



The State University
of New York

Office for Capital Facilities Guidance Document

CLC-4

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Threshold Chart

A reference guide for determining procurement requirements for construction and construction related consultant procurements.

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Overview

Construction and construction-related consultant procurements are subject to various procurement requirements, some of which differ from the procurement requirements for commodities and services. Each requirement applies at a specific dollar value. The requirement is often set forth in law and incorporated into the SUNY Policies and Procedures. The attached threshold chart summarizes the applicable requirements for construction and construction related consultant contracts by contract value.

The chart includes a brief explanation of the requirement and, if applicable, a reference to the relevant New York State law. Procurements must comply with all applicable SUNY policies and procedures, New York State laws, rules, regulations, agency bulletins and guidelines.

Definitions

- Campus Let - Campus managed construction projects funded by capital appropriated to the State University Construction Fund
- Campus Funded - Campus managed construction projects funded by SUNY appropriations or other funds including those from the Foundation, Research Foundation, Auxiliary Service Corporation, Alumni Association, Income Fund Reimbursable (IFR) accounts or Grants

Procurement Procedures

- [SUNY Procedure 7553 - Purchasing and Contracting - Procurement](#)
- [SUNY Procedure 7554 - Construction Contracting Procedures](#)
- [SUNY Procedure 7555 - Construction-Related Consultant Contracting Procedures](#)

SUNY Construction and Construction Related Consultant Contract Thresholds

Consultant Contracts (Construction Related)							
	Category	\$0 - \$10,000	\$10,000.01 - \$15,000	\$15,000.01 - \$25,000	\$25,000.01 - \$50,000	\$50,000.01 - \$100,000	\$100,000.01 or more
1	Most Qualified Selection	N	N	N	Y	Y	Y
2	DOB 1184 <i>(capital appropriations only)</i>	N	N	N	N	N	Y
3	NYSCR Advertisement	N	N (1)	N (1)	N (1)	Y	Y
4	Newspaper Advertisement	N	N	N	N	N	N
5	MWBE & SDVOB Goals	N	N	N	Y	Y	Y
6	Vendor Responsibility	Y (3)	Y (3)	Y (3)	Y (3)	Y (3)	Y (3)
7	Procurement Lobbying	N	N	Y	Y	Y	Y
8	Certificates of Insurance	Y	Y	Y	Y	Y	Y
9	Consultant Reporting - OSC Form A	N	N	Y	Y	Y	Y
A	External Agency Approvals	Contracts for construction related consultant services of \$75,000 or more for campuses, and \$150,000 or more for hospitals, require prior approval by the Attorney General and Office of the State Comptroller.					

Construction Contracts							
	Category	\$0 - \$10,000	\$10,000.01 - \$15,000	\$15,000.01 - \$20,000	\$20,000.01 - \$50,000	\$50,000.01 - \$100,000	\$100,000.01 or more
1	Competitive Bid Process	N	N	N	Y	Y	Y
2	DOB 1184 <i>(capital appropriations only)</i>	N	N	N	N	N	Y
3	NYSCR Advertisement	N	N (1)	N (1)	N (1)	Y	Y
4	Newspaper Advertisement	N	N	N	N	Y (2)	Y (2)
5	MWBE & SDVOB Goals	N	N	N	N	N	Y
6	Vendor Responsibility	Y (3)	Y (3)	Y (3)	Y (3)	Y (3)	Y (3)
7	Procurement Lobbying	N	N	Y	Y	Y	Y
8	Certificates of Insurance	Y	Y	Y	Y	Y	Y
9A	Prevailing Wage Rates	Y	Y	Y	Y	Y	Y
10A	Bonds: Performance, Labor & Material	N	N	N	N	Y	Y
11	Wick's - Multiple Contracts Required	N	N	N	N	N	Y/N (4)
A	External Agency Approvals	Contracts for construction of \$75,000 or more for campuses, and \$150,000 or more for hospitals, require prior approval by the Attorney General and Office of the State Comptroller.					

- (1) Quarterly ads are required for projects greater than \$10K but less than \$50K. Individual ads are required for contracts greater than \$50K.
- (2) Campus Let contracts require a one day ad in an Albany paper and in a local paper of general circulation; Campus Funded contracts require an ad in a local paper of general circulation.
- (3) Determination of Vendor Responsibility is required for all contracts and purchase orders. For those in excess of \$100,000 contractor disclosure of all information relevant to a responsibility determination, completion of the Vendor Responsibility Questionnaire, and an Agency Certification of Vendor Responsibility
- (4) See Wicks Law information under descriptions for applicable thresholds by county.

For a full explanation of requirements please see the procedures located at the Office for Capital Facilities [website](#). This table summarizes thresholds for Construction and Construction Related Consultant contracts as set forth in SUNY Procedures 7554 & 7555

Visit our [website](#). Ensure you have the latest version of this document.

SUNY Construction and Construction Related Consultant Contract Thresholds

		Descriptions
1	Competitive Bid (Construction) Most Qualified (Consultant)	NYS Education Law §376 requires construction contracts be awarded by public letting to the lowest qualified bidder for all contracts in excess of \$20,000. NYS Finance Law §136-A requires consultant contracts be negotiated with the most qualified consultant for contracts in excess of \$25,000.
2	DOB 1184	<i>(Link)</i> The Division of Budget (DOB) requires ESD approval of contracts through the Agency Spending Controls Application (ASCA) for all construction contracts funded by capital appropriations in excess of \$100,000. For contracts over \$1M approval is required from ESD, DOB and the Governor's Office.
3	NYSCR	<i>(Link)</i> NYS Economic Development Law §142 requires advertisement in the New York State Contract Reporter (NYSCR). A quarterly ad is required for anticipated contracts from \$10,000.01 to \$50,000 and individual ad is required for contracts in excess of \$50,000.
4	Newspaper Ad	NYS Education Law §376 and NYS Public Building Law §8 require newspaper ads for contracts more than \$50,000 for construction contracts. Campus Let contracts require a one day ad in an Albany paper and in a local paper of general circulation; Campus Funded contracts require an ad in a local paper of general circulation.
5	MWBE & SDVOB Goals	NYS Executive Law Article 15-A and NYS Executive Law Article 17-B require campuses and contractors make a good faith effort to procure from NYS certified minority or women owned businesses (MWBEs) and service disabled veteran owned businesses (SDVOBs). SUNY Procedure 7557 applies to all procurements exceeding \$100,000 for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements and those exceeding \$25,000 for labor, services, supplies, equipment, or materials.
6	Vendor Responsibility	<i>(Link)</i> Determination of Vendor Responsibility is required for all contracts and purchase orders. For those in excess of \$100,000 contractor disclosure of all information relevant to a responsibility determination, completion of the Vendor Responsibility Questionnaire, and an Agency Certification of Vendor Responsibility are required.
7	Procurement Lobbying	NYS Finance Law § 139-j requires restrictions on contacts during the procurement process. For contracts in excess of \$15,000 Procurement Lobbying documentation is required.
8	Certificate of Insurance	Certificates of Insurance are required in accordance with, or in excess of, the requirements of the SUNY Construction Agreement (Section 5.06 Compensation and Liability Insurance). This includes Workers Compensation and Disability Insurance as required by law.
9	Consultant Reporting	<i>(Link)</i> State Finance Laws § 8 and § 163 requires annual reporting of consultant contracts. OSC Form A is required for this reporting.
9.1	Prevailing Wage Rates	<i>(Link)</i> NYS Labor Law §220-a & b requires prevailing wage rates be utilized on any contracts for public works. Prevailing wage rates can be obtained from Department of Labor.
10	Bonds: Performance, Labor & Material	NYS Finance Law § 139-f requires performance bonds for construction contracts. SUNY procedures require performance and labor & material bonds for all contracts in excess of \$50,000. Performance bonds may be waived when only one payment is made to the contractor upon project completion. Labor and material bonds may not be waived.
11	Wick's Law	NYS Finance Law §135 requires public owners to bid separate contracts for general construction, plumbing, mechanical and electrical work on public projects costing more than \$3 million in Bronx, Kings, New York, Queens and Richmond counties; \$1.5 million in Nassau, Suffolk and Westchester counties, and \$500,000 in all other counties. For Campus Let contracts a waiver can be requested by submitting a Wicks Law Waiver Request to the State University Construction Fund at design initiation.
A	External Agency Approvals	Contracts for commodities, non-construction related services, construction and construction related services of \$75,000 or more for campuses, and \$150,000 or more for hospitals, require prior approval by Attorney General and Office of the State Comptroller.

For a full explanation of requirements please see the procedures located at the Office for Capital Facilities website. This table summarizes thresholds for Construction and Construction Related Consultant contracts as set forth in SUNY Procedures 7554 & 7555

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