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MANUAL 500-2

SECTION 02.3

SUBMITTALS TO THE OFFICES OF THE ATTORNEY GENERAL AND THE STATE
COMPTROLLER

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BUREAU OF MANAGEMENT ANALYSIS AND PROJECTS

SUBMITTALS TO THE OFFICES OF
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1. Purpose

The purpose of this procedure is to provide guidance on the contents of real property transaction contracts and submittal process for contracts that require approval by the Offices of the Attorney General (OAG) and the State Comptroller (OSC).

2. Applicable Law and/or Guidance

New York State Finance Law §139-j, §139-k

New York State Public Authorities Law, Article 2, Title 9, New York State Thruway Authority, Article 9, Title 5-A

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

3. Introduction

OAG will review and approve real property contracts as to form and manner of execution prior to submittal to OSC. OSC must review and approve certain transactions before they are considered fully executed:

- Disposals of real property or interests therein where the property value exceeds \$10,000;
- Acquisitions of real property or interests therein where the damages exceed \$15,000.

Permits will not be sent to OSC for review.

4. Procedure

4.1. The Submittal Process

- 4.1.1. After the real property transaction is authorized by the Board, the Bureau of Real Property Management (BRPM) shall collect any relevant deposit from the applicant, and draft the agreement for the transaction.
- 4.1.2. BRPM shall submit the draft agreement to the Legal Department so that the General Counsel can assign it for review. The Legal Department shall review the draft agreement, and return it to BRPM with any necessary revisions. BRPM shall forward the draft agreement to the applicant for review and comment.

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- 4.1.3. Subject to any change(s) requested by the applicant and approved by the Legal Department, BRPM shall forward five original counterparts of the finalized agreement (six, if a lease) to the applicant for execution, and simultaneously collect the balance of the deposit from the applicant.
- 4.1.4. Following execution, BRPM shall submit the agreement counterparts, along with attendant supporting documentation, to OAG for review and approval. Lease agreements are to be forwarded to OAG's Contracts Bureau, while all other agreements are to be forwarded to OAG's Real Property Bureau.
- 4.1.5. Following approval by OAG, BRPM shall submit the agreement counterparts, along with attendant supporting documentation, to OSC for review and approval.
- 4.1.6. Following approval by OSC, which will retain one agreement counterpart, BRPM shall forward one agreement counterpart, along with a transmittal memo, to the Legal Department; and two such counterparts, along with a transmittal letter, to the applicant.
- 4.1.7. Following receipt of an agreement counterpart, the Legal Department shall arrange for the closing of the transaction. Following such closing, the Legal Department shall ensure that the Authority receives a certified copy of the instrument following its recordation in the County Clerk's Office of the county in which the property is located. Thereafter, the Legal Department shall retain one copy of the recorded instrument, forward one such copy to the Department of Engineering Real Property Unit, and forward the certified copy to BRPM for retention in the transaction file.

4.2. Contents of the OSC Submittal Package

In order to ensure consistency in submittals, BRPM shall include the following documentation and information in each submittal:

- OSC SUBMITTAL COVER LETTER⁺ stating the requested contract approval, and enumerating the contents of the submittal;
- All original counterparts of the executed agreement;
- Copy of Board meeting minutes in which resolution approving transaction is adopted;

+ Exhibit 1

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- Copy of the Board agenda item (to serve as executive summary of transaction);
- Copy of meeting minutes of the Thruway Real Property Management Committee in which the transaction is recommended;
- Copy of survey map;
- Appraisal(s) and appraisal review(s);
- Copy of State Environmental Quality Review Act (SEQRA) determination;
- For negotiations requiring preparation of an explanatory statement, a copy of the explanatory statement and any comments received regarding the statement;
- A completed Contract Encumbrance Request (Form AC 340) signed by the Contracting Officer;
- Copy of CERTIFICATE OF COMPLIANCE WITH THE AUTHORITY/
CORPORATION GUIDELINES REGARDING PERMISSIBLE CONTACTS
DURING A PROCUREMENT AND THE PROHIBITION OF INAPPROPRIATE
LOBBYING INFLUENCE (TA-W2111-9);
- Copy of DISCLOSURE OF PRIOR NON-RESPONSIBILITY
DETERMINATIONS (TA-W3053-9);
- Copy of Vendor Responsibility Profile, Agency Certification and Vendor Disclosure (questionnaire and attachments), as required for the type and amount of the transaction;
- Copy of record of Open-Bid Process (Notice of Sale, Bid Package, Bid Tabulation, and/or Request for Proposal); and
- Any other documentation relevant to the particular transaction.

5. Responsibilities

BRPM, in consultation with the Legal Department, shall coordinate preparation of documents and approval of contracts with OAG and OSC, and shall retain a copy of the submittal package in the Transaction Record.

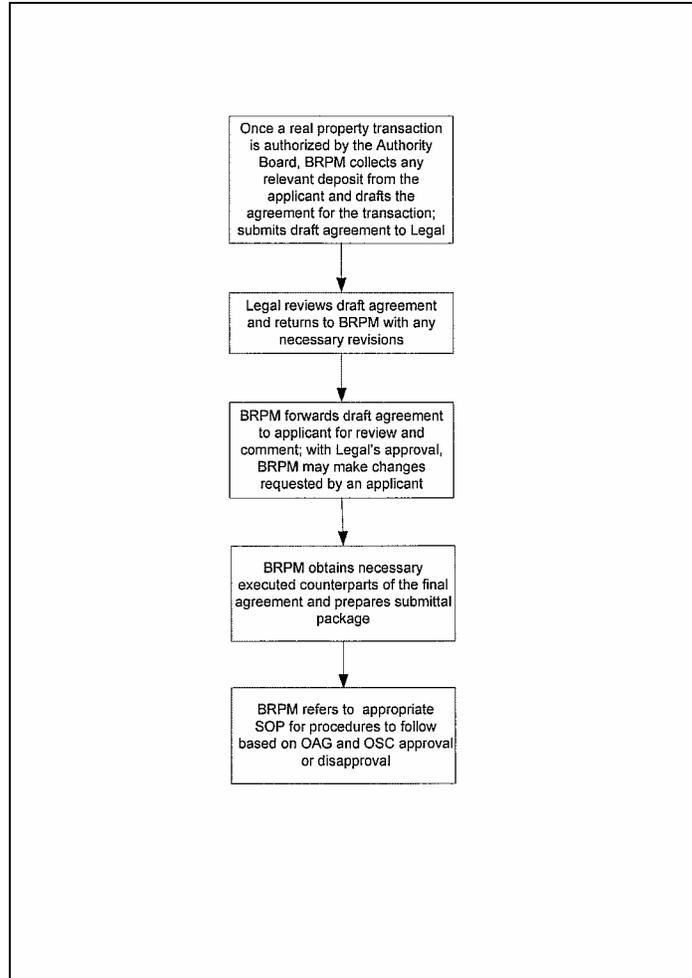
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6. Process Flowchart



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EXHIBIT 1
OSC SUBMITTAL COVER LETTER

This is the cover letter that will be used for submittals to OSC.

Content under development