Consultant Disclosure Legislation

The purpose of this document is to explain new reporting requirements that became effective June 19, 2006 requiring Prime Consultants providing services to the State related to Chapter 10 of the Laws of 2006 and to provide access the forms to be used to submit the necessary information in a uniform manner.

As a result of these changes in the law, Prime Consultants are required to disclose, by employment occupational category, the number of persons employed to provide services under a contract for consultant 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 will include information on any person working under any consultant subcontracts with the State’s Prime Consultant. The definition of contracts for consulting services includes 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. All future solicitations for consultant services will include this Chapter 10 requirement.

To comply with the law, State agencies must include in the Procurement Record submitted to OSC for new consultant contracts, the “State Consultant Services Contractor’s Planned Employment Form Contract Start Date Through End of the Contract Term” (Form A attached). Form A completed by the Prime Consultant must include information for all employees by Employment Category providing services under the contract whether employed by the contractor or a consultant subcontractor. Please note the form captures the necessary planned employment information prospectively from the start date of the contract through the end of the contract term. A list of occupations can be found on the US Department of Labor’s Employment and Training Administration O*NET database of employment categories at online.onecenter.org. MS Word and PDF versions of Form A are included below. Agreements for Term Consultant Services require the submission of Form A, however due to the initially undefined magnitude of the services to be provided only contract identification information is required; a Not Applicable (NA) should be entered in the first row requiring specific employee information.

Chapter 10 of the Laws of 2006 also mandates for all active procurement contracts above $15,000 that State agencies must require Prime Consultants to report annually on the employment information described above, including work performed by consultant subcontractors. The legislation mandates that the annual employment reports are to be submitted by the Prime Consultant to the (1) contracting agency, (2) to OSC, and (3) to the Department of Civil Service. “State Consultant Services Contractor’s Annual Employment Report”, Form B (included) is to be used to report this information. Please note that, in contrast to the information to be included on Form A, which is a one-time only report of planned employment data for the entire term of a consultant contract on a project basis, Form B (attached) will be submitted each year the contract is in effect and will capture historical information, detailing actual employment data for the most recently concluded State fiscal year (April 1 – March 31). MS Word and PDF versions
of Form B are included below. The Department will issue additional instructions on how to submit Form B before its first required submission for the period ending March 31, 2007. Agreements for Term Consultant Services require the submission of Form B annually identifying all staff, hours worked and amounts paid for the previous fiscal year. Note, the Prime consultant completes and submits both Form A & B, subconsultants do not submit either form to the State.

Complete Office of the Comptroller (OSC) instructions and electronic and PDF versions of Forms A and B may be accessed at: http://www.osc.state.ny.us/agencies/gbull/g-226.htm

ACTION STEPS

Form A
Completed by the Prime Consultant
Submitted to Contract Management Bureau with all new agreement Signature Pages

Includes prime and sub employees proposed to work on a project from its initiation to the end of the project contract period

Form B
Completed by the Prime Consultant
Completed annually for each consultant agreement

Submitted for the period April 1 – March 31

Includes prime and sub consultant employees who worked on the project during the State fiscal year (April 1 – March 31)
### State Consultant Services - Contractor's Planned Employment
From Contract Start Date Through The End Of The Contract Term

<table>
<thead>
<tr>
<th>State Agency Name:</th>
<th>Agency Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor Name:</td>
<td>Contract Number:</td>
</tr>
<tr>
<td>Contract Start Date:</td>
<td>Contract End Date:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Employment Category</th>
<th>Number of Employees</th>
<th>Number of hours to be worked</th>
<th>Amount Payable Under the Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total this page</th>
<th>0</th>
<th>0</th>
<th>$ 0.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grand Total</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Name of person who prepared this report:

Title:  
Preparer's Signature:  
Date Prepared:  /  /

(Use additional pages, if necessary)
State Consultant Services  
Contractor’s Annual Employment Report  
Report Period: April 1, to March 31,  

**Contracting State Agency Name:**  
**Agency Code:**  
**Contract Number:**  
**Contract Term:** / / to / /  
**Contractor Name:**  
**Contractor Address:**  
**Description of Services Being Provided:**

**Scope of Contract (Choose one that best fits):**  
- Analysis  
- Evaluation  
- Research  
- Training  
- Data Processing  
- Computer Programming  
- Other IT consulting  
- Engineering  
- Architect Services  
- Surveying  
- Environmental Services  
- Health Services  
- Mental Health Services  
- Accounting  
- Auditing  
- Paralegal  
- Legal  
- Other Consulting  

<table>
<thead>
<tr>
<th>Employment Category</th>
<th>Number of Employees</th>
<th>Number of Hours Worked</th>
<th>Amount Payable Under the Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>$ 0.00</td>
</tr>
</tbody>
</table>

**Total this page**  
0  
0  

**Grand Total**  

Name of person who prepared this report:  
**Preparer's Signature:**  
**Title:**  
**Phone #:**  
**Date Prepared:** / /  

Use additional pages if necessary)  
Page of