



State of New Jersey

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May 14, 2020

PROCUREMENT DIVISION GUIDANCE IN RESPONSE TO EXECUTIVE ORDERS 107, 122 and 142

During this unprecedented public health emergency posed by the Coronavirus disease (COVID-19), the Office of the State Comptroller (OSC) is open and continuing in its mission of promoting integrity and transparency at all levels of New Jersey government, including reviewing contracts of significant value to protect the interest of our residents.

In response to Governor Murphy's declaration of a public health emergency under Executive Order 103, which was renewed by Executive Orders 119 and 138, and the establishment of additional social distancing measures under Executive Order 107, OSC issues the below guidelines for contract submissions pursuant to *N.J.S.A. 52:15C-10*.

Method of Submission: Beginning immediately, OSC's Procurement Division strongly urges all contracting entities to submit contract notifications and submissions to OSC electronically via contracts@osc.nj.gov.

Until further notice, **OSC is not able to accept submissions by courier delivery service (FED EX, UPS, etc.) or by hand delivery.** In addition, we are requesting that all entities refrain from making submissions by U.S. Mail, to the extent possible.

If your agency is unable to transmit such information electronically or if you have questions regarding contract notifications and submission of accompanying documents, please email us at: contracts@osc.nj.gov or call Procurement Division Director Barbara Geary at (609) 954-0450.

Emergency Procurements: Contracting units must provide notice to OSC of any purchases and contracts issued pursuant to the COVID-19 public health emergency in **excess of \$2 million** within 30 business days after the award. Please use the OSC submission form found here:

https://www.nj.gov/comptroller/divisions/procurement/pdf/osc_contract_compliance_for_m_d.pdf

Non-emergency procurements: The OSC Procurement Division continues to accept contract submissions for:

- (1) pre-advertisement review pursuant to *N.J.S.A. 52:15C-10(b)* for contracts valued at \$10 million or more;
- (2) pre-advertisement review pursuant to Executive Order 125 (Christie); and
- (3) post-award review pursuant to *N.J.S.A. 52:15C-10(a)* for contracts valued at more than \$2 million, but less than \$10 million.

OSC contract submission forms may be found here:

<https://www.nj.gov/comptroller/divisions/procurement/forms/>

Pre-Bid Meetings, Delivery of bids, Bid or RFP Openings: OSC strongly recommends that all contracting units review the guidance recently provided by the Department of Community Affairs, Division of Local Government Services (DLGS) regarding the submission of bids and requests for proposals (RFPs), opening of bids and RFPs, pre-bid meetings and public opening of bids and RFPs. This guidance provides practical advice to be followed in light of Executive Order 107.

Please see Local Finance Notice 2020-06, which can be found here:

<https://www.nj.gov/dca/divisions/dlgs/lfns/20/2020-06.pdf>

As supplemented by Local Finance Notice 2020-10, which can be found here:

<https://www.nj.gov/dca/divisions/dlgs/lfns/20/2020-10.pdf>

Construction Projects: Contracting units undertaking construction projects must comply with the minimum requirements set forth in Executive Order 122, superseded in part by Executive Order 142. Both executive orders can be found here:

https://www.state.nj.us/infobank/eo/056murphy/approved/eo_archive.html

Consistent with our statutory mission, the OSC Procurement Staff is available to assist you during this time of crisis. As you to continue managing your core operational activities, we implore you to remain consistent with the restrictions of Executive Order 107. Most of all, we hope that you stay healthy.

KEVIN D. WALSH
ACTING STATE COMPTROLLER

By: Barbara Geary
Barbara Geary, Director
Procurement Division