

with the Director of the Division of Local Government Services. The rule, N.J.A.C. 5:34-9.6, codifies and supplements the requirements of the provisions of law. The rule requires documentation to be submitted to the Director within five (5) working days of the award of any such contract. The following documentation is submitted:

- 7. Copy of the adopted resolution approved by two-thirds affirmative vote of the full membership of the governing body *or, in the case of boards of education, copy of the motion made, carried and recorded in the written minutes of the meeting]*. YES() NO()

APPENDIX C

N.J. DIVISION OF LOCAL GOVERNMENT SERVICES
SUBMISSION CHECKLIST

Use *Of* *of* The General Services Administration's Federal Supply Schedules

N.J.S.A. 40A:11-12(b) **12.b** and N.J.S.A. 18A:18A-10(b) **10.b**

CONTRACTING UNIT'S NAME: _____ COUNTY _____
ITEM PURCHASED: _____ DATE: _____

The Local Public Contracts Law at N.J.S.A. 40A:11-12(b) and the Public School Contracts Law at N.J.S.A. 18A:18A-10(b) require information on this particular type of purchasing transaction(s) to be filed with the Director of the Division of *Local Government Services* ***Purchase and Property***. The rule, N.J.A.C. 5:34-9.7, codifies and supplements the requirements of the provisions of law. The rule requires documentation to be submitted to the Director within five (5) working days of the award of any such contract *[for reprographic equipment or services, including digital copiers, listed in any of the Special Item Numbers of the Federal Supply Schedule 36, Part IV, or update thereto]* ***under the General Services Administration's Federal Supply Schedules or schedules from other Federal procurement programs pursuant to N.J.S.A. 40A:11-12(b) or 18A:18A-10(b)***. The following documentation is submitted:

DOCUMENTATION INCLUDED WITH SUBMISSION

- 1.-2. (No change.)
- 3. Documentation *[verifying]* ***identifying*** the price *[and description of the reprographic equipment of services, including digital copiers, under the Federal Supply Schedules;]* ***of goods or services under the General Services Administration's Federal Supply Schedules or schedules from other Federal procurement programs pursuant to N.J.S.A. 40A:11-12.b or 18A:18A-10.b.***
- *[4. Written certification of the contracting unit's purchasing agent verifying that the price of the reprographic equipment or services, including digital copiers, is no greater than the State contract price or, in the alternative, provide the rationale justifying payment of the higher Federal Supply Schedule price;
- 5. A copy of the vendor's consent to the terms and conditions of the State contract governing in the event of a conflict with the vendor's Federal contract; and
- 6. Copy of the adopted resolution approved by the membership of the governing body or, in the case of boards of education, copy of the motion made, carried and recorded in the written minutes of the meeting.]*

OTHER COMMENTS: Please use a separate sheet of paper and attach to Checklist.

FORM SUBMITTED BY:

(Please Print Name) (Title)

(Telephone or E-mail) (Date)

Please return this form with all the required documentation to the *[Bureau of Local Management Services at the Division of Local Government Services, at PO Box 803, Trenton, NJ 08625-0803]*

***Division of Purchase and Property, Attn: Co-op Liaison, PO Box 230, Trenton, New Jersey 08625-0230*.**

(a)

DIVISION OF LOCAL GOVERNMENT SERVICES

Qualified Purchasing Agents

Readoption with Amendments of Special Adopted Repeals and New Rules: N.J.A.C. 5:34-5

Proposed: May 6, 2013, at 45 N.J.R. 984(a).
Adopted: September 12, 2013, by Thomas H. Neff, Director, Division of Local Government Services.
Filed: September 13, 2013, as R.2013 d.124, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 40A:11-9.
Effective Dates: September 13, 2013, Readoption;
October 7, 2013, Amendments.
Expiration Date: September 13, 2020.

Summary of Public Comments and Agency Responses:

COMMENT: Mr. Joseph Valenti, of Joseph A. Valenti, LLC, stated that N.J.A.C. 5:34-5.5(a) should be changed for clarification purposes. Specifically, the phrase "pursuant to N.J.S.A. 40A:11-9.a" should be inserted into the first sentence of the section in order to clarify that N.J.S.A. 40A:11-9.a sets forth how a contracting unit can appoint a qualified purchasing agent.

RESPONSE: The commenter's point is valid as to the need for textual clarification; however, the Director finds that this clarification is best achieved by eliminating the phrase "pursuant to N.J.S.A. 40A:11-9.g" rather than adding a cite to N.J.S.A. 40A:11-9.a alongside it. Deleting the above-referenced phrase does not affect the substance of the rule as it tracks the statutory language of N.J.S.A. 40A:11-9.g.

Federal Standards Statement

No Federal standards analysis is required because the readopted special adopted repeals and new rules with amendments are not being adopted in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Full text of the readopted special adopted new rules with amendments follows (deletion from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 5. QUALIFIED PURCHASING AGENTS

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, by 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;
- 4. Municipal Finance Administration, or either of the following courses: Municipal Finance Administration for Municipal Clerks, or Municipal Finance Administration for Purchasing Agents; and
- 5. For individuals applying for a qualified purchasing agent certificate after June 30, 2014, Environmentally Preferable Procurement.

(c) 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 and the submission of an application for renewal.

1. Applicants shall obtain 20 continuing education contact hours in subject areas of procurement procedures, office administrative/general duties, ethics, and information technology.

2. 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.

3. 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.

4. 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 "Green Purchasing" course

(a) Commencing June 30, 2014, all applicants who are otherwise qualified to apply for the examination for a qualified purchasing agent pursuant to N.J.S.A. 40A:11-9.b must complete the course Environmentally Preferable Procurement, as 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; an alternate State University, or a county college.

(b) Within four years from the date the course Environmentally Preferable Procurement is established, individuals who have been issued a qualified purchasing agent certificate either before, on, or after April 11, 2012 are required to complete the course, in order to continue to be qualified. The course will be completed in addition to the continuing education requirements pursuant to N.J.A.C. 5:34-5.2.

(c) Individuals who apply for the qualified purchasing agent examination after June 30, 2014, pursuant to N.J.A.C. 5:34-5.1, are not required to complete the Environmentally Preferable Procurement course a second time.

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, *[pursuant to N.J.S.A. 40A:11-9.g,]* 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.

EDUCATION

(a)

STATE BOARD OF EDUCATION

Educator Effectiveness Evaluation System

Adopted Amendments: N.J.A.C. 6A:3-5 and 6A:10

Adopted New Rules: N.J.A.C. 6A:10-2.1, 2.5, 3, 4, 5, 6, and 8

Adopted Repeal: N.J.A.C. 6A:32-4.6

Adopted Repeals and New Rules: N.J.A.C. 6A:10-2.3 and 2.4

Adopted Recodification with Amendments: N.J.A.C. 6A:10-2.1 as 7.1

Proposed: June 3, 2013, at 45 N.J.R. 1292(a).

Adopted: September 12, 2013, by the State Board of Education, Christopher D. Cerf, Commissioner, Department of Education and Secretary, State Board of Education.

Filed: September 12, 2013, as R.2013 d.120, **with substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 18A:4-15 and P.L. 2012, c. 26.

Effective Date: October 7, 2013.

Expiration Dates: April 23, 2017, N.J.A.C. 6A:3;

March 4, 2020, N.J.A.C. 6A:10.

Summary of Public Comments and Agency Responses:

The following is a summary of the comments received from members of the public and the Department's responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Joan Ablahani - Brooklawn M. S.
2. Tracey Abram - William R. Satz School
3. Brian Adams - Rockaway Township SD
4. John Adams
5. Monica Alexandre
6. Jaissa Almonte - Melvin H. Kreps Middle School
7. Annette Alston
8. Catherine Anderson