

## **ADDENDUM #1**

The following constitutes Addendum #1 to the above referenced solicitation. This addendum is provides questions posed during the electronic Question and Answer period and the Board of Public Utilities' responses.

It is the sole responsibility of the bidder to be knowledgeable of all of the additions, deletions, clarifications and modifications to the RFP and/or the New Jersey Standard Terms and Conditions relative to this RFP as set forth in all addenda.

All other instructions, terms and conditions of the RFP shall remain the same.

### **NEW JERSEY BOARD OF PUBLIC UTILITIES (BPU) BASIC GENERATING SERVICES (BGS) AUCTION CONSULTING AND MONITORING**

#### **Answers to Questions**

Note: Some of the questions have been paraphrased in the interest of clarity. Each question is referenced by the appropriate RFP page number(s) and section where applicable.

#### **General**

**Q1.** Please describe any major differences in scope or work sought by this RFP as compared to the work performed by the previous auction monitor.

**A1.** Bidders interested in the current contract specifications and pricing information may review the current contract (Enter T2470) at [www.state.nj.us/treasury/purchase/pricelists.shtml](http://www.state.nj.us/treasury/purchase/pricelists.shtml) for comparison.

#### **Section 3.4 -BGS Auctions Pages 10 -12**

**Q2.** How many auctions will occur in each of 2018, 2019, and 2020 respectively?

**A2.** At present, there are two (2) Mock BGS Auctions and one BGS Auction each year. Please refer to Section 3.3 and Section 3.4 of the RFP. The BGS Auction process takes place in two (2) stages: the first for the CIEP, the second for the RSCP. There is a one (1) business day break between the CIEP Auction and the RSCP Auction. Each auction may occur over one (1) or more days, depending upon the number of bidders and the complexity of the bids.

**Q3.** How many different bid locations must be monitored on each auction day?

**A3.** A single location is used for each BGS Auction.

**Q4.** How many individuals must be present at each of these locations to monitor?

**A4.** There is no requirement as to the number of contractor personnel that must be present at each auction. A bidder should use its best judgment in determining its staffing allocation.

**Q5.** In order to gauge the scope of review for the report described in section 3.4 item q of the RFP, please provide a public version of a prior report as a sample. Please also state how many such reports will be required by year?

**A5.** There is no “public version” of this report. A bidder should use its best judgment and experience from having successfully performed requirements of contracts of similar size and scope to this RFP in determining its scope of review. Separate reports are required for both the CIEP Auction and the RSCP Auction.

### **Section 3.5 -Oversight of the RECO RFP Page 12**

**Q6.** How many auctions will occur in each of 2018, 2019, and 2020 respectively?

**A6.** RECO may or may not use an auction as part of its RFP procurement process. The BPU does not prospectively know how RECO will determine to proceed. In addition, RECO may determine in its RFP process to procure a contract period longer than one (1) year. The contractor will only be paid for its work in overseeing the RECO procurement process for each separate procurement, e.g., if RECO determines to procure for a three (3) year period, the contract will be required to provide RFP oversight services for only a single year.

**Q7.** How many different bid locations must be monitored on each auction day?

**A7.** Please refer to section 3.5 of the RFP and the response to Q: 6.

**Q8.** How many individuals must be present at each of these locations to monitor?

**A8.** Not applicable, please refer to section 3.5 of the RFP and the responses to Q: 6. A bidder should use its best judgment in determining its staffing allocation to meet this requirement.

**Q9.** Please describe the timeline or schedule of the RECO activities detailed in Section 3.5 of the RFP.

**A9.** It is anticipated that the RECO procurement timeline will mirror that of the BGS Auctions. Please also refer to the response to Q: 6.

**Q10.** Do they occur on the same day as the auctions described in Section 3.4 of the RFP?

**A10.** No. Contractor requirements for the oversight of Rockland Electric Company RFP process is wholly separate from the BGS Auction requirements.

### **Section 4.0 -Proposal Content Page 13**

**Q11.** RFP Section 4.0 states that the proposal should include “Bidder’s Forms, as specified in RFP Section 1.4 NJSTART”. Does this refer to Section 1.5? Section 1.4 is titled “Questions and Answers”

**A11.** Yes, the RFP erroneously refers to Section 1.4.

**Q12.** What forms does this refer to? Section 1.5 mentions registration with NJSTART but does not reference any forms.

**A12.** These include:

- A Signatory Statement Page from the bidder, wherein the bidder must assert that it shall comply with the following elements:

**TO THE STATE OF NEW JERSEY:** The Undersigned hereby offers and agrees to furnish the goods, products, or services in compliance with all terms of this Contract as defined in Section 2.0 of the Request for Proposal (RFP).

By signing and submitting this proposal, the bidder certifies and confirms that:

1. Neither the Bidder, nor its representatives, agents or lobbyists have initiated any inappropriate contact with any Executive Branch employee during the procurement to attempt to affect the bidding process and shall not do so after submission of its Proposal;
2. The has read, understands, and agrees to all terms, conditions, and specifications set forth in the RFP, including but not limited to the acceptance of the State of New Jersey Standard Terms and Conditions and the provisions set forth in MacBride Principles Certification;
3. For a proposal that does NOT include the use of any subcontractor(s), by signing the Signatory Statement Page, the bidder is *automatically* certifying that:

In the event the award is granted to the bidder's firm and the bidder later determines at any time during the term of the contract to engage subcontractors to provide certain goods and/or services, pursuant to Section 5.8 of the State Standard Terms and Conditions, the bidder shall submit a Subcontractor Utilization Plan form for approval to the State Contract Manager in advance of any such engagement of subcontractors; and

4. By submitting a proposal and signing the Signatory Statement Page for the RFP, the bidder certifies as follows:
  - a. The price(s) and amount of its proposal have been arrived at independently and without consultation, communication or agreement with any other bidder or any other party;
  - b. Neither the price(s) nor the amount of its proposal, and neither the approximate price(s) nor approximate amount of this proposal, have been disclosed to any other firm or person who is a bidder or potential bidder, and they will not be disclosed before the proposal submission;
  - c. No attempt has been made or will be made to induce any firm or person to refrain from bidding on this contract, or to submit a proposal higher than this

proposal, or to submit any intentionally high or noncompetitive proposal or other form of complementary proposal;

- d. The proposal of the firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive proposal; and
- e. The bidder, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last five (5) years been convicted or found liable for any act prohibited by state or federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding on any public contract.

5. The Treasurer has established a business ethics guide to be followed by bidders in its dealings with the State. The guide provides further information about compliance with Section 2.7 of the SSTC. The guide can be found at:

[http://www.state.nj.us/treasury/purchase/ethics\\_guide.shtml](http://www.state.nj.us/treasury/purchase/ethics_guide.shtml)

By signing the Signatory Statement Page, the bidder is automatically certifying that it has complied with all applicable laws and regulations governing the provision of State goods and services, including the Conflicts of Interest Law, N.J.S.A. 52:13D-12 to -28.

6. The Bidder's failure to meet any terms and conditions of the Contract as defined in the RFP shall constitute a breach and may result in suspension or debarment from further State bidding;

7. A defaulting Contractor may also be liable, at the option of the State, for the difference between the Contract price and the price bid by an alternate vendor of the goods or services in addition to other remedies available; and

8. By signing and submitting this Proposal Offer, the Bidder consents to receipt of any and all documents related to this RFP and the resulting Blanket P.O. {Contract} by electronic medium or facsimile.

- Disclosure of Investigations and Other Actions Involving Bidder
- Disclosure of Investment Activities in Iran
- Ownership Disclosure
- Chapter 271 Vendor Certification and Political Contribution Disclosure Form (not to be confused with The Chapter 51 form below)
- Subcontractor Utilization Plan
- Two-Year Chapter 51/Executive Order 117 Vendor Certification and Disclosure of Political Contributions
- Affirmative Action Employee Information Report

These forms are accessible at: <http://www.state.nj.us/treasury/purchase/forms.shtml>.

Bidders should not use the Offer and Acceptance (Signatory Page) from this site, but rather draft one that comports with requirements specified in the first of the above bullets to this response.

Section 7.0 –Price Schedule Page 21

**Q13.** Regarding the price schedule, for bid items 1-6, is it possible for the bidder to charge hourly rates and bill expenses directly, so long as the total the hourly rates charged by the bidder do not exceed the “All-inclusive Price”?

**A13.** A bidder must submit All-Inclusive pricing for the Firm-Fixed Price requirements of Bid Items 1 through 6. If the bidder becomes the awardee, the contractor may invoice the BPU at the labor titles and hourly rates for each labor title that supports and explains the firm fixed price submitted for Bid Items 1 through 6 and shall not exceed the “All-Inclusive Price” submitted in the bidder’s proposal. The contractor cannot invoice the BPU for expenses. Please refer to the definition of All-Inclusive Price/Rate provided in Section 2.0 of the RFP.