

Below you will find instructions for all exceptions 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 Travel and Conferences available at the following links:

<http://dfoapps.nycenet.edu/SOP/Default.aspx?c=1160>

<http://dfoapps.nycenet.edu/SOP/Default.aspx?c=1159>

Instructions for Requesting Negotiated Services (aka Exceptions)

Up to \$25,000, if the basis for the exception can be justified, a principal or equivalent has the authority to approve exceptions to open competitive procurement 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 exception.

For exceptions from \$25,001 to \$100,000, initial review and approval is by David Ross, Executive Director of Contracts and Purchasing, the Chief Operating Officer (COO) and subsequent approval must be provided by the Panel for Educational Policy.

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. For items over \$5M, a representative from the Program Office is required to be available in person at the COC meeting.

Regardless of the dollar threshold, all exceptions 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 price is fair and reasonable, which requires a price comparison to other providers of an equivalent or similar service.

State reason for exception.

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 PQS application).

What is the term of the exception?

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 and submit it as an attachment to your request. Is the cost 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, signed by a Director, SSO officer or an Executive Director and sent to Rashad LeMonier at rlemonier@schools.nyc.gov or 718-935-2156 (fax). Please copy Jay Miller at jmiller40@schools.nyc.gov and Romaine Jagessar at rjagessar@schools.nyc.gov. Also, provide a point of contact with whom DCP can communicate regarding questions, clarifications, and contract information.

After approval by DCP, COO and/or PEP, DCP will submit the contracting information to Corporation Counsel and the NYC Comptroller for review and registration.