

Award 22918, Industrial & Commercial Supplies & Equipment

Procedures for recovery of overcharges

Report of Contract usage (sales reports) are reviewed comparing the net sale price to the New York State net contract price. When there are overcharges (sale price higher than the New York State Contract Price) the following procedures are to be followed to recover the overcharges.

In recognition that there are costs associated with processing payments and following up on such repayment the following policy has been adopted by OGS Procurement Services regarding overcharges to Authorized Users.

OGS Procurement will perform a review of sales reports identifying contract purchases where Authorized Users were charged net prices higher than the New York State net prices awarded on the contractor's pricelist. OGS will provide the listing of overcharges to the contractors for their review. The contractor will identify the reason for each overcharge and how they will avoid future overcharges. Once OGS and the contractor have agreed on the refund values, the refunds will be paid as follows;

When the total of overcharges to an Authorized User in the sales reporting period being evaluated exceeds \$100 the refund should be paid to the Authorized User. It will be the Authorized User's discretion if the refund will be in the form of a credit or check.

When the total of overcharges to an Authorized User in the sales reporting period are less than \$100 the overcharges for that Authorized User should be paid to OGS. The contractor should combine all such Authorized User refunds into one check payable to **New York State, Office of General Services**.

Refunds should be issued within 10 business days from the day OGS and the contractor agree to the overcharge amounts.

The contractor will provide proof of payment to the OGS contract manager by providing the check number and date of issuance. If the Authorized User is refunded by credit memo a copy of that credit memo should be sent to the OGS contract manager.

Once approval of the recovery is agreed to, checks payable to OGS should be sent to:

**NYS Office of General Services
Financial Administration
P.O. Box 2166
Albany, New York 12242-2166**