

Notice of Administrative Corrections to the Uniform Bid Specifications for Municipal Solid Waste Collection Contracts (N.J.A.C. 7:26H-6 Appendix A)

The Department has amended N.J.A.C. 7:26H-6 Appendix A via a Notice of Administrative Change and Correction in accordance with N.J.A.C. 1:30-2.7(a). The notice was posted with the New Jersey Register on April 6 at <https://www.nj.gov/dep/rules/adminchg.html>.

Summary of Modifications:

The Department has amending N.J.A.C. 7:26H-6 Appendix A (Wording of the Uniform Bid Specifications for Municipal Solid Waste Collection Contracts) to update and correct references to statutory bidding requirements as summarized below.

- N.J.A.C. 7:26H-6 Appendix A identifies at two points the documents that must be submitted by bidders. The Department is removing reference at N.J.A.C. 7:26H-6 Appendix A, 1.4(8) and at 6.1(h) to the bidder's Business Registration Certificate issued by the New Jersey Division of Revenue as being one of the documents required to be submitted by all bidders at the time of bidding. As reflected at N.J.S.A. 52:32- 44(b), the Business Registration Certificate is not required to be submitted with the bid but is only required to be provided prior to the time a contract, purchase order, or other contracting document is awarded or authorized. Reference to the actual timing of this statutory requirement is being relocated to N.J.A.C. 7:26H-6 Appendix A at 3.5, Compliance.
- As part of the corrections of the list of required documents at the time of bidding, at N.J.A.C. 7:26H-6 Appendix A, 1.4(8) and 6.1(h) the Department is adding a reference to the certification regarding investment activities in Iran required to be submitted by all bidders in accordance with N.J.S.A. 52:32-58.
- Bidders on public contracts may take a variety of forms including corporations, partnerships, and limited liability companies, with all required to satisfy statutory requirements. To reflect statutory amendments specifically requiring limited liability companies to submit ownership information in order to be eligible for public contracts, N.J.A.C. 7:26H-6 Appendix A, 3.1 C, is updated to add reference to limited liability companies as potential bidders.
- N.J.A.C. 7:26H-6 Appendix A, 5.13 B is amended to reflect a recent statutory amendment to the Local Public Contracts Law regarding the period within which payment of amounts due under a public contract must be made (see P.L. 2018, c. 127, effective February 1, 2019).
- At N.J.A.C. 7:26H-6 Appendix A, 6.3 13, all bidders were required to supply the most recent annual report or a financial statement containing specified minimum information if the bidder has not been required to file an annual report. This reference is amended to reflect the current Local Public Contracts Law at N.J.S.A. 40A:11-13(f), which prohibits any bidder being required to submit a financial statement if either a guarantee, by certified check, cashier's check, or bid bond, or a surety company certificate is also required to be furnished by the bidder, unless such

a financial statement is Federally required as a condition upon the awarding of a monetary grant to be used for the purchase, contract or agreement.