

## **Public Notice**

### **Education**

#### **State Board of Education**

#### **Notice of Receipt of 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 New Jersey Annotated Statutes.

The petitioner specifically requests 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.

The petition states that existing N.J.A.C. 6A:27-9.3(e)3 is not consistent with the provision at N.J.S.A. 52:32-44.b that states, “[a] contractor shall provide the contracting agency with the business registration of the contractor and that of any named subcontractor prior to the time a contract, purchase order, or other contracting document is awarded or authorized.”

The petitioner states that the requested amendment will prevent a bid received by a district board of education from being rejected as “nonresponsive” due to the bidder’s failure to submit the business registration certificate with the bid.

The petitioner's requested amendment at N.J.A.C. 6A:27-9.3(e)3 is as follows (addition indicated in boldface **thus**):

3. A business registration certificate, **which shall be submitted to the district board of education prior to the time a contract, purchase order, or other contracting document is awarded or authorized;**

The petitioner also requests that the Department revise the Sample Bid Specifications for Transportation To and From School on the Department's website to accurately reflect N.J.S.A. 52:32-44.b in the section on business registration.

In accordance with N.J.A.C. 1:30-4.2, the Department shall subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.