

**Office of the State Comptroller
Bureau of Contracts
Energy Commodity Contracts Subject to 48 Hour Review Submission Checklist¹**

Yes No

- The procurement opportunity was advertised as required by law;
If not, please explain:

- This was a competitive procurement with three or more responsive bids received for
single award or three or more responses received for any lot/region/section for multiple
awards;

- The award(s) were made in accordance with the solicitation's method of award;
Identify the method of award:

- Award/non-award notices have been issued and the debriefing period has passed and all
debriefings requested were scheduled within a reasonable time of the request(s) and
have been completed;

- Were any bids rejected?
Please explain any bid rejections:

- Were any protest or appeals of protest determinations received?
Please explain any protests/appeals and how resolved (no protest or appeal, where
provided for, should be open):

- This transaction was submitted through the Electronic Documents Submission System
(EDSS) and all required documentation based on the attached Document Order Guide
has been provided;

- All other required agency reviews are complete and approvals have been obtained (e.g.,
DOB, IG, AG);

- A clause is included in the contract/amendment agreement indicating that procurement
documents and contracts have no force and effect and the State bears no liability unless
the procurement documents and contracts are approved by OSC or the pertinent pre-
audit review period has elapsed (Item 3A, Memorandum of Understanding).

Authorized Agency Signature (per AC 1782-S Form)

Date

¹ This checklist governs the submission requirements of those contracts subject to State Comptroller approval pursuant to the Memorandum of Understanding between the Executive, State Comptroller, CUNY, SUNY, CUCF and SUCF, dated August 15, 2019, and does not apply to contracts otherwise subject to the Comptroller's review under New York State law. The cover page of this checklist contains questions for agency response that are intended solely for informational purposes and to assist the Comptroller's review of the associated contract and shall not be cited or considered as grounds for rejection or cause for delay of reviewing the associated contract.

Documentation Guide for Energy Commodity Contracts and Contract Amendments for Subject to 48 Hour Review

(Transmitted via OSC's Electronic Document Submission System)

New Contract

1) Transaction Identifying Documents

- Cover Letter, which includes agency contact preferences, FOIL concerns, and any unique or unforeseen circumstances.
- OSC Non-Approval Notice, if resubmission

2) Contract

- Agreement (including all current appendixes, exhibits and attachments)

3) Procurement Documents

- New York State Contract Reporter Advertisement or proof of exemption from advertising
- List of solicited potential bidders, if used
- For Emergencies only
 - Signed Declaration of Emergency
 - Three quotes for Emergency
- The solicitation for bids/applications/proposals including any questions and answers; and addendums, if applicable
- Certified bid tabulation—a certification by the agency staff responsible for opening and recording the bids, which shall be broken down by the stated method of award.
- The full winning bid(s), all cost proposals/quotes and rejected bids
 - Signed vendor's quote or awarded emergency quote
 - Price lists, if applicable
 - Memo / Justification for rejecting bids or proposals, if applicable
- Bid Summary / evaluation documents / score sheets
 - Evaluation summary
 - Completed evaluation score sheets
- Summary of any accepted material differences by the agency which deviate from the original solicitation document
- Any agency - proposer correspondence (e.g., clarifications)
- Any debriefing or protest/appeal correspondence/documentation relative to the procurement (Note: with exception to the specific example in the sub bullet below, all protests, and appeals where provided for, must be resolved prior to submission to OSC)
 - A protested OGS multiple award procurement where all responsive and responsible vendors receive an award, a certification can be provided by the OGS procurement officer stating that the protest is limited to only the particular bid of the protesting party and not to the merits of the solicitation itself or the award to another vendor, including any award which prioritizes the order of work (for example, contracts which contain primary, secondary, and/or tertiary awards).
 - In the case where OGS seeks to submit bids on a rolling basis during a multiple award scenario, a certification from the OGS procurement officer stating the rolling submission of contracts will not disadvantage or prejudice any other awardee, that such rolling submission is not due to agency action or inaction, and that all awardees have been notified that such delay may limit their ability to secure work under the agreement.
- Award & Non-Award Notification(s)
- Mandatory Letters of Intent to Bid, if applicable
- Mandatory pre-bid conference and / or site visit sign-in sheet, transcript and items presented or distributed, if applicable
- Explanation of the methodology used to determine the contract value (not to exceed amount)
- When two or fewer responses are received for single award or two or fewer responses are received for any lot/region/section for multiple awards
 - Agency's justification of award with limited competition
 - Reasonableness of price justification
 - Canvass of those who did not bid and their responses, if applicable

- Procurement Lobbying Act documentation, as required by law
- Sales and Compensating Use Tax documentation, (ST-220-CA) as required by law
- Sexual Harassment Prevention documentation, as required by law
- Approved Spending Request, when required by the Division of the Budget's Budget Bulletin B-1184

4) Vendor Responsibility and Integrity

- Vendor Responsibility Profile
 - Vendor Responsibility Questionnaire (or CUNY Construction Fund Vendor Disclosure Form dated 10/2014 or later version as mutually agreed to by the parties) certified within six months of the contracting entity's defined due date for the Questionnaire (or CUNY Construction Fund Vendor Disclosure Form)
 - Proof of Workers Compensation and Disability Insurance
 - Vendor Responsibility documentation on all known subcontractors if the value of the subcontract will equal or exceed \$100,000 over the life of the contract
 - Proof of EO 192 compliance, if applicable, and any required vendor integrity certification forms
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Contract Amendment

1) Transaction Identifying Documents

- Cover Letter, which includes agency contact preferences, FOIL concerns, and any unique or unforeseen circumstances.
- OSC Non-Approval Notice, if resubmission

2) Amendment

- Contract Amendment (including all current appendixes, exhibits and attachments)

3) Procurement Documents

- Proof of exemption from advertising, if applicable
- Price Justification for amendments and renewals (if not specified in original agreement)
- Approved Spending Request, when required by the Division of the Budget's Budget Bulletin B-1184

4) Vendor Responsibility and Integrity

- Vendor Responsibility Profile
- Vendor Responsibility Questionnaire (or CUNY Construction Fund Vendor Disclosure Form dated 10/2014 or later version as mutually agreed to by the parties) certified within six months of the contracting entity's defined due date for the Questionnaire (or CUNY Construction Fund Vendor Disclosure Form)
- Proof of Workers Compensation and Disability Insurance coverage
- Vendor Responsibility documentation on all known subcontractors if the value of the subcontract will equal or exceed \$100,000 over the life of the contract
- Proof of EO 192 compliance, if applicable, and any vendor integrity certification forms