Summary of Changes to DOE's Procurement Policy and Procedures

10/26/2012

#	Section Number	Supersection Heading	Original Language	Change (Words in italics are explanatory, non-italicized words are the new text)
1	1-02	Definitions	NA	*New definition:* Professional Services. Services that require specialized skills and the exercise of judgment, including but not limited to services provided directly to students and families, professional development, accounting, legal, medical, therapy, educational, instructional, computer programming, consulting, architectural, engineering and construction management services.
2	1-02	Definitions	Services. The furnishing of labor, time, or effort by a vendor. This term shall not include employment agreements or collective bargaining agreements. The term services as used in these Procedures includes construction-related services, which are those services that may reasonably be required in the planning, design or construction of real property or other public improvements.	Services. The furnishing of labor, time, or effort by a vendor. This term shall not include employment agreements or collective bargaining agreements. The term services as used in these Procedures includes professional services and standard services.
3	1-02	Definitions	NA	*New definition:* Standard Services. Services other than professional services.
4	2-01(a)(6)	Executive Summary	Description. The Executive Summary provides a summary of the pertinent details of a planned solicitation and, upon approval as specified herein, authorizes the Procurement Manager to release the solicitation. The Executive Summary shall include the following: (1) description of goods, services or construction to be purchased; (2) estimated amount of the contract; (3) term of the contract; (4) source of funding; (5) source selection method; (6) number of contracts planned to be awarded; and (7) discussion of any notable issues related to the procurement.	*Adds a new subsection after (5):* (6) for competitive sealed bids, a statement of whether vendor selection from among responsive and responsible bidders will be based on bid price alone or best value, including, if applicable, how best value will be determined in accordance with Section 3-02(o)(1) of these Procedures; *And renumbers the two items following.*
5	2-01(b)	Executive Summary	Circumstances for Use. The Executive Summary shall be prepared in consultation with the requesting office prior to release of a solicitation or notice of intent for contracts and concessions greater than $25,000 where the source selection method is:	*Adds after "$25,000":* "($15,000 for goods which are competitively bid)"

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6	2-04(b)	Responsiveness of Bids/Proposals	Determination of Non-Responsiveness. If the lowest price bid or any proposal is found non-responsive, a determination, setting forth in detail and with specificity the reasons for such finding, shall be made. A copy of such determination shall be delivered to the non-responsive vendor as soon as practicable following such determination and sufficiently in advance of an award determination so as to provide at least ten business days to protest before an award determination is made.	*At the beginning of the second sentence, odds* "Except for simplified procurements,"
7	2-06(a)(1)	Vendor Protest	Any vendor may protest a determination in any procurement action pursuant to this section unless another appeal or protest provision is provided in these Procedures. Emergency procurements and simplified procurements are not subject to vendor protests.	*At the end of the second sentence, odds* ", except that a determination of non-responsibility for a simplified procurement may be protested."
8	2-07('c)	Request for Authorization	Educational Investment Case. In addition to the requirements of subparagraph (b) above, for technology, software, consulting or technical services contracts exceeding $1,000,000 in any calendar year, the Request for Authorization shall include at a minimum:	*After "softwore" odds* "development"
9	2-07(d)(2)(ii)	Request for Authorization	competitive sealed bids greater than $15,000 to not greater than $1,000,000 where the lowest bidder was not selected due to a finding of non-responsiveness or non-responsibility;	competitive sealed bids greater than $15,000 to not greater than $1,000,000 where a bidder other than the lowest bidder was selected for any reason including as the result of a best value analysis pursuant to Section 3-02(o)(1)(ii) of these Procedures.
10	2-07(d)(2)(iv)	Request for Authorization	contract extensions for no additional cost and for a period exceeding one hundred eighty days, and contract extensions for a cumulative total amount greater than $25,000 to not greater than $250,000;	contract extensions for a period exceeding one hundred eighty days for a cumulative total amount of $25,000 or less, and all contract extensions for a cumulative total amount greater than $25,000 to not greater than $100,000;
11	2-07(d)(2)(v) and (vi)	Request for Authorization	(v) contract changes for a cumulative total amount greater than $25,000 to not greater than $250,000; (vi) expedited competitive solicitation, sole source goods, negotiated services, and demonstration projects greater than $25,000 to not greater than $100,000;	*Eliminotes subsection (v) ond renumbers ond revises subsection (vi) os follows:* (v) expedited competitive solicitation, sole source goods, negotiated services, demonstration projects, and cumulative contract changes greater than $25,000 to not greater than $100,000;
12	2-07(d)(2)(vi)	Request for Authorization	NA	*Adds o new subsection ofter (v) (longuoge below), ond renumbers the following section.* (vi) purchases through governmental contracts greater than $100,000 to not greater than $250,000; and *And renumbers the following sections.*

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#	Section Number	Supersection Heading	Original Language	**Change** (Words in italics are explanatory, non-italicized words are the new text)
13	2-07(d)(3)(ii)	Request for Authorization	competitive sealed bids greater than $1,000,000 where the lowest bidder was not selected due to a finding of non-responsiveness or non-responsibility;	competitive sealed bids greater than $1,000,000 where a bidder other than the lowest bidder was selected for any reason including as the result of a best value analysis pursuant to Section 3-02(o)(1)(ii) of these Procedures.
14	2-07(d)(3)(iii)	Request for Authorization	competitive sealed bids greater than $5,000,000 where there was more than one bidder and where the lowest bidder was selected;	competitive sealed bids greater than $5,000,000;
15	2-07(d)(3)(iv), (v) and (vi)	Request for Authorization	(iv) contract extensions for a cumulative total amount greater than $250,000; (v) contract changes for a cumulative total amount greater than $250,000; (vi) expedited competitive solicitation, sole source goods, negotiated services, and demonstration projects greater than $100,000;	*Eliminates subsections (iv) and (v), renumbers and revises subsection (vi) as fallows:* (iv) expedited competitive solicitation, sole source goods, negotiated services, demonstration projects, cumulative contract extensions and cumulative contract changes greater than $100,000; *And renumbers the fallawing sectians.*
16	2-08(a)(1)(i)	Panel for Educational Policy	such contract was let by a procurement method other than competitive sealed bidding;	such contract was let by a procurement method other than competitive sealed bidding where the contract was awarded to the lowest responsive and responsible bidder;
17	3-01(c)(10)	Policy (in the methods of source selection chapter)	NA	(10) it is in the best interest of the DOE for goods or standard services to be awarded on the basis of best value to the DOE by optimizing quality, cost and efficiency.
18	3-02(a)	Competitive Sealed Bidding	Application. Competitive sealed bidding is the preferred method of procurement where specifications can be made sufficiently detailed and exact to permit award of a contract, solely on the basis of price, to the lowest responsive and responsible bidder.	Application. Competitive sealed bidding is the preferred method of procurement where specifications can be made sufficiently detailed and exact to permit award of a contract to a responsive and responsible bidder solely on the basis of price, except where award on the basis of best value is in the DOE's best interests as provided for in Section 3-02(o)(1)(ii) of these Procedures.
19	3-02(b)(2)(v)	Competitive Sealed Bidding	a statement that award shall be made to the lowest responsive and responsible bidder;	a statement regarding how the award will be made: (A) that award shall be made to the lowest responsive and responsible bidder; or (B) where award of a contract for goods or services is made pursuant to Section 3-02(o)(1)(ii), a statement that the award shall be made to the responsive and responsible bidder whose bid represents the best value to the DOE by optimizing quality, cost and efficiency, including a statement indicating how best value will be determined in accordance with Section 3-02(o)(1)(ii).

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#	Section Number	Supersection Heading	Original Language	Change (Words in italics are explanatory, non-italicized words are the new text)
20	3-02(c)	Competitive Sealed Bidding	Multiple Awards. In order to ensure that the DOE's needs are adequately met, the Department may award contracts to multiple vendors through one solicitation. Award may be by geographic location, category of goods, services or construction, or in some other manner. In such instances, the RFB shall state the number of contracts anticipated to be awarded, the manner in which the goods, services or construction will be divided among the contracts and, where multiple contracts are awarded within one geographic location, category or other grouping, the process for determining which contractor(s) will receive order(s). Award shall be made to the lowest responsive and responsible bidder in each instance.	*Eliminotes the lost sentence - "Aword sholl be made to the lowest responsive ond responsible bidder in eoch instonce."*
21	3-02(e)	Competitive Sealed Bidding	Bidder Submissions. The RFB shall provide a form on which the bidder shall insert the bid price, and shall sign and submit along with all other necessary submissions. Bids shall be typewritten or written legibly in ink. Erasures or alterations shall be initialed by the signer in ink. All bids shall be signed in ink. The request for bids also shall require that the bid be submitted in a sealed envelope, addressed as required in the bid documents, on or before the time and at the place designated in the bid documents. If so provided in the solicitation, sealed bids may be submitted electronically.	Bidder Submissions. The RFB shall provide a form on which the bidder shall insert the bid price, or other information requested, if any, pursuant to 3-02(o)(1) and shall sign and submit along with all other necessary submissions. Bids shall be typewritten or written legibly in ink. Erasures or alterations shall be initialed by the signer in ink. All bids shall be signed in ink. The request for bids also shall require that the bid be submitted in a sealed envelope, addressed as required in the bid documents, on or before the time and at the place designated in the bid documents. If so provided in the solicitation, sealed bids may be submitted electronically. Where award will be made to the bidder whose bid represents the best value to the DOE, the request for bids may also provide that other information requested, if any, be submitted after the bid opening as specified in the bid documents
22	3-02(m)(3)(iii)	Competitive Sealed Bidding	Mistakes Where Intended Correct Bid is Not Evident. Such mistakes may not be corrected after bid opening. A bidder may be permitted to withdraw a low bid where a unilateral error or mistake has been discovered in the bid and the Procurement Manager makes the following determination, which shall be approved by the Executive Director:	*The word "low" (referring to low bid) is removed from the second sentence.*
23	3-02(m)(3)(iii)	Competitive Sealed Bidding	Upon the approval of the Executive Director, the bid may be withdrawn. The contract shall either be awarded to the next lowest bidder or resolicited pursuant to these Procedures. Under no circumstances shall a bid be amended or revised to rectify the error or mistake.	Upon the approval of the Executive Director, the bid may be withdrawn. If the bid was the lowest bid or the bid that represents the best value, then the contract shall either be awarded to the next lowest bidder or to the bidder that offers the next best value to the DOE, as appropriate, or resolicited pursuant to these Procedures.

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#	Section Number	Supersection Heading	Original Language	Change (Words in italics are explanatory, non-italicized words are the new text)
24	3-02(o)(1) and 3-02(o)(1)(i)	Competitive Sealed Bidding	(o) Bid Evaluation and Vendor Selection. (1) General. The responsible bidder whose bid meets the requirements and objectively measurable evaluation criteria set forth in the RFB, and whose bid price is the lowest responsive bid price or, if the RFB has so stated, the lowest responsive evaluated bid price, shall be selected for the contract. A bid shall not be evaluated for any requirement or criterion that is not disclosed in the RFB.	(o) Vendor Selection and Bid Evaluation. (1) Vendor Selection. (i) General. Except as provided for in subsection (ii) herein, the responsible bidder whose bid meets the requirements and objectively measurable evaluation criteria set forth in the RFB, and whose bid price is the lowest responsive bid price or, if the RFB has so stated, the lowest responsive evaluated bid price, shall be selected for the contract. A bid shall not be evaluated for any requirement or criterion that is not disclosed in the RFB.
25	3-02(o)(1)(ii) and (iii)	Competitive Sealed Bidding	NA	See attached text "Best Value Language."
26	3-02(o)(2)	Competitive Sealed Bidding	Negotiation with the Apparent Lowest Responsive and Responsible Bidder. Upon determination of the apparent lowest responsive and responsible bidder and prior to award, the Procurement Manager may elect to open negotiations with the selected vendor in an effort to improve the bid to the DOE with respect to the price only. In the event the apparent lowest responsive and responsible bidder declines to negotiate, the Procurement Manager may elect to either award the contract to the apparent lowest responsive and responsible bidder or may reject all bids in accordance with Section 3-02(t) herein. The result of negotiations, if any, shall be documented.	Negotiations. Upon selection of the apparent winning bidder pursuant to Section 3-02(o)(1) above and prior to award, the Procurement Manager may elect to open negotiations with such bidder in an effort to improve the bid to the DOE with respect to the price only, or, where contractor selection is based on the best value, with respect to any of the factors considered in determining best value. In the event the apparent winning bidder declines to negotiate, the Procurement Manager may elect to either award the contract to the apparent winning bidder or may reject all bids in accordance with Section 3-02(t) herein. The result of negotiations, if any, shall be documented
27	3-02(o)(3)	Competitive Sealed Bidding	Award. Any contract awarded shall be to the lowest responsive and responsible bidder.	Award. Any contract awarded shall be to the lowest responsive and responsible bidder except where award is to be made on the basis of best value pursuant to Section 3-02(o)(1)(ii). Where contractor selection is based on the best value, the reasons that the bid represents the best value to the DOE and the factors considered shall be documented in the Request for Authorization.
28	3-02(p)(1)	Competitive Sealed Bidding	Definition. Low tie bids are low responsive bids from responsible bidders that are identical in price, meeting all the requirements and criteria set forth in the RFB.	*After "RFB" adds the language:* "when the selection of the winning bidder is based on price alone."

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#	Section Number	Supersection Heading	Original Language	Change (Words in italics are explanatory, non-italicized words are the new text)
29	3-02(s)	Competitive Sealed Bidding	Selection of Other Than Lowest Bidder. If the Executive Director determines that the lowest bidder is either not responsible or not responsive, the lowest bidder shall be notified in writing of such determination and the reasons therefor, and the right to protest, if applicable, in accordance with these Procedures.	Selection of Other Than Lowest Bid or Bid Representing the Best Value. If the Executive Director determines that the lowest bidder or the bidder offering the best value pursuant to Section 3-02(o)(1)(ii) is either not responsible or not responsive, that bidder shall be notified in writing of such determination and the reasons therefor, and the right to protest, if applicable, in accordance with these Procedures.
30	3-03(b)(1)	Request for Proposals	(1) a statement that the contract award will be made to the responsible proposer whose proposal is determined to be the most advantageous to the DOE taking into consideration the price and such other factors or criteria that are set forth in the RFP;	(1) a statement that the contract award will be made to the responsible proposer whose proposal represents the best value to the DOE by optimizing quality, cost and efficiency and therefore is determined to be the most advantageous to the DOE taking into consideration the price and such other factors or criteria that are set forth in the RFP;
31	3-03(e)(1)(ii)(A)((d))	Request for Proposals	the time, date and location for the receipt of proposals; and	the time, date and location for the receipt of proposals and, for goods and standard services, where the identity of all proposers will be disclosed; and
32	3-03(f)(7)	Request for Proposals	Receipt and Registration of Proposals. The identity of an offeror shall not be disclosed prior to the established date and time for receipt of proposals. Proposals shall not be required to be opened publicly but shall be opened in the presence of two or more DOE employees. Proposals and modifications shall be time and date-stamped upon receipt and held in a secure place until the established due date and time. After the date and time established for the receipt of proposals, a register of proposals shall be prepared. It shall include for all proposals the name of each proposer and the number of modifications received, if any.	*After the third sentence adds a new sentence:* "For RFPs for goods and standard services only, the DOE shall disclose the identity of all proposers on the date that the proposals are opened. The identity of proposers shall not be disclosed for RFPs for professional services."

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#	Section Number	Supersection Heading	Original Language	**Change** (Words in italics are explanatory, non-italicized words are the new text)
33	3-03(g)	Request for Proposals	NA	*A new subsection is added:* (g) Correction of Minor Informalities in Proposals. Minor informalities are matters of form, rather than substance that are evident from the proposal documents as well as insignificant mistakes that can be waived or corrected without prejudice to other proposers, where the effect on price, quantity, quality, delivery, or contractual conditions is negligible. The Procurement Manager may waive such informalities or allow the proposer to correct them depending on which is in the best interest of the DOE. An example is the failure of a proposer to submit the number of proposals required by the RFP. *And the lettering of subsections following ore adjusted occordingly.*
34	3-03(g) (changed to 3-03(h))	Request for Proposals	Evaluation Process. Award, if any, must be made to the responsible proposer whose proposal is determined to be the most advantageous to the DOE, taking into consideration the price and such other factors or criteria that are set forth in the RFP.	*After "whose proposol" odds:* "represents the best value to the DOE by optimizing quality, cost and efficiency and therefore"
35	3-03(g)(1)(ii) (changed to 3-03(h)(1)(ii))	Request for Proposals	Outside Evaluators. The Executive Director may determine that it in the best interests of the DOE...	*After "determine thot it" odds the word "is"*
36	3-03(j) (changed to 3-03(k))	Request for Proposals	Vendor Selection and Documentation. In addition to the requirements set forth in Sections 2-10 and 3-01 of these Procedures with respect to the justification to procure technical, consultant and personal services and the justification to utilize a source selection method other than competitive sealed bidding, respectively, the Executive Director shall make a determination showing the basis on which the contract award was made to the responsible proposer whose proposal was determined to be the most advantageous to the DOE, taking into consideration the price and such other factors or criteria that are set forth in the RFP.	Vendor Selection and Documentation. In addition to the requirements set forth in Sections 2-10 and 3-01 of these Procedures with respect to the justification to procure technical, consultant and personal services and the justification to utilize a source selection method other than competitive sealed bidding, respectively, the Executive Director shall make a determination showing the basis on which the contract award was made to the responsible proposer whose proposal was determined to represent the best value and therefore to be the most advantageous to the DOE, taking into consideration the price and such other factors or criteria that are set forth in the RFP.
37	3-04(f)(9)	Multiple Task Award Contract Process	NA	*A new subsection is added:* (9) Duration of Order. Task orders may extend beyond the expiration of the contract term, in which event the terms and conditions of the contract shall continue to apply, until the task is completed.

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#	Section Number	Supersection Heading	Original Language	Change (Words in italics are explanatory, non-italicized words are the new text)
38	3-06(c)	Listing Application	Review and Approval. Upon receipt of a listing application contract package, the Office of the Deputy Chancellor for Teaching and Learning shall review and certify that the materials and/or services are educationally appropriate and worthwhile.	Approval. Listing applications shall be approved as follows: (1) greater than $25,000 to $250,000 – Executive Director. (2) greater than $250,000 – Chancellor or his/her designee.
39	3-08(b)(1)	Negotiated Services	(1) there is a compelling need to extend a contract one or more times beyond the permissible cumulative twelve-month limit, provided that the vendor's performance is satisfactory or that any deficiencies have been or are addressed or are effectively addressed through a corrective action plan and the extension(s) is for the minimum time necessary to meet the need; or	*This subsection is deleted entirely and the lettering of subsections following it ore odjusted occordingly.*
40	3-08(e)(1)(i)	Negotiated Services	Frequency. Notice of intent to procure shall be published once in the City Record seven days prior to the Chancellor's Committee on Contracts meeting where such item is on the agenda. The notice shall be posted simultaneously on the DOE's website in a location that is accessible by the public. Such notice shall solicit expressions of interest from vendors qualified to compete on this procurement or in the future.	*Adds o new sentence ofter the third sentence:* "Any expressions of interest received shall be evaluated."
41	3-08(e)(1)(i)	Negotiated Services	This subsection shall not apply in cases where the Corporation Counsel or his/her designee has provided a written statement that such notice may jeopardize pending litigation.	This subsection shall not apply in cases where the Corporation Counsel or his/her designee has provided a written statement that such notice may impair the conduct of litigation.
42	3-08(e)(1)(ii)(C)	Negotiated Services	summary of the determination	summary of the circumstances of use in accordance with subsection (b) of this Section as applicable to this procurement;
43	3-10(e)	Simplified Procurement	DOE Approvals.	Approval
44	3-11(a)	Purchases through Governmental Contracts	Policy. The DOE may purchase goods, services and construction through contracts of the United States General Services Administration or any other federal agency, the New York State Office of General Services or any other State agency and the City of New York and its agencies provided that the price is lower than the prevailing market price.	Policy. The DOE may purchase goods, services and construction through contracts of the United States General Services Administration or any other federal agency, the New York State Office of General Services or any other State agency or political subdivision of the State and the City of New York and its agencies provided that the price is lower than the prevailing market price.

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#	Section Number	Supersection Heading	Original Language	Change (Words in italics are explanatory, non-italicized words are the new text)
45	3-14(d)(1)	Government-to-Government Contracts	Notice of Intent. Notice of intent to enter into a government-to-government purchase greater than $25,000 shall be published once in the City Record and shall be posted on the DOE's website in a location that is accessible by the public simultaneously with its publication. The public notice shall remain on the DOE's website until expressions of interest are due. The last date of publication of such notice shall appear no fewer than seven days before negotiations are expected to begin.	*Revises the lost sentence os follows:* The date of publication of such notice shall be no fewer than seven days before negotiations are expected to begin.
46	3-15(d)(3)	Consultant Contracts with Individuals	Consultant services $S0,000 or greater shall be procured in accordance with the request for proposals process in Section 3-03, the expedited competitive solicitation process in Section 3-0S or the Negotiated Services process in Section 3-08 of these Procedures.	*After "Section 3-03" odds:* " the multiple task award contract process in Section 3-04"
47	3-1S(d)(4)	Consultant Contracts with Individuals	A Request for Authorization shall be prepared and approved for procurements under subparagraph (3) above pursuant to Section 2-07 of these Procedures.	*Mokes the word subporograph plurol (subparogrophs) and odds after it:* "(2) and"
48	4-06(a)	Renewal of Contracts	Policy. Contracts may provide for the renewal of a contract with the same vendor with substantially unchanged terms and conditions, but possibly revised quantities, lists, schedules or items to be supplied, for a specified period of time.	*After "for the renewol" odds:* "or extension"
49	4-07(b)	Contract Extensions	NA	*A new subsection (b) is odded:* (b) Contracts Extended For More Than One Year. A contract may be extended one or more times beyond the cumulative twelve-month period in subsection (a) above, provided that the vendor's performance is satisfactory or that any deficiencies have been or are addressed or are effectively addressed through a corrective action plan and the extension(s) is for the minimum time necessary to meet the need. *And the lettering of subsections following ore adjusted occordingly.*
50	4-07(b)(1) (changed to 4-07(c)(1)(ii))	Contract Extensions	(b) Procedures. (1) Contract extensions for no additional cost and for a period not to exceed one hundred eighty days, and contract extensions for a cumulative total $2S,000 or less shall be approved by the Principal or Head of Office.	(c) Procedures. (1) DOE Approval. (i) Contract extensions for a period not to exceed one hundred eighty days and for a cumulative total amount of $2S,000 or less shall be approved by the Principal or Head of Office.

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51	4-07(b)(2) (changed to 4-07(c)(1)(ii))	Contract Extensions	(2) Contract extensions for no additional cost and for a period exceeding one hundred eighty days, and contract extensions for a cumulative total amount greater than $25,000 to not greater than $250,000 shall be approved by the Executive Director.	(ii) Contract extensions for a period exceeding one hundred eighty days for a cumulative total amount of $25,000 or less, and all contract extensions for a cumulative total amount greater than $25,000 to not greater than $100,000 shall be approved by the Executive Director.
52	4-07(b)(3) (changed to 4-07(c)(1)(iii))	Contract Extensions	(3) Contract extensions for a cumulative total amount greater than $250,000 shall be approved by the Chancellor. Additionally, the recommendation of the Chancellor's Committee on Contracts pursuant to Section 3-08(d) of these Procedures is required prior to the Chancellor's approval for an extension for a cumulative total amount greater than $100,000 for any contract which was originally recommended for approval by the Chancellor's Committee on Contracts.	(iii) Contract extensions for a cumulative total amount greater than $100,000 shall be approved by the Chancellor.
53	4-07(b)(3) (changed to 4-07(c)(2))	Contract Extensions	(3) Contract extensions for a cumulative total amount greater than $250,000 shall be approved by the Chancellor. Additionally, the recommendation of the Chancellor's Committee on Contracts pursuant to Section 3-08(d) of these Procedures is required prior to the Chancellor's approval for an extension for a cumulative total amount greater than $100,000 for any contract which was originally recommended for approval by the Chancellor's Committee on Contracts.	(2) Chancellor's Committee on Contracts. (i) Contract extensions for a period of one year or less shall require the recommendation of the Chancellor's Committee on Contracts pursuant to Section 3-08(d) of these Procedures prior to the Chancellor's approval where such extension is for a cumulative total amount greater than $100,000 and where the contract was originally recommended for approval by the Chancellor's Committee on Contracts. (ii) Any contract extension for a period exceeding one year pursuant to subsection (b) of this Section shall require the recommendation of the Chancellor's Committee on Contracts pursuant to Section 3-08(d) of these Procedures prior to the Chancellor's approval.
54	4-07(c)(3)	Contract Extensions	NA	*A new subsection has been added to section (c):* (3) Panel Approval. Panel approval shall be required for contracts that are extended for more than one year in accordance with subsection (b) above.
55	4-07(c)(4)	Contract Extensions	(4) For extensions in accordance with (2) and (3) above, the Contract Manager must notify the Executive Director of his/her intent to extend a contract and the reasons therefore. The Executive Director shall make a written determination setting forth the reasons why it is in the best interest of the DOE to extend the contract.	(4) Executive Director Notification. For extensions in accordance with (c)(1)(ii) and (iii) above, the Contract Manager must notify the Executive Director of his/her intent to extend a contract and the reasons therefore. The Executive Director shall make a written determination setting forth the reasons why it is in the best interest of the DOE to extend the contract.

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56	4-07(d)	Contract Extensions	NA	See attached text "Contract Extension Public Notice."
57	4-08(f)(2)(i)	Contract Changes	(i) Changes for a cumulative total amount greater than $25,000 and not greater than $250,000;	(i) Changes for a cumulative total amount greater than $25,000 and not greater than $100,000;
58	4-08(f)(3) and (4)	Contract Changes	Chancellor. Changes for a cumulative total amount exceeding $250,000. Additionally, contract changes for a cumulative total amount exceeding $100,000 where the contract was originally approved by the Chancellor's Committee on Contracts and where the contract change includes an extension of term must receive the recommendation of the Chancellor's Committee on Contracts pursuant to Section 3-08(d) of these Procedures.	(3) Chancellor. Changes for a cumulative total amount exceeding $100,000. (4) Chancellor's Committee on Contracts. Contract changes for a cumulative total amount exceeding $100,000 where the contract was originally approved by the Chancellor's Committee on Contracts and where the contract change includes an extension of term must receive the recommendation of the Chancellor's Committee on Contracts pursuant to Section 3-08(d) of these Procedures prior to approval.
59	4-08(g)	Contract Changes	Panel for Educational Policy Approval. Any change to a contract involving an increase in cost of the greater of 10% of the original contract amount or $25,000 shall require Panel for Educational Policy approval.	*Chonges "$25,000" to* "$25,000.01"
60	4-10(a) and (b)	Resolution of Disputes Arising Out of Contract Administration	(a) Application. In the event a contractor and the DOE are unable to resolve their differences concerning a determination by the DOE the contractor may initiate a dispute in accordance with the procedure set forth in this Section. Exhaustion of these dispute resolution procedures shall be a precondition to any lawsuit permitted hereunder.	*Section (o) is omended ond o new subsection (b) is added:* (a) Application. In the event a contractor and the DOE are unable to resolve their differences concerning a determination by the DOE, except under the circumstances provided for in subparagraph (b) herein, the contractor may initiate a dispute in accordance with the procedure set forth in this Section. Exhaustion of these dispute resolution procedures shall be a precondition to any lawsuit permitted hereunder. (b) Findings or Recommendations of Law Enforcement Agencies. A contractor may not dispute a determination by the DOE where the DOE is acting upon findings or recommendations of the Special Commissioner of Investigation or other law enforcement agency. *The lettering of the subsections following ore odjusted occordingly.*

Change 25

Section 3-02(o)(1)(ii) and (iii) Best Value Language:

(ii) Best Value. For contracts for goods or services, the Executive Director may determine that award shall be made to the responsive and responsible bidder whose bid represents the best value to the DOE by optimizing quality, cost and efficiency. Best value may be determined by consideration of price together with other factors deemed relevant and set forth in the RFB. Such factors may include:

(A) features of the offered product or service set forth in detailed specifications for the product or service offered;

(B) warranties and/or maintenance to be provided with the product or service;

(C) references, past performance and reliability, including reliability or durability of the product being offered and current or past experience with the provision of similar goods or services;

(D) organization, staffing (both members of staff and particular abilities and experience), and ability to undertake the type and complexity of the work;

(E) financial capability; and

(F) record of compliance with all federal, State and local laws, rules, licensing requirements, where applicable, and executive orders, including but not limited to compliance with existing labor standards and prevailing wage laws.

The DOE may consider any and all information related to such factors in determining best value, and may require additional information to be submitted by the bidders with the bid, or alternatively, within up to ninety days from the bid opening from all bidders whose bids are to be considered in a best value analysis.

(iii) Evaluation of Best Value. Bids shall be evaluated by the Procurement Manager and another individual with knowledge, expertise and experience sufficient to make a fair and reasonable determination. Said evaluation shall be based on price together with such factors or criteria disclosed in the RFB. Best value may be deemed to be the lowest priced bid from a responsive and responsible bidder unless both evaluators determine that another responsive bid from a responsible bidder offers the best value.

Change 57

Section 4-07(d) Contract Extension Public Notice Language

(d) Public Notice. This subsection shall apply to contracts which are extended pursuant to subsection (b) herein where the cumulative total amount is greater than $25,000.

(1) Notice of Intent. A notice of intent to extend a contract shall be published once in the City Record seven days prior to the Chancellor's Committee on Contracts meeting where such item is on the agenda. The notice shall be posted simultaneously on the DOE's website in a location that is accessible by the public. Such notice shall solicit expressions of interest from vendors qualified to provide the specified goods or services. This subsection shall not apply in cases where the Corporation Counsel or his/her designee has provided a written statement that such notice may jeopardize pending litigation.

(i) Exception. The Chancellor's Committee on Contracts may deem it necessary to review and recommend the award of a contract prior to the publication of the notice of intent. If a response is received to the notice of intent, the Committee's recommendation to extend the contract shall be stayed and the contract extension shall be resubmitted to the Committee.

(ii) Content. Such notice shall include:

(A) title and/or brief description of the goods or services procured;

(B) name of the proposed vendor;

(C) summary of the reasons for extending the contract;

(D) how qualified vendors may obtain an application, or express their interest in providing such goods or services; and

(E) due date.

(2) Notice of Extension. Notice of contract extensions shall be posted once on DOE's website in a location that is accessible by the public within thirty calendar days after registration of the extension.

(i) Content. Such notice shall include:

(A) purchase description;

(B) name of the vendor;

(C) dollar value of the extension;

(D) statement that the action is an extension pursuant to Section 4-07(b) of these Procedures; and

(E) term of extension.