

## **Instructions for Requesting Negotiated Services (aka Exceptions)**

Below you will find instructions for all negotiated services regardless of dollar amount.

The NYC Department of Education Procurement Policy and Procedures can be found by clicking the following link:

[Procurement Policy and Procedures](#)

Also, as an FYI, though it may not be applicable in this instance, all travel expenses should be in compliance with the DOE's SOP on OTPS Purchases available at the following link:

[StandardOperatingProcedures\\_OTPS.pdf](#)

Up to \$25,000, if the basis for the exception can be justified, a principal or central head of office has the authority to approve negotiated services for professional services. Under these circumstances, all documentation (request memo, work plan and budget) should be created and kept on file at the particular office processing the negotiated service.

For negotiated services from \$25,001 to \$100,000, initial review and approval is by David Ross, Executive Director of Contracts and Purchasing, the Deputy Chancellor, Budget Office and subsequent approval must be provided by the Panel for Educational Policy. The total amount requested ***must*** be pre-encumbered and include the WJ# in your request.

Above \$100K, initial review and approval is by the Committee on Contracts (COC), and subsequent approval must be provided by the Panel for Educational Policy. For COC items, provide the name and telephone number (both office and cell numbers) of the standby person who will be available to answer any questions posed by the COC during the meeting, FMC #, Object Code, Quick Code, Funding Source and Location Code.

***Regardless of the dollar threshold, all negotiated services requests require three documents: a memo requesting the service, a work plan and a detailed budget that correlates to the work plan.***

All questions appearing below must be thoroughly addressed in the request memo. The questions require that you address why an open competitive procurement was not done, why the particular vendor was chosen, and how it was determined that the price is fair and reasonable, which requires a price comparison to other providers of an equivalent or similar service.

**Provide a description of the services being procured.**

**State reason for this negotiated service.**

**Why was this not competitively bid?**

**If this request is a result of an error (i.e. poor planning, not following procurement guidelines) state this fact and corrective actions taken to prevent a recurrence (i.e. RFB, RFP will be released or vendor will submit a MTAC application).**

**What is the term of the contract?**

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Is the service retroactive? Yes \_\_\_ No \_\_\_

- If the answer is Yes please explain

What makes this a unique service?

- Salient characteristics that make it unique.

What are the benefits of this service?

What research was done to determine that this company is the best provider of this service?

What is included in the cost?

Have vendor complete the attached detailed Annual Budget Summary form (only if greater than \$100K) and submit it as an attachment to your request. Is the price fair and reasonable? How was this substantiated?

Is this the vendor's best price, even though this may be the only price quoted? The Department should demand and receive the lowest price offered for these services. What assurances do we have that we are getting the best price?

How will future requirements be handled?

How will this vendor be paid (i.e. weekly, monthly)?

The request memo should be addressed to David N. Ross. **All requests from central offices must be signed by the Deputy Chancellor and by the BFSC if request is from a school** and sent to the attention of one of the following Chief Administrators, as appropriate:

- Jim McBride, [JMcBride2@schools.nyc.gov](mailto:JMcBride2@schools.nyc.gov), Technology & Instructional Material Procurement
- Peter Frey, [PFrey@schools.nyc.gov](mailto:PFrey@schools.nyc.gov), Transportation, Food & Facilities
- Angela Edwards, [AEdwards@schools.nyc.gov](mailto:AEdwards@schools.nyc.gov), Central Office Procurement
- Susan Dick-McKeon, [SDick@schools.nyc.gov](mailto:SDick@schools.nyc.gov), School Based Procurement

Please provide a point of contact with whom DCP can communicate regarding questions, clarifications, and contact information.

After approval by DCP, Deputy Chancellor, Budget Office and/or COC and PEP, DCP will submit the contracting information to a designated attorney who will draft the contract. After the contract is executed, it will be submitted to the NYC Comptroller's Office for registration.

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