



The State University
of New York

Office for Capital Facilities Guidance Document

CLC-5

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Division of Budget Approval – B-1184

A reference guide to assist in seeking
Division of Budget approval for capital
projects.

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Division of Budget Approval

Approval of projects by the Division of Budget is required prior to advertisement or solicitation for capital design, construction and equipment procurements in accordance with [Budget Bulletin B-1184, “Agency Contracts, Non-Personal Service and Capital Spending Controls, last revised December 1, 2014.”](#)

SUNY procurements subject to this approval requirement include purchase orders and contracts which are funded with **capital appropriation** for:

- Design and Studies
 - Construction Related Consultant Services (Architecture and Engineering)
- Construction
- Construction material purchases
- Equipment purchases

The approval thresholds in effect as of the December 1, 2014 are summarized in the table below.

Contract/PO Value	Requirement	Description
< \$100,000	Not Applicable	No approval is required.
\$100,000-\$999,999	MWBE Only Request	MWBE Only requests are reviewed by the Executive Chamber, the Division of Budget does not complete a review. See page two for detailed guidance on the MWBE Only requests.
Change Orders \$20,000 to \$49,999	MWBE Only Request	When the total contract value exceeds \$100,000 a revised MWBE Only request must be submitted for approval of change orders.
≥\$1,000,000	B-1184 Request	Approval of projects by the Division of Budget and the Executive Chamber is required prior to advertising or solicitation in accordance with Budget Bulletin B-1184. Emergency contracts under Section 163 of the State Finance Law and Revenue contracts are exempt from this requirement.
Change Orders ≥\$50,000	B-1184 Request	When the total contract value exceeds \$1,000,000 a revised B1184 request must be submitted for approval.

Payroll for personnel is not covered by the budget bulletin and therefore does not require DOB approval. Examples of personnel projects include site representatives, project managers, or other staff

funded with capital appropriation. If a campus desires to enter into a construction management contract that effort is considered a construction related consultant services procurement and is subject to DOB approval when funded with capital appropriations. Emergency contracts under Section 163 of the State Finance Law and Revenue contracts are exempt.

Projects funded with campus funds transferred to the Construction Fund 384 account use capital appropriation, and therefore require a B-1184. However, Campus Funded projects do not require DOB approval. A Campus Funded project is defined as: campus managed construction projects funded directly 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.

Agency Spending Controls Application

B-1184 requests are submitted using the Agency Spending Controls application (ASCA), a statewide, web-based, secure application used to capture agency spending requests subject to approval by the Division of the Budget (DOB) and the Office of the Director of State Operations (State Operations).

[Agency Spending Controls Application Log In](#)

For detailed instructions on how to use the ASCA please see the [Agency Spending Controls Application Agency User Guide](#).

Request Submittals: MWBE Only

On December 1, 2014 a MWBE Only approval process was implemented. These MWBE Only requests are reviewed by the Executive Chamber, the Division of Budget does not complete a review. Once the Executive Chamber approves an MWBE Only request, an Attachment C form will be available for filing; a copy should be placed in the procurement record. Attachment C is only used when submitting a MWBE Only request.

Campuses are to enter the applicable SUNY University-wide MWBE goal as established by the MWBE Program Office. A copy of the current goals is available online ([link](#)). The following justification is to be included with the MWBE Only request.

Meets the required goals:

For those requests submitted with the applicable SUNY University-wide MWBE goal the justification must state “Standard Goal”. ESD will reject requests that do not include this exact statement.

Less than the required goals:

For requests submitted with less than the applicable SUNY University-wide MWBE goal (anything less than 30%) ESD is looking for one of the following explanations in the justification:

- Contracts executed before 2011
- Exemptions
- Exclusions
- Chamber approved waivers

Request Submittals: B1184

The Division of Budget advises that B-1184 requests be submitted separately for design, construction and equipment. Each request must include a brief description identifying and justifying why the project is required. Requests without adequate justification may be sent back to the campus by DOB for additional information.

Attachment A and B

Requests initiated in the ASCA are initiated as ‘Attachment A’ unless the check boxes designating the form as ‘Attachment B’ or ‘Attachment C’ are selected at the top of the form. Attachment B can only be used when the request (1) involves Federal reimbursement of at least 75% or (2) directly impacts immediate public health and or safety and is exempt from preapproval (i.e. emergency procurement). Attachment B requests are approved by the Agency Head designated in the ASCA, but do not require DOB approval. A copy of the approved Attachment A, the submitted Attachment B, must be kept in the procurement record.

The Request Type is selected when initiating the request. For capital purchases campuses should select ‘Capital – Design’ or ‘Capital – Construction, or ‘Capital – Changes Orders / Other’ from the dropdown list. For Funding Type campuses are generally going to select ‘Capital Project Funds – Other’ in the Attachment A and B forms.

Campus Let Projects: Construction Fund Coding

For contracts exceeding \$1,000,000 a copy of the approved Attachment A, or of the submitted Attachment B, must be submitted to the Construction Fund with each request for coding. For contracts exceeding \$100,000 a copy of the approved Attachment C documenting MWBE Only approval must be submitted to the Construction Fund with each request for coding.

Construction Fund Managed Projects

Equipment purchases associated with Construction Fund managed projects are generally let by the campus. When submitting a B-1184 request for equipment the appropriate request type to use is ‘Capital- Construction’. It is important to be cognizant of timing; ensure the B-1184 is submitted with sufficient time allowed in the project schedule for DOB approval.

Minor Critical Maintenance Projects

SUNY Procedure [7563 - Minor Critical Maintenance](#) defines the requirements of the Minor Critical Maintenance Program and the process required to obtain annual approval for MCM spending. Provided that each individual MCM contract is less than \$100,000 a MWBE Only request and approval is not required. **If a contract will exceed \$100,000, a MWBE Only request and approval by the Executive Chamber is required for that contract.**

Change Orders

When the total contract value exceeds \$100,000 a revised MWBE Only request must be submitted for approval of change orders between \$20,000 and \$49,999. When the total contract value exceeds \$1,000,000, a revised B-1184 request must be submitted for approval for all change orders valued at \$50,000 or more. If a change order causes the contract value to exceed the original value approved through the B-1184 process, a revised B-1184 request must be submitted for approval.

Changes to B-1184 requests **before** a contract is awarded should be submitted as a **new request** for the additional amount. Changes to B-1184 requests **after** a contract has been awarded should be submitted as a **change order request** for the additional amount. Reference the original B-1184 request in the comments and include the information originally submitted, the amount of change from the original request, and an explanation and justification for the change.

Resources

[Agency Spending Controls Application Log In](#)

[Agency Spending Controls Application Agency User Guide](#)