



State University  
**Construction Fund**

# **Bulletin on Payment of Consultant Fees**

August 20, 2020

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## I. GENERAL INFORMATION

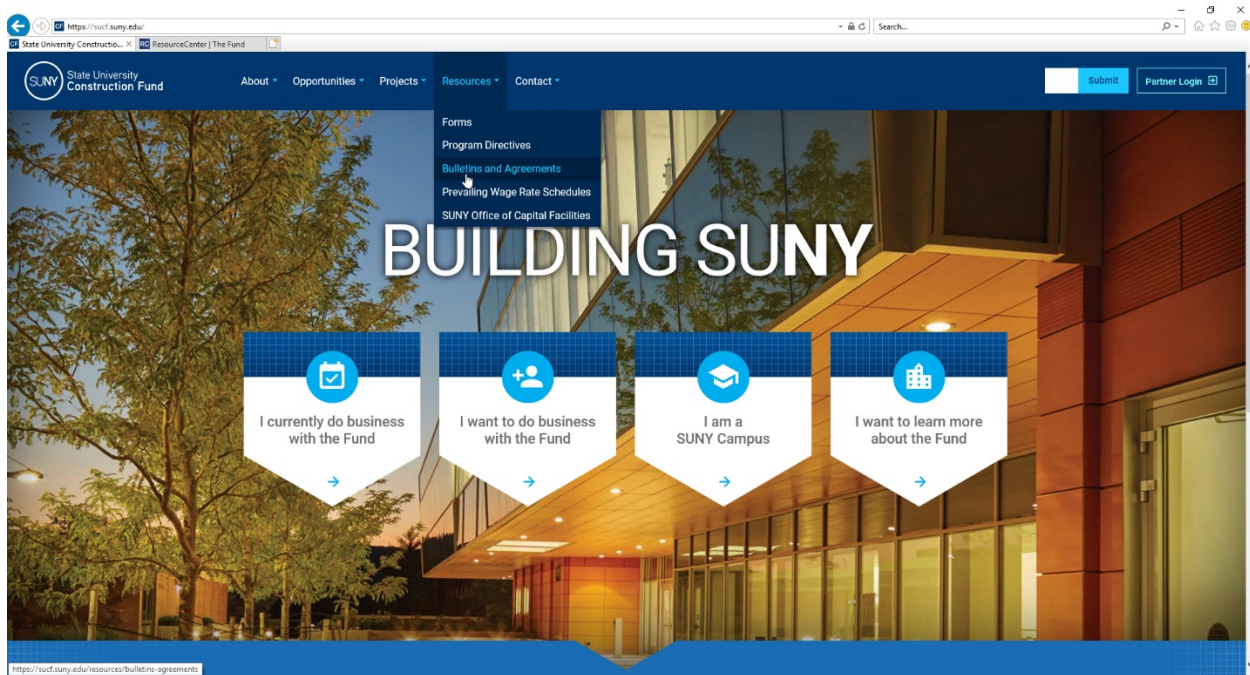
### What is the purpose of the Bulletin on Payment of Consultant Fees?

The purpose of this Bulletin is to provide guidance with respect to the Consultant's payment application. **The information provided in the Bulletin does not supercede contract provisions.** Conditions may arise for which the instructions are not inclusive. Unless otherwise stated in this Bulletin, all questions should be directed to the State University Construction Fund's (Fund) Project Coordinator.

### How do I submit a payment application?

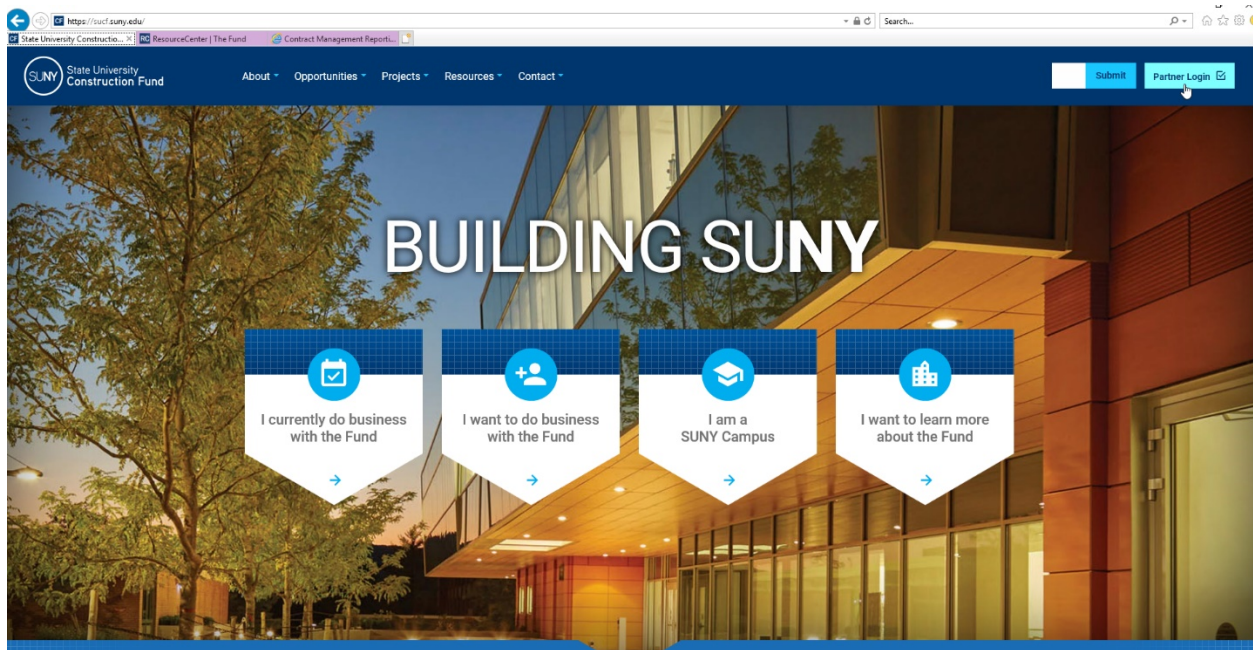
All applications for payment must be submitted using the Fund's web-based **Contract Management Reporting System (CMR)**. CMR can be accessed through the SUCF Website: <http://sucf.suny.edu>

For detailed instructions on how to register, access and use CMR, refer to the Fund's "[Contract Management Reporting System Guidelines](#)", found under Forms & Publications - SUCF Payment of Consultant Services which is located on the Resource Page and in CMR.



### How do I access CMR?

CMR may be accessed by clicking on the “Partner Login” link and then logging in with your username and password. To obtain login credentials, for each new contract, complete a ‘Contractor or Consultant Access Request Form’. This form is included in the Notice to Proceed package and once completed, it should be returned to Design Administration for processing.



### When can I enter and submit my next payment application in CMR?

You can begin working on your next payment application in CMR, after the previous application is submitted to the Fund for processing and approval.

You can submit the next application in CMR only after the previous application has been approved and released by the Fund to the Office of the State Comptroller (OSC) via the New York Statewide Financial System (SFS).

### If the final application certification has been paid, can I submit additional billing in the future?

No further billing may be submitted once the signed “Certification of Application for Final Payment” has been submitted to the Fund and final payment on the contract has been made.

## II. PAYMENT OF SERVICES

### 1. Payment Methods

Consultants are paid using one or more of the following methods as permitted by the contract:

#### A. Fee Schedule Method

- a) Payment for architectural and engineering services are based on a fee schedule which is part of the contract. The contract fees are calculated for each design phase.
- b) The "Deliverables" tab in CMR shows the cost estimate that is used to calculate the fees pursuant to the fee schedule in the contract. The Fund's written approval of a cost estimate or how a cost estimate was modified can be accessed using the hyperlink that is located next to relevant design phase on the "Deliverables" tab. In addition, on the "Reports" tab there is a report titled "Fee Schedule Report" which will display how the fees were calculated.

#### B. Direct Labor Method

- a) Payments for the commissioning or construction management contract services on basic fee contracts may be based on the Consultant staff's actual direct labor cost times the multiplier that is provided for in the contract.
- b) Direct labor cost is determined as follows:
  - i. The direct labor cost for hourly employees is the rate per hour actually paid to the employee, exclusive of overtime, vacation time, bonuses, fringe or other benefits and overhead.
  - ii. The direct labor cost for salaried employees is the actual gross salary, exclusive of overtime, bonuses, fringe or other benefits converted to a rate per hour.
    - For example, if the employee's weekly gross salary is \$2,400 with a 40-hour work week, the rate per hour is \$60.
- c) The contract may limit the rate per hour of Principals, Members or Partners of the firm. A Principal in the case of a corporation is defined as the President, Vice President, Secretary or Treasurer. For smaller companies, the President, CEO, the Founder, Owner and Principal are often the same person. Partner refers to someone with decision-making authority that can act on behalf of the entire business and is involved in the management and day-to-day operations of the venture.
- d) Unless otherwise approved by the Fund Project Coordinator, no more than eight hours of direct labor time for salaried employees may be billed during a 24-hour time period. Hourly employees will be paid for time actually worked regardless of time period.

#### C. Hourly Rate Method

For services authorized to be paid on a negotiated hourly billing rate, the rate billed includes all direct and indirect costs, other than those costs that are specifically identified in the contract as reimbursable. Please refer to the Fund's "Construction Managers Hourly Rate Guidelines" included with the Request for Proposal (RFP) for further information.

## D. Lump Sum Method

Payment shall be made upon satisfactory completion of the scope of the work, as determined by the Fund. Progress payments may be authorized on a monthly basis.

## E. Actual Cost Method

- a) Progress payments shall be made based on the actual cost to the Consultant. Note that no markups will be authorized when this method of billing is utilized.
- b) Actual cost payments must be supported by invoices from Subconsultants and/or firms performing the work. All Subconsultants and/or firms must be previously approved by the Fund.
- c) Invoices, in sufficient detail as determined by the Fund (including the Fund's project number), must be attached in CMR when the payment is submitted. Labor components must be broken down according to each person's title, direct labor rate, hours billed and the period in which the work was performed.

## 2. Extra Compensation Authorization Method (ECA)

For services not covered by the basic fee schedule, extra compensation may be authorized using the above-mentioned methods of payment.

**If your contract includes a provision for Extra Compensation Authorizations, please refer to the Fund's Program Directive IC-4 "[Extra Compensation Authorizations](#)".**

## 3. Timesheets and payroll registers

Timesheets and payroll register for all personnel (including Site Reps) must be maintained and provided to the Fund to support direct labor costs, rates and time worked on the project. Documentation must include, but is not limited to, the following:

- Timesheets that display separate internal job numbers for each person assigned to the project. In addition, for contracts that include extra or additional compensation authorizations, work covered by the basic fee must be distinguished from work associated with each extra or additional authorization. A crosswalk from the internal job numbers to the Fund's project number needs to be provided to the Fund.
- Timesheets must also show all clients served without redaction, including the Fund and the number of hours devoted to each client or other activities during the payroll period.
- Payroll registers must show the gross wages actually paid to the personnel and the hours worked during the payroll period.

### **III. REIMBURSABLE EXPENSES**

#### **Total reimbursement limitations**

Unless specifically authorized in writing by the Fund, reimbursement for travel and other reimbursable expenses, combined, is limited to 10 percent of the total basic fee or to the specific dollar amount shown in your contract.

#### **Timely requests for reimbursable expenses**

Requests for reimbursable expenses should be submitted within three months from the date when the expense was incurred. Late requests may require additional written justification. Justification would include documenting the basis for the expenses, such as attaching meeting minutes, email confirmations or other contemporaneous documentation to show which services were associated with the reimbursable expenses.

#### **When do I need to provide receipts?**

Expense receipts must be submitted with a payment application to substantiate any individual expenses incurred costing \$25 or more. In addition, receipts must be submitted for lodging, meals (receipted method), auto rentals and airfare, regardless of the amount.

While receipts for incidental expenses (tolls, parking, local bus and train fares, etc.) less than \$25 are not required to be submitted, you will be required to provide the date, item and cost for each incidental expense (e.g., 7/13/17: Toll \$3).

#### **A. Travel related expenses**

With the exception of field staff, expenses for travel by the Consultant or its Subconsultants to and from the site, their respective offices, or the Fund's office are reimbursable without special authorization. Written authorization from the Fund is required for all other trips, including out of state travel. Salary for time spent in travel is not reimbursable.

For field staff, travel expenses shall not be reimbursable unless such travel is to and from the home office of the Fund or the Project Consultant, or is approved in writing by the Fund.

#### **How are lodging, meals and incidental expenses reimbursed?**

Conventional lodging such as hotels and motels, meals and incidental expenses (M&IE) are reimbursed up to the U.S. General Services Administration (GSA) rates in effect when and where the travel occurs. These rates can be found on the [GSA Website](#). From the Travel Management menu select "Per Diem". For prior year rates select "Per Diem Files (Archived)" from the [GSA Website](#) Per Diem menu.

Reimbursement for lodging amounts in excess of the GSA per diem rate may be paid if it has been authorized in advance by the Fund in writing.

#### **Reimbursement options**

The method and amount of meal reimbursements to be provided are dependent upon whether the travel is overnight or non-overnight as explained below.

**1) Non-overnight travel**

Meal reimbursement for non-overnight travel will be paid based upon the actual expense incurred or a flat rate as indicated below.

**a) Actual expense – receipted**

Non-overnight travelers with meal receipts can be reimbursed for their actual cost up to the maximum amount of the meal and incidental expense allowance (M&IE Rate) for the particular area of travel. The current M&IE Rates can be found at the following link: [click here for current rates \(http://www.gsa.gov/portal/category/100000\)](http://www.gsa.gov/portal/category/100000). The rates displayed are the total allowed for both breakfast and dinner. If claiming only one of the meals under the receipted method, the following formula is applied to the total M&IE Rate to calculate the maximum allowed:

<b>Breakfast</b>	20% (Total M&IE Rate x .2)
<b>Dinner</b>	80% (Total M&IE Rate x .8)

Non-overnight travelers seeking reimbursement for breakfast or dinner under the receipted method are required to provide a receipt(s) that displays the name and location of the restaurant, the date, and the amount paid (including gratuity).

**b) Flat rate - unreceipted**

Travelers will receive the following flat rate meal reimbursement for non-overnight travel if no receipts are provided:

<b>Breakfast</b>	Leave office or home at or before	7:00 am	\$-5
<b>Dinner</b>	Return to office or home at or after	7:00 pm	\$12

Note that the actual expense and flat rate methods cannot be combined for a single trip.

**2) Overnight travel**

Travelers in overnight travel status can receive reimbursement for actual costs up to the GSA per diem rates for their dinner on the night(s) of their stay and their breakfast on the next morning(s). The per diem will be in the amount of the meal and incidental expense allowance (M&IE Rate) in accordance with the chart found at the following link: [click here for current rates](#). M&IE are reimbursed up to the rates in effect when and where the travel occurs. The Consultant is only entitled to M&IE reimbursement in the amount that was actually paid to the traveler. The Consultant is required to provide receipts substantiating the amount requested.

Should a traveler be entitled to an additional meal allowance due to the length of their trip (ie: leaves at/or before 7:00 am on the day of their stay or returns on/or after 7:00 pm on the night of their return), then the reimbursement for that meal is calculated as a pro-rated portion of the total applicable M&IE rate using the following formula:

<b>Breakfast</b>	20% (Total M&IE Rate x .2)
<b>Dinner</b>	80% (Total M&IE Rate x .8)



**What if I can't find lodging in the county of destination in accordance with the maximum allowable rate?**

If lodging is unavailable for the maximum allowable rate or less, then written justification must be submitted to the Fund prior to travel for approval. Adequate justification would include documenting that three (3) hotels were contacted in the county of destination and there were no rooms available.

**Are taxes included in the lodging portion of the per diem?**

Lodging taxes paid by the traveler are not included in the lodging portion of per diem rate. Taxes will be reimbursed in addition to the per diem rate. The reimbursed taxes must be prorated if lodging cost was more than the per diem rate.

For example, the maximum lodging rate is \$50 per night, and the traveler elects to stay at a hotel that costs \$100 per night, the Fund will reimburse 50% of the taxes, as that would be the amount attributable to the maximum lodging amount authorized.

**How are long-term lodging costs reimbursed?**

Long-term lodging reimbursement must be requested by the Consultant and pre-approved by the Fund in writing. The rate of reimbursement will be determined at that time.

**How am I reimbursed for use of my privately-owned vehicle (POV)?**

CMR will automatically generate the correct rate according to your travel date.

**How am I reimbursed for rental cars?**

When the use of a rental vehicle is necessary and prudent, travelers should use an efficient and cost-effective type of vehicle. The cost of a car rental is reimbursable and subject to the following limitations and exclusions:

- Rented vehicles will be allowed if common carrier or other public transportation, at a lesser charge, is not available or operates on schedules that are reasonably inconvenient for the purpose of the trip.
- Only actual, necessary and reasonable rental vehicle expenses will be reimbursed.
- Generally, reimbursement will not be allowed for a rented vehicle used for travel to/from the Consultant's home office.
- Rental insurance is not reimbursable.
- Gas is reimbursed based on actual expense.

**How am I reimbursed for taxi services?**

When using taxi services, travelers will be reimbursed based on actual expenses incurred. Travelers must provide all necessary receipts in order to be fully reimbursed. In addition, these expenses must be reasonable and appropriate.

## How is air travel reimbursed?

### a) Commercial air travel

- Air travel should only be scheduled in those instances where it is clearly in the Fund's best interest. Air travel must be specifically approved in writing by the Fund prior to the trip when the distance of one-way travel is less than 200 miles by car.
- Travel insurance will not be reimbursed.
- Air travel will be reimbursed based on the Coach Class rate including fees. Airline receipts must accompany the request for payment.

### b) Privately-owned airplanes

- If regularly scheduled commercial flights are not available, the use of a privately-owned airplane in lieu of other modes of transportation must be economically and logically justifiable.
- The use of a privately-owned airplane on Fund business will be reimbursed at the rate of up to the current state approved mileage for auto travel or at the published single-fare coach rates for commercial air transportation, whichever is the lesser amount, regardless of the number of passengers.

## B. Printing costs

The Fund will reimburse the Consultant for actual costs of the production and distribution of final bid and contract documents (specifications and drawings only, not review sets) up to the number of sets authorized in the construction document (pre-bid) phase approval letter. Reimbursement for additional sets must be specifically authorized in writing by the Fund.

### How are commercial printer costs reimbursed?

When permitted by the Agreement, commercial printing costs will be reimbursed based on the actual cost to the Consultant including postage and shipping charges.

The Fund's Design Coordinator will review the proposal for bid document printing and if necessary, conduct negotiations with the Consultant. Following completion of negotiations, if any, the Coordinator will provide the Consultant with an email confirming that the work-scope/level of effort has been evaluated and is considered as fair and reasonable. The Consultant will be instructed to attach this to their payment application when billing for bid document reproductions.

Postage and shipping charges will be reimbursed based on regular mailing and shipping rates. Use of express mail or shipping will only be utilized when specifically authorized in writing by the Fund.

Invoices for reproduction charges must be submitted and should include the following data:

- Invoice date
- Date the work was completed
- Fund Project number
- Customer's name
- Type, number and size of prints and unit costs.

### **How am I reimbursed for in-house reproduction services?**

If approved in writing by the Fund, the Consultant or its Subconsultants may perform in-house reproduction services. However, the cost shall not exceed the cost typically charged by a commercial printer.

### **What documentation is needed to support plan fees, deposits and forfeitures?**

A copy of the "Planholder's Log" must be submitted with final billing and include:

- the bidder's name and complete address
- the amount of the fee or deposit and whether or not the deposit was returned

### **When can I submit interim and final billing for printing costs?**

After a project is advertised for construction bidding, you may submit an interim billing for up to 90% of total actual bidding and contract document printing costs, by submitting invoices or internal billing charges for reproduction cost.

The final billing shall not be submitted until all bidding document deposits are returned to the Contractors (45 days after receipt of bids) or otherwise accounted for on the "Planholder's Log".

For all other printing, final billing may be submitted after receipt of the vendors' invoices for reproduction charges.

### **What credits will be taken by the Fund for document printing?**

A credit will be taken by the Fund for sets of the reproduction of any plans, specifications, reports and any other data and documents required by contract for the Fund's use (number of sets determined by contract) and for sets for the Consultant's use.

The Fund shall also receive a credit for the value of all deposits not returned to Contractors (forfeitures).

## **C. Advertising Costs**

### **What documentation is needed to support advertising costs?**

Actual costs incurred by the Consultant as a result of advertising for bids shall be reimbursable on the basis of the vendor's invoice to the Consultant for such advertisement. The Consultant should submit a copy of the vendor's invoice and a copy of the newspaper advertisement with the request for payment.

## **D. Field Office Expenses – applicable construction manager contracts only**

Only those costs that are deemed necessary and reasonable by the Fund will be reimbursed.

Examples of field office expenses that are authorized for reimbursement **WITHOUT** prior written approval include:

- Fees for water cooler rentals and bottled water (only when water is not provided by the campus)
- Office supplies such as printer paper, toner
- Cleaning supplies not provided by the campus through a cleaning service
- Paper towels (if not provided by the campus)

Examples of special field office equipment that are authorized for reimbursement only **WITH** prior written approval by the Fund:

- Copiers
- Computers and related equipment
- Furniture
- Televisions
- Cameras
- Software

Examples of costs that are **NOT authorized** for reimbursement:

- Food containers, plates or utensils
- Coffee and equipment rentals

## **E. Exclusions from billings**

The following items are considered to be part of the Consultant's overhead cost and are deemed included in the Consultant's basic fee and the override percentage, as applied to certain reimbursable expenses, and extra compensation costs; and therefore, shall not be included as a direct cost in any payment request:

- Advertising, other than the Fund's Notice to Bidders
- Bonuses and profit-sharing plans
- Books and periodicals
- Contributions
- Dues and registration fees
- Duplication of material, except as specifically mentioned in the Contract and in this Bulletin or when requested by the Fund
- Entertainment
- Interest and other financing costs
- Legal and accounting services
- Marketing costs
- Normal and recurring miscellaneous supply and overhead expenses not exclusively or directly devoted to a particular service or project of the Fund
- Pension, social security, liability insurance, worker's compensation, group health, and other fringe benefits
- Postage and shipping charges, except where otherwise specifically authorized by this Bulletin
- Profit
- Recruitment costs
- Rent, utilities, depreciation and amortization
- Salaries of principals and/or employees for time devoted to general office administration and correspondence not specifically contract or project related. This includes the typing of reports, plans, specifications and other documents
- Severance, vacation and sick leave pay
- Taxes other than New York State sales taxes, local sales taxes and Federal excise taxes or as approved by the Fund
- Training and educational costs

- Computer or equipment rental, unless approved by the Fund
- Supplies for Site Rep Trailers (other than those listed in Section III.D)

## **IV. SUBCONSULTANT PAYMENT REPORTING**

All payments to Subconsultants must be reported in CMR, including those made after final payment was processed on the contract by the Fund. If you need to make any changes to the approved "Subconsultant/MWBE Staff List", you must contact the Fund's Project Coordinator.