

5:32-4  
QUALIFIED PURCHASING AGENTS

**5:32-4.1 Qualified purchasing agent**

(a) An individual shall be considered a qualified purchasing agent pursuant to N.J.S.A. 40A:11-9.b to exercise the supplemental authority as set forth in N.J.S.A. 40A:11-3 and 40A:11-4.3 or N.J.S.A. 18A:18A-3 and 18A:18A-4.3 upon meeting the criteria relevant to the individual as set forth in N.J.S.A. 40A:11-9.

(b) To meet the criteria of required training courses set forth in N.J.S.A. 40A:11-9.b(5), an applicant shall successfully complete the following courses provided by the Division of Local Government Services or, with the approval of the Director, the Center for Government Services at Rutgers, the State University of New Jersey or a county college:

1. Principles of Public Purchasing I;
2. Principles of Public Purchasing II;
3. Principles of Public Purchasing III; and
4. Municipal Finance Administration, or either of the following courses: Municipal Finance Administration for Municipal Clerks or Municipal Finance Administration for Purchasing Agents.

(c) At least one of the courses established pursuant to (b) above shall incorporate the subject area of green purchasing.

(d) Upon approval of the Director, any of the training courses set forth in section (b) may be combined, or may be incorporated into a new or existing undergraduate or graduate-level course.

(e) The following individuals who apply for qualified purchasing agent certification must certify to having earned 2.0 contact hours of coursework on the subject area of green purchasing before being eligible to take the certification exam, and said coursework shall be approved by the Director as relevant to the subject matter area and the duties of a QPA pursuant to N.J.S.A. 40A:11-9 and this chapter:

1. Individuals who have successfully completed all training courses required pursuant to N.J.S.A. 40A:11-9.b(5) prior to October 20, 2014;

2. Individuals who have successfully completed one or more of the training courses required pursuant to N.J.S.A. 40A:11-9.b(5) prior to June 30, 2015, and whose remaining coursework will not cover green purchasing; or

3. Individuals who are otherwise exempt from taking the prerequisite training courses pursuant to N.J.S.A. 40A:11-9.b(7) or 40A:11-9.f.

(f) Individuals applying for a qualified purchasing agent certificate who are exempt from the certification exam pursuant to N.J.S.A. 40A:11-9.e(2) must certify to having earned 2.0 contact hours of coursework on the subject area of green purchasing before being eligible to receive a qualified purchasing agent certificate. Said coursework shall be approved by the Director as relevant to the subject matter area and the duties of a QPA pursuant to N.J.S.A. 40A:11-9 and this chapter.

(g) Applicants for a qualified purchasing agent examination and certification shall submit to the Division an application form approved by the Director. The application submission shall include proof(s) of meeting the requirements in N.J.S.A. 40A:11-9 and as described as part of the application form. At the discretion of the Director, additional information and documentation may be required upon receipt of an application. Each completed application shall be filed with the Division at least 30 calendar days prior to the date of the examination, and shall be accompanied by a fee in the amount of \$150 payable to the State Treasurer. The Director shall determine the content of the examination.

(h) Upon meeting the requirements of law the applicant shall be issued a certificate as a qualified purchasing agent upon payment to the Director of a fee of \$25 payable to the State Treasurer.

#### **5:32-4.2 Continuing education requirements**

(a) Renewal of a qualified purchasing agent certificate shall be required every three years, subject to the applicant's fulfillment of continuing education requirements, the submission of an application for renewal, and payment of a \$ 35 fee payable to the order of the Treasurer, State of New Jersey.

1. For certificate renewal cycles commencing before August 1, 2022, applicants shall obtain 20 continuing education contact hours in the subject areas of procurement procedures, office administrative/general duties, ethics, and green purchasing. For certificate renewal cycles commencing on or after August 1, 2022, applicants shall obtain 25 continuing education contact hours in the subject areas of

procurement procedures, office administrative/general duties, ethics, and green purchasing. Said credits shall be approved by the Director as relevant to the subject matter area and the duties of a QPA pursuant to N.J.S.A. 40A:11-9 and this chapter, with the following minimum contact hours for each subject area:

- i. Two contact hours in the subject area of procurement procedures for certificate renewal cycles commencing before August 1, 2022, or for certificate renewal cycles commencing on or after August 1, 2022, five contact hours in the subject area of procurement procedures;
- ii. 2 contact hours in the subject area of office administrative/general duties;
- iii. 3 contact hours in the subject area of ethics; and
- iv. 2 contact hours in the subject area of green purchasing.

2. At the option of the applicant, contact hours in the subject areas of information technology and public works compliance, as approved by the Director for relevance to the subject matter area and the duties of a QPA pursuant to N.J.S.A. 40A:11-9 and this chapter may be applied toward the number of continuing education contact hours required under (a)1 above, in addition to the required minimum contact hours.

3. If an applicant has earned at least the minimum number of continuing education contact hours required pursuant to (a)1 above within the renewal period, but has not achieved the minimum number of contact hours in a given subject area, the Director has discretion to waive the required minimum upon application and good cause shown, provided that the applicant has earned at least one contact hour in the subject area. This waiver discretion shall not apply to the minimum number of green purchasing contact hours for certificate renewal cycles expiring no later than June 30, 2019.

4. Qualified purchasing agent certificates shall expire and be due for renewal according to the following schedule:

- i. All qualified purchasing agent certificates issued prior to January 1, 2005, shall first expire and be due for renewal as of June 30, 2015, and every three years thereafter.
- ii. All qualified purchasing agent certificates issued on or after January 1, 2005, but prior to January 1, 2010, shall first expire and be due for renewal as of January 1, 2016, and every three years thereafter.

iii. All qualified purchasing agent certificates issued between January 1, 2010 and April 11, 2012 shall first expire and be due for renewal as of June 30, 2016, and every three years thereafter. All qualified purchasing agent certificates issued after April 11, 2012 shall first expire and be due for renewal either on June 30 or December 31, whichever is sooner, at least three years from when they are first issued, and every three years thereafter, except that no qualified purchasing agent certificate issued after April 11, 2012 shall expire sooner than June 30, 2016.

5. Renewal of qualified purchasing agent certificates shall be requested on a renewal form approved by and submitted to the Director.

6. An individual who holds a qualified purchasing agent certificate and allows such certificate to lapse by failing to renew shall be required to apply to take the qualifying examination and pay the requisite fee for such application in order to obtain a new qualified purchasing agent certification, except that, when an individual applies within six months of the expiration of the certificate, the application may be made in the same manner as a renewal.

7. Within twelve months of the expiration of the certificate, an application may be made in the same manner as renewal only if the Director determines that either of the following circumstances prevents a certificate holder from earning the required continuing education units within six months of the expiration of the certificate:

- i. A flood, hurricane, superstorm, tornado or other natural disaster, and a state of emergency has been declared as a result thereof by the Governor, or
- ii. A medical event or condition

#### **5:32-4.3 Procedures for increasing the bid threshold**

A contracting unit with a purchasing agent who possesses a qualified purchasing agent certificate pursuant to N.J.S.A. 40A:11-9 desiring to take advantage of the supplemental authority of N.J.S.A. 40A:11-3 and 40A:11-4.3 or N.J.S.A. 18A:18-3 and 18A:18A-4.3 shall have its governing body pass a resolution authorizing the amount of a higher bid threshold for the contracting unit, the amount of which shall not exceed the statutory maximum bid threshold.

**5:32-4.4 Vacancy in the office of purchasing agent**

(a) Following the appointment of a purchasing agent for a contracting unit, if the person appointed no longer performs such duties, the governing body or chief executive officer, as appropriate to the form of government, may appoint, for a period not to exceed one year commencing from the date of the vacancy, a person who does not possess a qualified purchasing agent certificate to serve as a temporary purchasing agent. With the approval of the Director, a contracting unit may appoint or reappoint a temporary purchasing agent for a maximum of one additional year following the end of the first temporary appointment. No contracting unit shall employ a temporary purchasing agent for more than two consecutive years.

1. Prior to the end of the first year appointment of a temporary purchasing agent, the governing body, or chief executive officer, as appropriate, shall request, in writing, permission from the Director to appoint a temporary purchasing agent for a second year. A questionnaire approved by the Director shall be completed and included with the written request. The completed questionnaire and any documents submitted in support of said questionnaire shall be exempt from disclosure under the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)
2. Before granting approval to appoint or reappoint a temporary purchasing agent for a second year, the Director shall be satisfied that the individual is of good moral character and can satisfactorily fulfill the duties of a purchasing agent. Any request to the Director shall provide the following information:
  - i. The candidate's efforts to obtain a qualified purchasing agent certificate;
  - ii. Whether, as a condition of hiring, the contracting unit performed a criminal background check, credit check and judgment search, along with the results thereof;
  - iii. An explanation of any repeat comments on the most recent Annual Audit, attributable to the office of purchasing agent; and
  - iv. An explanation of any complaints against the office of purchasing agent from a member of the public or other persons that are of a serious nature, such as those involving potential, ongoing, or prior litigation.
3. The Director may request from the governing body or chief executive officer of the contracting unit, as appropriate, such other information as may be necessary to

determine the individual's good moral character and ability to fulfill the duties of purchasing agent.

(b) During the term of appointment of a temporary purchasing agent, a contracting unit's bid threshold may remain at an amount up to the maximum allowed for a contracting unit having appointed a person possessing a qualified purchasing agent certificate to serve as the purchasing agent, so long as the governing body has adopted a resolution authorizing such amount. Contracts awarded after a vacancy occurs in the office of a purchasing agent shall be subject to a bid threshold of \$17,500, or in the case of boards of education, the bid threshold established by the State Treasurer pursuant to N.J.S.A. 18A:18-3(b), until either the subsequent appointment of a person possessing a qualified purchasing agent certificate to serve as the purchasing agent or the appointment of a temporary purchasing agent pursuant to this section. A contracting unit shall notify its auditor upon a vacancy occurring in the office of a purchasing agent, unless the contracting unit's auditor inquires, on an annual basis, whether the contracting unit has appointed either a purchasing agent or, in lieu of having appointed a purchasing agent, a temporary purchasing agent pursuant to this section.