

Project Sunlight Training



State University of New York

Project Sunlight

What is Project Sunlight?

A Component of the NYS Public Integrity Reform Act (PIRA) of 2011

- **Became effective on January 1, 2013**
- **Law established a publicly accessible online database hosted by the Office of General Services (OGS). It provides the general public with an opportunity to see what entities and individuals are interacting with state decision-makers prior to a formal contract.**

What does Project Sunlight REQUIRE?

The law requires that SUNY employees who are **decision makers or decision advisors, report all substantive “appearances”** with non-government entities (both individuals and firms) to an on-line searchable database within **five days** of the appearance when feasible *IF* the cost of the procurement / contract could be more than **\$25,000**. (All entries will be published on a public-facing website.)

Who Is a Decision Maker under Project Sunlight – examples?

Campus decision-makers include but are

not limited to:

President

Vice President Ops

Athletics Director

Other Vice Presidents

Provost

Director of Procurement

Purchasing Agent

Dean

Chief Information Officer

Facilities Director

Who Is a Decision Maker under Project Sunlight?

Who is a Decision-Maker or Decision Advisor:

- The Purchasing Dept. will designate campus Decision Makers and Advisors based on title and job function.
- However, there may be times when an employee not initially identified becomes a Decision Maker/Advisor.

*****Any employee who has the authority to make or “substantively” influence procurement decisions.*****

Example: A Faculty member meets with microscope vendors to find the best microscope for their academic program needs, and advises the procurement employee which microscope to purchase.

→ Faculty member is a mandated Project Sunlight reporter in this scenario.

Project Sunlight Procurement Appearances:

You only report appearances related to the:

- **SPENDING OF STATE FUNDS or**
- **PROCURING OF A STATE CONTRACT**

• If appearance is related to the spending of funds from a **non-State fund account** (i.e. Foundation or RF funds) = **NOT REPORTED**

Project Sunlight Procurement Appearances – definition:

- **Appearance Defined:**
A “substantive” interaction that is meant to have an impact on the decision making process of a state entity
- **To constitute an appearance, the interaction must be EITHER:**
 - an in person meeting, or
 - a video conference(It does not matter who initiated the appearance)

Project Sunlight Appearances: What MUST be reported

New Vendors for New Products, Service, Contracts: REPORT

- Meetings with new vendors for products, goods and services, prior to a contract being in place

Project Sunlight Appearances: What MUST be reported

Existing Vendors for New Products; New Services; New Contract: REPORT

- Meetings with existing vendors for new products or services, or products and services outside the scope of the current contract agreement with vendor

Contract Re-Negotiation: REPORT

- Meetings involving substantial renegotiations of Contracts

Project Sunlight Appearances: What MUST be reported

Appearances by Advocacy Organizations: **REPORT**

- Meetings with organizations, unions, and other businesses that are **advocating for another business** are also considered appearances

Example: Another higher education institution advocates for SUNY to use a vendor that they also use; this scenario constitutes a reported appearance

Not Project Sunlight Appearances: NOT reported

Written communication: **NOT REPORTED**

- Faxes, letters, or emails are not appearances

Phone Calls: **NOT REPORTED**

- Phone calls are not appearances

ONLY in-person and video conference appearances are reported*

Under Threshold Amount: **NOT REPORTED**

- Contacts related to procurements under \$25,000

Not Project Sunlight Appearances: NOT reported

Intra-State Communications: **NOT REPORTED**

- Contact between SUNY and other state agencies;
Includes appearances before:
 - other state and local agencies and authorities (including CUNY)
 - federal government representatives

Not Project Sunlight Appearances: NOT reported

Elected Officials: **NOT REPORTED**

- Contact by elected officials, executive or legislative employees

Philanthropy: **NOT REPORTED**

- Gifts, donations, or grants to the State that are not in exchange for real property, goods, or services

Not Project Sunlight Appearances: NOT reported

Existing Contracts: **NOT REPORTED**

- Appearances following the award of a contract related to contract administration; This includes:
 - Discussion of open contract terms
 - Purchases off an already existing contract
 - Meetings regarding contract performance

Meetings with the Research Foundation: **NOT REPORTED**

- Appearances in front of the Research Foundation because we have an existing contract with the RF to do business, generally, on SUNY's behalf

Not Project Sunlight Appearances: NOT reported

Emergency Procurements: **NOT REPORTED**

- Procurements related to emergencies, where emergency is defined the same as it is in the State finance laws.

Not Project Sunlight Appearances: NOT reported

Social Interaction: **NOT REPORTED**

- Short and informal meet and greets, introductions, or purely social interactions

Note: A social interaction can become a reportable appearance once the person tries to influence your decision related to a procurement or state contract

Not Project Sunlight Appearances: NOT reported

Industry Meetings, Conferences & Expos: **NOT REPORTED**

- Participation in widely-attended industry meeting is not considered an appearance
- **Practically, this means no reporting is required for:**
 - professional conferences
 - expos/ visiting booths on a show floor/ exhibit hall
 - panels
 - training or educational programs
 - public auctions
 - where a vendor attends a SUNY Conference

NOTE: reportable appearances can still happen **before and after** these widely attended events

Not Project Sunlight Appearances: NOT reported

RFP/ IFB Formal Procurement Processes: **NOT REPORTED**

- Appearances as part of a formal procurement that are otherwise covered by the Procurement Lobbying Law, including:
 - meetings that occur during the restricted RFP or IFB processes
 - bid meetings and presentations
 - meetings with designated contacts
 - bid clarifications

NOTE: The reason these formal procurement processes are excluded from reporting is because there are existing protocols that restrict communication to a designated contact during this time period

Must REPORT Information to OGS Database

- **Process for reporting appearances on campus**

- Binghamton University has designated staff in Purchasing who access the OGS database and input all Project Sunlight Appearances for the campus

What Information Must be Reported to OGS

- Date of Appearance (month, day, year)
- Type of Meeting:
In-Person *and/or* Video Conference
- Location of Appearance:
BUILDING, STREET, CITY, STATE, ZIP
- Purpose of Meeting: (one of the 5 categories listed in the law)
PROCURING, RATE MAKING, REGULATORY MATTERS,
JUDICIAL, ADOPTION OF A RULE
- Name of SUNY Contact and Affiliation:
SUNY SYSTEM ADMIN, SUCF, CAMPUS

What Information Must be Reported to OGS

- **Name of Company at Appearance**
- **Company Location:**
CITY, ZIP ONLY
(IF LARGE COMPANY, LOCATION THAT REP. WORKS OUT OF)
- **Outside Representative at Appearance:**
(E.G., COMPANY'S ATTORNEY, LOBBYIST)
- **Outside Representative's Location:** CITY, ZIP ONLY
(IF LARGE COMPANY, LOCATION THAT REP. WORKS OUT OF)
- **Name of Non-SUNY Contacts**

Project Sunlight: WHEN to Report By

Time Requirement:

Appearances must be reported to the database within **five (5) business days** of the appearance, whenever feasible.

Required SUNY Action

Binghamton University MUST:

Retain records of who has been trained on campus, and ensure re-training every other year. This will be done with online training software through the University Center for Training and Development

Quiz questions

1. An email is an example of an Appearance?
True or False
2. Appearances should be recorded in Project Sunlight within how many days of occurrence?
 - A. 5 Days
 - B. 10 Days
 - C. One Month
1. Who should you report an Appearance to?
 - A. Supervisor
 - B. Purchasing
 - C. University Police

Quiz question answers

1. An email is an example of an Appearance?
False
2. Appearances should be recorded in Project Sunlight within days of occurrence.
A. 5 Days
3. Who should you report an Appearance to?
B. Purchasing

Project Sunlight Resources

All Project Sunlight Information and the Appearance Recording Form can be found on the Project Sunlight link on the Purchasing website:

<https://www.binghamton.edu/offices/purchasing/project-sunlight.html>

The Appearance Recording Form may be emailed to purchasing@binghamton.edu within three business days of appearance for entry in Project Sunlight within 5 business days.

New York State Website: <http://projectsunlight.ny.gov/>

Questions? Contact:

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