

Public Notice

Education

State Board of Education

Notice of Action on Petition for Rulemaking

Student Transportation

Bid Specifications

N.J.A.C. 6A:27-9.3

Petitioner: James Shoop.

Take notice that on January 29, 2020, the New Jersey State Board of Education (State Board) received a petition for rulemaking from the above petitioner, requesting the State Board of Education amend N.J.A.C. 6A:27-9.3 to align the rule governing student transportation bid specifications and contracts with Title 52 of the New Jersey Annotated Statutes.

The petitioner specifically requested that the State Board adopt an amendment at N.J.A.C. 6A:27-9.3(e)3, which requires a district board of education to include language in bid specifications and contracts that directs bidders to submit a business registration certificate, to add language requiring the certificate to be submitted to the district board of education prior to the time a contract, purchase order, or other contracting document is awarded or authorized.

A notice acknowledging receipt of the petition was published in the March 16, 2020, New Jersey Register at 52 N.J.R. 535(a). A notice of action indicating that additional time was needed for the Department to deliberate about this petition was published in the April 6, 2020, New Jersey Register at 52 N.J.R. 806(a).

After further deliberation, the Department has determined that existing N.J.A.C. 6A:27-9.3(e)3 is consistent with N.J.S.A. 52:32-44.b. N.J.A.C. 6A:27-9.3 defines the required school transportation contract bid specifications, which are the standards articulated by a district board of

education when it advertises to potential bidders. Bidders must meet all of the specifications to qualify to be awarded a contract. N.J.A.C. 6A:27-9.3(e) specifically lists “the following documents and forms prescribed by the Commissioner to be made part of the bid specifications and contract,” and includes “A business registration certificate.” As a business registration certificate is a required item in the bid specifications, the rules ensure that a bidder actually possesses a business certificate and that it is provided prior to the award of a contract pursuant to a public bidding process.

Therefore, the petitioner’s request is denied.