

PROCEDURAL GUIDANCE

**STATE CONTRACTOR OVERSIGHT**

State Contractor Oversight  
GUIDANCE SUMMARY-AT-A-GLANCE

EFFECTIVE CONTRACTOR OVERSIGHT  
CONSISTS OF:

Providing Clear Direction to Contractor or Vendor

Staying On Scene Initially to Oversee Work

Tracking Progress With Site Visits

Resolving Any Problems With Contractor  
At Regional Level, If Possible.  
If Not, Contact BSR  
Central Office

Providing Guidance To Contractor  
On Reports To Be Submitted

Receiving And Reviewing Payment Package

Preparing Notice of Satisfactory  
Work Completion

## NOTES

### **4.2 State Contractor Oversight**

After you hire a standby contractor (or vendor), you must track the contractor's work and progress. Provide the contractor with clear direction concerning your expectations for cleanup, including documentation of his or her activities. The scope of work should be communicated explicitly. Provide detailed information concerning specific areas of interest that bear upon proper documentation of the cleanup. This information should include work locations, services to be provided, available equipment, and contract conditions related to equipment, material, supervision, and labor.

Ensure that appropriate action is taken to protect human health and the environment and that state or federal funds are being used efficiently. Follow these general guidelines and procedures when dealing with state contractors or vendors:

- # After you call out a contractor, stay on the scene initially to direct and oversee his or her work. Ideally you should then visit the site every day that the contractor is working; however, recognize that depending on your workload you may only be able to visit the site once a week. Every effort should be made to track the contractor's progress and activities during the initial stages of the cleanup or during periods of intense activity.
  
- # It is recommended that you develop a procedure to have contractors notify you of their work schedules for state-financed work. Otherwise, no work should proceed without DEC's prior authorization. This does not mean that a DEC representative will be present at any time during the work activity but by knowing the Contractor's schedule it does allow you the opportunity to spot check his operations. This procedure also doesn't apply to the initial stages of emergency projects where scheduling is done by DEC personnel, or to situations where a schedule is agreed to in the course of DEC assigning a new project to a contractor. The following procedure is one that you may wish to use. Ask contractors to:
  - Call the Regional Office each Friday between 9:00 a.m. and 3:00 p.m. to report their schedule for the next week of field work.
  - Make their best effort to estimate their schedule accurately. If the schedule is tentative, indicate as much but try to firm up the schedule as soon as possible by means of a follow-up telephone call to the Regional Office.
  - Call in any schedule changes or updates as soon as possible.
  - Leave the name and telephone number of a contact person if DEC has any questions or needs additional information.
  
- # Every time you visit a site, fill out a Job Inspection Report or take field notes (see Part 4, Section 1). These reports document the status of cleanup and are to be used to verify contractor costs in the payment process.

## NOTES

- # If you have problems with a particular contractor, try to resolve these problems directly. For example, if you find discrepancies or are dissatisfied with the cost or scope of services provided, discuss this with the contractor and express your concerns. If you are unable to resolve the problem at the regional level, contact the BSPR Central Office to help you resolve the problem.
  
- # Contractors must periodically submit reports on the progress of their clean-up activities. Here are some guidelines that should guide your requests for reports (including lab reports) from your contractors:
  - Assume that the case will go to court and that the report will be entered as evidence. The person preparing the report will be required to defend it in a court of law.
  - The scope of investigation by the contractors should be limited to only that area in which they have expertise.
  - Limit reports to facts that have been physically measured and observed and to those calculations and/or conclusions that can be made with the training/education that the person preparing the report has had.
  - DO NOT include any hearsay or unclear information. Only use information that can be documented.
  
- # Once the cleanup is complete and/or on a monthly basis, whichever comes first, you should receive a contractor's package requesting payment for services rendered. Compare the payment package against your own notes on the activities that were conducted for accuracy and agreement (see Part 4, Section 3, Preparation of Payment Packages). Payment package invoices must provide a detailed description of the work performed and the personnel, equipment, supplies, and materials used for the project.
  
- # Once you determine a cleanup can be terminated (see Part 1, Section 7, Closing-Out a Spill), prepare a Notice of Satisfactory Work Completion within 10 days of work completion and send this notice to the contractor (Exhibit 4.2-1).

**Exhibit 4.2-1**

**Letter of Satisfactory Work Completion**

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TO:

RE: Spill No. :  
PIN :  
Contract No. :  
Completion Date :

Dear Sir:

This is to inform you that the work performed in the investigation, cleanup and removal of the oil spill described above was completed in a satisfactory manner. Please submit any remaining invoices within 30 days of receipt of this letter to this office for payment.

Sincerely,

Regional Spill Engineer, Region \_\_\_\_

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