



The State University
of New York

Office for Capital Facilities Guidance Document

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Contract Threshold Chart

A reference guide for to assist in
determining the procurement requirements
for construction and consultant contracts.

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Construction and Consultant Contracts

When entering into a campus let or campus funded contract there are a number of procurement requirements that may or may not apply depending on the value of the contract. In most cases the threshold for the requirement is set forth in law and then incorporated into the SUNY Policies and Procedures. The attached threshold chart summarizes the applicable requirements for construction and construction related consulting 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.

Note that campus let and campus funded facilities contracts are subject to SUNY policies and procedures and to all applicable New York State laws, rules, regulations, agency bulletins and guidelines. A consolidated listing of policies and procedures related to construction procurements is provided on the [Office for Capital Facilities](#) website. A listing of all SUNY policies and procedures can be found in the [University-wide Policy and Procedure Library](#).

Campus Let

Campus managed construction projects funded by SUCF appropriations.

Campus Funded

Campus managed construction projects funded by SUNY appropriations or other funds such including those from the Foundation, Research Foundation, Auxiliary Service Corporation, Alumni Association, Income Fund Reimbursable (IFR) accounts or Grants.



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 | NYSR Advertisement | N | Y (1) | Y (1) | Y (1) | Y | Y |
| 4 | Newspaper Advertisement | N | N | N | N | N | N |
| 5 | MWBE Subcontractor 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 | Certificate of Insurance | Y | Y | Y | Y | Y | Y |
| 9 | Campus Procurement Certification | Y | Y | Y | Y | Y | Y (4) |
| 10A | Consultant Reporting - OSC Form A | N | N | Y | Y | Y | Y |

| 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 | NYSR Advertisement | N | Y (1) | Y (1) | Y(1) | Y | Y |
| 4 | Newspaper Advertisement | N | N | N | N | Y (2) | Y (2) |
| 5 | MWBE Subcontractor 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 | Certificate of Insurance | Y | Y | Y | Y | Y | Y |
| 9 | Campus Procurement Certification | Y | Y | Y | Y | Y | Y (4) |
| 10 | Prevailing Wage Rates | Y | Y | Y | Y | Y | Y |
| 11 | Bonds: Performance, Labor & Material | N | N | N | N | Y | Y |
| 12 | Wick's - Multiple Contracts Required | N | N | N | N | N | Y/N (5) |

(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) For contracts of \$250,000 or more certifications must be signed by the Campus Vice President and uploaded to the "SUNY Procurement Officers" space in Confluence.

(5) 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 Procedure Items #755

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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. - or - 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 |
| 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 | NYS Executive Law Article 15-A requires campuses and contractors make a good faith effort to procure from NYS certified minority- or women-owned businesses (MWBEs). 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 | Campus Procurement Certification | SUNY procedures require a Campus Procurement Certification for contracts (not purchase orders). The completed Campus Procurement Certification form shall be signed by a Campus Vice President and uploaded to the "SUNY Procurement Officers" space in Confluence for contracts in excess of \$250,000. |
| 10 | 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. |
| 10A | 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. |
| 11 | Bonds: Performance, Labor & Material | NYS Finance Law (§ 139-f) requires performance bonds for construction contracts. SUNY procedures require performance <u>and</u> 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. |
| 12 | 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 (SUCF) at design initiation. |

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 Procedure Items #7555

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