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MANUAL 900-1

SECTION 02.5

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
THE ATTORNEY GENERAL AND THE
STATE COMPTROLLER

September 2006

900-1-02.5

1 of 7

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 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 Accountability Act of 2005

Canal Real Property Management Policy (25-6-01C)

3. Introduction

The Attorney General's Office will review and approve real property contracts as to form 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 total payment exceeds \$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 Office of Land Management (OLM) will notify the Legal Department and provide them with project information as described in the applicable procedure.

- 4.1.2. The Legal Department will work on any applicable agreements, and work with the Attorney General's Office on preparation of any necessary deeds or other instruments, and review of title work. The Legal Department will coordinate the submission of real property contracts to the Attorney General's Office for approval as to the form. Upon approval by the Attorney General, the Legal Department will notify OLM to prepare the OSC submittal package and provide OLM with a copy of the approved contract.
- 4.1.3. OLM will prepare the OSC submittal package, with the assistance of Purchasing and/or the Legal Department as needed. OLM will then send the submittal package to OSC and file a copy of the package in the Project Record.

4.2. Contents of the OSC Submittal Package

In order to ensure consistency in submittals, OLM should include the following information in each submittal:

- OSC SUBMITTAL COVER LETTER⁺ summarizing the project
- Executive Summary consisting of:
 - Identification of property including property identification number, type of transaction (e.g., sale, acquisition, etc.), location, address and parties;
 - Parcel number;
 - Action requested (e.g., approval of the agreement for sale);
 - Description of transaction involved;
 - Authority of Canal Corporation (Corporation) to conduct the transaction and review;
 - History of the parcel and reason for transaction and related transactions not included in the submittal;
 - Description of other real property transaction processes that will be required after approval of the agreement (e.g., easements, etc.);

+ Exhibit 1

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

September 2006

900-1-02.5

3

- Involvement of other State agencies in the transaction, if applicable;
 - Summary of appraisals conducted and value, including internal and consultant reviews (if applicable);
 - Description of competitive process. The description of the process should include how the property was advertised, interest in, reasoning for selection of the party involved in the transaction. If a competitive process was not used, describe the reason;
 - Review by the Canal Recreationway Commission (CRC) and Board;
 - State Environmental Quality Review Act (SEQRA) status; and
 - List of Attachments.
- Original copy of the signed Agreement and additional needed signature pages (i.e., vendor, agency)
 - CRC recommendation and Board approval
 - Appraisal(s) and appraisal reviews
 - Survey map, specifications and other project information
 - SEQRA determination
 - For negotiations requiring preparation of an explanatory statement, a copy of the explanatory statement and any comments received regarding the statement
 - Clean Batch Transmittal
 - AC-340 Encumbrance Document or P-Contract Data Sheet
 - Vendor Responsibility Profile, Agency Certification and Vendor Disclosure (questionnaire and attachments), as required for the type and amount of the transaction
 - Procurement Record (Request For Proposal, Invitation For Bid, procurement record checklist, certified bid tabulation, etc.)

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

September 2006

900-1-02.5

4

5. Responsibilities

The Legal Department shall coordinate preparation of documents and approval of contracts with the Attorney General's Office.

OLM in consultation with Purchasing and/or the Legal Department will coordinate the preparation of the OSC submittal package. OLM will keep a copy of the complete submittal package in the Project Record.

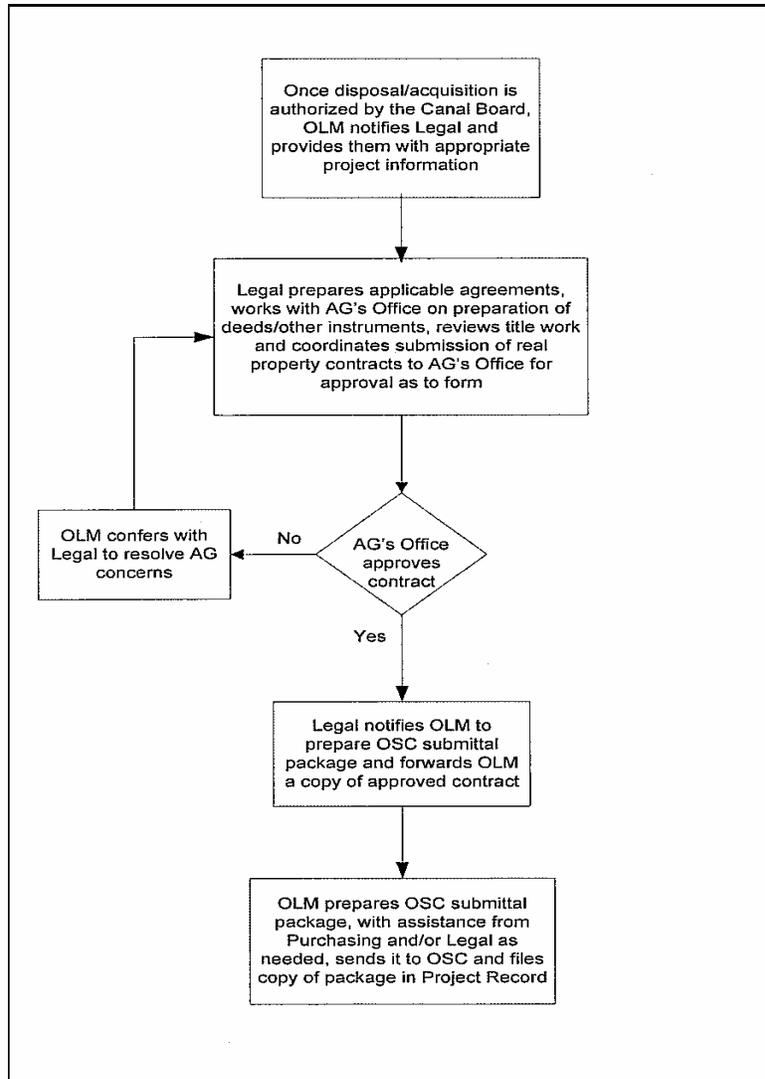
SUBMITTALS TO THE OFFICES OF
THE ATTORNEY GENERAL AND THE
STATE COMPTROLLER

September 2006

900-1-02.5

5

6. Process Flowchart



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

September 2006

900-1-02.5

6

EXHIBIT 1
OSC SUBMITTAL COVER LETTER
Page 1 of 2

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

< insert date >

Office of State Comptroller
Bureau of Contracts
110 State Street, 11th Floor
Albany, New York 12236
Attn: < insert name >

RE: AGREEMENT OF SALE OF REAL PROPERTY
CONTRACT NO. < insert number >
< insert purchaser's name >

Dear < insert name >:

Enclosed for your review and approval are four (4) counterparts of the signed AGREEMENT FOR SALE OF REAL PROPERTY for the above referenced transaction. The canal land subject to this sale is located in Waterford, on the north side of the Mohawk River and consists of two parcels, each about sixty (60) feet wide. One parcel is approximately 0.358 acre, and the other is approximately 0.163 acre. The counterparts have been approved as to form by the New York State Attorney General's Office.

A comprehensive background of the proposed sale is contained in the enclosed Canal Corporation Board Meeting CC- 137 agenda item and Resolution No. 371 authorizing the disposal of the parcels.

Enclosed for your review in support of this contract are:

a completed Contract Encumbrance Request (AC-340);
a copy of Resolution No.300 adopted by the Canal Corporation Board and attendant agenda item; and, a copy of Resolution No. 371 and attendant agenda item adopted by the Canal Corporation Board;
a copy of the appraisal report prepared by American Property Counselors; and
a copy of the review of the appraisal report prepared by the Office of General Services contained within;

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

September 2006

900-1-02.5

7

OSC SUBMITTAL COVER LETTER

Page 2 of 2

- 1) Contract and Disclosure of Contracts Form Appendix B;
- 2) Contract and Disclosure of Prior Non-Responsible Determinations Appendix C;
- 3) Contractor Certification of Compliance with the Authority/ Corporation Prohibitions of Inappropriate Lobbying Influence and Reimbursement of Outside Lobbying Expenses;
- 4) a State of New York Responsibility Questionnaire;
- 5) a Vendor Responsibility Profile;
- 6) an Agency Responsibility Certification; and,
- 7) a copy of the Explanatory Statement of Circumstances of Disposal by Negotiation dispersed pursuant to Section 2897 6.d(i) (B) of the Public Authorities Accountability Act of 2005

Please be advised that some of the supporting documentation were deliberated upon by the Board in "Executive Session" and are classified by the Corporation as *confidential and non-public*. Accordingly, please safeguard these documents.

Thank you for your review and consideration of this AGREEMENT FOR THE SALE OF REAL PROPERTY. Please feel free to call me directly at < insert phone number > if you have any questions.

Sincerely,

Name
Office of Land Management

Attachments

CC: