have the following meanings unless the context shall clearly indicate some other meaning:
 - i. "Act" or "Acts" shall mean, either individually, or collectively, the Acts of each of the New York State Housing Finance Agency, State of New York Mortgage Agency, New York State Affordable Housing Corporation, State of New York Municipal Bond Bank Agency and Tobacco Settlement

Financing Corporation.

- ii. "Agency" or "Agencies" shall mean, either individually or collectively, each of the New York State Housing Finance Agency, State of New York Mortgage Agency, New York State Affordable Housing Corporation, State of New York Municipal Bond Bank Agency and Tobacco Settlement Financing Corporation.
- iii. "Affiliated Agencies" shall mean all of the affiliated and co-located Agencies, being the New York State Housing Finance Agency, State of New York Mortgage Agency, New York State Affordable Housing Corporation, State of New York Municipal Bond Bank Agency and Tobacco Settlement Financing Corporation.
- iv. "Annual Procurement Report" shall mean the annual report required by Article XII hereof.
- v. "Article 15-A of the Executive Law" or "Article 15-A" shall mean, the statute that governs the participation by Minority Group Members and women with respect to Agency Contracts.
- vi. "By-Laws" shall mean the By-Laws adopted by the Members and Directors of each Agency.
- vii. "Contact" shall mean, for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, any oral, written or electronic communication from a Contractor or Vendor, or their representatives, with any Agency, under circumstances where a reasonable person would infer that the communication was intended to influence any Agency's conduct or decision regarding an Agency Governmental Procurement.
- viii. "Contract" shall mean a written agreement whereby an Agency undertakes Procurement, and shall include, but not be limited to, accepted Purchase Orders and Procurement Contracts. Contracts in excess of \$25,000 for goods and services and Contracts in excess of \$100,000 for the acquisition, construction, demolition, replacement, major repair, or renovation of real property and improvements thereon are subject to the Agencies' MWBE Directives. Additionally, pursuant to Article 15-A, solely for the purpose of providing the opportunity for meaningful participation for certified MWBEs in the performance of Agency Contracts, Agency Contracts shall include leases of real property by any Agency to a Lessee where: (a) the terms of such leases provide for the

construction, demolition, replacement, major repair or renovation of real property and improvements thereon by such Lessee; and (b) the cost of such construction, demolition, replacement, major repair or renovation of real property and improvements thereon shall exceed the sum of \$100,000.

- ix. "Contractor" shall mean a supplier of goods or services to any Agency pursuant to a written Contract.
- x. "Counsel" shall mean an attorney in the regular employment of any Agency.
- xi. "Critical Contract" shall mean a Contract which must be awarded within a set time period because delay of the award would have a serious adverse effect on the contracting Agency that outweighs the benefits of advertisement in the "New York State Contract Reporter," as determined by the President, or a Senior Officer designated by the President. Examples of Critical Contracts include Contracts related to bond issuances. All Emergency Selection Contracts shall be Critical Contracts. Emergency Foreign Business Enterprise Contracts are not Critical Contracts unless the Agency independently determines those Contracts to be Critical Contracts.
- xii. "Designated Contact" shall mean, for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, a Contact made between an Offerer and the Agency's Designated Contact Officer(s), as set forth in Article VII of these Guidelines.
- xiii. "Designated Contact Officer(s)" shall mean, for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, the person(s) the Agency appoints to such position, in accordance with the provisions of the Lobbying Law, who may be the recipient of Designated Contacts, as set forth in Articles VII and XI of these Guidelines.
- xiv. "Designated MWBE Officer(s)" shall mean the senior staff member(s) the Agency appoints to such position, who reports directly to the President to oversee the Agencies' MWBE Program, as set forth in Articles VI and XI of these Guidelines.

- xv. "Determination of Responsibility" shall mean, in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, a final determination required to be made by the Agency of the proposed Contractor or Vendor to whom the Contract is to be awarded in accordance with Public Authorities Law § 2879 (3) (b) (iii). For Determinations of Responsibility hereunder, the Lobbying Law requires that proposed Contractors and Vendors disclose findings of non-responsibility against them within the previous four years by any other governmental agency.
- xvi. "Director(s)" shall mean the Directors of each of the State of New York Mortgage Agency and State of New York Municipal Bond Bank Agency and collectively, both of them.
- xvii. "Discriminatory Jurisdiction" shall mean any other county, 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 or services by the same, or a non-governmental entity influenced by the same.
- xviii. "Disparity Study of 2010" or "Disparity Study" shall refer to the disparity study commissioned by the Empire State Development Corporation ("ESDC"), pursuant to Article 15-A, and published on April 29, 2010.
- xix. "Emergency Foreign Business Enterprise Contract" shall mean any Contract awarded on an emergency or critical basis or where the New York State Commissioner of Economic Development (hereinafter referred to as the "Commissioner") waives provisions otherwise applying to Contracts with Foreign Business Enterprises which are equal to or greater than \$1,000,000, pursuant to Article VIII of these Guidelines.
- xx. "Emergency Selection Contract" shall mean any Contract exempt from competitive selection due to an Agency determination of an emergency justifying such exemption.
- xxi. "Employee" shall mean an employee of any Agency, whether full or part time.
- xxii. "Ethics Officer" shall mean the person the Agency appoints to such position for purposes of administering matters in connection with the State Ethics laws, or any other State law which requires the existence of such an officer to review, monitor and impose sanctions related to Procurement matters including, but not limited to, Lobbying Law Directives.

- xxiii. "Foreign Business Enterprise" shall mean a business enterprise, including a sole proprietorship, partnership or corporation, which offers for sale, lease or other form of exchange, goods sought by any Agency and which are substantially produced outside the State, or services sought by any Agency, and which are substantially performed outside the State.
- xxiv. "Formal Contract" shall mean a Contract which is required to be in writing and formally executed by the Contractor and the Agency.
- xxv. "Governmental Procurement" shall mean the (a) public announcement, public notice, or public communication to any potential Vendor of a determination of a need for a Procurement, which shall include, but not be limited to, the public notification of the specifications, bid documents, RFPs, or evaluation criteria for a Procurement Contract, (b) solicitation for a Procurement Contract, (c) evaluation of a Procurement Contract, (d) award, approval, denial or disapproval of a Procurement Contract, or (e) approval or denial of an assignment, amendment (other than amendments that are authorized and payable under the terms of the Procurement Contract as it was finally awarded or approved by the State's comptroller, as applicable), renewal or extension of a Procurement Contract, or any other material change in the Procurement Contract resulting in a financial benefit to the Offerer.
- xxvi. "Guidelines" shall mean these Guidelines, as they may be amended from time to time.
- xxvii. "Impermissible Contact" shall mean, for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, any Contact that is not a Designated Contact.
- xxviii. "Lessee" shall have the same meaning defined in Article 15-A.
- xxix. "Lobbying Law Directives" shall mean, in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, the requirements of the provisions of the Lobbying Law, and as set forth in Article VII of these Guidelines.
- xxx. "Lobbying Law" shall mean the provisions of the Legislative Law and the State Finance Law enacted on August 23, 2005, Chapter 1 of the laws of 2005 and amended on March 20, 2010, Chapter 4 of the laws of 2010.
- xxxi. "Member(s)" shall mean the members of each of the New York State

Housing Finance Agency, New York State Affordable Housing Corporation, and Tobacco Settlement Financing Corporation, and collectively, all of them.

xxxii. "Minority Owned Business Enterprise" or "MBE" shall mean any business enterprise, including a sole proprietorship, partnership or corporation, that is:

- (1) at least 51% owned by one or more Minority Group Members, or in the case of a publicly-owned business, at least 51% of the common stock or other voting interests of which is owned by one or more Minority Group Members;
- (2) an enterprise in which the minority ownership is real, substantial and continuing;
- (3) an enterprise in which the minority ownership has, and exercises, the authority to control independently the day-to-day business decisions of the enterprise;
- (4) an enterprise authorized to do business in the State, independently owned and operated, and not dominant in its field;
- (5) 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 \$3.5 million, as adjusted annually on the first of January for inflation according to the consumer price index of the previous year; and
- (6) an enterprise that is a Small Business.

xxxiii. "Minority and/or Women-Owned Business Enterprise" or "MWBE" shall mean any business enterprise, including a sole proprietorship, partnership or corporation, that meets the qualifications for an MBE, a WBE, or both an MBE and a WBE.

xxxiv. "Minority Group Member" shall mean a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups:

- (1) Black persons having origins in any of the Black African racial groups not of Hispanic origin;
- (2) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either Indian or Hispanic origin, regardless of race;
- (3) Native American or Alaskan native persons having origins in any of the original peoples of North America; or
- (4) Asian and Pacific Islander persons having origins in any of the Far East countries, Southeast Asia, the Indian sub-continent or the Pacific Islands.

xxxv. "MWBE Director" shall mean the director of the division of minority and women's business development in the Department of Economic Development.

xxxvi. "MWBE Directives" shall mean the requirements of the Agencies' MWBE Program in accordance with the provisions in §2879 of the Public Authorities Law and Article 15-A, and as set forth in Article VI of these Guidelines.

xxxvii. "MWBE Program" shall mean the Agencies' Procurement procedures and policies for providing opportunity for meaningful participation of certified businesses in the performance of Agency Contracts, as more fully described in Article VI of these Guidelines.

xxxviii. "New York State Business Enterprise" or "NYSBE" shall mean 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 any Agency and which are substantially manufactured, produced or assembled in the State, or services which are sought by any Agency and which are substantially performed within the State.

xxxix. "Offerer" shall mean, for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, an individual or entity, or any employee, agent or consultant or person acting on behalf of such individual or entity, that contacts any Agency about an Agency Governmental Procurement during the Restricted Period of such Agency Governmental Procurement, whether or not the caller has a financial interest in the outcome of the Governmental Procurement.

- xl. "Officer" shall mean any person so defined in the By-Laws of the Agencies.
- xli. "Permissible Contact" shall mean, for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, a Designated Contact.
- xlii. "Permissible Subject Matter Communication" shall mean, for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, the communications set forth as such in Article VII of these Guidelines.
- xliii. "Personal Net Worth" shall have the same meaning defined in Article 15-A.
- xliv. "Personal Services" shall mean any services performed for fee, commission or other compensation by persons or organizations who are not providing such services as Officers or Employees of any Agency or any State agency or public corporation.
- xlv. "Preferred Source" shall mean the status afforded to certain contractors or vendors for purposes of Procurement under §162 of the State Finance Law.
- xlvi. "President and Chief Executive Officer" or "President" shall mean the Senior Officer having such title according each Agency's By-Laws.
- xlvii. "Procurement" shall mean the acquisition of goods, materials and services including, but not limited to, Personal Services, by any Agency. The term goods shall include, but not be limited to, personal property, including furniture, fixtures, stationery and supplies. Services shall include, but not be limited to, the performance of legal, accounting, management, consulting, investment banking, planning, training, statistical, research, public relations, architectural, engineering, surveying or other Personal Services of a consulting, professional or technical nature for a fee, commission or other compensation by a person or persons who are not providing such service as Officers or Employees of any Agency or any State agency or public corporation.
- xlviii. "Procurement and Contract Guidelines" shall mean the guidelines to Procurement of goods or services by the Agencies, adopted by the Agencies' Members and Directors on December 15, 2005 and revised as of

September 14, 2010, pursuant to the provisions of the Acts and §2879 of the Public Authorities Law, as guidelines of the New York State Housing Finance Agency, State of New York Mortgage Agency, New York State Affordable Housing Corporation, State of New York Municipal Bond Bank Agency and Tobacco Settlement Financing Corporation.

- xlix. "Procurement Contract(s)" shall mean, (a) *(following the definition in §2879 of the Public Authorities Law)* any written agreement for Procurement in the actual or estimated amount of \$5,000 or more or (b) *(following the definition in the Lobbying Law for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000)* any Contract, including an amendment, extension, renewal, or change order to an existing Contract (other than amendments, extensions, renewals, or change orders that are authorized and payable under the terms of the Contract as it was finally awarded), for a Governmental Procurement.
 - I. "Procurement Contract Officer" shall mean the person appointed by the President to such position, as set forth in Article XI of these Guidelines.
 - li. "Procurement Record" shall mean documentation of the decisions made and the approach taken in the Procurement process together with other documentation with respect to Contracts and Contractors/Vendors, as set forth in these Guidelines.
 - lii. "Purchase Order(s)" shall mean written authorization to a Vendor to deliver specified goods or services at a stipulated price.
 - liii. "Quarterly Procurement Report(s)" shall mean the quarterly reports required by Article XII, as described herein.
 - liv. "Request for Proposal" or "RFP" shall mean the solicitation, by way of a detailed description of services and/or related work required by any Agency, of a comprehensive response from qualified potential Contractors or Vendors, indicating the manner in which each would perform the tasks involved and the compensation requested, which response would be the basis for a contractual agreement. *(It is generally expected that a qualifying response to an RFP would be sufficiently comprehensive to supply all essential information necessary to enter into a Contract.)*
 - Iv. "Request for Qualification or "RFQ" shall mean a request for statement of qualifications, which shall contain detailed information, so as to enable recipients to determine the desirability of participating in the selection process and to develop a competitive statement. An RFQ may request

other information in addition to qualifications. *(An RFQ requests less information than an RFP. The response may or may not provide enough information upon which to base a Contract, but if it is not sufficient to base a Contract upon, supplementary information would likely be necessary to determine the scope of tasks to be performed under the Contract.)*

- lvi. "Restricted Period" shall mean, for purposes of applying the Lobbying Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, the period of time commencing with the earliest determination of a Procurement need by any Agency to any potential Contractor or Vendor, including, but not limited to, any oral or written communication, notice, advertisement or solicitation of an RFP, invitation for bids, or solicitation of proposals, or any other method for soliciting a response from contractors or vendors intending to result in a Procurement Contract with the Agency and ending with the Agency's approval of the final Contract award.
- lvii. "Senior Officer" shall mean a Senior Officer as defined in the By-Laws of the Agencies.
- lviii. "Senior Vice President and Counsel" shall mean the Senior Vice President and Counsel of the Agencies.
- lix. "Small Business" shall have the same meaning defined in Article 15-A.
- lx. "Sole Source Contract" shall mean a Contract awarded without competitive procedures as a result of a determination by the Agency, approved in writing by the President or a Senior Officer designated by the President, that there is only one source for a particular service or good, such that competitive procedures are rendered futile.
- lxi. "State" shall mean the State of New York.
- lxii. "Uniquely Qualified Source Contract" shall mean a Contract awarded without competitive procedures as a result of a determination by the Agency, approved in writing by the President or a Senior Officer designated by the President, that one firm is uniquely qualified or has a unique advantage with respect to the provision of a particular service or good, such that competitive procedures are rendered futile.
- lxiii. "Vendor" shall mean a supplier of goods or services to any Agency.
- lxiv. "Women-Owned Business Enterprise ("WBE")" shall mean a business

enterprise, including a sole proprietorship, partnership or corporation that is:

- (1) at least 51% owned by one or more United States citizens or permanent resident aliens who are women or, in the case of a publicly-owned business, at least 51% percent of the common stock or other voting interests of which is owned by United States citizens or permanent resident aliens who are women;
 - (2) an enterprise in which the ownership interest of women is real, substantial and continuing;
 - (3) an enterprise in which the women ownership has, and exercises, the authority to control independently the day-to-day business decisions of the enterprise;
 - (4) an enterprise authorized to do business in the State, independently owned and operated, and not dominant in its field;
 - (5) 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 \$3.5 million, as adjusted annually on the first of January for inflation according to the consumer price index of the previous year; and
 - (6) an enterprise that is a Small Business.
- b. Construction of Language. Any other capitalized terms used herein shall have the meaning given by the By-Laws. Except where the context otherwise requires, words importing the singular number shall include the plural number and vice versa.

ARTICLE III

3. USE OF PROCUREMENT CONTRACTORS AND VENDORS

- a. Threshold Criteria for Use of Procurement Contractors for Personal Services. The general responsibilities of the Agencies are performed by Employees. Accordingly, it is the policy of the Agencies that before Personal Services are used, it first be considered whether it would be more appropriate for Employees to provide such services. Personal Services Contractors may be used when it has been determined: (1) that such service is necessary or convenient to the performance of any Agency's responsibilities, and (2)(x) that such service is not

available from Employees, (y) that the performance of such service requires it be undertaken by someone independent of the Agencies, or (z) that use of personnel of any Agency for such service would not be efficient or cost effective. Such determination shall be made by a Senior Officer except that, in the case of Personal Services set forth below in this Article, such determination may be made by Senior Officers as they may deem administratively appropriate. Non-Personal Services Contracts shall be entered into when any Agency requires goods, materials and non-Personal Services to function effectively and efficiently.

- b. Areas Requiring Use of Procurement Contracts for Personal Services. Personal Services Contracts have typically been and are anticipated to be executed in the following areas, pursuant to a determination of appropriateness in accordance with the requirements of subparagraph a. of this Article:

Types of Services, Responsibilities and Description of Services to be Provided.

- i. Appraisal. Provide appraisals, analyses and reports with respect to properties which are or may be the subject of Agency loans or loans insured by the Agency.
- ii. Architectural and Engineering. Provide professional architectural and/or engineering services relative to the construction of properties which are or may be the subject of Agency loans, or loans insured by the Agency.
- iii. Audit and Accounting. Provide audit services pertaining to the year-end preparation of financial statements for the Agency in conformance with generally accepted accounting principles. Perform special audits as requested.
- iv. Custody & Safekeeping Services. Provide custody and safekeeping services to secure Agency investments and receive and evaluate underlying collateral for secured Agency investments.
- v. Equipment Maintenance. Provide maintenance for the routine service or repair of office and data processing equipment.
- vi. Information Technology Consulting. Provide analyses and recommendations on the Agencies' data processing structure and operations.
- vii. Information Technology Services. Provide report generating and printing services, computer systems hardware, programming and related services to the Agency(s).

- viii. Investment Banking. Provide: (a) financial advisory services; (b) marketing services for Agency bond issues; and (c) recommendations and analyses with respect to Agency investments, and the preparation, sale, marketing and distribution of Agency bond issues.
- ix. Legal. Provide legal services, opinions and analyses related to bond and note financings, real estate matters, corporate matters, litigation matters and labor matters.
- x. Management Consulting. Provide analyses and recommendations concerning the Agencies' organizational structure and the management of its operations.
- xi. Minority Business Enterprise Consultants. Provide technical assistance in the Agencies' effort to facilitate MBE participation in Agency programs.
- xii. Printing. Provide: (a) financial printing services based upon specifications and details developed by the Agency; (b) technical printing services relative to the reproduction of loan and insurance documents; (c) graphic, layout and printing services in connection with production of the Agencies' annual report(s); and any special reports that may be required; and (d) other printing and offset services.
- xiii. Training. Provide supervisory and other skills training to Agency Officers and Employees.
- xiv. Trustee Banking Services. Provide banking services to monitor the timely receipt of payments, retirement of debt, collateral evaluations and other services as required by the various bond resolutions.
- xv. Others. The examples of Personal Services listed above in clauses (i) through (xiv) reflect anticipated Personal Services and are not meant to be exhaustive; other services, in other areas, may be utilized subject to these Guidelines.

These Personal Services are not required to be provided as Personal Services Contracts, and may sometimes be performed by Agency staff.

ARTICLE IV

4. SELECTION OF PROCUREMENT VENDORS AND CONTRACTORS.

- a. Preferred Selection Criteria and Approach. It is the preference of the Agencies that Vendors and Contractors shall be selected from as broad a spectrum of providers as is practicable, and that Contracts be awarded and purchases be made consistent with the quality of services, or goods and materials required, at fair and reasonable prices. In addition, it is the preference of the Agencies to encourage the participation and utilization of MWBEs in accordance with the MWBE Directives, as set forth in Article VI of these Guidelines and to encourage the participation of New York State Business Enterprises. Contracts shall be regulated in accordance with Lobbying Law Directives, and as set forth in Article VII of these Guidelines

- b. Selection on a Competitive Basis. It is the preference of the Agencies that Procurement, unless otherwise prescribed, be by competitive process, and that the process be as competitive as is possible. It is the policy of the Agencies that the selection of Procurement Contractors and Vendors be exempt from the competitive process only under certain exceptional circumstances as specified herein. As appropriate, the following competitive processes may be used in order to select Contractors and Vendors:
 - i. Competitive Lowest Price Bid for Goods or Materials. Solicitation of at least three price bids, one of which shall be from a MWBE, if feasible, for specified Procurement, other than Personal Services (goods and materials), to be awarded to qualifying Contractors or Vendors primarily on the basis of the lowest price. Competitive bids are to be solicited when the goods and materials required are of a standardized nature that may reasonably be made the subject of specifications to which bidders respond with required qualification data and price offers.

 - ii. Competitive Price Bid for Contracts Not Expected to Exceed \$15,000. If a Senior Officer determines it is appropriate, an Agency may commence a Procurement by soliciting statements of qualifications, proposals and, as appropriate, price bids from at least three prospective Contractors or Vendors, one of which shall be from a MWBE, if feasible, for Procurements not expected to exceed \$15,000. Award of a Contract within this method is made on the basis of an evaluation of the characteristics, quality and cost of such statements of qualifications and proposals.

- iii. RFP (without negotiation). Solicitation of specific proposals which indicate an understanding of identified financial, organizational, logistical and technical requirements and/or problems, and which detail elements of performance, including techniques and procedures as well as prices. Award-of a Contract within this method is made on the basis of a formal evaluation of the characteristics, quality and cost of such proposals.
- iv. RFP with Competitive Negotiations. Solicitation of qualifying potential Contractors or Vendors who have submitted materials pursuant to: (a) an RFP to further negotiate their proposals; (b) an RFP which stated that the Agency might further negotiate proposals; or (c) a determination by the Agency, subsequent to issuing an RFP, that further negotiation is appropriate or that the RFP should be revised to permit further negotiations. Further negotiation may include, but shall not be limited to, prices for Contract award on the basis of a formal evaluation of the characteristics, quality and cost of such proposals.
- v. Pre-qualified Panel. The Agency may select Contractors for any Procurement activity from a qualified panel of potential Contractors, selected on the basis of an RFP or RFQ. The purpose of using a pre-qualified panel is to allow aspects of the competitive process to be addressed early in a phased selection process. This is so that Vendors and Contractors on the panel can be subsequently engaged on an accelerated or more efficient basis. In accordance therewith, panels shall be administered so that the Contract award is based upon a formal evaluation of qualifications and/or the subsequent negotiation of fair and reasonable compensation for specific services actually required. At such time as a panel is created, the Agency shall document for the Procurement Record with respect to that panel, which aspects of the competitive process (a) are being addressed prior to the panel's establishment and (b) shall be fulfilled subsequent to the establishment of the panel. The award of assignments to respective Vendors on a panel need not be based purely on competitive selection processes, to the extent that assignments based on distribution of workload, distribution of risk, and/or a policy of rotation intended to benefit the Agency are reasonable. Panels shall be identified to the Agency Procurement Contract Officer, reported in the Annual Procurement Contract Report, and reviewed and recertified annually to the Agencies' Procurement Contract Officer by the Agency Officer in charge of administering the panel.
- vi. State Contract. Any Agency can enter into Contracts with eligible Vendors, where the State has engaged in a competitive process to create eligible Vendors; and an Agency can enter into a Contract with those Vendors for such services upon comparable terms, provided a Senior

Officer determines this is appropriate.

- vii. Affiliated Agency Contract or Affiliated Agency Competitive Selection Process. Whenever an Affiliated Agency has completed a competitive process to create a list of Vendors eligible for the provision of goods or services, any other Agency can enter into a Contract with those Vendors for such services, if for the same services and upon comparable terms. Whenever an Affiliated Agency has engaged in a competitive process, and that process has not yet created a list of eligible Vendors, and an Agency can complete that process to create eligible Vendors, the Agency may do so in order to enter into a Contract with those Vendors for such services for which Vendors are ultimately determined eligible to provide, provided a Senior Officer determines this is appropriate.

- c. Selection on a Non- Competitive Basis. The competitive processes established above in this Article shall not apply or are hereby waived in the following situations:
 - i. Mandated Selections of Preferred Source Providers. Every Agency Procurement shall be conducted in accordance with §162 of the State Finance Law, which, in certain instances, affords Preferred Source status to certain Contractors and Vendors to advance special social and economic goals and precludes the use of competitive selection procedures.

 - ii. Existing Centralized State Contracts. Any Agency may carry out a Procurement using existing centralized State Contracts pursuant to which the Agencies are eligible to procure goods and/or services, according to the State negotiated terms.

 - iii. Emergency. When an emergency requires that selection of a Contractor or Vendor cannot be delayed long enough for the use of a competitive procedure because immediate action is required, the President, or a Senior Officer designated by the President, may award a Contract, as the President or the designated Senior Officer deems appropriate, without competitive procedures or following less than the full complement of competitive procedures which would otherwise be required. Circumstances requiring such immediate action must be significant, such as those affecting property of the Agency(s), life, health or safety. Emergencies should only arise out of accident or other unforeseen occurrence. The circumstances under which such Contract was entered into shall be set forth and maintained in the Procurement Record. Such record should, among other things, address whether such circumstances should have been foreseen. Consideration should always be given to whether a Contract entered into on an emergency basis can be supplanted

by a subsequent Contract entered into through a competitive process. The emergency nature of the Contract must be shown in the Quarterly Procurement Report covering the period in which the Contract was executed.

- iv. Sole Source Contract. Sole Source Contracts may be awarded without competitive procedures as a result of a determination by the Agency, approved in writing by the President or a Senior Officer designated by the President. For purposes of determining whether a Contract is a Sole Source Contract, the Agency shall identify if there is only one source for a particular service or good, such that competitive procedures are rendered futile.
- v. Uniquely Qualified Source Contract. Uniquely Qualified Source Contracts may be awarded without competitive procedures as a result of a determination by the Agency, approved in writing by the President or a Senior Officer designated by the President. Competitive procedures may be considered futile for purposes of determining whether a Contract is a Uniquely Qualified Source Contract, if, among other things, the submission of bids or proposals by other Contractors or Vendors would not afford them a meaningful likelihood of selection. Any time the Agency considers it appropriate, the Agency may conclusively reach such a determination by relying upon the determination of the State or an Affiliated Agency that a Vendor is uniquely qualified, if the Agency seeks to enter into a Contract or contract with those Vendors for such services upon comparable terms.
- vi. Inconsistent Industry Selection Process with Competitive Price Assurance. Where practice in an industry does not normally involve competitive submission of proposals and where it is determined that it would be cost-effective to award such Contract or otherwise select from among possible Vendors in some other manner, provided steps are taken to assure that the cost is comparable to that generally charged for similar goods or services, and that the Procurement Record contains written evidence of these steps, a Contract may be awarded without competitive process.
- vii. Competitive Proposal Exception for Contracts Not Expected to Exceed \$5,000. In the case of Contracts not expected to exceed \$5,000, if it is determined that soliciting at least three Vendors is not appropriate, such Contract may be awarded without soliciting competitive proposals, if a clear scope of goods or services is utilized and due consideration is given to the market value of such goods or services.

- viii. Option to Waive Competition for Certain Kinds of Contracts. Notwithstanding any other provision of law requiring competition, the competitive process may be waived to include Contracts for the purchase of goods or services from Small Businesses or certified MWBEs, or goods or technology that are recycled or remanufactured, in amounts at or below \$100,000.

ARTICLE V

5. STANDARDS AND PRACTICES FOR COMPETITIVE SELECTION OF CONTRACTORS.

It is the policy of the Agencies to seek out the maximum practicable number of qualified Vendors interested in offering their goods or services to the Agencies and to establish certain minimum standards for their selection. The following standards shall apply:

- a. Advertisement Requirements for Competitive Source Selection Methods. The solicitation of bids, proposals, offers or submissions of qualification data from Vendors with respect to Contracts shall be made by the Agencies in a manner determined by the President, or a Senior Officer designated by the President, to be the most cost effective for providing reasonable competition for the Agencies' Contracts. This may include advertisement in appropriate newspapers or trade journals, direct mailings to firms considered qualified and such other outreach mechanisms as are consistent with the policy of these Guidelines, including outreach efforts to MWBEs in accordance with the provisions of Article VI herein, and including providing information with respect thereto via the Agencies' website. In addition, in the case of Procurement Contracts in the actual or estimated amount of \$15,000 or more, and in the establishment of pre-qualified panels, as of January 1, 1990, the Agencies shall advertise all such opportunities in the "New York State Contract Reporter" or "Reporter," the official weekly listing of bidding opportunities for the State published by the New York State Department of Economic Development, and any other publication as required by State law, unless the Contract is determined to be a Critical Contract. Already advertised Contract opportunities being re-bid or re-solicited within 45 business days after proposals were originally due, pursuant to publication in the "Reporter," are not required to be published again. Contracts determined to be Uniquely Qualified Source Contracts need not be advertised in the "Reporter," but in many instances such advertising should be done to assist in the determination that a Contract is a Uniquely Qualified Source Contract.

- b. Minimum of Three Prospective Vendors for Competitively Bid Procurement Contracts. For all Procurement Contracts required to be selected on a competitive basis, the Agency shall solicit statements of qualifications, proposals and, as appropriate, price bids from at least three prospective Vendors. In the case of Contracts not expected to exceed \$5,000, the Agency shall solicit prices, statements of qualifications and proposals from at least three prospective Vendors unless the Agency affirmatively determines it is not appropriate. The Agency shall include at least one MWBE, if feasible, in all Procurement processes.

- c. Requirements for Agency Bid Documents. Except for Procurement Contracts for which the Agency(s) would be expending funds received from another state, the Agencies shall include in all bid documents provided to potential bidders a statement that information concerning the availability of State subcontractors and suppliers is available from the State Department of Economic Development, which shall include the directory of certified MWBEs, and an affirmative statement that it is the policy of the Agencies to encourage the use of State subcontractors and suppliers, and to promote the participation of MWBEs, where possible, in the Procurement of goods and services. Additional requirements for Agency Bid Documents relating to the Agencies policies to promote the participation of New York State Business Enterprises is more fully described in Article VIII.8.a. of these Guidelines.

The Agencies shall also require that solicitation documents set forth the expected degree of MWBE participation based, in part, on (1) the potential subcontract opportunities available in the prime Procurement Contract; and (2) the availability of MWBEs to respond competitively to the potential subcontract opportunities.

- i. Required Bid Notices to Professional and other Organizations serving MWBEs. In an effort to award Procurement Contracts to MWBEs in compliance with the Agencies' MWBE Procurement goals, as set forth in Article VI of these Guidelines, the Agencies shall provide notice of Governmental Procurements, along with any other notice required by law, to professional and other organizations serving MWBEs that provide the types of services procured by the Agencies. Professional and other organizations can include, but is not limited to, social networking websites, magazines, and/or newspapers catering to a majority of MBE and/or WBE clientele. For the purposes of these Procurement efforts and for other Agency Procurement efforts, the Agencies shall establish procedures for maintaining list(s) of qualified MWBEs. In addition, the Agencies shall establish procedures for maintaining lists to include media outlets and other organizations serving MWBEs. The Agencies will provide such list(s) to Contractors in the Procurement process, requiring that potential Contractors shall consult and contact appropriate MWBEs to

solicit their bids, in accordance with Article VI of these Guidelines.

- ii. Lobbying Law Directives. All Agency solicitations for proposals, bid documents and specifications for Procurement Contracts shall incorporate a summary of the Agencies' policies and prohibitions regarding Contacts under the Lobbying Law, pursuant to the Lobbying Law Directives as described in Article VII of these Guidelines and in the Agencies' Lobbying Reform Law Policies.
- iii. Promoted Contracts. All Agency solicitations shall follow the directives for the participation of promoted Contracts, as is more fully described in Article VIII of these Guidelines.
- d. Criteria for Selection. Procurement Contracts shall be entered into based on an evaluation of all proposals or bids received, considering all relevant factors, including, but not limited to terms, costs, goods or services offered, experience and capabilities, financial security, reputation in the field, staff availability, personnel expected to be involved and possible conflicts of interest. Where a Senior Officer determines that there is a suitably neutral and reliable publisher or publicly available industry ratings or evaluations of products or firm qualifications, such ratings or evaluations may be allowed to substitute, in whole or in part, as determined to be appropriate, for required submission of qualifications where it is determined that requiring independent submission of such from Vendors would be duplicative. The criterion for selection are not intended to supersede the fact that the Agencies have certain promoted Contracts and certain prohibited Contracts and Contracts subject to limitations, as set forth in Article VIII of these Guidelines.
- e. Compliance with Additional Procedures for Requests for Proposals and Requests for Qualifications. The Agencies shall also comply with any additional procedures issued by it, from time to time, with respect to the conduct of Requests For Proposals and Requests For Qualifications.

ARTICLE VI.

6. MWBE PROGRAM ESTABLISHING PROCEDURES FOR MWBE PARTICIPATION AND UTILIZATION IN AGENCY PROCUREMENTS

The requirements of the Agencies' MWBE Program, in accordance with the provisions of §2879 of the Public Authorities Law and Article 15-A, and as set forth in this Article, shall be referred to as the Agencies' MWBE Directives. The Agencies shall work to increase MWBE participation and utilization through certain Procurement procedures, as described in these Guidelines and incorporated in the Agencies' MWBE Program. These

procedures shall include the appointment of a Designated MWBE Officer(s) by the President to oversee the Agencies' MWBE Program, as described more fully in Article XI of these Guidelines, and the establishment of appropriate goals for participation by MWBEs in Procurement Contracts awarded by the Agencies and for the utilization of MWBEs as subcontractors and suppliers by Contractors having Procurement Contracts with the Agencies.

The Agencies have established numerical participation target goals based on the findings of the Disparity Study. For each new Contract, the Agencies shall gauge the appropriateness of the Procurement goals by considering the availability of Contractors to perform the Contract's anticipated scope of services, weighted by the extent those scope of services represent the total Contract price.

- a. MWBE Procurement Goals. The Agencies shall attempt to achieve the following results with regard to total annual statewide Procurement made directly or indirectly to MWBEs:
 - i. construction industry for certified MBEs: 14.34%
 - ii. construction industry for certified WBEs: 8.41%
 - iii. construction related professional services industry for certified MBEs: 13.21%
 - iv. construction related professional services industry for certified WBEs: 11.32%
 - v. non-construction related service industry for certified MBEs: 19.6%
 - vi. non-construction related service industry for certified WBEs: 17.44%
 - vii. commodities industry for certified MBEs: 16.11%
 - viii. commodities industry for certified WBEs: 10.93%
 - ix. overall Agency total dollar value of Procurement for certified MBEs: 16.53%
 - x. overall Agency total dollar value of Procurement for certified WBEs: 12.39%
 - xi. overall Agency total dollar value of Procurement for certified Minority, WBEs: 28.92%

In the event that the above projected goals cannot be achieved, the Agencies will provide adequate documentation of a good faith effort to meet these goals in its submission of its Annual MWBE Officer Report.

The Agencies, for the purposes of reaching these goals, shall establish procedures for maintaining list(s) of qualified and certified MWBEs, that have expressed an interest in doing business with the Agencies, and ensuring that such lists are updated periodically, but no less than once annually, and include a firm profile that will, if possible, describe the firm's history, key personnel and core work areas. The Agencies shall also consult the list(s) of certified MWBEs maintained by the Department of Economic Development, pursuant to Article 15-A.

The Agencies shall update these MWBE participation goals annually in an effort to (1) obtain the maximum feasible participation of MWBEs in Agency Contracts, (2) evaluate each Contract to determine the appropriateness of the goal, and (3) examine Agency goals to determine if their implementation will duplicate or conflict with any federal law. The Agencies shall waive the applicability of these goals to the extent of such duplication or conflict. These MWBE goals are subject to change by industry and region pursuant to findings contained within the Disparity Study of 2010, future Disparity Studies by the ESDC and Agency findings evidencing relevant industry and region-specific availability of certified MWBEs

- b. Requirements to Conduct Procurements to Ensure Maximum Participation and Utilization by MWBEs. To enable the Agencies to achieve the maximum feasible portion of the Agencies' goals established in subparagraph (a) of this Article VI, that eliminates barriers to participation by MWBEs in the Agencies' Procurements, Agency MWBE Directives shall include:
 - i. Measures and Procedures. The Agency shall establish measures and procedures to: (a) ensure that certified MWBEs shall be given the opportunity for maximum feasible participation in the performance of Agency Contracts; and (b) to assist in the Agencies' identification of those Agency Contracts for which certified MWBEs may best bid to actively and affirmatively promote and assist their participation in the performance of Agency Contracts so as to facilitate the Agencies' achievement of the maximum feasible portion of the goals for Agency Contracts to such businesses. The Agencies' measures and procedures shall include the following MWBE Directives:

- (1) For competitive Procurements requiring a minimum of three bids, quotes must be obtained from at least one MBE or WBE. If not feasible, the reasons for not doing so shall be documented in writing and included in the Procurement record. Agency staff issuing solicitations will comply with this requirement whenever MWBEs are available for goods or services being procured;
 - (2) Encouraging Contractors to consider partnering with MWBEs, if feasible; and practicable; and
 - (3) For non-competitive Procurements, Agency staff issuing the solicitation shall strongly consider using a certified MWBE, if available, and if the MWBE meets the needs of the Agency.
- ii. Designation of the Division of Minority and Women-Owned Business Development (“Division of MWBEs”). The Agencies shall designate the Division of MWBEs to certify and decertify MWBEs for the Agencies.
 - iii. Expected Degree of MWBE Participation. The Agencies shall require that each Contract solicitation set forth the expected degree of MWBE participation, as set forth in Article VI of these Guidelines.:
 - iv. Current List of MWBEs. The Agencies shall provide a current list of certified MWBEs to each prospective Contractor, as set forth in Article VI of these Guidelines.
 - v. Joint Ventures and MWBE Participation Goals. The MBE portion or the WBE portion of joint ventures shall count toward meeting the Agencies’ MWBE participation goals. A firm owned by a Minority Group Member who is also a woman may be certified as a MBE, a WBE, or both, and may be counted towards either a MBE goal or a WBE goal, in regard to any Contract or any goal, set by the Agencies, but such participation may not be counted towards both such goals. Such an enterprise's participation in a Contract may not be divided between the MBE goal and the WBE goal.
 - vi. Waiver of Obligations of Contractor relating to MWBE Participation. The Agencies may waive obligations of the Contractor relating to MWBE participation after a showing of good faith effort to comply with the MWBE participation requirements, pursuant Chapter 174 and Chapter 175 of the laws of 2010 that amend §2879 of the Public Authorities Law and Article 15-A, §313, subdivision six, respectively, both enacted on July 15, 2010.

- vii. Verification of MWBE Participation. The Agencies shall verify that MWBEs listed in a successful bid are actually participating to the extent listed in the project for which the bid was submitted, including verification that the procured primary Contractors are truly providing for the participation of MWBEs as described in the Procurement Contract. Participation of MWBEs shall be verified by (i) electronically monitoring and tracking the utilization, prompt payment and unauthorized substitutions of MWBE subcontractors and (ii) the provision of the following data, by the Contractor to the Agency, for each MWBE subcontract:
- (1) name(s) of the MWBE subcontractor;
 - (2) total dollar amount of the MWBE's participation;
 - (3) scope of work of the MWBE subcontractor; and
 - (4) dates of participation.
- viii. In the implementation of this section of this Article, the Agencies shall:
- (1). consider, where practicable, the severability of construction projects and other bundled Contracts; however, unbundling must be conducted within the constraints of the Agencies' need to ensure efficiency and limit costs;
 - (2) implement its MWBE Program to enable the Agencies to evaluate each Contract to determine the appropriateness of the goal, as set forth in this Article, which shall include:
 - (a) increasing MWBE outreach and communication efforts by use of the internet to facilitate access to information and build relationships between MWBEs and potential partners by:
 - (i) Posting a list on the Agencies' website of Agency contracting staff; and
 - (ii) Requiring Agency staff to include certified MWBEs in the solicitation lists for Procurements not expected to exceed \$15,000;
 - (b) consider the number and types of MWBEs located in the region in which the Agency Contract is to be performed;

- (c) consider the total dollar value of the Agency Contract, the scope of work to be performed, and the project size and term;
 - (d) consider whether the Contractor has advertised in general circulation media, trade association publications, and minority-focus and women-focus media and, in such event,
 - (i) whether or not certified MWBEs that have been solicited by the Contractor exhibited interest in submitting proposals for a particular project by attending a pre-bid conference; and
 - (ii) whether certified MWBEs which have been solicited by the Contractor have responded in a timely fashion to the Contractor's solicitations for timely competitive bid quotations prior to the Agency's bid date;
 - (e) consider whether there has been written notification to appropriate certified MWBEs that appear in the directory of certified MWBEs, and
 - (f) consider whether the Contractor can reasonably structure the amount of work to be performed under subcontracts in order to increase the likelihood of participation by certified MWBEs.
3. consider compliance with the requirements of any federal law concerning opportunities for MWBEs which effectuates the purpose of this Article; and
 4. consult the most recent disparity study, pursuant to Article 15-A.

ARTICLE VII

7. REQUIRED DESIGNATIONS AND DISCLOSURES UNDER LOBBYING LAW DIRECTIVES IN THE SELECTION OF PROCUREMENT VENDORS AND CONTRACTORS.

Contacts shall be regulated in accordance with Lobbying Law Directives as follows:

For any Governmental Procurement or Contract made subject to the Lobbying Law, the Agency shall notify every potential Contractor or Vendor that the Agency has a Designated Contact Officer(s) who is the only Agency representative(s) permitted to receive Designated Contacts from the Contractors or Vendors, or their representatives, during the Restricted Period with respect to such Governmental Procurement (*effective June 10, 2010, the Agencies have designated, the Vice President and Deputy Counsel or when appropriate, an Agency Senior Officer with technical knowledge of the Governmental Procurement, as the Designated Contact Officer(s) for all Governmental Procurement for which such appointment is required*). A Contractor or Vendor is restricted from making Contacts with the Agency(s) from the date of any public announcement, public notice, or public communication by any Agency to any potential Vendor of a determination of a need for a Governmental Procurement through final award and approval of the Procurement Contract by the Agency to anyone other than the Designated Contact Officer(s) with respect to the Governmental Procurement unless such communication is any one of the following Permissible Subject Matter Communications:

- (a) the submission of written proposals in response to a Request for Proposals, invitation for bids or any other method for soliciting a response from Offerers intending to result in a Procurement Contract;
- (b) the submission of written questions by a method set forth in a RFP, or invitation for bids, or any other method for soliciting a response from Offerers intending to result in a Procurement Contract, when all written questions and responses are to be disseminated to all Offerers who have expressed an interest in the RFP, or invitation for bids, or any other method for soliciting a response from Offerers intending to result in a Procurement Contract;
- (c) participation in a demonstration, conference or other means for exchange of information in a setting open to all potential bidders provided for in a RFP, invitation for bids, or any other method for soliciting a response from Offerers intending to result in a Procurement Contract;
- (d) complaints by an Offerer regarding the failure of the person or persons designated by the Agency pursuant to this section to respond in a timely manner to authorized Offerer Contacts, made in writing to the office of general counsel of the Agency, provided that any such written complaints shall become a part of the

Procurement Record;

- (e) Offerers who have been tentatively awarded a Contract and are engaged in communications with the Agency solely for the purpose of negotiating the terms of the Procurement Contract after being notified of tentative award;
- (f) communications between designated staff of the Agency and an Offerer to request the review of a Procurement Contract award;
- (g) communications by Offerers in protests, appeals or other review proceedings (including the apparent successful bidder and his or her representatives) before the Agency conducting the Governmental Procurement seeking a final administrative determination, or in a subsequent judicial proceeding; or
- (h) communications between Offerers and governmental entities that solely address the determination of responsibility entity of an Offerer.

Unless the communication(s) is any one of the above Permissible Subject Matter Communications, the Vice President and Deputy Counsel or the designated Senior Officer are the only representative(s) of the Agencies permitted to receive Contacts from bidders, potential Contractors or Vendors, or their representatives, during the Restricted Period with respect to an Agency Governmental Procurement.

All Agency solicitations for proposals, bid documents and specifications for Procurement Contracts shall incorporate a summary of the Agencies' policies and prohibitions regarding Contacts under the Lobbying Law. All potential Contractors or Vendors must complete and return to the Agency with their proposal or bid response to an Agency solicitation, the *Affirmation of Understanding of and Agreement*, and *Potential Contractor or Vendor Disclosure of Prior Non-Responsibility Determinations*, Lobbying Law Forms 1 and 2, respectively. Form 1 is a written affirmation of a Contractor's or Vendor's understanding of the Governmental Procurement lobbying procedures of the Agencies and Form 2 requires the potential Contractor or Vendor to certify that all information provided to the Agencies with respect to the Lobbying Law is complete, true and accurate. Prior to awarding a Procurement Contract to which these provisions apply, the Agency shall make a final Determination of Responsibility. All solicitations for proposals by the Agency shall require that potential Contractors or Vendors disclose to the Agency any findings of non-responsibility against them within the previous four years by any other governmental agency and must contain certifications that the same are complete, true and accurate.

For Contractors or Vendors who fail to comply with the Agencies' Lobbying Law Directives, refer to Article VIII of these Guidelines and the Agencies' Lobbying Reform Law Policies.

ARTICLE VIII

8. PROMOTED AND PROHIBITED CONTRACTS & CONTRACTS SUBJECT TO OTHER LIMITATIONS

Notwithstanding the general practices of the Agencies with respect to selection of Contractors and Vendors and adherence to competitive practices, as set forth in in these Guidelines, the following shall apply or be given weight in order that certain Contracts, or the award thereof, may be promoted, prohibited or subject to certain limitations.

a. Promoted Contracts. It is the policy of the Agency to promote certain contracts as follows:

i. Minority- and Women-Owned Business Enterprises. It is the policy of the Agencies to promote and encourage the use of MWBEs and New York State subcontractors and suppliers in competition for Procurement Contracts. Furthermore, if the performance of any Contract requires or permits the use of a subcontractor, it is preference of the Agencies to encourage the participation of MWBEs, as set forth in these Guidelines. The Agencies encourage bidders to include demonstrations that their selection promotes the use of MWBEs in bid responses, for example, through proposals for joint ventures with MWBEs.

In order to promote and assist participation by, and facilitate the awarding of a fair share of Contracts to, MWBEs, the Agencies have identified the following as those areas or types of Contracts for which MWBEs may best bid: Audit/Accounting Services, Appraisal Services, Architectural/Engineering Services, Equipment Maintenance Services, Information Technology Consulting/Services, Investment Banking Services, Management Consulting Services, Minority Business Enterprise Consulting Services, Printing Services and Training Services.

ii. New York State Business Enterprises and New York State Residents. It is the goal of the Agencies to promote the participation of New York State Business Enterprises and New York State residents in Procurement Contracts. Accordingly, the following procedure shall apply:

(1) The Agencies shall collect and consult the specifications of

NYSBES in developing specifications for any Procurement Contract for the purchase of goods where possible, practicable, feasible and consistent with open bidding, except for Procurement Contracts for which the Agency would be expending funds received from another state. The Agencies shall, where feasible, make use of the stock item specification forms prepared by the State Commissioner of General Services, and where necessary, consult with the State Commissioner of the Office of General Services, in developing such specifications and make such determinations;

- (2) The Agencies shall, with the cooperation of the Department of Economic Development and through cooperative efforts with Contractors and Vendors, (i) notify NYSBES of opportunities to participate as subcontractors and suppliers on Agency Procurement Contracts in amounts estimated to be equal to or greater than \$1,000,000 and (ii) promulgate procedures which will assure compliance by Contractors and Vendors with such notification. Once awarded the Contract, such Contractors shall document their efforts to encourage the participation of NYSBES as suppliers and subcontractors on Procurement Contracts equal to or greater than \$1,000,000, pursuant to §2879 of the Public Authorities Law;
- (3) The Agencies shall, with the cooperation of the Community Services Division of the Department of Labor and through cooperative efforts with Contractors and Vendors, notify New York State residents of employment opportunities arising out of Procurement Contracts let by the Agencies in an amount estimated to be equal to or greater than \$1,000,000. Contractors shall, as supplementary materials to their bids, document their efforts to provide such notification.
- (4) The Agency shall include in all bid documents, (i) a statement notifying potential bidders located in foreign countries that the Agency may assign or otherwise transfer offset credits created by the Procurement Contract to third parties located in New York State and (ii) a provision for the assignment or other form of transfer of offset credits created by such Procurement Contracts, directly or indirectly, to third parties located in the State. Such assignment or other form of transfer shall be in accordance with the written directions of the Commissioner of Economic Development. The Agency shall cooperate with the Department of Economic Development in efforts to get foreign countries to recognize offset credits assigned or transferred to third parties

located in New York State created by the Agency's Procurement Contracts.

- iii. Businesses with Anti-discriminatory Employment Practices. It is the Agencies' policy to have procedures in place that will ensure, to the extent of the Agencies' ability, that Contractors and Vendors comply with the federal Equal Employment Opportunity Act of 1972, as amended.

For any Contractor or Vendor with fifteen or more employees responding to an RFP, RFQ or other type of invitation for bids, included with such response must be a statement disclosing whether the Contractor or Vendor is currently operating under or negotiating, or has at some time in the last five years operated under or negotiated, a conciliation agreement with the Equal Employment Opportunity Commission ("EEOC"); has been, at some time in the last five years, or is currently the subject of a civil action brought against it by the EEOC; has been, at some time in the last five years, or is currently the subject of an action brought against it by the EEOC for permanent, temporary or preliminary relief; has operated, at some time in the last five years, or is currently operating under an order of a court to take affirmative action as a result of a civil action brought against it by EEOC.

The Agencies shall state in each Contract entered into with a Contractor or Vendor with fifteen or more employees, that it is an unlawful employment practice for such Contractor or Vendor to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the individual's compensation, terms, conditions, or privileges of employment, or to limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an individual's status as an employee, because of such individual's race, color, religion, sex, or national origin, or because an individual opposed any practice made unlawful by Title VII of the Civil Rights Act of 1964, as amended, or because he or she made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under that Title; and that it shall be an unlawful employment practice to print or publish or cause to be printed or published any notice or advertisement relating to employment indicating any preference, limitation, specification, or discrimination on the basis of race, color, religion, sex, or national origin.

The Agencies shall state in each Contract entered into with a Contractor or Vendor with fifteen or more employees, that such Contractor or Vendor shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods as the EEOC shall prescribe by regulation, and (3) make such reports therefrom as the EEOC shall prescribe by regulation or order.

The Agencies shall state in each Contract entered into with a Contractor or Vendor with fifteen or more employees, that such Contractor or Vendor must post and keep posted in conspicuous places upon its premises where notices to employees and applicants for employment are customarily posted a notice prepared or approved by the EEOC setting forth excerpts from, or summaries of, pertinent provisions of Title VII of the Civil Rights Act of 1964, as amended, and information pertinent to the filing of a complaint.

The Agencies' goal is to award Contracts to those Contractors and Vendors who have evidenced compliance with the laws of the State prohibiting discrimination in employment. The Agencies recognize that this goal may be achieved by awarding Procurement Contracts to those firms who have demonstrated that they do not discriminate with respect to employment.

For all Personal Services Contracts over \$25,000, and for all Contracts for goods and materials over \$100,000, bidders shall submit to the Agencies data regarding the race and gender of their partners, members and employees by job category. Bidders whose Affirmative Action plans are not found acceptable to the Agencies shall be rejected.

- b. Prohibited Contracts and Contracts Permitted Subject to Specified Exceptions or Limitations. It is the policy of the Agencies that certain Contracts be prohibited or permitted only subject to certain exceptions or limitations as follows.
 - i. Special Criteria Rule for Evaluation of Architects, Engineers and Surveyors. For purposes of this subparagraph, 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. The Agency shall not refuse to negotiate with a Professional Firm solely because the ratio of the "allowable indirect costs" to direct labor costs or the hourly rate in any labor category of the Professional Firm exceeds a limitation generally set by the Agency in the determination of the

reasonableness of the estimated cost of services to be rendered by the Professional Firm, but rather the Agency 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. For purposes of this subparagraph, "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 Contract or allowability limits.

- ii. Contracts with Businesses with Operations in Northern Ireland. In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Agencies shall not enter into Procurement Contracts with Vendors who have operations in Northern Ireland unless the Agencies receive contractual assurance that the Contractor shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in §165 of the New York State Finance Law), and agrees to permit independent monitoring of its compliance with such principles.
- iii. Contracts with Foreign Business Enterprise. The Agencies shall notify the New York State Commissioner of Economic Development (“Commissioner”) of the award of a Procurement Contract for the purchase of goods from a Foreign Business Enterprise in an amount equal to or greater than \$1,000,000, simultaneously with notifying the successful bidder therefor. The Agencies shall not thereafter enter into a Procurement Contract for said goods until at least 15 days have elapsed, except for Procurement Contracts awarded as Emergency Selection Contracts or where the Commissioner waives the provisions of this section. The notification to the Commissioner shall include the name, address and telephone and facsimile numbers of the Foreign Business Enterprise, a brief description of the goods or services to be obtained pursuant to the proposed Procurement Contract, the amount of the proposed Procurement Contract, the term of the proposed Procurement Contract, and the name of the individual at the Foreign Business Enterprise or acting on behalf of the same who is principally responsible for the proposed Procurement Contract. *(The purpose of such notification is solely to allow the Commissioner to use the information to provide notification to NYSBEs of opportunities to participate as subcontractors and suppliers on such Procurement Contracts; to promote and encourage the location and development of new business in the State; to assist NYSBEs in obtaining offset credits from foreign countries; and to*

otherwise investigate, study and undertake means of promoting and encouraging the prosperous development and protection of the legitimate interest and welfare of NYSBEs, industry and commerce.)

- iv. Contracts with Discriminatory Jurisdiction Business Enterprises. The Agencies shall not, except as hereinafter provided, solicit bids from, or enter into a Procurement Contract with, a Foreign Business Enterprise which has its principal place of business in a jurisdiction that discriminates against New York businesses, as contained on the list prepared by the Commissioner pursuant to §165(6)(b) of the State Finance Law. *(Currently, as of the date of these revisions of these Guidelines, the states of Alaska, Hawaii, Louisiana, South Carolina, West Virginia and Wyoming have discriminatory policies against New York State bidders.)* The Agencies may waive this section only when the President, or a Senior Officer designated by the President, determines in writing that it is in the best interest of the State to do so.
- v. Vendors Failing to Comply with Lobbying Law Directives. The Agencies shall not enter into Contracts with Contractors or Vendors when:
- (1) proposed Vendor or Contractor has failed to timely disclose accurate and complete information or otherwise cooperate with the Agencies in administering the Lobbying Law Directives; or
 - (2) there has been a finding that an Offerer has knowingly and willfully violated the provisions set forth in Article VII . of these Guidelines and the Agencies' Lobbying Reform Law Policies. This finding shall also result in a determination of non-responsibility against the Offerer. *(Violations of the Lobbying Law are expected to typically involve Contacts made to persons at the Agencies other than the Designated Contact Officer(s)).*

The Agencies shall not enter into Contracts in the case of either (1) or (2) of this subparagraph (v), section (b),,. of this Article, unless the Agencies determine that the award of the Procurement Contract:

- (a) is necessary to protect public property or public health or safety, and

- (b) that the Contractor or Vendor is the only source capable of supplying the required goods or services within the necessary time frame.

In order for the Agency determinations in (1) and (2) (a) and (b) above to be effective as exceptions, the above required findings, including a statement describing the basis of such determination by the Agency must be made a part of the Procurement Record.

Any subsequent determination of non-responsibility due to violations of the requirements of the Lobbying Law, if such determination is separated by less than four years, shall result in the proposed Vendor or Contractor being rendered ineligible to submit a proposal on or be awarded any Procurement Contract for a period of four years from the date of the second final determination of non-responsibility.

- vi. Contracts with Former Agency Officers and Employees. The Agencies shall not enter into Contracts which contemplate, violate or affirmatively, by their terms, allow former Officers and Employees of the Agencies to violate §73 (8) (a) of the State Ethics Law. Specifically, and not by way of limitation, (except for employment contracts pursuant to which former Employees resume employee status to again work directly for the Agencies), the Agencies shall not enter into Contracts which provide for or permit a former Officer or Employee of the Agencies, either as an individual contracting directly with the Agencies or as an officer or employee of a private business entity, to appear, practice, communicate or otherwise render services before the Agencies or receive compensation for any such services rendered by such former Officer or Employee on behalf of any person, firm, corporation or other entity in relation to any case, proceeding, application or transaction:
 - (1) with respect to which such Officer or Employee was directly concerned and in which he or she personally participated during the period of his or her service or employment, or which was under his or her active consideration or over which that Employee or Officer exercised decision-making power during the performance of his or her official duties at the Agencies, or
 - (2) in connection with any matter before the Agencies or its business for a period of two years after termination of such service or employment.

If the President deems it appropriate, the preceding prohibitions may be

temporarily waived provided that, prior thereto, the State Ethics Commission grants an exception in accordance with the requirements of Chapter 523 of the Laws of 2004, or, for employees who left Agency employment before December 31, 1996 and otherwise qualify, a waiver has been granted pursuant to the provisions of Chapter 229 of the Laws of 1995. Notwithstanding the foregoing, the preceding prohibitions shall not apply when a former Officer or Employee carries out official duties as an elected official or employee of a federal, state or local government, or any agency of such government. Thus, a former Employee may appear, practice, communicate or render compensated services before the Agencies if he or she is acting as an elected official or employee of a federal, state or local government or one of its agencies. This exception applies only to government officials and employees; it does not apply to paid consultants of government entities.

In addition, in determining whether or not to enter into Contracts with respect to which any former Officer or Employee of the Agency plays a role, and with respect to the ethical administration thereof, the Agencies shall give due consideration to whether the execution or administration of the Contract raises an appearance of impropriety.

The Agencies shall, as it deems appropriate, include provisions in its Contracts to effect the purposes of this section.

ARTICLE IX

9. GENERAL CONTRACT PROVISIONS AND CONTINUING EVALUATION OF PROCUREMENT CONTRACTS IN EFFECT FOR LIMITED TERMS.

- a. General Contract Provisions. The Agencies shall include general Contract provisions in its Procurement Contracts, as follows:
 - i. In Writing and Duly Executed. All Procurement Contracts shall be in writing and shall, at a minimum, be duly executed by an individual empowered to do so in accordance with the Agency By-Laws and, as the case may be, the provision for delegation of signing authority thereunder.
 - ii. Scope and Description. Procurement Contracts shall specifically provide for a scope of services indicating the nature of the work to be performed or goods to be provided, and for the time for performance, the monitoring or reviewing of that performance by personnel of the Agencies, any conditions generally applicable to Contracts with the Agency(s), any applicable provisions for insurance, and, where appropriate, any permitted

use of supplies, facilities or personnel of the Agencies.

- iii. Compensation and Payment Terms. Such Procurement Contracts shall also state the compensation for the goods or services, and the terms of payment including the conditions for receiving payment from the Agencies.
- iv. Non-collusion. Formal Contracts shall, whenever appropriate, include Contractor Certifications that:
 - (1) The prices in the bid(s) or proposal(s) were arrived at independently, without collusion, consultation, communication, or agreement for the purpose of restricting competition, or as to any matter relating to such prices with any other Contractor or with any competitor.
 - (2) Unless otherwise required by law, the prices which have been quoted in the bid(s) or proposal(s) were not knowingly disclosed by a Contractor prior to the opening of bid submissions, directly or indirectly, to any other Contractor or to any competitor.
 - (3) No attempt was made or will be made by the Contractor to induce any other person, partnership or corporation to submit or not submit bid(s) or proposal(s) for the purpose of restricting competition.
- v. False or Inaccurate Lobbying Law Directives Certifications. Every Governmental Procurement with an estimated annual expenditure over \$15,000 shall contain:
 - (1) certifications that the representations required by the Lobbying Law Directives, if applicable, are complete, true and accurate, and
 - (2) a provision authorizing the Agency(s) to immediately terminate such Contract in the event that any certification in accordance with the provisions of the Lobbying Law Directives is found to be intentionally false or intentionally inaccurate.
- vi. Prohibitions and violations in Contracts. In accordance with § 316-a of Article 15-A, Contracts shall include a provision expressly providing that any Contractor who willfully and intentionally fails to comply with the minority and women-owned participation requirements, as set forth in such Contract shall be liable to the Agencies for liquidated or other appropriate damages and shall provide for the appropriate remedies on account of such breach. If the Agencies elect to proceed against a

Contractor for breach of Contract, the Agency shall be precluded from seeking enforcement pursuant to §316 of Article 15-A, provided however, that the Agency shall include a summary of all enforcement actions undertaken in its Annual MWBE Officer Report, in accordance with subdivision three of §315 of Article 15-A and Article XII of these Guidelines.

b. Continuing Evaluation of Procurement Contracts in Effect for Limited Terms.

- i. Limitation of Contract Terms. In order that the Agencies may enter into new Procurement Contracts for the Procurement covered as soon as might be desirable, Procurement Contracts should not commit the Agency(s) to continue to use Contractors for longer than is desirable to achieve the Contract objectives, such as obtaining the Contractor's commitment to perform services at a reasonable price. Unless specifically permitted by a resolution of the Agency's Members or Directors, Procurement Contracts shall be for a term not exceeding one year and shall be terminable by the Agency, at its option, without cause, within a period that is less than a year into the future.
- ii. Continuing Evaluation of Procurement Contracts and Panels. Every Procurement Contract under which services are currently being performed or goods or materials provided shall be continually evaluated by a designated Officer or Employee. Such Officer or Employee shall review and approve all bills to be paid and continually evaluate the Contractor's performance. Such Officer or Employee shall continually give consideration to whether the further use of the Contractor's services and continuation of the Procurement Contract is desirable. Such consideration shall extend to making a determination, at least annually, of when it would be most appropriate and effective to award the Procurement Contract again through a new competitive selection process such as a new Request for Proposals. A determination not to enter into a new competitive award process immediately can be supported, in part, by verification that services are still being provided at competitive rates, but such verification shall not be determinative of whether a new competitive process should commence. Part of the required annual review and recertification to the Agencies' Procurement Contract Officer of Agency panels shall be a consideration of whether it would be appropriate and effective to renew the competitive selection process for Procurement Contracts with firms on the panels, including, but not limited to, doing so through the issuance of a new Request for Qualifications to reestablish the panel. Any determination not to enter into a new competitive award process, as a result of which a Contract would exceed a projected five years without a new competitive award process being conducted, shall require the affirmative concurrence

of the Agency's Members or Directors included in a resolution adopted on or after a date reflecting the fifth anniversary of such Contract, as required by Article X of these Guidelines. Such affirmative concurrence shall not be required in relation to existing State Contracts pursuant to which the Agencies are eligible to procure goods and/or services according to State negotiated terms.

ARTICLE X

10. REQUIRED AGENCY APPROVALS

- a. Directors' or Members' Initial Approval. All Contracts where compensation is expected to be \$100,000 or more, as well as any Contracts involving services to be provided over a period of more than one year, shall require initial approval of the Directors or Members of the Agency(s). . Unless specifically permitted by a resolution of the Agency's Members or Directors, Procurement Contracts shall be for a term not exceeding one year and shall be terminable by the Agency(s), at its option, without cause, within a period that is less than a year into the future. The President, or a Senior Officer designated by the President, may submit other Contracts as he or she deems appropriate to the Members or Directors for their consideration and approval.

- b. Directors' or Members' Annual Review. The Directors and Members shall, at least annually, review any Contract lasting more than a year. Contracts considered as lasting for more than a year for this purpose shall include Contracts where the Contract itself, by virtue of its stated terms, has a period of longer than a year, and in addition, shall include Contracts where, by virtue of renewal or execution of new or subsequent Contracts, without an intervening Contractor or Vendor Selection Process, the Agency's contractual relationship with the Vendor or Contractor continues for more than a year. Annual approval or review shall be as follows:
 - i. The annual date of approval or review should reflect the anniversary of the date on which the Contract was first approved by the Members/Directors.
 - ii. For purposes of subsequent annual approval or review, the annual approval or review date shall not become a later anniversary date if a previous annual approval or review by the Members/Directors was late.
 - iii. The annual approval or review date can become a new, earlier date that reflects:
 - (1) The date the Members/Directors approved the Contract with new

terms or provisions (*which may include the consolidation of the Contract with another*).

- (2) The date of the Contract's presentation, consolidated with other Contracts for review purposes (*which can include presentation of a panel of Vendors*), to the Members or Directors .
- iv. Provided that timely annual review for each Contract is effected, firms on Agency panels can be brought for annual review:
 - (1) collectively, or in such combinations as are deemed appropriate, on a single annual review anniversary, or
 - (2) individually based on the dates that Procurement Contracts first required Member and/or Director approval.
- v. Any determination not to enter into a new competitive award process, pursuant to which a Contract would exceed a projected five years without a new competitive award process, shall require the affirmative concurrence of the Agency Members or Directors included in a resolution adopted on or after a date reflecting the fifth anniversary of such Contract. Such affirmative concurrence shall not be required in relation to existing State Contracts pursuant to which the Agencies are eligible to procure goods and/or services according to State negotiated terms.
- c. Execution of Procurement Contracts. All Procurement Contracts shall be executed by the President, or a Senior Officer, as defined under the Agencies' By-Laws or by such Vice President to whom execution authority has been appropriately delegated in writing by a Senior Officer.
- d. Approval of Procurement Contracts by the Senior Vice President and Counsel. The Senior Vice President and Counsel shall approve, as to legal compliance, all Procurement Contracts. The consideration shall include the legal form and efficacy of the Procurement Contract. The Agencies' Legal Department may evidence such approval by Counsel by:

- i. Signing "Approved as to form" on any Formal Contract so approved;
- ii. In connection with a closing managed by the Legal Department, approving the closing and, as necessary, delivering accompanying opinions in connection therewith; or
- iii. Making such arrangements as are acceptable to the Counsel to assure that the form of Contract is legally acceptable and approved by Agency Counsel.

ARTICLE XI

11. ADMINISTRATION OF PROCUREMENT, RECORDS AND RESPONSIBILITIES OF AGENCY OFFICERS AND EMPLOYEES

- a. Procurement Record. A Procurement Record shall be maintained for each Procurement requiring any Formal Contract and such other Procurement as the Procurement Contract Officer deems appropriate, or as State law requires, identifying, with supporting documentation, decisions made by the Agency during the Procurement process. The Procurement Record shall include, but not be limited to, documentation of: (1) the determination of the method of Procurement from among the available methods permissible under these Guidelines (*particularly, if there is a determination of an Emergency Selection Contract or Uniquely Qualified Source Contract*); (2) the process to be used to determine best value, the manner in which the selection of evaluation criteria and the evaluation process shall be conducted, and the evaluation criteria, which, whenever possible, shall be quantifiable; and (3) the basis of award and circumstances leading to the selection of the Vendor, including the alternatives considered, the rationale for selecting the specific Vendor and the basis upon which cost was determined reasonable. To the extent practicable, the Agencies shall document all aspects of the solicitation process in advance of the initial receipt of offers. Each amendment to an existing Contract, and the justification for each, shall also be included in the Procurement Record. Determinations of emergency with respect to Emergency Selection Contracts and Emergency Foreign Business Enterprise Contracts shall be included in the Procurement Record.

Annual certifications of panels should be made a part of the Procurement Record.

With respect to the Lobbying Law Directives, the Procurement Record shall include complete information related to: (i) written certifications by the Contractors or Vendors with respect to affirmations that the Contractor or Vendor

understands the Lobbying Law Directives and (that the Agency(s) has been informed in writing of the Vendor's prior determinations of non-responsibility over the previous four years, and that this information is complete, true and accurate; (ii) Determinations of Responsibility by the Agency;; (iii) findings of non-responsibility, whether by the Agency(s) or by other governmental entities; (iv) a record of all Contacts during the Restricted Period, including the name of the person making the Contact, as well as that person's organization, address, telephone number, place of principal employment, occupation, and whether the person/organization making the Contact was the Offerer or was retained, employed or designated by or on behalf of the Offerer to appear before or communicate with the Agency; ;(v) if applicable, a statement regarding the basis for any required finding that the Agency may enter into a Contract with a Contractor or Vendor who has previously been the subject of any determinations of non-responsibility; and (vi) any determination to terminate a Contract pursuant to the Lobbying Law Directives .

The Procurement Record is a place where the Agencies can clearly document, as considered appropriate, the need for the Contract; required specifications; and the ways in which a competitive field, fair and equal opportunity for Vendors, which shall include, but not be limited to, certified MWBEs, and a fair and balanced method of selection have been ensured.

The Procurement Record shall be maintained at least throughout the period the Contract and any extensions thereof are in effect and for a reasonable period of time thereafter.

- b. Procurement Contract Officer. The Procurement Contract Officer's responsibilities shall include keeping such portions of the Procurement Record as the Procurement Contract Officer deems appropriate, monitoring compliance with proper contracting procedures and adherence to these Guidelines.

Among the Procurement Contract Officer's responsibilities shall be the determination of when certain portions of these Guidelines shall apply to a Contract by virtue of Contract expenditures, in the aggregate, or sequential periods of time, reaching applicable thresholds stated herein. In addition, for Contracts of less than \$500 per year, which are terminable at any time by the Agency(s) with less than 90 days notice, the Procurement Contract Officer may determine that such Contracts shall be considered Contracts not exceeding one year for purposes of these Guidelines.

The Procurement Contract Officer may provide guidance and counsel about proper administration of the Procurement process and Contracts but shall not be a principal directly responsible for administering any Agency Contract. The Procurement Contract Officer should be available for counsel and guidance

respecting the Procurement selection process but should not be directly involved as an actual selector of Vendors.

The Procurement Contract Officer shall encourage and promote good Procurement practices, including but not limited to, proper and coordinated management of Contracts, desirable Vendor selection practices, and informed and careful bill approval procedures. Among other things, it is generally desirable that there be a single individual designated to manage each Procurement Contract, including renewals and amendments thereto, reporting thereon, and bill approvals, (*and excluding receipt of Designated Contacts*), and that individuals managing different Contracts in the same area or from the same Vendors coordinate their work.

The Procurement Contract Officer shall, from time to time, issue such reports on Procurement as shall be appropriate or required including the Procurement Reports required under these Guidelines.

The Procurement Contract Officer shall notify the Office of General Services of all Contractors who, with respect to the Lobbying Law, have been the subject of determinations of non-responsibility by the Agency or who have been debarred.

The Procurement Contract Officer should periodically review and assess the adequacy of these Guidelines and, as appropriate, recommend changes for approval.

The Procurement Contract Officer may grant temporary technical exceptions to these Guidelines for Contracts, other than Formal Contracts, provided that such exceptions appear in the Procurement Contract Record, and that attorneys under the supervision of the Senior Vice President and Counsel determine the exceptions legally appropriate.

- c. Designated Contact Officer(s). The Agencies have designated the Vice President and Deputy Counsel, or when appropriate, an Agency Senior Officer with technical knowledge of the Governmental Procurement, as the Designated Contact Officer(s) for all Governmental Procurement for which such appointment is required. In accordance with the provisions of the Lobbying Law Directives, the Designated Contact Officer, for any given Governmental Procurement or Procurement Contract, is intended to be, by virtue of his or her designation as such, the recipient of any Designated Contacts with respect to the Governmental Procurement for which he or she has been designated. The Designated Contact Officer shall have ready access to, and shall refer to, as appropriate, the Contractors' and Vendors' written affirmations of their understanding of the Agencies' Governmental Procurement lobbying procedures along with all disclosures Contractors or Vendors have provided of any findings of any

determinations of non-responsibility against them under the Lobbying Law. Prior to the Agencies' awarding of a Procurement Contract to which these provisions apply, it shall be the Designated Contact Officer's responsibility to consult with the Ethics Officer and to likewise consult at any appropriate time thereafter.

- d. Designated MWBE Officer(s). The Agencies' President shall appoint a Designated MWBE Officer(s) to oversee the Agencies' MWBE Program established to promote and assist: (i) participation by certified MWBEs in the Agencies' Procurement opportunities and facilitation of the award of Procurement Contracts to such enterprises; (ii) the utilization of certified MWBEs as subcontractors and suppliers by entities having Procurement Contracts with the Agencies; and (iii) the utilization of partnerships, joint ventures or other similar arrangements between certified MWBEs and other entities having Procurement Contracts with the Agencies. The Designated MWBE Officer(s) shall be familiar with the Procurement of the types of construction, financial, legal or professional services utilized by the Agencies, report directly to the Agencies' President and, either directly or through their designees, participate in the Procurement process.
- e. Ethical Administration of Contracts, Compliance with the Lobbying Law Directives: Responsibility of Officers and Employees. It shall be the responsibility of the Procurement Contract Officer, the Ethics Officer, the Designated Contact Officer(s), the MWBE Officer(s), and all Officers and Employees to ensure that Contracts of the Agencies are administered ethically with due regard for all State ethics laws and Lobbying Law Directives. Determinations respecting ethical contract administration shall be made by the Ethics Officer, to whom any allegations of impropriety or unethical administration may be reported. The Ethics Officer shall also be responsible for reviewing, investigating, monitoring and imposing sanctions relating to any noncompliance with Lobbying Law Directives. The Procurement Contract Officer shall report to the Ethics Officer such allegations of impropriety or unethical administration of Procurement, or violations of the Lobbying Law Directives, as may come to the Procurement Contract Officer's attention. Agency Officers and Employees including, but not limited to, the Designated Contact Officer(s), shall report to the Ethics Officer any allegations of impropriety or unethical administration of Procurement or violations of the Lobbying Law Directives that come to their attention. If the Ethics Officer determines that sufficient cause exists to believe that an allegation concerning a violation of the Lobbying Law Directives is true, the Ethics Officer shall give the respective Contractor or Vendor reasonable notice that an investigation is ongoing and an opportunity to be heard in response to the allegation.

Prior to the awarding of a Procurement Contract by the Agency to which the Lobbying Law Directives' provisions apply, and any time thereafter, it shall be the Ethics Officer's responsibility to consult with the Designated Contact Officer(s) and make other appropriate inquiries so as to make the findings as to whether there were any certifications in relation to the provisions of the Lobbying Law Directives that were intentionally false or intentionally inaccurate so that the Agency would have right to terminate such Contract. If the Agency(s) terminates a Procurement Contract under these termination provisions, it shall be the Designated Contact Officer's responsibility to provide the statement describing the basis for such action for inclusion in the Procurement Record.

In order to comply with the Lobbying Law Directives, all Employees must cooperate and participate in the recording of Contacts with respect to which the Lobbying Law Directives apply. The record of a Contact shall include the name, address, telephone number, place of principal employment, and occupation of the person or organization. Employees must also inquire about, and record, whether the person or organization making the Contact was the Offerer, or was retained by the Offerer to contact the Agency(s) about the Procurement. Employees must report all recorded Contacts to the Procurement Contract Officer for inclusion in the Procurement Record of the Procurement Contract.

If the Ethics Officer finds a knowing and willful violation of the Lobbying Law Directives by any Employee, the Ethics Officer shall report the violation to the President.

It is expected that the Ethics Officer will confer, as appropriate, with the Senior Vice President and Counsel with respect to allegations of unethical conduct or violations of the Lobbying Law Directives or other violations of law and nothing in any of the forgoing is to be taken to preclude individuals from also contacting the Senior Vice President and Counsel directly with respect to any such allegations.

ARTICLE XII

12. REPORTS ON PROCUREMENT

- a. Annual Procurement Report ("Annual Report"). Within 90 days after the conclusion of each fiscal year shared by the majority of the Affiliated Agencies (*October 31*), the Members and Directors of the Agencies shall approve an Annual Report summarizing Procurement activity for the period of the Annual Report. Such Annual Report will include these Guidelines, an explanation of these Guidelines and any amendments thereto since the last Annual Report. The

Annual Report describing Procurement activity shall include: (a) a listing of all Procurement Contracts entered into; (b) all Contracts entered into with NYSBES and the subject matter and value thereof; (c) all Procurement Contracts entered into with certified MWBEs and the subject matter and value thereof, all referrals made and all penalties imposed, pursuant to §316 of Article 15-A; (d) all Contracts entered into with Foreign Business Enterprises and the subject matter and value thereof; (e) the selection process used to select such Contractors; (f) all Procurement Contracts which were exempt from the publication requirements of Article 4-C of the Economic Development Law, the basis for any such exemption; and (g) the status of existing Procurement Contracts.

Such Annual Report shall list for each Contract the following information:

- i. a description of the duties performed by the Contractor;
- ii. the date of the Contract and its duration;
- iii. the total value of the Contract;
- iv. the full name and address of the Contractor;
- v. the status of the Contract, including the amount spent or other considerations given pursuant to the Contract during the reporting period and for the life of the Contract to date;
- vi. whether the Contractor is a certified Minority or Women-Owned Business Enterprise; and
- vii. the total number of bids or proposals received prior to the award of the Contract.

The Annual Procurement Report, after being approved by the Members and Directors, shall be filed to the Division of the Budget and the Department of Audit and Control using the Public Authorities Reporting Information System (“PARIS”) on-line Reporting System, with copies of this report to the Department of Economic Development, the Senate Finance Committee and the Assembly Ways and Means Committee.

Copies of the Annual Procurement Report shall also be available to the public upon reasonable request at the Agencies' main office.

- b. Quarterly Procurement Report(s) (“Quarterly Report(s)”). Within 90 days after the conclusion of each quarter of the fiscal year shared by the majority of the Affiliated Agencies (*January 31, April 30, July 31 and October 31*), the Agencies’ Members and Directors shall review a Quarterly Report. Each Quarterly Report shall describe the quarter's Procurement activity and shall include the same summary of activity information as is required in the Annual Procurement Report.
- c. Consolidation of Procurement Reports. The Annual Procurement Reports and the Quarterly Procurement Reports for each of the Affiliated Agencies, may, respectively, as determined by the President, be consolidated annual or quarterly reports for all the Affiliated Agencies, to the extent that the President determines that doing so will be more elucidating.
- d. Annual MWBE Officer Report (“MWBE Report”). The Agencies shall report, annually, to the Governor, Legislature and the MWBE Director, on various issues pertaining to Procurements relating to MWBE, in accordance with Article VI of these Guidelines and Article 15-A, including but not limited to:
 - i. the annual goals, defined in Article VI of these Guidelines, for Contracts with MWBEs;
 - ii. providing adequate documentation of a good faith effort to meet the Agency goals described in Article VI of these Guidelines, in the event that the Agency projected goals cannot be achieved;
 - iii. the number of actual Contracts issued to MWBEs;
 - iv. the activities undertaken to promote and encourage Procurement opportunities of Minority Group Members and women and promote and increase participation by certified businesses with respect to Agency Contracts and subcontracts;
 - v. Agency Contracts for leases of real property by the Agency(s) to a Lessee where: the terms of such leases provide for the construction, demolition, replacement, major repair or renovation of real property and improvements thereon by such Lessee; and the cost of such construction, demolition, replacement, major repair or renovation of real property and improvements thereon exceeds the sum of \$100,000;
 - vi. a summary of all enforcement actions undertaken by the Agency against a Contractor for breach of Contract pursuant to §316-a of Article 15-A and Article IX. of these Guidelines; and

- vii. a summary of all waivers, defined in Article VI of these Guidelines, permitted by the Agencies during the period covered by the MWBE Report, including:
 - (1) a description of the basis of the waiver request; and
 - (2) the rationale for granting any such waiver.

ARTICLE XIII

13. MISCELLANEOUS PROVISIONS

- a. Powers of Amendment. Any modification or amendment of these Guidelines may be made by a Supplemental Resolution adopted at any duly constituted Members' or Directors' meeting; provided, however, that no such modification or amendment shall abrogate the rights and duties of existing Agency Contracts, the terms of which were established pursuant to these Guidelines; and further provided that the President may make non-material changes in these Guidelines.
- b. Supplementation with Procedural Handbooks, Practice Manuals and Other Directives. These Guidelines are only intended to provide the general framework for Agency Procurement practices. These Guidelines are not intended to preclude supplementation of the Guidelines through the promulgation of more specific procedural handbooks, practice manuals, or other directives and guidance as may be issued from time to time, including as example, and not by way of limitation, more specific procedures for conduct of Requests For Proposals and Requests For Qualifications. It is also not intended that the existence of these Guidelines should prevent or supplant the issuance of additional Agency guidelines or regulations to deal specifically with Lobbying Law Directives and/or MWBE Directives, if appropriate.
- c. No Recourse under these Guidelines. No provision of these Guidelines shall be the basis for any claim based upon these Guidelines against any Member, Director, Officer or Employee of the Agency(s) or the Agency(s) itself.
- d. Effect upon Existing Agencies' Contracts. These Guidelines shall not abrogate the rights and duties of Agency Contracts with third parties executed prior to the effective date of these Guidelines.

TAB 4

Explanation of consolidated Procurement and Contract Guidelines of the Agencies, as revised and in effect, September 14, 2010

The consolidated Procurement and Contract Guidelines (the “Guidelines”) were adopted on December 15, 2005, revised on June 14, 2007 and June 11, 2008, respectively, and most recently revised on September 14, 2010, pursuant to the provisions of the Acts of each of the New York State Housing Finance Agency, the State of New York Mortgage Agency, the New York State Affordable Housing Corporation, the State of New York Municipal Bond Bank Agency and the Tobacco Settlement Financing Corporation (individually, “Agency,” and collectively, the “Agencies”), and Section 2879 of the Public Authorities Law.

The Guidelines were revised on September 14, 2010 to incorporate certain substantive amendments in order to comply with the requirements found in recent legislation dealing with improving access to procurement opportunities by minority and women-owned business enterprises (“MWBEs”) and additional changes to the lobbying section, again as a result of State legislative changes. These MWBE-related substantive amendments include the addition of provisions to: (i) allow for the purchase of goods and services from small businesses and certified MWBEs in amounts of \$100,000 or less without competitive bid; (ii) designate one or more senior staff directly reporting to the President to oversee the Agencies’ MWBE program(s); (iii) provide notice of procurements to professional and other organizations serving MWBEs; (iv) establish appropriate goals for participation by MWBEs in Agency procurements (these goals are numeric and based on the results of a Statewide study of MWBE use, and include certain types of procurements – such as construction-related procurements – which are not directly related to the activities of the Agencies, but which are included to be consistent with both the letter and the spirit of the law); (v) require the Agencies to conduct procurements to achieve, to the maximum extent feasible, the goals for MWBE participation; (vi) require the Agencies to include the degree of expected MWBE participation in Agency requests for proposals (“RFP”); (vii) require the Agencies to evaluate their MWBE goals on a program basis by looking at specific results; (viii) require the Agencies to provide a current list of certified MWBEs to each prospective contractor; (ix) establish measures and procedures to ensure maximum participation by MWBEs; (x) require the Agencies to verify that MWBEs listed in a successful bid in response to an Agency RFP are actually participating to the extent listed in the contract for which the bid was submitted; and (xi) allow for joint ventures and subcontracting opportunities under which a bidder may count toward meeting its MWBE participation goals the MWBE portion of a joint project.

In addition to these changes, various lobbying law related changes were incorporated in the Guidelines to include the revisions to the Agencies’ Lobbying Law Policies approved on June 10, 2010, since those provisions are mirrored in the Guidelines.

Two previously incorporated procurement procedures were deleted since it was determined by Agency staff that these procedures were not relevant to the procurement activities

of the Agencies. These procedures related to (a) Internet Auction Service Sites and (b) Recurring Purchase Items Posted on the Agencies' Website. None of these changes substantially affect the general conveyance of the consolidated Guidelines.

EXPLANATION OF CONSOLIDATED
PROCUREMENT AND CONTRACT GUIDELINES
OF THE AGENCIES
(as revised and in effect, September 14, 2010)

The consolidated Procurement and Contract Guidelines ("Guidelines"), pursuant to the provisions of the Acts of each of the New York State Housing Finance Agency, the State of New York Mortgage Agency, the New York State Affordable Housing Corporation, the State of New York Municipal Bond Bank Agency and the Tobacco Settlement Financing Corporation (individually, "Agency," and collectively, the "Agencies") and Section 2879 of the Public Authorities Law, apply to the Agencies' procurement of goods and services. As defined in the Guidelines, "Procurement" means the acquisition of goods, materials and services including, but not limited to, personal services, by any Agency. "Procurement Contract" is defined, (a) following the definition in Section 2879 of the Public Authorities Law, as any written agreement for Procurement in the actual or estimated amount of \$5,000 or more, and (b) following the definition in the Lobbying Law in relation to any Agency Governmental Procurement (*this is new terminology*) with actual or anticipated annualized expenditures in excess of \$15,000 in amount, as any Contract, including an amendment, extension, renewal, or change order to an existing Contract (other than amendments, extensions, renewals, or change orders that are authorized and payable under the terms of the Contract as it was finally awarded), for a Governmental Procurement. (Unless otherwise defined herein, capitalized terms adhere to their respective definitions in the Guidelines.)

A. Selection of Procurement Contractors and/or Vendors (Article IV of the Guidelines)

In selecting Procurement Contractors and/or Vendors, it is the preference of the Agencies that Contractors and Vendors be selected from as broad a spectrum of providers as is practicable, and that Contracts (defined as a written agreement whereby an Agency undertakes Procurement, including accepted Purchase Orders and Procurement Contracts) be awarded and purchases be made consistent with the quality of services or goods and materials required, at fair and reasonable prices. In addition, it is the preference of the Agencies to encourage the participation and utilization of minority owned business enterprises ("MBEs") and women-owned business enterprises ("WBEs") (and collectively, "MWBEs") in accordance with the MWBE Directives (*new terminology*) in the Guidelines and to encourage the participation of New York State Business Enterprises ("NYSBES").

B. Competitive Processes (Article IV of the Guidelines)

The following are the main competitive processes provided for in Article IV of the Guidelines: (i) a competitive lowest price bid for goods and materials; (ii) a competitive price bid for Contracts not expected to exceed \$15,000 in amount; (iii) a request for proposal (“RFP”) without negotiation; (iv) an RFP with competitive negotiations; (v) use of a pre-qualified panel; (vi) use of a State Contract; and (vii) use of an Affiliated Agency Contract entered into as a result of a competitive process, or the use of an Affiliated Agency competitive selection process as the basis for entering into a Contract.

C. Selection of Contractors and Vendors through a Competitive Selection Process (Article IV of the Guidelines)

In selecting Contractors and Vendors through a competitive selection process, certain standards and practices are required to be considered, including: (i) advertisement requirements including outreach efforts to MWBEs and providing information with respect thereto via the Agencies’ website (*this is a new addition*); and (ii) criteria for selection, including but not limited to, terms, costs, goods or services offered, reputation and experience. For procurements not expected to exceed \$15,000 in amount, the Agency shall solicit prices, statements of qualifications and proposals from at least three prospective Vendors, including at least one MWBE, if feasible.

D. Selection of Contractors and Vendors on a Non-Competitive Basis (Article IV of the Guidelines)

In the selection or use of Contractors or Vendors, the following Contracts may be awarded without engaging in any one of the competitive processes set forth above: mandated selections of Preferred Source providers; existing centralized State Contracts; Emergency Selection Contracts where the selection of a Contractor or Vendor cannot be delayed; Sole Source Contracts; Uniquely Qualified Source Contracts; instances where practice in an industry does not normally involve competitive selection processes and an Agency determination that entering into a Contract is deemed cost-effective for the Agency; and the purchase of goods and services from Small Businesses and certified MWBEs, or goods or technology that are recycled or remanufactured, in amounts of \$100,000 or less (*this is a new addition*).

E. Requirements for Agency Bid Documents (Article V of the Guidelines)

The Agencies shall include in all bid documents to potential bidders a statement that information concerning the availability of subcontractors and suppliers is available from the State Department of Economic Development, which shall include the directory of certified MWBEs, and an affirmative statement that it is the policy of the Agencies to encourage the use of State subcontractors and suppliers, and to promote the participation of NYSBES and MWBEs, where possible, in the Procurement of goods and services.

The Agencies also require that solicitation documents set forth the expected degree of MWBE participation based, in part, on (i) the potential subcontract opportunities available in the prime Procurement Contract, and (ii) the availability of MWBEs to respond competitively to the potential subcontract opportunities (*this is a new addition*). In addition, the Agencies shall:

1. provide notice of Governmental Procurements, along with any other notice required by law, to professional and other organizations serving MWBEs that provide the types of services procured by the Agencies. For the purposes of these Procurement efforts, and for other Agency Procurement efforts, the Agencies shall maintain lists of qualified MWBEs and will provide such list(s) to Contractors in the Procurement process, requiring that potential Contractors consult and contact appropriate MWBEs to solicit their bids, in accordance with Article VI of the Guidelines (*this is a new addition*);
2. incorporate a summary of the Agencies' policies and prohibitions regarding Contacts under the Lobbying Law, in accordance to the Lobbying Law Directives as described in Article VII of the Guidelines; and
3. follow the directives for the participation of promoted Contracts, as more fully described in Article VIII of the Guidelines;

F. MWBE Program (Article VI of the Guidelines) (*this section is a new addition*)

The Agencies shall implement procedures for MWBE participation and utilization in Agency Procurements, including:

- (i) appointing a Designated MWBE Officer by the President to oversee the Agencies' MWBE Program;
- (ii) establishing appropriate numerical MWBE participation target goals (to be updated annually) for each new Procurement Contract awarded by the Agencies and for the utilization of MWBEs as subcontractors and suppliers by Contractors having Procurement Contracts with the Agencies. In addition, the MBE portion or the WBE portion of joint ventures shall count toward meeting the Agencies' MWBE participation goals. In the event that the projected goals cannot be achieved, the Agencies will provide adequate documentation of a good faith effort to meet these goals in its submission of its Annual MWBE Officer Report.
- (iii) establishing procedures for maintaining lists of qualified and certified MWBEs, that have expressed an interest in doing business with the Agencies, and ensuring that such lists are updated at least annually;
- (iv) establishing measures and procedures to ensure that certified MWBEs will be given the opportunity for maximum feasible participation in the

performance of Agency Contracts and to assist in the Agencies' identification of those Agency Contracts for which certified MWBEs may best bid to actively and affirmatively promote and assist their participation in the performance of Agency Contracts so as to facilitate the Agencies' achievement of the maximum feasible portion of the goals for Agency Contracts to such businesses;

- (v) designating the Division of Minority and Women-Owned Business Development to certify and decertify MWBEs for the Agencies;
- (vi) requiring that each Contract solicitation set forth the expected degree of MWBE participation, as set forth in Article VI of the Guidelines.
- (vi) submitting a waiver by the Agency of obligations of Contractor relating to MWBE participation after a showing of good faith effort to comply with the MWBE participation requirements; and
- (vii) verifying that MWBEs listed in a successful bid are actually participating to the extent listed in the project for which the bid was submitted.

In implementing the MWBE Directives, the Agencies shall:

- (1) consider, where practicable, severability of construction projects and other bundled Contracts; however, unbundling must be conducted within the constraints of the Agencies' need to ensure efficiency and limit costs;
- (2) implement its MWBE Program to enable the Agencies to evaluate each Contract to determine the appropriateness of the goal, as set forth in Article VI of the Guidelines;
- (3) consider compliance with the requirements of any federal law concerning opportunities for MWBEs which effectuates the purpose of Article VI of the Guidelines; and
- (4) consult the most recent disparity study, pursuant to Article 15-A of the Executive Law ("Article 15-A").

G. Lobbying Law Directives (Article VII of the Guidelines)

For any Contract made subject to the "Lobbying Reform Law," the Agency is required to notify every potential Contractor or Vendor that the Agency has a "Designated Contact Officer," who is "knowledgeable of the procurement" (*this is a new addition*) and is the only Agency representative permitted to receive Contacts from Contractors or Vendors, or their representatives, during the "Restricted Period" with respect to such Governmental Procurement. In addition to observing the Lobbying Reform Law's proscriptions on Contacts, all potential

Contractors or Vendors must complete and return to the Agency with their proposal or bid response to an Agency solicitation, a written affirmation of a Contractor's or Vendor's understanding of the Governmental Procurement lobbying procedures of the Agency, as well as disclose prior determinations of non-responsibility as a result of Lobbying Law violations over the preceding four years. Any violation of the Lobbying Reform Law over the preceding four years is considered an adverse factor in the Contractor or Vendor selection process.

H. Promoted and Prohibited Contracts & Contracts Subject to Other Limitations (Article VIII of the Guidelines)

Notwithstanding the general practices of the Agencies with respect to selection of Contractors and Vendors and adherence to competitive practices, as set forth in the Guidelines, Article VIII of the Guidelines require that certain Contracts may be "promoted," "prohibited" or "subjected to certain limitations."

It is the goal of the Agencies to both promote and assist participation by MWBEs in competition for Procurement Contracts, and award a fair share of Procurement Contracts to MWBEs. The Agencies also seek to promote the participation of New York State Business Enterprises.

In addition, as it is the goal of the Agencies to award Contracts to those Contractors or Vendors who have evidenced compliance with the laws of the State prohibiting discrimination in employment, the Agencies will seek to achieve this goal by awarding Procurement Contracts to those firms who have demonstrated that they do not discriminate with respect to employment. The Agencies have also promulgated procedures for ensuring Contractor or Vendor compliance with the Equal Opportunity Act of 1972.

Under the Guidelines, certain Contracts will be prohibited or permitted only subject to certain exceptions or limitations as follows: (i) with respect to evaluation of Architects, Engineers and Surveyors, the Agencies shall consider special criteria including the reasonableness of cost based on the total estimated cost of any legal entity permitted by law to practice such professions; (ii) in accordance with the MacBride Fair Employment Principles, the Agencies shall not enter into Procurement Contracts with Contractors or Vendors who have operations in Northern Ireland unless assurance is made that lawful steps in good faith have been made to comply with the MacBride Principles; (iii) with respect to contracts with a Foreign Business Enterprise, the Agencies shall notify the State Commissioner of Economic Development of the award of a Procurement Contract for the purchase of goods from said Foreign Business Enterprise in an amount equal to or greater than \$1,000,000. Thereafter, the Agencies shall not enter into a Procurement Contract for said goods until at least 15 days have elapsed, except where a Contract is awarded due to Emergency. The Agencies shall not solicit bids from or enter into a Procurement Contract with a Foreign Business Enterprise which has its principal place of business in a jurisdiction that discriminates against New York business, pursuant to Section 165 (6)(b) of the State Finance Law.

In addition to the consideration of Contractor or Vendor non-compliance with Lobbying Law Directives, with respect to Contracts with former Agency Officers and Employees, the Agencies shall not enter into Contracts which contemplate, violate or affirmatively, by their terms, allow former Officers and Employees of the Agencies to violate Section 73(8)(a) of the State Ethics Law.

I. General Contract Provisions (Article IX of the Guidelines)

All Procurement Contracts shall be in writing and duly executed by an individual empowered to do so in accordance with Agency By-Laws. Procurement Contracts shall specifically provide for a scope of services indicating the nature of the work to be performed or goods to be provided, and for the time for performance, and the monitoring or reviewing of performance. Additionally, Procurement Contracts shall also state compensation and payment terms and indicate that prices in bids were arrived at independently without collusion. In addition to a provision authorizing the Agency to immediately terminate any Contract in the event that any Lobbying Law certification is found to be intentionally false or inaccurate, Contracts shall also include “a provision expressly providing that any Contractor who willfully and intentionally fails to comply with minority and women-owned participation requirements, as set forth in the Contract, shall be liable to the Agencies for liquidated or other appropriate damages and shall provide for the appropriate remedies on account of such breach” (*this is a new addition*).

In order that the Agencies may enter into new Procurement Contracts for the Procurement covered as soon as they may desire, Procurement Contracts should not commit the Agency(s) to continue to use Contractors for longer than is desirable to achieve the Contract objectives. Unless specifically permitted by a resolution of the Agency’s Members or Directors, Procurement Contracts should be for a term not exceeding one year, and should be terminable by the Agency, at its option, without cause, within a period that is less than a year into the future. A designated Officer or Employee shall perform a continuing evaluation of Procurement Contracts and Panels.

J. Agency Approvals (Article X of the Guidelines)

All Contracts where compensation is expected to be \$100,000 or more, as well as any Contracts involving services to be provided over a period of more than one year, require initial approval of the Members or Directors of the Agency. The Members and Directors shall, at least annually, review any Contract lasting more than a year. All Procurement Contracts shall be executed by the President and CEO, or a Senior Officer, as defined under Agency By-Laws or by such Vice President to whom execution authority has been appropriately delegated in writing by a Senior Officer. The Senior Vice President and Counsel, or his/her designee(s), shall approve as to legal compliance all Procurement Contracts.

K. Procurement Record (Article XI of the Guidelines)

A “Procurement Record” shall be maintained for each Procurement requiring any Formal Contract and such other Procurement as the Procurement Contract Officer deems appropriate, or as State law might require, identifying, with supporting documentation, decisions made by the Agency during the Procurement process. Additionally, the Procurement Contract Officer shall be charged with responsibilities including keeping such portions of the Procurement Contract Record as the Procurement Contract Officer deems appropriate, monitoring compliance with proper contracting procedures and adherence to the Guidelines.

L. Reports on Procurement (Article XII of the Guidelines)

1. Annual Procurement Report

Within ninety days after the conclusion of each fiscal year shared by the majority of the Agencies, the Members or Directors of the Agency shall approve an Annual Procurement Report, summarizing procurement activity for the period of the report. Such report shall include for each Procurement Contract listed (including MWBEs) (*this is a new addition*): a description of the duties performed by the Contractor; the date of the Contract and its duration; the total value of the Contract; the full name and address of the Contractor; the status of the Contract including the amount spent or other considerations given pursuant to the Contract during the reporting period and for the life of the Contract to date; whether the Contractor is a Minority or Women-Owned Business Enterprise; and the total number of bids or proposals received prior to the award of the Contract.

The Annual Procurement Report, after being approved by the Members and Directors, shall be filed using the Public Authorities Reporting Information System (“PARIS”) on-line reporting system.

2. Quarterly Procurement Report

Within ninety days after the close of each quarter of the fiscal year shared by the majority of the Affiliated Agencies, the Agencies shall prepare and deliver to the Members and Directors a report summarizing procurement activity for the period of the report.

3. Annual MWBE Officer Report (*this section is a new addition*)

The Agencies annually file an MWBE Officer Report that includes: (i) Agency annual MWBE goals; (ii) documentation of a good faith effort to meet Agency goals, in the event that these goals cannot be achieved; (iii) the number of actual Contracts issued to MWBEs; (iv) the activities undertaken to promote and encourage Procurement opportunities of MWBEs and increase participation by certified MWBEs; (v) Agency Contracts for leases of real property by the Agency

to a Lessee (a) where the terms of such leases provide for the construction, demolition, replacement, major repair or renovation of real property and improvements thereon by such Lessee and (b) the cost of such construction, demolition, replacement, major repair or renovation of real property and improvements thereon exceeds the sum of \$100,000; (vi) a summary of all enforcement actions undertaken by the Agency against a Contractor for breach of Contract; and (vii) a summary of all waivers, permitted by the Agencies during the period covered by the MWBE Officer Report.