

# **Appendix I Consultant Disclosure Information and Forms**

## **Instructions:**

Chapter 10 of the Laws of 2006 amended State Finance Law §§ 8 and 163 by requiring:

- That the Office of the State Comptroller (OSC) include in the Consulting Services Report (that it compiles annually on contracts issued by State agencies for consulting services during the previous fiscal year), certain additional information on employees providing services under such contracts;
- That contractors annually report certain employment information to the contracting agency, the Department of Civil Service (DCS) and OSC; and
- That OSC include such employment information in the Procurement Stewardship Act Report it compiles annually.

The new legislation took effect on June 19, 2006.

## **State Contractors Employment Information:**

As a result of these changes in law, State contractors must disclose, by employment category: the number of persons employed to provide services under a contract for consulting services, the number of hours worked and the amount paid to the contractor by the State as compensation for work performed by these employees. This must include information on any persons working under any subcontracts with the State contractor.

Chapter 10 of the Laws of 2006 expands the definition of “contracts for consulting services” to include: any contract entered into by a State agency for analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal, or similar services.

## **Initial Report Requirements:**

State Finance Law § 8 (subd. 17) requires that OSC report to the Legislature on contracts for consulting services that were issued by State agencies during the previous fiscal year. The new legislation requires that OSC include in the Consulting Services Report the employment information described above. To comply with the law, State agencies must include in the Procurement Record, which is submitted to OSC for new consultant contracts, the “State Consultant Services Contractor’s Planned Employment From Contract Start Date Through the End of the Contract Term” (Form A). The completed form must include information for all employees providing service under the contract whether employed by the contractor or a subcontractor. Please note that the form captures the necessary planned employment information **prospectively from the start date of the contract through the end of the contract term.**

## **Annual Report Requirements:**

Chapter 10 of the Laws of 2006 mandates that State contractors report annually on the employment information described above, including work performed by subcontractors. Annual employment reports shall be submitted by the contractor to the contracting agency, to OSC and to DCS. OSC must include the employment information in the Procurement Stewardship Act Report required by State Finance Law § 163 (subd. 14).

“State Consultant Services Contractor’s Annual Employment Report” (Form B) shall be used to report the information to the required agencies. Please note that, in contrast to the information to be included on Form A, which is a one-time report of planned employment data for the entire term of a consulting

contract on a projected basis, ***Form B must be submitted each year the contract is in effect and shall capture historical information, detailing actual employment data for the most recently concluded State fiscal year (April 1 – March 31).*** For existing contracts for consulting services (i.e., in place before June 19, 2006), contractors must submit Form B annually, commencing with the close of fiscal year 2006-2007.

The first “State Consultant Services Contractor’s Annual Employment Report” (Form B) shall be due May 15, 2007, and must include information for the period ending March 31, 2007. Thereafter, the “State Consultant Services Contractor’s Annual Employment Reports” shall be due no later than May 15th of each succeeding year.

### **Summary:**

The Procurement Record for new contracts for consulting services received by OSC for approval on or after July 17, 2006 must include a completed Form A. For all such contracts, including those contracts resulting from mini-bids, Form B shall be submitted annually by the contractor to the contracting agency, DCS and OSC. In addition, with respect to contracts for consulting services in place prior to June 19, 2006, contractors must submit a completed Form B annually, commencing with the close of fiscal year 2006-2007.

### **Completing the Forms:**

Form A and Form B shall be completed for contracts for consulting services in accordance with the following:

**Scope of Contract (Form B only):** A general classification of the single category that best fits the predominate nature of the services provided under the contract.

**Employment Category:** The specific occupation(s), as listed in the O\*NET occupational classification system, which best describe the employees providing services under the contract.

(Note: Access the O\*NET database, which is available through the US Department of Labor’s Employment and Training Administration, on-line at [online.onetcenter.org](http://online.onetcenter.org) to find a list of occupations.)

**Number of Employees:** The total number of employees in the employment category that are employed to provide services under the contract during the Report Period, including part time employees and employees of subcontractors.

**Number of hours (to be) worked:** For Form A, the total number of hours to be worked, and for Form B, the total number of hours actually worked during the Report Period by the employees in the employment category.

**Amount Payable under the Contract:** The total amount paid or payable by the State to the Contractor under the contract, for work by the employees in the employment category, for services provided during the Report Period.

### **Send Form B to OSC as follows:**

By mail:  
NYS Office of the State Comptroller  
Bureau of Contracts  
110 State Street, 11th Floor  
Albany, NY 12236  
Attn: Consultant Reporting

### **Send Form B to DCS as follows:**

By mail:  
NYS Department of Civil Service  
Alfred E. Smith Office Building  
Albany, NY 12239  
Attn: Executive Office



