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MANUAL 500-2

SECTION 01.2

PROGRAM REVIEWS

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BUREAU OF MANAGEMENT ANALYSIS AND PROJECTS

1. Purpose

This procedure describes the process for periodic reviews of land transactions.

2. Applicable Law and/or Guidance

Thruway Real Property Management Policy (25-6-02)

Executive Instruction entitled Inappropriate Lobbying Influence In Authority/Corporation Procurements

3. Introduction

Periodic reviews of land transactions ensure that the New York State Thruway Authority (Authority) policies and procedures are being followed, and that areas for improvement are identified.

The Bureau of Real Property Management (BRPM) will conduct periodic program reviews of land transaction projects related to disposals and acquisitions, for compliance with land management procedures.

The Headquarters Permit Coordinator (HQPC) will conduct periodic program reviews of land transaction projects related to occupancy and work permits, for compliance with land management procedures.

The key to an effective review is to interview the people involved in the process to assess their level of understanding (as well as to seek their input for areas of improvement) and to collect evidence to document that policies and procedures are being followed and are effective.

4. Procedure

4.1. Pre-Review Activities

4.1.1. Annually, BRPM/HQPC will prepare a program review plan for the year. The plan should identify:

- What transactions will be reviewed?
- What Divisions, organizations or personnel will be part of the review?

- When will the review be conducted?
 - Are additional team members needed for the review and who should they be?
- 4.1.2. Prior to the review, BRPM/HQPC will further define the review scope. The REVIEW FIELD NOTES (NOTES) form¹ may be used to identify who will be interviewed, what documentation will be reviewed, etc.
- 4.1.3. If a team is being used for the review, the members will meet and discuss the review plan and scope of the review. Responsibilities will be assigned for team members, including what areas to review. Whenever possible, a representative from the Department of Audit and Management Services (A&MS) should be part of the team.
- 4.1.4. BRPM/HQPC will notify the affected organizations and individuals of the review and will select a review date and time. Information and records that will be reviewed should be identified so that the materials are ready for review when the team arrives.

4.2. Conducting the Review

- 4.2.1. BRPM/HQPC will coordinate the review. Typically, a short opening meeting is held that explains what will be looked at, who the team members are, and a description of their assignments. It should be stressed that input on areas for improvements is being sought as well.
- 4.2.2. The team will then divide up and complete their reviews. Both reviews of records and interviews should be conducted. Areas for improvement should also be identified.
- 4.2.3. A REVIEW CHECKLIST² may be used to develop the questions and information that should be reviewed for each procedure included in the review. The team may also identify other areas that should be included in the review.
- 4.2.4. At the end of the review, typically a short closing meeting will be held to discuss the tentative findings.
- 4.2.5. The results of the review will be finalized by BRPM/HQPC and the team. The results will be discussed with A&MS.

1 Exhibit 1

2 Exhibit 2

4.3. Corrective Action Plan

- 4.3.1. Following the review, the findings will be noted on the CORRECTIVE ACTION PLAN (PLAN)⁺. BRPM/HQPC will identify actions to be taken to correct the findings whenever possible. In some cases, the corrective action will need to be identified by the organization reviewed.
- 4.3.2. BRPM/HQPC will send the PLAN to the organizations reviewed, ask them to review corrective actions, fill in or add other corrective actions, assign someone responsibility for completing the actions, and provide a proposed due date. The PLAN should be completed and returned to BRPM/HQPC within ten days.

4.4. Follow-Up

- 4.4.1. Upon receipt of the completed PLAN, BRPM/HQPC will track the actions until completed and will document verification of completion.
- 4.4.2. BRPM/HQPC will periodically update A&MS and other applicable personnel as needed on the review and status of the corrective actions.
- 4.4.3. Based on the review, procedures will be updated and revised as needed using SOP-DEVELOPING AND REVISING PROCEDURES (500-2-01.1).

4.5. Other Reviews

A&MS conducts audits that review financial and internal controls. Both internal and external consultants are used. A&MS will conduct periodic audits of the Authority, including real property management. A&MS is also available to provide in-house consulting and oversight related to internal controls.

5. Responsibilities

A&MS will coordinate Authority audits related to financial and internal controls, including those involving real property management. In addition, A&MS will provide in-house consulting and oversight related to internal controls.

+ Exhibit 3

BRPM will coordinate the land transaction review process for disposals and acquisitions, including setting up a review plan, identifying and setting up a review team (as needed), conducting the review, overseeing preparation of a corrective action plan, verifying that review items were corrected and communicating review information.

HQPC will coordinate the land transaction review process for occupancy and work permits, including setting up a review plan, identifying and setting up a review team (as needed), conducting the review, overseeing preparation of a corrective action plan, verifying that review items were corrected and communicating review information.

EXHIBIT 1
REVIEW FIELD NOTES
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Review Field Notes
Type of Transaction Reviewed: _____
Division/Organization Reviewed: _____
Reviewer(s) : _____ Date(s) : _____
What documents or projects should I review?
Whom should I talk to?
What questions should I ask?
What kinds of evidence do I need?

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EXHIBIT 2
REVIEW CHECKLIST
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Questions	Compliance Yes/No	Comments/Evidence Reviewed
General		
1. Were transactions completed within a year unless otherwise approved by the Board?	Yes No	
2. Were transactions resubmitted to the Board following Board approval, when: (1) background information presented to the Board changed and the Executive Director determines that the item should be resubmitted to the Board; and (2) when a Board-approved transaction could not be progressed?	Yes No	
3. Were records easily located?	Yes No	
4. Was all information contained in the official Transaction Record?	Yes No	
5. Were records retained for required retention periods?	Yes No	
6. Were employees aware of requirements?	Yes No	
7. Were areas for improvement identified?	Yes No	
TRANSACTION ANALYSIS PROCESS (500-2-02.1)		
Applies to all land transactions		
8. Are inquiries entered on a Thruway Real Property Inquiry form (TA-N5114)?	Yes No	
9. Is the Thruway Transaction Analysis/Recommendation (TTAR) form (TA-N5516) completed and approved and kept in the Transaction Record?	Yes No	
10. If required on the TTAR, was a competitive process used?	Yes No	
11. If required on the TTAR, was a survey and/or appraisal completed?	Yes No	
12. If required, was an explanatory statement prepared and submitted to required parties at least 90 days prior to the transaction completion?	Yes No	
13. Were Lobbying Law reporting requirements met for any contacts during the pending transaction? (See EI: Inappropriate Lobbying Influence in Authority/Corporation Procurements)	Yes No	
14. Was the applicant notified of any rejection of the project?	Yes No	
15. Other:		

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Questions	Compliance Yes/No	Comments/Evidence Reviewed
APPRAISALS AND SURVEYS (500-2-02.2)		
16. Was a survey completed where required?	Yes No	
17. Was a survey letter providing the scope used?	Yes No	
18. Was the survey reviewed by the Real Property Unit and any issues resolved ?	Yes No	
19. Was an appraisal conducted where required?	Yes No	
20. Was an appraisal scope letter developed and approved by BRPM?	Yes No	
21. Was the appraisal reviewed and approved by BRPM?	Yes No	
22. Were any appraisal differences resolved?	Yes No	
23. If the appraisal was over one year old, did BRPM review the appraisal to determine if an update was needed?	Yes No	
24. For an exchange of property where the value of each property was <\$300,000, were one survey and one appraisal prepared for each property?	Yes No	
25. For an exchange of property where the value of either property was >\$300,000, were one survey and two appraisals prepared for each property?	Yes No	
26. For an exchange of property, did the appraisals demonstrate that the property to be acquired is of at least equal value to the property to be exchanged?	Yes No	
27. Other:		
SUBMITTALS TO THE OFFICES OF THE ATTORNEY GENERAL AND THE STATE COMPTROLLER (500-2-02.3)		
28. Were submittals submitted to the Attorney General's Office when required?	Yes No	
29. Did submittals contain the information listed in the procedure?	Yes No	
30. Were projects submitted to OSC for review and approval when required?	Yes No	
31. Other:		
STATE ENVIRONMENTAL QUALITY REVIEW ACT (500-2-02.4)		
32. Were copies of applicant permits obtained prior to the start of work?	Yes No	
33. Was a short or full environmental assessment form prepared? (Note: Type I actions require a FEAF)	Yes No	
34. Was the SEAF or FEAF reviewed by Division and a recommendation of type and impact made?	Yes No	

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Questions	Compliance Yes/No	Comments/Evidence Reviewed
35. If exempt from review, was Exhibit 5 completed and placed in the Transaction Record?	Yes No	
36. Were other involved and/or interested agencies identified and given the package for review?	Yes No	
37. Were the application, SEAF/FEAF and Division recommendation reviewed by OTPES?	Yes No	
38. Did the Board review and make the SEQRA determination?	Yes No	
39. If there was a positive declaration, did the Legal Department and BRPM coordinate further required review?	Yes No	
40. Did BRPM notify the applicant of the determination and any need for an EIS?	Yes No	
41. Other:		
OCCUPANCY PERMITS (500-2-02.5)		
42. Where a disposal was contemplated, were any permits issued in advance of the disposal approved by the Executive Director? See Work Permit Exceptions – Exhibit 2 in SOP 500-2-02.1.	Yes No	
43. Where an occupancy permit was required, was any work permit issued in advance of the disposal approved by the Executive Director? See Work Permit Exceptions – Exhibit 2 in SOP 500-2-02.1.	Yes No	
44. Was a TTAR prepared and approved for the transaction?	Yes No	
45. Were annual fees determined by Division real estate personnel by appraisal where there was no fee schedule?	Yes No	
46. Were fees received and a receipt issued and the fee sent to the Credit and Collection Unit or was a permit closure notice sent to the applicant?	Yes No	
47. Was a Transaction Record kept by the HQPC?	Yes No	
48. Were any appeals of the permit fee sent to the DD for handling in accordance with regulations and procedures?	Yes No	
49. Other:	Yes No	
WORK PERMITS (500-2-02.6)		
50. Where a disposal was contemplated, were any permits issued in advance of the disposal approved by the Executive Director? See Work Permit Exceptions – Exhibit 1 of this SOP.	Yes No	

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Questions	Compliance Yes/No	Comments/Evidence Reviewed
51. Where an occupancy permit was required, was any work permit issued in advance of the disposal approved by the Executive Director? See Work Permit Exceptions – Exhibit 1 of this SOP.	Yes No	
52. Were fees, security deposit and performance bond received and a receipt issued and the fee sent to the Credit and Collection Unit?	Yes No	
53. Did the DPC ensure that the insurance certificate was current and provided adequate coverage?	Yes No	
54. Did the DPC review and approve the application?	Yes No	
55. Was the applicant notified of any permit application rejections by the DD?	Yes No	
56. Were fees collected upon completion of the work, if required?	Yes No	
57. Following completion of the work, did the DPC conduct a site visit, if needed, and required follow-up action taken?	Yes No	
58. Other:		
PERMIT AND LEASE ENFORCEMENT (500-2-02.7)		
59. For delinquent accounts for nonpayment, were the steps described in the SOP followed?	Yes No	
60. For lapsed insurance, were the steps in Section 4.2 followed?	Yes No	
61. For other permit or lease violations, were the steps described in the SOP followed?	Yes No	
62. Did the HQPC (for permits) or BRPM (for disposals) coordinate a review to determine the appropriate response?	Yes No	
63. Was action taken to correct the violation?	Yes No	
64. Was the Board notified of any proposed lease termination?	Yes No	
65. Did the Credit and Collections Unit and/or the Legal Department coordinate collection of delinquent accounts as described in the SOP?	Yes No	
66. Was a Division site inspection conducted and documented as described in the SOP?	Yes No	
67. Were issues resolved?	Yes No	
68. Were encroachments handled in accordance with the SOP?	Yes No	
69. Other:		

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Questions	Compliance Yes/No	Comments/Evidence Reviewed
LEASES (500-2-02.8)		
70. Was a TTAR completed and approved for the lease?	Yes No	
71. Were any permits issued in advance of the lease approved by the Executive Director?	Yes No	
72. Was the lease resubmitted to the Board if any of the circumstances described in the SOP were met?	Yes No	
73. Was the lease completed within one year of Board authorization?	Yes No	
74. Were Lobbying Law requirements met including a restricted period, contact only with official contacts, vendor responsibility, etc.?	Yes No	
75. Were required survey and appraisal deposits and costs received?	Yes No	
76. Was any required survey or appraisal completed?	Yes No	
77. Were SEQRA reviews completed?	Yes No	
78. Did the DD notify the applicant of any rejections of their application?	Yes No	
79. Was the lease reviewed by the TRPMC?	Yes No	
80. Was the Board kept apprised of the progress of the lease?	Yes No	
81. If required, was an explanatory statement prepared and distributed by BRPM?	Yes No	
82. Did the Board authorize the lease?	Yes No	
83. Did the Legal Department prepare the lease?	Yes No	
84. Was the lease signed by the Executive Director, the Chief Financial Officer, and the Legal Department?	Yes No	
85. Where the total contract rental payments were >\$10,000, did the OAG and OSC approve the lease?	Yes No	
86. Did the Insurance Compliance Unit ensure that proper insurance coverage is in effect and process bond and rental payment?	Yes No	
87. Did BRPM maintain a Transaction Record for the lease?	Yes No	
88. Other:		
ACQUISITIONS (500-2-02.9)		
89. For acquisitions by eminent domain, did the Legal Department coordinate the acquisition?	Yes No	
90. Was the acquisition completed within one year of Board authorization?	Yes No	

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Questions	Compliance Yes/No	Comments/Evidence Reviewed
91. Was the acquisition resubmitted to the Board if any of the circumstances described in the SOP were met?	Yes No	
92. Were Lobbying Law requirements met including a restricted period, contact only with official contacts, vendor responsibility, etc.?	Yes No	
93. Were required survey and appraisal deposits and costs received?	Yes No	
94. Was any required survey or appraisal completed?	Yes No	
95. Were SEQRA reviews completed?	Yes No	
96. Was the acquisition reviewed by the TRPMC?	Yes No	
97. Was the Board kept apprised of the progress of the lease?	Yes No	
98. Did the Board authorize the acquisition?	Yes No	
99. Did BRPM coordinate the preparation of the acquisition package?	Yes No	
100. Did the Legal Department prepare the purchase agreement or easement and applicable documents?	Yes No	
101. Was the purchase and sale agreement signed by the Executive Director, the Contracting Officer, and the Legal Department?	Yes No	
102. Where the property value was >\$15,000, did the OAG and OSC approve the acquisition?	Yes No	
103. Did the Legal Department coordinate the closing?	Yes No	
104. Did BRPM maintain a Transaction Record for the sale?	Yes No	
105. Other:		
SALES (500-2-2.10)		
106. Was a TTAR completed and approved for the sale?	Yes No	
107. Were any permits issued in advance of the sale approved by the Executive Director?	Yes No	
108. Was the sale resubmitted to the Board if any of the circumstances described in the SOP were met?	Yes No	
109. Was the sale completed within one year of Board authorization?	Yes No	
110. Were Lobbying Law requirements met including a restricted period, contact only with official contacts, vendor responsibility, etc.?	Yes No	
111. Were required survey and appraisal deposits and costs received?	Yes No	
112. Was any required survey or appraisal completed?	Yes No	

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Questions	Compliance Yes/No	Comments/Evidence Reviewed
113. Were SEQRA reviews completed?	Yes No	
114. Did the DD notify the applicant of any rejections of their application?	Yes No	
115. Was the sale reviewed by the TRPMC?	Yes No	
116. Was the Board kept apprised of the progress of the sale?	Yes No	
117. If required, was an explanatory statement prepared and distributed by BRPM?	Yes No	
Questions 118 and 119 - apply to sales by auction. For an RFP, reference procurement procedures.		
118. Did BRPM coordinate the development of an auction plan that was approved by the Contracting Officer?	Yes No	
119. Did the auction bid package contain the information required in the SOP?	Yes No	
120. Did the sale notice and advertising plan contain the information required in the SOP?	Yes No	
121. Was a notice of sale developed containing the information required in the SOP?	Yes No	
122. Were the plans followed?	Yes No	
123. Did prospective bidders register and did the registration form contain Lobbying Law requirements?	Yes No	
124. Was the sales agreement signed by the highest bidder at the conclusion of the auction and a deposit paid?	Yes No	
125. Did the Board authorize the proposed sale?	Yes No	
126. Did BRPM enter the transaction information on the list of real property with a FMV >\$15,000 that the Authority intends to dispose of for that year?	Yes No	
127. Was the sales agreement prepared by the Legal Department?	Yes No	
128. Was the sale agreement signed by the Legal Department, the Chief Financial Officer, and the Executive Director?	Yes No	
129. Where the sale contract value was over \$10,000, did the OAG and OSC approve the sale?	Yes No	
130. Did BRPM notify the applicant of any rejections?	Yes No	
131. Did BRPM notify ERPU to update maps and databases to reflect the sale?	Yes No	
132. Did BRPM keep the Transaction Record for the sale?	Yes No	
Other:		

