

LOCAL PUBLIC AND PUBLIC SCHOOL CONTRACTS LAWS - QUALIFIED
PURCHASING AGENTS AND INCREASING THE BID THRESHOLD

§ 5:34-5.1 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 Center for Government Services at Rutgers, the State University, the Division of Local Government Services, or, with the approval of the Director, an alternative State University or 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) The following individuals who apply for qualified purchasing agent certification after June 30, 2015, 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, 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. Successfully completed all training courses required pursuant to N.J.S.A. 40A:11-9.b(5) prior to October 20, 2014;
2. 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;
3. 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.

(e) Those individuals applying for a qualified purchasing agent certificate after June 30, 2015, 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.

(f) Applicants for a qualified purchasing agent examination and certification shall submit an application form available under the Professional Certification section on the Division website (www.nj.gov/dca/divisions/dlgs) to 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. Applications may be submitted at any time. At the discretion of the Director, additional documentation may be required upon receipt of an application. Upon meeting the requirements of law the applicant shall be issued a certificate as a qualified purchasing agent.

§ 5:34-5.2 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 \$ 35.00 fee payable to the order of the Treasurer, State of New Jersey.

1. Applicants shall obtain 20 continuing education contact hours in 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. 2.0 contact hours in the subject area of procurement procedures;
- ii. 2.0 contact hours in the subject area of office administrative/general duties;
- iii. 3.0 contact hours in the subject area of ethics; and
- iv. 2.0 contact hours in the subject area of green purchasing.

2. At the option of the applicant, contact hours in the subject area of information technology 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 20 continuing education contact hours, required under (a)1 above, in addition to the required minimum contact hours for procurement procedures, office administrative/general duties, ethics, and green purchasing.

3. If an applicant has earned at least 20 continuing education contact hours 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. 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 the renewal form available under the Professional Certification section on the Division website www.nj.gov/dca/divisions/dlgs, or an approved copy thereof. The form shall be 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 required pursuant to N.J.A.C. 5:34-5.1(c), 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.

§ 5:34-5.3 (Reserved)

§ 5:34-5.4 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.

§ 5:34-5.5 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. Any person so appointed may, with the approval of the Director, be reappointed as 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.
2. During the term of appointment of a temporary purchasing agent, a contracting unit's bid threshold may remain at the maximum amount allowed, as long as the governing body has passed a resolution authorizing such amount.