

**STATE OF NEW YORK
OFFICE OF GENERAL SERVICES
PROCUREMENT SERVICES GROUP**

PURCHASING MEMORANDUM

NUMBER: CL-288

DATE: March 20, 1998

SUBJECT: "Piggybacking" On Contracts

PLEASE ADDRESS INQUIRIES TO:
Procurement Services Group
Customer Services
(518) 474-6717
customer.services@ogs.state.ny.us

TO ALL STATE AGENCIES:

Article Eleven, § 163 (10) (e) of the New York State Finance Law empowers the Office of General Services to authorize purchases required by you from contracts let by other New York State agencies, the United States Government or any other state with the concurrence of the Office of the State Comptroller and under appropriate circumstances. We call this procurement option "piggybacking."

The Procurement Services Group (PSG) stands ready to assist you in the use of this procurement option. To help us serve you, we ask that you review the following recommended steps, considerations and criteria when evaluating whether "piggybacking" is an option you may want to pursue:

- Have you reviewed the contract in question? Does the contract's product/service/technology meet your needs?
- Have you contacted the contracting agency to discuss piggybacking on their contract?
- Have you contacted the contractor and is the contractor interested in your piggybacking use of this contract?
- Are the contract prices reasonable and current? Have you discussed additional discounts from the contractor because of your added volume?

If you have considered all of these preliminary questions, then a next step is to help us process your piggybacking initiative. In that regard, the information required is similar to that which is needed for a procurement record for any purchase. Your request to us should include:

- A cover letter indicating your statement of need.
- Your answers to the questions on the enclosed "Contract Use Request Form."

Our review and approval will be based on the content of that package and a determination that the base requirements of the Finance Law for competition, reasonable results and conformance with statutorily required language have been met. In addition to the enclosed "Contract Use Request Form," included is an overview of the guidelines which we will follow in evaluating your request. We offer these documents to help you evaluate and shape your course of action.

When our evaluation of your submittal is complete, we will notify you in writing of our recommendation(s).

Please note that although the following does not need to come to OGS, this documentation is required when submitting a piggybacking request to the Office of the State Comptroller for final approval:

EXISTING CONTRACT	PIGGYBACK REQUEST
<ul style="list-style-type: none">• CONTRACT	<ul style="list-style-type: none">• NOTICE TO ORIGINATING AGENCY (N/A FOR CONTRACTS LET FOR MULTI-AGENCY USE)
<ul style="list-style-type: none">• CONTRACT PROCUREMENT RECORD (IF AVAILABLE)	<ul style="list-style-type: none">• CONSENT OF VENDOR
<ul style="list-style-type: none">• VENDOR'S AGREEMENT TO APPENDIX A IF NOT A NYS CONTRACT	<ul style="list-style-type: none">• VENDOR'S PROPOSAL TO ACQUIRING AGENCY OR AMENDMENT OF ORIGINAL CONTRACT TERMS RECOGNIZING THIS EXTENSION
	<ul style="list-style-type: none">• VENDOR'S PRICING PROPOSAL FOR THIS EXTENSION
	<ul style="list-style-type: none">• OGS APPROVAL OF THIS EXTENSION ACQUISITION
	<ul style="list-style-type: none">• OTHER APPROVALS

When you are considering a piggybacking initiative and have questions concerning the process, please contact the procurement staff who are normally responsible for that subject product, technology and/or service. If you do not know the appropriate person to contact, please direct your inquiry to the PSG Customer Services at (518) 474-6717.

When submitting your Contract Use Request, you may send it electronically to:

customer.services@ogs.state.ny.us

or mail it to the following address:

NYS Office of General Services
Procurement Services Group
37th Floor, Corning Tower
The Governor Nelson A. Rockefeller
Empire State Plaza
Albany, NY 12242

ATTENTION: CUSTOMER SERVICES

We recommend these guidelines be filed in Appendix C - Related Procurement Information, NYS Procurement Council Guidelines.

Enclosures

CL288-piggyback.doc