Project Sunlight Reporting Decision Tree

Is interaction in-person or video conference? (1)
- No → Do not report
- Yes →
  Is individual/entity categorically excluded? (2)
  - Yes →
    Is the value or potential value equal or greater than $25,000 in annual spend (3)
    - No →
      Is there a possibility that State funds will be used? (4)
      - No →
        Is this a substantive appearance? (5)
        - No →
          Are you in the role of decision-maker or advising a decision-maker? (6)
          - No →
            Are we within the Restricted Period? (7)
            - Yes →
              Are this an appearance to finalize a contract? (8)
              - Yes →
                Appearance to be reported within 5 days
              - No →
                Is the appearance post-award of a contract? (9)
                - Yes →
                  Appearance to be reported within 5 days
                - No →
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Revised 12/18/2013
<table>
<thead>
<tr>
<th>Decision</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>To be classified as a reportable appearance, the interaction must be in-person or by video teleconference. - Reporting of interactions by telephone is optional; they are not required to be reported by either SUNY or UB. - Contacts made by vendors using letter, e-mail or FAX are not required to be reported.</td>
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<td>(2)</td>
<td>Appearances by the following individuals/entities are categorically excluded and do not have to be reported: - Other state and local agencies and authorities, including tribal governments and federal government representatives. - Elected officials, executive or legislative employees, judges, or employees of the judiciary. - Representatives of the media. - Persons under the age of 18. - Medical Practitioners at SUNY Hospitals and the UB Dental School are not mandated to report appearances under Project Sunlight unless they serve as a SUNY Administrator and are acting on behalf of SUNY rather than in their Medical Practitioner role.</td>
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<td>(3)</td>
<td>Only procurements with a known or potential annual value of $25,000 or more in annual spend are required to be reported.</td>
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<td>(4)</td>
<td>Project Sunlight applies only to NYS funded procurements. If you know that the procurement will be funded entirely with RF and/or UBF funds, it is not required that the appearance be reported.</td>
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<td>(5)</td>
<td>A substantive appearance is one where the intent of the interaction is to influence the decision-making process. - Ministerial interactions, such as the scheduling of a meeting do not need to be reported. - Appearances that are purely informational and made at the request of UB to obtain information, e.g. market research, do not need to be reported. - Appearances between UB and an MWBE firm to determine the firm’s interest in and/or availability to provides goods/services do not need to be reported. - The vendor appearing before a UB representative may be representing themselves, their organization, be an outside representative such as a general counsel, or an outside representative such as a lobbyist or advocacy organization. - It is irrelevant whether the interaction is initiated by UB or the vendor/outside contact. Unsolicited sales calls are reportable if they meet the other criteria for reporting. - It is irrelevant where the appearance takes place, be it in your office, the vendor’s office, or any other public/private place. The level of formality of the meeting is also irrelevant. - Participation in meetings that are open to the public, such as meetings subject to the Open Meeting Law, or where a record of the meeting is otherwise available, are not reportable. Note that a meeting before or after a public meeting is reportable if it meets the other criteria for reporting. - Appearances at vendor conferences/expos and SUNY conferences where vendors appear are not required to be reported. - Confidentiality requirements imposed by federal or state statute, rule or regulation take precedence over the reporting requirements of Project Sunlight.</td>
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<td>(6)</td>
<td>You are a mandated reporter under Project Sunlight only if you are a decision-maker or a person that advises a decision-maker with respect to a procurement. - A decision-maker is a person in a position to approve the procurement and commit state funds. Titles of positions that are considered decision-makers include but are not limited to President, Vice President, Provost, Director of Procurement, Athletics Director, Dean, Chief Information Officer, and Facilities Director. - An advisor is a person that recommends or advocates for a purchase to a decision-maker. An advisor is typically a direct report to a decision-maker. Administrative assistants and secretaries are not classified as advisors to a decision-maker.</td>
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<td>(7)</td>
<td>Appearances during the Restricted Period, whether they are bid clarification meetings, bid interviews, or other permissible contact under the State Finance Law, do not need to be reported. - The Restricted Period commences with the first written notice, advertisement or solicitation related to a procurement and ends upon final contract award, or approval by the State Comptroller where applicable.</td>
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<td>(8)</td>
<td>Appearances to finalize a contract for any discretionary award do not need to be reported, however, appearances for the purpose of advocating for the receipt of discretionary state funds that have already been appropriated must be reported.</td>
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<td>(9)</td>
<td>Appearances following the award of a contract, relative to that contract, do not have to be reported, including: - The exercising of State contracts and consortia contracts where UB belongs to the consortium. - Meetings to define open terms within an awarded contract. - Meetings regarding contract performance.</td>
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</table>