



State of New Jersey

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Addendum # 5 - Questions & Answers

Question #1	What was the outcome with the environmental issue? Answer: Environmental issues were addressed in Addenda #3 and #4.
Question #2	I would like to see written in the contract that the state & municipalities are responsible for all licenses and permits. This burden, I believe, should not be put on us.) Answer: Licenses and permits applicable to the Contractors are the responsibility of each respective contractor. Licenses and permits applicable to the Using Agencies are the responsibility of each respective using agency. Licenses and permits applicable to Cooperative Purchasing participants (counties, municipalities, etc) are the responsibility of each cooperative purchasing entity.
Question #3	There were some unanswered questions at the meeting: ex. When it snows out and they ask to be topped off, what is the pecking order? Ex #2: Should it be delivered at 1/2 tank, 1/4 tank-if less gallons than usual should there be an extra charge? Answer: Agencies will be advised to keep track of usage and reorder at normal usage points. If a true emergency exists it should be resolved by the Using Agency and the Contractor. If the either the Using Agency or the Contractor feels that it's problems have not been resolved satisfactorily, then they should contact the Buyer for the contract first, then if necessary, the Purchase Bureau – Contract Compliance Unit.
Question #4	What constitutes an emergency delivery? Answer: If an Using Agency feels a true emergency exists they should contact the Contractor for an emergency delivery. The determination as to whether or not it is a true emergency should be resolved by the Using Agency and the Contractor. If either feels that a determination as to whether or not an emergency situation exists has not been resolved satisfactorily; then they should contact the Buyer for the contract first, the unit supervisor, and then if necessary, the Purchase Bureau – Contract Compliance Unit.

<p>Question #5</p>	<p>One of my stops was not in compliance with the DEP - I was told not to make the delivery. As a result, the customer went to another oil company and I lost the account. What should we do as a company to keep a customer despite their irresponsibility so that we don't lose them?</p> <p>Answer: If tanks, equipment, etc. are not in compliance to the point where a delivery could result in the issuance of a violation from DEP then the contractor should call the contact person for that facility that they are delivering to, and notify them the situation needs to be rectified. If this situation continues for that facility or they are uncooperative call the DEP hot line at 1-877-WARNDEP.</p> <p>A Using Agency is required to use the existing contract line for their location. You are also requested to notify the Purchase Bureau Buyer for this contract. As a last step the Contract Compliance Unit should be notified if the situation is not resolved.</p>
<p>Question #6</p>	<p>How much is the fine the DEP will impose on a company not using booms or sewer covers?</p> <p>Answer: If a contractor is not using booms or sewer covers as per the contract terms it would first be a matter for notification of the Purchase Bureau. Depending on the circumstances, the Using Agency should then remind the Contractor of their responsibility &/or may contact the Purchase Bureau Buyer to do so &/or may file a Formal Complaint with the Contract Compliance Unit (CCU). If the situation is not resolved, CCU would then confer with the DEP in order to resolve the situation. DEP does not currently have any set fines in place for these circumstances. If there is enforcement action and a Notice of Violation is issued, fines would probably range from \$1.00 to \$5,000.00.</p>
<p>Question #7</p>	<p>If a new location is started by the State during the contract are we obligated to take on the location if we do not like the markup?</p> <p>Answer: When locations need to be added to the contract every effort is made to determine the "closest match" to existing line items on the contract in terms of geographical location, tank size, estimated quantity, etc. in order to determine the appropriate upcharge. If the Contractor determined to be the "closest match" and "awarded" the additional location does not agree with the "closest match" they should notify the Purchase Buyer, in writing, and the choice of line item to determine upcharge &/or Contractor will be reviewed.</p>
<p>Question #8</p>	<p>What is the process for deciding what the markup is for cooperative purchasers?</p> <p>Answer: Cooperative purchasing entities should determine the markup by following the same procedure used to add State Using Agencies to the contract. Every effort should be made to determine the "closest match" to existing line items on the contract in terms of geographical location, tank size, estimated quantity, etc. in order to determine the appropriate upcharge.</p>
<p>Question #9</p>	<p>What is the purpose of listing of the NJPDES permit list in Addendum 4?</p> <p>Answer: Not all of the Using Agency locations require a NJPDES permit. It was stated at the Pre-bid Conference that the list of Public Complexes requiring an NJPDES permit would be provided.</p>

Question # 10	As only the incumbent supplier is familiar with the locations it is important for us to know the amount of labor that will be involved at each site. Can we get a list of which sites have storm drains, the number of drains and their size? Answer: If a list of the storm drains, number and size was currently available we would certainly provide it. Since it is not, the onus is on the bidders to familiarize themselves with the locations they intend to submit bids for. As per RFP Section 3.7.1, it is the bidder's responsibility to become familiar with all the locations for which a bid is submitted.
Question # 11	From Using Agency - Can we still delete unused line items? Answer: Yes. Delete the descriptions for lines # 00015, 00016, 00063, 00064, 00073, 00082, 00083, 00102, 00103, 00119, 00223, 00254 and 00255 and replace them with the language "RESERVED FOR FUTURE USE BY PURCHASE BUREAU".