

5:34-6
LOCAL PUBLIC AND PUBLIC SCHOOL CONTRACTS LAWS - EMERGENCY
PURCHASES AND CONTRACTS

5:34-6.1 General requirements

- (a) The use of emergency purchasing pursuant to N.J.S.A. 40A:11-6 or 18A:18A-7 shall be subject to the following requirements:
1. An actual or imminent emergency must exist requiring the immediate delivery of the goods or the performance of the service;
 2. As soon as reasonably possible, but within three days of declaring the emergency, the chief school administrator of a board of education shall notify the superintendent of education for the county of the nature of the emergency and the estimated needs for goods and services necessary to respond to it;
 3. The emergency purchasing procedure may not be used unless the need for the goods or services could not have been reasonably foreseen or the need for such goods or services has arisen notwithstanding a good faith effort on the part of the contracting unit to plan for the purchase of any goods or services required by the contracting unit;
 4. The contract shall be of such limited duration as to meet only the immediate needs of the emergency; and
 5. Under no circumstances shall the emergency purchasing procedure be used to enter into a multi-year contract.
- (b) The governing body of each contracting unit shall adopt rules or regulations as appropriate to the contracting unit to ensure that there is a procedure for determining and confirming the existence of an emergency and that the provisions for emergency purchasing pursuant to N.J.S.A. 40A:11-6 or 18A:18A-7 may be implemented. Such rules or regulations shall include such provisions that ensure that if initially designated individuals are not available, there is a designated chain of command to ensure that there are always appropriate individuals available to make such decisions.

Amended by R.2000 d.485, effective December 4, 2000.

5:34-6.2 (Reserved)

Repealed by R.2000 d.485, effective December 4, 2000.

5:34-6.3 (Reserved)

Emergency New Rule, R.1997 d.403, effective September 2, 1997 (to expire November 1, 1997). Adopted concurrent proposal, R.1997 d.509, effective October 31, 1997. Repealed by R.2000 d.485, effective December 4, 2000.