Subject: Justification Forms

Purpose
To justify the selection of a contractor/supplier.

Scope
All contracts with a value of $10,000 or more and all single sourced consulting contracts.

Policy
1. The bid portion of the justification form must include the names of all invited contractors and all bids received. The remainder of the form should be completed as soon as possible after determining who will be awarded the contract.

2. If invited contractors did not bid and did not provide notice of non-bid enter “Did not Bid” in the price column of the form. Any documentation showing they were invited must be attached for audit purposes. If the vendor formally declined to bid, enter “Declined”. If a bid is being rejected, enter “Informal” in the price column without reference to the bid price submitted. Provide the rationale for declaring a bid non-compliant as well.

3. Justify the reason a contractor is selected unless there is an evaluation process, the low bid must be taken. Even if it is a low bid, this needs to be stated.

   3.1. If 4 bids are requested and less than three contractors bid, this is acceptable. In this case, justify only why the winning vendor was selected, ensuring the other two contractors are noted on the justification. If only one bid is received the project manager must also attach a completed Single Source/Sole Source Certification form.

4. The project manager is responsible for preparing, verifying and signing all justifications. All signatures must follow the approval levels in Physical Resources policy 1.2.11 – Physical Resources Project Procurement Policy.

   If the contractor is single-sourced, the justification will require a minimum of one additional level of signing, minimum the Director, DEC.

   If the work is being single or sole-sourced, the Physical Resources Single Source/Sole Source Certification form (see attached) must also be completed. If the work does not meet at least one of the criteria on the form, competitive procurement is required.

5. If the justification refers to any process where the Vendor of Record list was used, the justification and bids are submitted to a DEC Administrative Support Staff for tracking.