



September 22, 2009

Bulletin # 09-35

RE: Confirming Order Transactions

Confirming Orders are unacceptable and are in violation of NYS Procurement Guidelines. A Confirming Order is any order that bypasses the State's Procurement Process.

When a Confirming Order Transaction is received by the Contracts & Procurement Department, it will be reviewed for justification. If it is will not be processed without the signature of the President, Chief Operating Officer, or Chief Financial Officer. Departments that have placed a Confirming Order must submit a Letter of Justification to the Contracts & Procurement Department outlining the reason(s) this transaction was made without utilizing the appropriate procurement process. The Letter of Justification will be reviewed and if appropriate forwarded for the appropriate signature, returned for further clarification or rejected as invalid and returned to the department.

****Confirming transactions are in violation of the NYS Procurement Guidelines which requires that all procurements be conducted under an approved Purchase Order or Contract. No service should be performed or merchandise shipped without a valid signed contract or hard copy Purchase Order issued by the Department of Purchasing and Contract Management.**

NYS Comptroller's Guidelines Bulletin Number G-195, states that a State Employee who directs a vendor to start providing goods or services without an approved contract or purchase order may be personally liable for any indebtedness that is ultimately to be owed to the vendor.

If you have any questions, please contact Maria Lucido, Director of Procurement at extension 7214.