



PUBLIC SCHOOL PURCHASING

**March 21, 2024
Whippany**

**March 26, 2024
Mt. Laurel**

**James Shoop
School Business Administrator (Ret.)**

AFFIRMATIVE ACTION GUIDANCE

https://www.state.nj.us/treasury/contract_compliance/

Affirmative Action Guidance March 2024

Appointment of Public Agency Compliance Officer (P.A.C.O.)

Board Resolution

Appoint Public Agency Compliance Officer (P.A.C.O.)

Appointment of Public Agency Compliance Officer (P.A.C.O.)

Each year, the Board of Education is to appoint a Public Agency Compliance Officer (P.A.C.O.) The Public Agency Compliance Officer is the liaison between the Board of Education and the State of New Jersey Department of the Treasury, Division of Purchase and Property, Contract Compliance and Audit Unit, EEO Monitoring Program.

Notification of Appointment—Form on Affirmative Action Website

The Board of Education shall notify the NJ Department of Treasury, Division of Purchase and Property, EEO Monitoring Program of the annual appointment on the appropriate form provided.

The form may be accessed by visiting the Affirmative Action website

https://www.state.nj.us/treasury/assets/contact/contract_compliance/contact-contract_compliance-paco.shtml

Recommendation When Completing Form

When completing the part of the form as noted:

Current Highest Elected or Appointed Official _____

It is not recommended to put the name of the elected Board President.

It is recommended to put the name of your Superintendent of Schools.

Designation Of Public Agency Compliance Officer (P.A.C.O)

Please fill in the fields below.

Public Agency	
Prefix:	
First Name	
Middle. I	
Last Name	
Title	
Business Address Line 1:	
Business Address Line 2:	
City:	
State:	New Jersey
Zip	
Phone Number: (Enter Numbers Only)	
Fax Number: (Enter Numbers Only)	
Your E-mail Address:	
Current Highest Elected or Appointed Official:	

Is there a Person currently serving as the P.A.C.O?

Will the P.A.C.O will be appointed at the next Board/Council meeting. A copy of the resolution designating the appointee will be sent to the Division of Purchase & Property, Contract Compliance Audit Unit, EEO Monitoring Program?

Do you require additional technical assistance?

Appoint Public Agency Compliance Officer (P.A.C.O.)

Resolution Designating Public Agency Compliance Officer--ANYTOWN Board of Education

In accordance with N.J. A.C. 17:27-3.2, the Board of Education designates **Name of School Business Administrator**, School Business Administrator, Board Secretary as the Public Agency Compliance Officer for the ANYTOWN Board of Education.

The Public Agency Compliance Officer is the liaison between the ANYTOWN Board of Education and the State of New Jersey Department of the Treasury, Division of Purchase and Property, Contract Compliance and Audit Unit, and EEO Monitoring Program.

The Public Agency Compliance Officer is responsible for administering contracting procedures pertaining to equal employment opportunity regarding the ANYTOWN Board of Education and the appropriate contracted **vendors**.

The major responsibilities of the Public Agency Compliance Officer are as follows:

- Obtain and keep a current file of the required Affirmative Action Evidence from contracted **vendors** who do business with the Board;
- Include the mandatory Affirmative Action language in all advertisements for bids and all solicitation of proposals; and
- Include the appropriate mandatory Affirmative Action Language in all bid specifications and all Board contracts.

The School Business Administrator will assume the responsibilities at no extra compensation.

Mandatory Bid Advertisement Language

Page 5 Section 2.2

Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq., and N.J.A.C. 17:27 et seq.

Mandatory Bid Advertisement Language

As the Public Agency Compliance Officer, you are required to have the following mandatory language in all procurement advertisements:

Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq., and N.J.A.C. 17:27 et seq.

Please pull out a copy of the following **advertisements** for

- Bids
- Requests for Proposals
- Competitive Contracting
- EUS
- **FSMC Proposals**

The above language has to be in all procurement advertisements.

NEW JERSEY BRC

BUSINESS REGISTRATION CERTIFICATE

March 2024—James Shoop—SHOOP SBA, LLC

New Jersey Business Registration Certificate Requirements

BRC Required—15% of Bid Threshold

Pursuant to N.J.S.A. 52:32-44, a contractor (business organization) that seeks to enter into a contract with a board of education in an amount that exceeds fifteen (15%) percent of the bid threshold, shall submit to the board a valid and current New Jersey Business Registration Certificate. A business organization does not include a government agency or a nonprofit entity.

"**Business organization**" means an **individual**, partnership, association, joint-stock company, trust, corporation, or other legal business entity or successor thereof, but does not include a government agency or organization organized as a nonprofit entity under 26 U.S.C. sec. 501 (c);

Requirement Deadline of BRC Submission—Prior to Award of Contract

A contractor shall provide the board of education with the business registration certificate 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. N.J.S.A. 52:32-44 (b)

Submission with Bid, Proposal, Quotation—Board May Request; Not Required

A board of education may request; not require, that a contractor submit their business registration certificate with a bid, proposal, or quotation request. Boards of education are not permitted to reject bids, proposals, or quotations submitted by contractors for the failure of the contractor to submit the business registration certificate with the bid, proposal, or quotation.

Responsibilities of the Boards of Education

1. Obtain the NJ Business Registration Certificate prior to the contract award.
2. Retain copies of the NJ Business Registration Certificate with the
 - Contract
 - Bid or proposal
3. Maintain a file of NJ BRCs in **alphabetical order**—N.J.S.A. 52:32-44 (c)

4. Due Diligence Process—Recommendation—Part 1

NJ BRCs have no expiration date, however, it is incumbent upon the board of education to perform a due diligence check. It is therefore recommended that prior to signing a purchase order, the Purchasing Agent visit the **On-Line Business Registration Certificate Service of the NJ Division of Revenue** and check the current status of each NJ BRC submitted. The link is as follows:

https://www1.state.nj.us/TYTR_BRC/jsp/BRCLoginJsp.jsp

Due Diligence Recommendation Part 2

It is recommended after visiting the **On-Line Business Registration Certificate Service** and checking the current status of each NJ BRC submitted, that the district print a copy of the vendor's current BRC.

The date on the bottom of the NJ BRC will reflect the date the district checked the status of the document.

I have selected a random business to use as an example

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE	
Taxpayer Name:	SHOOP SBA, LLC
Trade Name:	
Address:	12 HENNING DRIVE FAIRFIELD, NJ 07004-1706
Certificate Number:	1895250
Effective Date:	August 14, 2014
Date of Issuance:	November 29, 2023

Final Note: Geographical Borders of New Jersey

The NJ BRC is required from a contractor, where the goods that are received, services that are delivered, and construction is constructed, are within the geographic borders of the State of New Jersey. **Out-of-state contractors providing goods to be delivered to New Jersey schools or providing services to and in New Jersey schools shall submit the NJ BRC.**

However!

If students or officials of NJ schools visit out-of-state contractors and use the contractor's goods and services out of state, then the NJ BRC is not required.

For example

- Conference lodging in out-of-state hotels.
- Football or band camps held in out-of-state venues.
- Field trip admissions in out-of-state venues.

Sample Business Registration Certificates

STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE
FOR STATE AGENCY AND CASINO SERVICE CONTRACTORS

DEPARTMENT OF TREASURY
DIVISION OF REVENUE
PO BOX 252
TRENTON, NJ 08646-0252

TAXPAYER NAME:
TAX REGISTRATION TEST ACCOUNT

TRADE NAME:
CLIENT REGISTRATION

TAXPAYER IDENTIFICATION#:
970-097-382/500

SEQUENCE NUMBER:
0107300

ADDRESS:
847 ROEBLING AVE
TRENTON NJ 08611

ISSUANCE DATE:
07/14/04

EFFECTIVE DATE:
01/01/01

FORM-BRC(08-01)

Acting Director

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.

STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE

Taxpayer Name: TAX REG TEST ACCOUNT

Trade Name:

Address: 847 ROEBLING AVE
TRENTON, NJ 08611

Certificate Number: 1093907

Date of Issuance: October 14, 2004

For Office Use Only:
20041014112823533

Due Diligence Document Check--Names of Business Must Match

Submission of Documents

We are reminded at a minimum, some of the following vendor documents shall be submitted to the School Business Administrator prior to the award of the contract:

- Affirmative Action Evidence
- Business Registration Certificate
- W9 IRS Form

Due Diligence—Checking Business Names

The School Business Administrator has to ensure the name of the business found on the proposal and the name of the business entered on the purchase order **must match** the name of the business found on the submitted documents.

RUSSIA-BELARUS PROHIBITED ACTIVITIES FORM

Local Finance Notice 2024-04 Issued February 22, 2024

<https://nj.gov/dca/dlgs/lfns/2024/2024-04.pdf>

Russia Belarus Guidance March 2024

RUSSIA-BELARUS; PROHIBITED ACTIVITIES FORM

Local Finance Notice 2024-04 Issued February 22, 2024

The New Jersey Division of Local Government Services issued Local Finance Notice 2024-04 on February 22, 2024, advising contracting units that LFN 2024-04 supersedes LFN 2023-11, which was issued on May 22, 2023.

Local Finance Notice 2024-04 provides guidance on the

Russia-Belarus; Prohibited Activities Law.

BULLET POINTS of LFN 2024-04

- **Certification Required! Goods and Services Contracts**

Persons or entities cannot enter into a contract, renew, amend, or extend a contract for goods or services unless they certify that neither the person, or entity, nor any parent entity, subsidiary, or affiliate, is identified on the Department of Treasury's Russia-Belarus list.

- **Certification Not Required! Public Works and Construction Contracts**

A board of education **is not required** to obtain a certification in awarding a construction contract. Please remind Architects not to include the Russian Belarus certification form in their bid specifications.

- **Model Certification Form Use as Template—Page 2**

NJDGLS offered a model certification form to be used as a template for Boards of Education to design their own Certification Form. **Please note, that the State no longer uses the combined Russia and Iran Form.**

- **Not Required with Bid/Proposal; Required Prior to Award of the Contract**

A vendor or contractor is not required to provide the Russia--Belarus certification with its bid or proposal but must provide the certification before the contract award. Reminder; a purchase order is a contract.

- **Certification Not Required! Employee Reimbursement; Purchase Order**

A certificate is not needed for a purchase order for employee expense reimbursement. Travel, Tuition, etc.

- **Certification Required! Cooperative Purchasing Vendors**

“Because a local contracting unit is considered to be making its own individual award when utilizing a contract from a cooperative pricing system or a State contract available for local use (See N.J.A.C. 5:34-7.11 and 5:34-7.29), the local contracting unit **must obtain** its own Russia-Belarus certification from the vendor or contractor.”

**DOLLAR THRESHOLD AMOUNT
\$1,000 OR DISTRICT QUOTATION THRESHOLD**

The \$1,000 threshold for vendor/contractor certification is for the State purchasing goods or services contracts.

“A contracting unit should rely on the **advice of legal counsel** in determining whether to **apply its own local quote threshold** to the Russia-Belarus certification; the Division will defer to contracting units on this point.” **(Page 2)**

Ask your Board Attorney and Board Auditor!

- \$1,000.00 State of New Jersey Quotation Threshold
- \$6,600.00 QPA Quotation Threshold

Ask your Board Attorney and Board Auditor if we can apply the Quotation Threshold school districts use when requiring the Russia-Belarus Form.

MODEL TEMPLATE CERTIFICATION FORM—BOARDS OF EDUCATION
I provide for your consideration and use, a Certification Form designed for Boards of Education. See attachment!

- Model Certification Form—Designed for Boards of Education [**HERE**](#)

DISCLOSURE INVESTMENT ACTIVITIES IN IRAN

Revised Form

DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

N.J.S.A. 18A:18A-49.4

The Board of Education, pursuant to N.J.S.A. 18A:18A-49.4, shall implement and comply with Public Law 2012, c.25, Disclosure of Investment Activities in Iran—N.J.S.A. 52:32-55 et seq.

N.J.S.A. 52:32-57, et seq. (P.L. 2012, c.25 and P.L. 2021, c.4)

a. A person or entity that, at the **time of bid or proposal for a new contract or renewal of an existing contract**, is identified on a list created pursuant to subsection b. of this section as a person or entity engaging in investment activities in Iran as described in subsection f. of section 2 of this act, shall be ineligible to, and shall not, bid on, submit a proposal for, or enter into or renew, a contract with a State agency for goods or services.

N.J.S.A. 52:32-58: Certification Required.

a. A State agency shall require a person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract **to certify, prior to the time a contract is awarded** and at the time the contract is renewed, that the person or entity is not identified on a list created pursuant to subsection b. of section 3 of this act as a person or entity engaging in investment activities in Iran described in subsection f. of section 2 of this act.

Any person or entity that is a successful bidder or proposer, or otherwise proposes to enter into or renew a contract, must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any parent entity, subsidiary, or affiliate is identified on the State Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The list is found on the Treasury's website at

www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf

The Board has provided within the specifications, a Disclosure of Investments Activities in Iran certification form for all persons or entities, that plan to submit a bid, respond to a proposal, or renew a contract with the Board, to complete, sign, and submit with the proposal. Such certification is required to be submitted prior to the award of the contract.

The Disclosure of Investment Activities in Iran Form is to be completed, certified, and submitted prior to the award of the contract.

LFN 2023-11 Reminder

- **No Longer Fatal Flaw**
A vendor or contractor not including the Iran certification with their bid or proposal is no longer a fatal flaw requiring the bid or proposal to be thrown out.
- **Not Applicable to Construction Contracts**
The Iran Disclosure Law does not apply to construction contracts.

LFN 2024-04 Revised Iran Form

A new [model Iran Investment certification form](https://nj.gov/dca/dlgs/lfns/2024/2024-04.pdf) is available on the Division's website.

<https://nj.gov/dca/dlgs/lfns/2024/2024-04.pdf>

**ANYTOWN BOARD OF EDUCATION
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN FORM
(Page 1)**

BID SOLICITATION/PROPOSAL TITLE _____
VENDOR/BIDDER PROPOSER NAME _____

PART 1 COMPLETE BY CHECKING EITHER BOX.

Pursuant to Public Law 2012, c. 25, any person or entity that is a successful bidder or proposer, or otherwise proposes to enter into or renew a contract, must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any parent entity, subsidiary, or affiliate is identified on the State Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The list is found on the Treasury's website at

www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf.

The Chapter 25 list must be reviewed prior to completing the below certification. If a vendor or contractor is found to be in violation of law, action may be taken as appropriate and as may provided by law, rule, or contract, including but not limited to imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

CHECK THE APPROPRIATE BOX

- ☐ I certify, pursuant to Public Law 2012, c. 25, that neither the person or entity listed above, nor any parent entity, subsidiary, or affiliate thereof is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification below.

Or

- ☐ I am unable to certify as above because the person or entity and/or a parent entity, subsidiary, or affiliate thereof is listed on the N.J. Department of the Treasury's Chapter 25 list. I will provide a detailed, accurate, and precise description of the activities in Part 2 below sign and complete the Certification below.

PART 2 ADDITIONAL INFORMATION

Please Provide Further Information Related to Investment Activities in Iran.

You must provide a detailed, accurate, and precise description of the activities of the person or entity, or a parent entity, subsidiary, or affiliate thereof engaging in investment activities in Iran below and, if more space is needed, on additional sheets provided by you.

**ANYTOWN BOARD OF EDUCATION
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN FORM
(Page 2)**

PART 3: CERTIFICATION OF TRUE AND COMPLETE INFORMATION

I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments there to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity.

I acknowledge that the **Anytown Board of Education** is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the **Anytown Board of Education** to notify the **Anytown Board of Education** in writing of any changes to the answers of information contained herein.

I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the **Anytown Board of Education** and that the **Anytown Board of Education** at its option may declare any contract(s) resulting from this certification void and unenforceable.

Name of Vendor, Bidder, or Proposer _____
Print Full Name

Authorized Agent _____ Title _____

Signature _____ Date _____

Revised February 22, 2024

CHAPTER 271

POLITICAL CONTRIBUTION DISCLOSURE FORM

PAY TO PLAY

March 2024

ANYTOWN BOARD OF EDUCATION
CHAPTER 271
POLITICAL CONTRIBUTION DISCLOSURE FORM

(Contracts that Exceed \$17,500.00)
N.J.S.A. 19:44A-20.26

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that _____ (Business Entity) has made the following reportable political contributions to any elected official, political candidate or any political committee as defined in N.J.S.A. 19:44-20.26 during the twelve (12) months preceding this award of contract:

Reportable Contributions

<u>Date of Contribution</u>	<u>Amount of Contribution</u>	<u>Name of Recipient Elected Official/Committee/Candidate</u>	<u>Name of Contributor</u>

The Business Entity may attach additional pages if needed.

☐ No Reportable Contributions (Please check (✓) if applicable.)

I certify that _____ (Business Entity) made no reportable contributions to any elected official, political candidate or any political committee as defined in N.J.S.A. 19:44-20.26.

Certification

I certify, that the information provided above is in full compliance with Public Law 2005—Chapter 271.

Name of Authorized Agent _____

Signature _____ Title _____

Business Entity _____

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a "fair and open" process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee*
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
 - of the public entity awarding the contract
 - of that county in which that public entity is located
 - of another public entity within that county
 - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed **\$200** per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 19:44A-20.26 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an "interest" ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey-based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, "a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity." [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor's responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor's submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law. **NOTE: This section does not apply to Board of Education contracts.**

N.J.S.A. 19:44A-3(s): "The term "legislative leadership committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures."

Political Contribution Form

N.J.S.A. 19:44A-20.26. a. Not later than 10 days prior to entering into any contract having an anticipated value in excess of \$17,500, except for a contract that is required by law to be publicly advertised for bids, a State agency, county, municipality, independent authority, board of education, or fire district shall require any business entity bidding thereon or negotiating therefor, **to submit along with its bid or price quote**, a list of political contributions as set forth in this subsection that are reportable by the recipient pursuant to the provisions of P.L.1973, c.83 (C.19:44A-I et seq.) and that were made by the business entity during the preceding 12 month period, along with the date and amount of each contribution and the name of the recipient of each contribution. A business entity contracting with a State agency shall disclose contributions to any State, county, or municipal committee of a political party, legislative leadership committee, candidate committee of a candidate for, or holder of, a State elective office, or any continuing political committee. A business entity contracting with a county, municipality, independent authority, other than an independent authority that is a State agency, board of education, or fire district shall disclose contributions to: any State, county, or municipal committee of a political party; any legislative leadership committee; or any candidate committee of a candidate for, or holder of, an elective office of that public entity, of that county in which that public entity is located, of another public entity within that county, or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county, or any continuing political committee.

The provisions of this section shall not apply to a contract when a public emergency requires the immediate delivery of goods or services.

b. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by: all principals, partners, officers, or directors of the business entity or their spouses; any subsidiaries directly or indirectly controlled by the business entity; or any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee, shall be deemed to be a contribution by the business entity.

c. As used in this section:

"business entity" means a natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction;

"interest" means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate; and

"State agency" means any of the principal departments in the Executive Branch of the State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department, the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch, and any independent State authority, commission, instrumentality or agency.

d. Any business entity that fails to comply with the provisions of this section shall be subject to a fine imposed by the New Jersey Election Law Enforcement Commission in an amount to be determined by the commission which may be based upon the amount that the business entity failed to report.

Political Contribution Form

19:44A-20.27 a. Any business entity making a contribution of money or any other thing of value, including an in-kind contribution, or pledge to make a contribution of any kind to a candidate for or the holder of any public office having ultimate responsibility for the awarding of public contracts, or to a political party committee, legislative leadership committee, political committee or continuing political committee, which has received in any calendar year \$50,000 or more in the aggregate through agreements or contracts with a public entity, shall file an annual disclosure statement with the New Jersey Election Law Enforcement Commission, established pursuant to section 5 of P.L.1973, c.83 (C.19:44A-5), setting forth all such contributions made by the business entity during the 12 months prior to the reporting deadline.

b. The commission shall prescribe forms and procedures for the reporting required in subsection a. of this section which shall include, but not be limited to:

(1) the name and mailing address of the business entity making the contribution, and the amount contributed during the 12 months prior to the reporting deadline;

(2) the name of the candidate for or the holder of any public office having ultimate responsibility for the awarding of public contracts, candidate committee, joint candidates committee, political party committee, legislative leadership committee, political committee or continuing political committee receiving the contribution; and

(3) the amount of money the business entity received from the public entity through contract or agreement, the dates, and information identifying each contract or agreement and describing the goods, services or equipment provided or property sold

c. The commission shall maintain a list of such reports for public inspection both at its office and through its Internet site.

d. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by: all principals, partners, officers, or directors of the business entity, or their spouses; any subsidiaries directly or indirectly controlled by the business entity; or any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee, shall be deemed to be a contribution by the business entity.

As used in this section:

"business entity" means a natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction; and

"interest" means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate.

e. Any business entity that fails to comply with the provisions of this section shall be subject to a fine imposed by the New Jersey Election Law Enforcement Commission in an amount to be determined by the commission which may be based upon the amount that the business entity failed to report.

4. This act shall take effect immediately.

List of Agencies with Elected Officials Required for Political Contribution Disclosure
N.J.S.A. 19:44A-20.26

County Name: Passaic

State: Governor, and Legislative Leadership Committees

Legislative District #: 26, 34, 35, 36, 38, 39 & 40

State Senator and two members of the General Assembly per district.

County:

Commissioners
Surrogate

County Clerk
Registrar of Deeds

Sheriff

Municipalities (Mayor and members of the governing body, regardless of title):

Bloomington Borough
Clifton City
Haledon Borough
Hawthorne Borough
Little Falls Township
North Haledon Borough
Passaic City
Paterson City

Pompton Lakes Borough
Prospect Park Borough
Ringwood Borough
Totowa Borough
Wanaque Borough
Wayne Township
West Milford Township
Woodland Park Borough

Boards of Education (Members of the Board):

Bloomington Borough
Clifton City
Haledon Borough
Hawthorne Borough
Lakeland Regional
Little Falls Township
North Haledon Borough
Passaic City
Northern Regional Educational Services Commission
Passaic County Manchester Regional
Passaic County Technical Institute

Passaic Valley Regional
Paterson City
Pompton Lakes Borough
Prospect Park Borough
Ringwood Borough
Totowa Borough
Wanaque Borough
Wayne Township
West Milford Township
Woodland Park Borough

Fire Districts (Board of Fire Commissioners):

None

Gentle Reminder!

Pay to Play Contributions to Board of Education Members

N.J.A.C. 6A:23A-6.3 Contributions to district board of education members and contract awards

(a) As a condition of receiving State aid, each school district and CVSD shall have policies that comply with the provisions of this section to ensure the school district shall maintain honest and ethical relations with vendors and shall guard against favoritism, improvidence, extravagance, and corruption in its contracting processes and practices. The terms "business entity" and "interest" as used below are defined as set forth in P.L. 2004, c. 19.

1. No district board of education shall vote upon or award any contract in the amount of **\$ 17,500** or greater to any business entity that has made a contribution reportable by the recipient under P.L. 1973, c. 83 (N.J.S.A. 19:44A-1 et seq.), to a member of the district board of education during the preceding one-year period.

2. Contributions reportable by the recipient under P.L. 1973, c. 83 (N.J.S.A. 19:44A-1 et seq.), to any member of the district board of education from any business entity doing business with the school district shall be prohibited during the term of a contract.

3. When a business entity referred to in (a)2 above is a natural person, a contribution by that person's spouse or child who resides therewith shall be deemed to be a contribution by the business entity. Where a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

4. The disclosure requirement set forth in section 2 of P.L. 2005, c. 271 (N.J.S.A. 19:44A-20.26) also shall apply when the contract is required by law to be publicly advertised for bids.

5. This subsection shall not apply to a contract when a school district emergency requires the immediate delivery of goods or services.

6. With the exception of school districts previously subject to the requirements of N.J.A.C. 6A:10-2.1(e), this subsection shall not apply to contributions made prior to the effective date of these rules.

Chapter 271 Political Contribution Disclosure Form; Required -- N.J.A.C. 6A:23A-6.3 (a) (4)

All business entities **shall submit** with their bid/proposal package a completed and signed Chapter 271 Political Contribution Disclosure Form. The Chapter 271 form will be reviewed by the Board to determine whether the business entity is in compliance with the aforementioned N.J.A.C. 6A:23A-6.3 (a) (2) Award of Contract.

The Chapter 271 Political Contribution Disclosure Form shall be submitted with the response to the bid/proposal. Failure to provide the completed and signed form may be cause for disqualification of the bid/proposal.

LENGTH OF CONTRACTS

LENGTH OF CONTRACTS

N.J.S.A. 18A:18A-3: BID THRESHOLD.

Any contract made pursuant to this section may be awarded for a period of 24 consecutive months, except that contracts for **professional services** pursuant to paragraph (1) of subsection a. of N.J.S.18A:18A-5 may be awarded for a period not exceeding 12 consecutive months.

Contracts may be awarded for a period of 24 consecutive months, except contracts for professional services may not exceed 12 consecutive months.

N.J.S.A. 18A:18A-42: MULTIYEAR CONTRACTS.

All contracts for the provision or performance of goods or services shall be awarded for a period not to exceed 24 consecutive months, except that contracts for **professional services** pursuant to paragraph (1) of subsection a. of N.J.S.18A:18A-5 shall be awarded for a period not to exceed 12 consecutive months.

Contracts may be awarded for a period of 24 consecutive months, except contracts for professional services may not exceed 12 consecutive months.

Any board of education may award a contract for longer periods of time as follows:

a. Supplying of:

(1) **Fuel for heating purposes**, for any term not exceeding in the aggregate, three years;

(2) **Fuel or oil for use of automobiles, autobuses, motor vehicles or equipment**, for any term not exceeding in the aggregate, three years;

(3) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 40 years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam; or

- b. **Plowing and removal of snow and ice**, for any term not exceeding in the aggregate, three years; or
- c. **Collection and disposal of garbage and refuse**, for any term not exceeding in the aggregate, three years; or
- d. **Data processing service**, for any term of not more than seven years; or
- e. **Insurance**, including the purchase of insurance coverages, insurance consultant or administrative services, and including participation in a joint self-insurance fund, risk management program or related services provided by a school board insurance group, or participation in an insurance fund established by a county pursuant to N.J.S.40A:10-6, or a joint insurance fund established pursuant to P.L.[1983, c.372](#) (C.40A:10-36 et seq.), for any term of not more than three years; or
- f. **Leasing or servicing** of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind and textbooks and non-consumable instructional materials, for any term not exceeding in the aggregate, five years; except that contracts for the **leasing of school buses** may be awarded for any term not exceeding in the aggregate ten years. Contracts awarded pursuant to this subsection shall be awarded only subject to and in accordance with rules and regulations promulgated by the State Board of Education; or
- g. Supplying of any product or the rendering of any service by a company providing voice, data, transmission or switching services, for a term not exceeding five years; or
- h. (Deleted by amendment, P.L.[1999, c.440](#).)
- i. Driver education instruction conducted by private, licensed driver education schools, for any term not exceeding in the aggregate, three years; or
- j. (Deleted by amendment, P.L.[2009, c.4](#)).

- k. Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of **any architect or engineer** in connection therewith, for the length of time authorized and necessary for the completion of the actual construction; or
- l. Laundry service and the rental, supply and cleaning of **uniforms** for any term of not more than three years; or
- m. Food supplies and **food services** for any term of not more than three years; or
- n. Purchases made under a contract awarded by the Director of the Division of Purchase and Property in the Department of the Treasury for use by counties, municipalities or other contracting units pursuant to section 3 of P.L. [1969, c.104](#) (C.52:25-16.1), for a term not to exceed the term of that contract; or
- o. The provision or performance of goods or services for the purpose of producing class I renewable energy, as that term is defined in section 3 of P.L. [1999, c.23](#) (C.48:3-51), at, or adjacent to, buildings owned by any local board of education, the entire price of which is to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 15 years; provided, however, that these contracts shall be entered into only subject to and in accordance with guidelines promulgated by the Board of Public Utilities establishing a methodology for computing energy cost savings and energy generation costs.

Renewal of Contract

Any contract for **services** other than **professional services**, the statutory length of which contract is for three years or less, may include provisions for no more than **one two-year, or two one-year, extensions**, subject to the following limitations:

a. the contract shall be awarded by resolution of the board of education upon a finding by the board of education that the services are being performed in an effective and efficient manner; b. no such contract shall be extended so that it runs for more than a total of five consecutive years; c. any price change included as part of an extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the **index rate** for the 12 months preceding the most recent quarterly calculation available at the time the contract is renewed; and d. the terms and conditions of the contract remain substantially the same.

The Board cannot renew contracts for professional services, e.g., board attorney, auditor, Special Education related services, etc., and remember these contracts can be only for 12 consecutive months.

Don't forget, the renewal of contracts is for services only, not goods and materials!

All renewals of contract increases are subject to the Index Rate percentage; as of today, it is 1%.

All multiyear leases and contracts entered into pursuant to this section, including any two-year or one-year extensions, except contracts for insurance coverages, insurance consultant or administrative services, participation or membership in a joint self-insurance fund, risk management programs or related services of a school board insurance group, participation in an insurance fund established by a county pursuant to N.J.S.40A:10-6 or contracts for thermal energy authorized pursuant to subsection a. above, and contracts for the provision or performance of goods or services to promote energy conservation through the production of class I renewable energy, authorized pursuant to subsection o. of this section, shall contain a **clause** making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.

Don't forget to include the "clause" language on all POs, resolutions, and any written contracts.

All contracts shall cease to have effect at the end of the contracted period and shall not be extended by any mechanism or provision, unless in conformance with the "Public School Contracts Law," N.J.S.18A:18A-1 et seq., except that a contract may be extended by mutual agreement of the parties to the contract when a board of education has commenced rebidding prior to the time the contract expires or when the awarding of a contract is pending at the time the contract expires.

Wait! #1

FSMC Contracts—Part of the National School Lunch Program--NSLP

7 CFR Part 210.16 (d) *Duration of contract.*

The contract between a school food authority and food service management company shall be of a duration of no longer than 1 year; and options for the yearly renewal of a contract signed after February 16, 1988, may not exceed 4 additional years. **The legal citation is the Federal code for the USDA.**

FSMC Contract—Not Participating with the National School Lunch Program—NSLP

N.J.S.A. 18A:18A-42 (m) Term not more than three (3) years, and then the district can renew for an additional two (2) years.

Wait! #2

Contracts for Custodial and Maintenance Services

Many school districts award a contract with a private company for custodial and maintenance services. Some contracts may have the following language:

*The contract between the district and the custodial and maintenance company shall be of a duration of no longer than 1 year; and options for the yearly **renewal** of a contract which may not exceed 4 additional years.*

The above language for renewal of contracts is not found in the Public School Contracts Law, rather it looks very familiar to the Federal code for the National School Lunch Program—Food Services Management Company.

Districts must comply with N.J.S.A. 18A;18A-42—Renewal of Contracts.

RENEWAL OF CONTRACTS

STANDARD OPERATING PROCEDURES RENEWAL OF CONTRACTS

March 2024

ANYTOWN BOARD OF EDUCATION

Standard Operating Procedures—Renewal of Contracts

N.J.S.A. 18A:18A-42

Paragraph after the letter “o”

Any contract for services, other than professional services, the statutory length of which contract is for three years or less, may include provisions for no more than **one two-year**, or **two one-year**, extensions, subject to the following limitations:

- a. the contract shall be awarded by resolution of the board of education upon a **finding by the board of education** that the services are being performed in an effective and efficient manner;
- b. no such contract shall be extended so that it runs for more than a total of five consecutive years;
- c. any price change included as part of an extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the 12 months preceding the most recent quarterly calculation available at the time the contract is renewed; and
- d. the terms and conditions of the contract remain substantially the same.

Contract Renewal Procedures

A. SCHOOL BUSINESS ADMINISTRATOR—IDENTIFYING CONTRACTS ELIGIBLE

The School Business Administrator shall identify those contracted services, pursuant to N.J.S.A. 18A:18A-42, that are eligible for extension or renewal.

A reminder: only contracts for services may be renewed (other than professional services contracts)

Items Needed—Preparation of Chart and Letter

The following items are needed in preparing the chart and the letter to the vendor/contractor:

- **Bid Proposal/Pricing Proposal Form—Original Bid**

A copy of the bid proposal form/pricing proposal form from the vendor/contractor is needed for contact information and original pricing information.

- **Board Resolution—Original Award**

A copy of the board resolution (dated) awarding the contract. This can be used to ensure the district does not exceed the number of years permitted for renewal.

- **Copy of Purchase Order—Current Year**

A copy of the current purchase order that was issued to the vendor/contractor.

- **Original Bid Specifications**

These specifications can be used as a reference for the renewal of contract procedures.

- **Copies of Documentation--Documents from Vendor/Contractor**

Prior to the award of the contract and/or issuing of a purchase order, the School Business Administrator shall possess the following documents from each vendor being recommended for renewal of the contract:

- Affirmative Action Certificate
- Business Registration Certificate
- Iran Disclosure Form—required by law (Send to Vendor)
- Insurance Certificate Updated—when applicable
- Contractor’s Registration Certificate—when applicable
- Russian Belarus Certification

The district should also confirm with the contractor of Prevailing Wages information, again when applicable.

It is recommended that all documents be kept with all renewal contracts.

Please note: NJDLGS has ruled that Chapter 271 PCD Forms are not needed for the renewal of contracts.

B. CONTACTING THE APPROPRIATE DISTRICT ADMINISTRATOR

The School Business Administrator shall contact the appropriate district administrator and inform the administrator of contracts eligible for extensions or renewals.

- See sample Memorandum to District Administrator
- See sample Chart for Contract Renewals
- See sample Vendor/Contractor Evaluation and Recommendation Form

The SBA will request input from the administrator on whether a contracted service vendor/contractor should have their contract considered for renewal by the board of education.

C. EVALUATION AND RECOMMENDATION FORM

The district administrator (e.g. Director of Buildings and Grounds) who is recommending a contract to be considered for renewal, shall complete the Chart of Contract Renewals and a Vendor/Contractor Evaluation and Recommendation Form for each contracted service vendor/contractor.

- See sample Chart for Contract Renewals
- See sample Vendor/Contractor Evaluation and Recommendation Form

The forms are to be submitted to the School Business Administrator.

D. LETTER TO CONTRACTED SERVICE VENDOR/CONTRACTOR

The School Business Administrator shall prepare and send a letter to each vendor recommending a renewal of the contract. The letter informs the vendor of the school district's interest in a **possible renewal** and asks the vendor to respond if there is an interest to renew with the district.

- See Sample Letter to Vendor

E. BOARD RESOLUTION FOR RENEWAL OF CONTRACT

The resolution for consideration of a contract renewal shall be prepared in the format normally used by the district. It is recommended the following highlighted information be used in all resolutions:

- See sample Board Resolution- with highlighted items

F. DOCUMENTS FROM VENDOR/CONTRACTOR

Prior to the award of the contract and/or issuing of a purchase order the School Business Administrator shall possess the following documents from each vendor being recommended for renewal of the contract:

- Affirmative Action Certificate
- Business Registration Certificate
- Iran Disclosure Form—required by law (Send to Vendor)
- Insurance Certificate Updated—when applicable
- Contractor’s Registration Certificate—when applicable
- Belarus and Russian Certification

The district should also confirm with the contractor of Prevailing Wages information, again when applicable.

G. AFTER THE BOARD MEETING

The School Business Administrator shall prepare and send a letter to the vendor informing him of the renewal of the contract. A purchase order shall accompany the letter, when applicable. The appropriate administrator and board attorney shall be copied on the letter.

ANYTOWN BOARD OF EDUCATION
Office of the School Business Administrator
Memorandum

To: _____ Director of Buildings & Grounds

From: _____ School Business Administrator

Date: _____

Re: **Renewal of Contracted Services**

School districts, pursuant to N.J.S.A. 18A:18A-42, may renew contracts for contracted services, other than professional services contracts. I am providing you with a list of contracted services vendors that are eligible for renewal this upcoming year.

Chart for Contract Renewals

Please review the list to determine whether you want to recommend a renewal of the contract for each vendor/contractor or whether you would like my office to solicit bids for the contracted services.

Vendor/Contractor Evaluation and Recommendation Form

If you are recommending any vendors for a renewal of a contract, you are to complete the Vendor/Contractor Evaluation and Recommendation Form for each contracted service vendor/contractor. Your recommendation on the form confirms the vendor has performed its services to the board in an **“effective and efficient manner”** and it would be in the board’s best interests to renew the vendor contract.

You have the option to recommend a one (1) year renewal or a two (2) year renewal. **May I suggest a two (2) year renewal option?**

Please submit the attached forms to my office no later than

Day, Date, Month Year

ANYTOWN BOARD OF EDUCATION

RENEWAL OF CONTRACTS

Contracted Services
2024-2025
School Year

To: _____

Director of Buildings & Grounds

Date _____

Signature _____

Company/Vendor	Service	Bid #	Renew	Term
			☐ Yes ☐ No	☐ 1 yr. ☐ 2 yrs.
			☐ Yes ☐ No	☐ 1 yr. ☐ 2 yrs.
			☐ Yes ☐ No	☐ 1 yr. ☐ 2 yrs.
			☐ Yes ☐ No	☐ 1 yr. ☐ 2 yrs.
			☐ Yes ☐ No	☐ 1 yr. ☐ 2 yrs.
			☐ Yes ☐ No	☐ 1 yr. ☐ 2 yrs.
			☐ Yes ☐ No	☐ 1 yr. ☐ 2 yrs.
			☐ Yes ☐ No	☐ 1 yr. ☐ 2 yrs.
			☐ Yes ☐ No	☐ 1 yr. ☐ 2 yrs.
			☐ Yes ☐ No	☐ 1 yr. ☐ 2 yrs.
			☐ Yes ☐ No	☐ 1 yr. ☐ 2 yrs.
			☐ Yes ☐ No	☐ 1 yr. ☐ 2 yrs.

Please submit this form, duly signed to the
School Business Administrator

No later than _____ 12:00 Noon

ANYTOWN BOARD OF EDUCATION

RENEWAL OF CONTRACTS FOR SERVICES

VENDOR/CONTRACTOR EVALUATION & RECOMMENDATION

To: _____ Director of Buildings & Grounds

Name of Vendor _____
Services Provided _____

Evaluation of Vendor/Contractor—Circle One for Each Listing

Quality of Work	Poor	Satisfactory	Excellent
Scheduling; Adherence	Poor	Satisfactory	Excellent
Safety, Housekeeping	Poor	Satisfactory	Excellent
Worker Relationships	Poor	Satisfactory	Excellent
Paperwork Processing	Poor	Satisfactory	Excellent
Management Activities	Poor	Satisfactory	Excellent
Other _____	Poor	Satisfactory	Excellent

Comments _____

RECOMMENDATION—CHECK ONE!

_____ Recommendation of Administrator—Contract Renewal

I certify, based upon my evaluation, that the above-named vendor/contractor has performed services in an “effective and efficient manner” for the Board of Education, and I hereby recommend the vendor/contractor be considered for a contract renewal.

_____ Recommendation of Administrator—Advertise for Bid/RFP

It is my recommendation that the board of education, in lieu of renewing the contract with the named contractor/vendor, advertise for bids/RFPs for the above services.

Certification of Administrator

Signature Date

Submission of Recommendation

Please submit this signed form to the Office of the School Business Administrator no later than

Day, Month Date, Year

ANYTOWN BOARD OF EDUCATION

Sample Model Letter

Sample Model Letter

Date

Sal Electric Co., Inc.
83 Fleet Street
Jersey City, NJ 07306

Re: **Renewal of Contract – Electrical Services—Two-Year (2) Renewal**

At the request of the Director of Buildings and Grounds, the ANYTOWN BOARD OF EDUCATION has expressed interest in the renewal of your contract with the District for the following school years:

July 1, 2024, through June 30, 2025
July 1, 2025, through June 30, 2026

The renewal of the contract would be in accordance with the terms and conditions of Bid **#38-23** and at the **current contract prices** as noted below:

Bid Hourly Rate Labor	\$98.25 per hour
Invoice Markup Rate	Twelve (12%) Percent

If you would like your contract considered for renewal at the **current contract price**, please send me a letter requesting the renewal.

Your letter must be received by my office no later than

Weekday, Month 00, 2000
12:00 NOON

If I do not hear from you by the above date and time, I will have no other recourse than to seek competitive prices for this contract.

All renewals of contracts are subject to Board of Education approval. Renewal contracts will be considered at the **May or June** board meeting. Multiyear contracts are subject to the availability of funds to meet the extended obligation.

You may fax your letter to, or email the letter to (with the original to follow) to my office.

I look forward to the continuance of the relationship with your company and the ANYTOWN BOARD OF EDUCATION

Yours truly,

School Business Administrator/Board Secretary

Sample Plain English Board Resolution

Resolution to Renew Contract with Sal Electric Co., Inc. of Jersey City, NJ--Electrical Services for the 2024-2025 and 2025-2026 School Years – Two (2) Year Renewal Contract

In accordance with N.J.S.A. 18A:18A-42 and based upon the recommendation of _____ Director of Buildings & Grounds that Sal Electric Co., Inc. has provided services to the school district in an **effective and efficient manner**, the Board of Education hereby approves the renewal of the contract with

Sal Electric Co., Inc.
83 Fleet Street
Jersey City, New Jersey 07306

for electrical services in accordance with the terms and conditions in the bid specifications and at the costs listed below which represent a **0% increase** from the 2023-2024 school year prices as procured through Bid No. 38-23

Renewal-Two (2) Years

	Original <u>2023-2024</u>	School Year <u>2024-2025</u>	School Year <u>2025-2026</u>
Journeyman Electrician	\$98.25 per hr.	\$98.25 per hr.	\$98.25 per hr.
Invoice Cost for Parts	12%	12%	12%

The term of the contract is from **July 1, 2024**, through **June 30, 2026**.

This contract is subject to the availability of funds as may be required to meet the extended obligation. If sufficient funds are not appropriated, the Board of Education may cancel the contract.

Funds are available for this contract in Account No. 11-000-261-420-56-0000.

The following documents, when required, are on file with the Business Office:

- Certificate of Employee Information Report
- New Jersey Business Registration Certificate
- Disclosure of Investment Activities in Iran Form

The Board Attorney will prepare the appropriate contract.

CONTRACT NOTIFICATION

THE OFFICE OF THE STATE COMPTROLLER

James Shoop
March 2024

Contract Notification to the Office of the State Comptroller

School Business Administrators shall notify the Office of the State Comptroller for expenditures or contracts that exceed a certain dollar amount:

NOTIFICATION FOR CONTRACTS VALUED AT \$2.5 MILLION OR MORE

Post-Award Notification for Contracts valued at more than \$2.5 million but less than \$12.5 million

Contracting units must provide post-award notification for any contract for an amount exceeding \$2.5 million. Notification must be given within 20 days of the award. Please complete the form at the link below and email the form and applicable documents to contracts@osc.nj.gov

- [Post-Award Notice for Contracts Valued At More Than \\$2.5 Million but Less Than \\$12.5 Million](#)

Question—Did you report any Health Benefits purchases for the year?

NOTIFICATION FOR CONTRACTS VALUED AT \$12.5 MILLION OR MORE

Pre-Award Notification—Contracts exceeding \$12.5 million

In accordance with N.J.S.A 52:15C-10, contracting units must notify OSC as early as practicable, but no later than 30 days before advertisement, of any negotiation or solicitation of a contract that may exceed \$12.5 million. Please complete the form at the link below and email the form and applicable documents to contracts@osc.nj.gov

- [Pre-Advertisement Notice for Contracts \\$12.5 million or more](#)

NOTIFICATION FOR CONTRACTS VALUED AT \$12.5 MILLION OR MORE

Post-Award Notification--Contracts exceeding \$12.5 million
Within 20 days after the award of a contract of \$12.5 million or more, please complete the form at the link below and email the form and applicable documents to contracts@osc.nj.gov

- [Post-Award Notice for Contracts \\$12.5 million or more](#)

Method of Submission—Guidance from the Office of the State Comptroller

Beginning immediately, OSC's Procurement Division strongly urges all contracting entities to submit contract notifications and submissions to OSC electronically via contracts@osc.nj.gov.

But Wait!—Multi-year Contract Award

For Example—Two (2) Year Contract Award

A large school district bids for a certain type of service. The district advertises a two (2) year contract as noted below.

Year		Bid Amount
1	\$	1,500,000.00
2	\$	1,600,000.00
Total 2-Year Bid Price	\$	3,100,000.00

The Board of Education awards the two (2) year contract to the lowest bidder for \$3.1 million.

Question

Does the school district have to report this two (2) year, \$3.1 million contract pursuant to N.J.S.A 52:15C-10 and on the form provided by the OSC.

Answer: YES!

SALES AND USE TAXES

March 2024

Taxes and School Districts

New Jersey local school districts are political subdivisions of the State of New Jersey. Their purchases, except purchases of energy, are exempt from New Jersey sales and use taxes, pursuant to Section 9(a)(1) of the New Jersey Sales and Use Tax Act. NJ Division of Taxation—TB-49

ST-5 Exempt Organization Certificates

An exempt organization certificate or number **is not required** for the local school district, public school, or board of education to make tax-exempt purchases. ST-5 Exempt Organization Certificates are never issued to New Jersey government entities, including public schools. Their official letterhead or official purchase order, signed by a school official, is sufficient proof to the vendor that they are exempt from paying sales taxes. Payment must be made by a school check, including a student activity fund check, or a school voucher.

The Board of Education shall not pay nor reimburse New Jersey Sales and Use Taxes in accordance with the law and guidance received from the New Jersey Division of Taxation.

Contractors and New Jersey Sales Taxes

As a New Jersey governmental entity, the Board of Education is exempt from the requirements under New Jersey state sales and use tax (N.J.S.A. 54:32B-1 et seq.), and does not pay any sales or use taxes. Contractors should note that they are expected to comply with the provisions of the said statute and the rules and regulations promulgated thereto to qualify them for examinations and reference to any and all labor, services, materials, and supplies furnished to the Board of Education. Contractors may not use the Board's tax-exempt status to purchase supplies, materials, services, or equipment.

A contractor may qualify for a New Jersey Sales Tax Exemption on the purchase of materials, supplies, and services when these purchases are used exclusively to fulfill the terms and conditions of the contract with the Board of Education. All contractors are referred to the New Jersey Division of Taxation—Tax Bulletin S&U-3 for guidance. Again, contractors are not permitted to use the Board's tax identification number to purchase supplies, materials, services, or equipment.

Purchases Made By School Employees When an employee of a school makes a purchase using a personal check or personal credit card, there is no exemption from Sales Tax, even if the employee provides Form ST-4 or ST-5 to the seller. If the person making the purchase pays with personal funds, the exemption from Sales Tax does not apply even if the purchaser will receive reimbursement from the school. NJ TAX TOPIC BULLETIN MISC 3

<https://www.nj.gov/treasury/taxation/pdf/pubs/tb/tb49.pdf> TB-49

<https://www.nj.gov/treasury/taxation/pdf/pubs/misc3.pdf> TB MISC 3

<https://www.nj.gov/treasury/taxation/pdf/pubs/sales/su3.pdf> TB S&U3

NATIONAL COOPERATIVE CONTRACTS

Guidance to Contracting Units Review

Local Finance Notice LFN 2012-10

Issued--May 14, 2012

[LFN 2012-10 Nat Coops.pdf](#)

Prepared by James Shoop, March 2024

AGGREGATE VALUE EXCEEDS BID THRESHOLD

“In context of the Local Public Contracts Law (LPCL) and the **Public School Contracts Law** (PSCL), the provisions of this notice **apply** when the aggregate value of the goods or services (see N.J.A.C. 5:34-8.2) **exceeds the contracting unit’s bid threshold.**”

(Page 2-LFN 2012-10)

PUBLIC BIDDING IS NOT REQUIRED

“General interpretation: The use of the term “notwithstanding any other law to the contrary” in this statute means that **public bidding is not required when using a national cooperative contract.**

However, national cooperative contracts are still subject to procurement laws and rules that apply to all other contracts awarded by a New Jersey contracting unit.”

(Page 3—LFN 2012-10—Letter D1)

Little more on this later!

LEGAL REQUIREMENTS TO USE A NATIONAL COOPERATIVE CONTRACT

Documentation Requirements

The contracting unit must verify that vendors on a national cooperative contract comply with applicable New Jersey **procurement** documentation requirements.

For example, vendors will need to **comply** with the following New Jersey laws by **submitting the required forms** to the New Jersey contracting unit as if the contract was originally awarded by that contracting unit:

- **New Jersey Business Registration Certificate** (BRC) for the contractor and any sub-contractors (i.e., copy of certificate)
- **Statement of Corporate Ownership** (an original form prepared for the contracting agency awarding the contract)
- **Affirmative Action Evidence**--Public Contract EEO Compliance—(Employee Information Report form or proof of participation in a federally approved affirmative action program)
- **Non-collusion Affidavit** (only if required by a local unit) (Page 4—LFN 2012-10—Letter E)

- **Chapter 271 Political Contribution Disclosure Form**

(Page 6-7—LFN 2012-10)

Other documents not mentioned in LFN 2012-10:

- **Iran; Disclosure of Investment Activities Form**
- **Russia Belarus; Prohibited Activities Form**

LEGAL REQUIREMENTS TO USE A NATIONAL COOPERATIVE CONTRACT

Cost-Savings Determination

The law (N.J.S.A. 52:34-6.2) requires that a contracting unit can use national cooperatives only when the contracting unit determines “that the use of the cooperative purchasing agreement shall result in **cost savings** after all factors, including charges for service, material, and delivery, have been considered.”

Cost-Savings Determination

Suggested methods of demonstrating cost-savings include:

- Comparing current State Contract pricing, available to other government entities, to that of the proposed national cooperative.
- Comparing pricing for comparable goods or services under the contracting unit's current contracts or contracts available to it (i.e., New Jersey government based cooperative purchasing programs) to that of the proposed national cooperative.
- Comparing recently procured comparable contracts entered by other public entities to that of the proposed national cooperative.

(Page 6—LFN 2012-10)

Cost-Savings Determination Documentation Required

The (cost-savings) documentation, which would be reviewed as part of an **audit**, and which is subject to disclosure under the **Open Public Records Act**, should be kept on file as part of the award package.

Whatever factors the contracting unit uses in determining the cost effectiveness of a national contract, the court cases referred in Subsection 4 strongly suggest that documentation of the cost saving determination is a **necessary and vital prerequisite** to a contracting unit's award of a national cooperative contract.

LEGAL ADVERTISEMENT REQUIREMENTS PUBLIC NOTICE OF INTENT

The New Jersey Division of Purchase and Property (“DPP”) **strongly suggests** that a contracting unit must provide **public notice** to current contract holders and prospective bidders of their decision to utilize a national cooperative purchasing agreement that would otherwise require public bidding.

The advised notice practices include the contracting unit providing **notice of its intent** to utilize a national cooperative contract with a sufficient time period for a vendor to offer alternative approaches.

PUBLIC NOTICE OF INTENT

This notice should be treated like any other procurement legal notice and must be printed in an official newspaper (similar to advertisements to receive bids) with at least (ten) **10 days' notice** before the next action is taken.

(Page 7—LFN 2012-10)

PUBLIC NOTICE TEMPLATE

“Notice of Intent to Award a Contract under a National Cooperative Purchasing Agreement”:

- Name of the entity that awarded the contract;
- Title of contract (description of the contract, i.e., office supplies);
- A web link to where the contract can be viewed online;
- Length of contract (must be consistent with the length of public contracts law regulating the contracting unit);
- A statement naming the vendor to whom the contracting unit intends to award the contract;
- A statement of the authority under which the contract is being awarded; generally this will be N.J.S.A. 52:34-6.2(b)(3); and
- A notice of when the comment period ends.
(Page7—LFN2012-10) (Model Notice--Page 10)

LIMITATIONS, FISCAL, AND REPORTING REQUIREMENTS

Not Applicable to Public Works/Construction Contracts

The use of national cooperative contracts only applies to contracts for **goods and services**; it **does not apply** to **“public works” or construction contracts.**

This prohibition may affect a contracting unit that plans to construct or install turf and synthetic turf fields, masonry, fencing, roofing, or indoor carpet flooring projects.

(Page 8—LFN 2012-10)

REMINDER GUIDELINES—APPENDIX B

Once a decision is reached to utilize a national cooperative contract where the **amount is over the contracting unit's bid threshold**, the purchasing agent should take the following steps:

- Conduct due diligence on a national contract to determine if the contract will result in cost savings after all factors, including charges for service, material, and delivery, have been considered. Ensure there is documentation backing up this determination.
- Review any national contract under consideration to determine if it meets New Jersey standards.
- Publish a “Notice of Intent to Award Contract under a National Cooperative Purchasing Agreement” in the official newspaper, on your official website, and on “Bulletin NJ” when available.

- Prepare a contract and related documents (i.e., Certificate of Availability of Funds, etc.) for governing body action. Include the State Comptroller's language requiring the vendor to maintain records for five (5) years in the contract document.
- Execute contract pursuant to routine practices. If the contract is above \$2.5 million dollars but below \$12.5 million dollars, report the contract to the Office of the Comptroller within twenty (20) business days of award.
- Keep documentation of the award on file for audit purposes, as with any other contract award.
(Page 11-12—LFN 2012-10)

NATIONAL COOPERATIVE CONTRACTS

WE ARE NOT FINISHED!

Solicitation of Quotations—N.J.S.A. 18A:18A-37

For all contracts that in the **aggregate** are less than the bid threshold but 15 percent or more of that amount, and for those contracts that are for subject matter enumerated in subsection a. of N.J.S.A. 18A:18A-5, except for paragraph (1) of that subsection concerning professional services and paragraph (3) of that subsection concerning work by employees of the board of education, **the purchasing agent shall award the contract after soliciting at least two competitive quotations, if practicable.**

We are reminded in LFN 2012-10, Page 2, that provisions of the notice apply when the aggregate exceeds the bid threshold and therefore public bidding is not required when using a national cooperative contract.

Plainly speaking, school districts must comply with LFN 2012-10 when the aggregate exceeds \$44,000.

For contracts in the aggregate of \$6,600 through \$43,999, the school district must solicit competitive quotations pursuant to N.J.S.A. 18A:18A-37.

DUE DILIGENCE DOCUMENT CHECK

NAMES OF BUSINESSES MUST MATCH!

Submission of Documents

We are reminded at a minimum, the following vendor documents shall be submitted to the contracting agent prior to the award of the contract:

- Affirmative Action Evidence
- Business Registration Certificate
- Chapter 271 Political Contribution Disclosure Form
- Iran; Disclosure of Investment Activities
- Russia Belarus; Prohibited Activities Form
- Non-collusion Affidavit
- Statement of Ownership (Stockholders' Disclosure)
- W9 IRS Form

Due Diligence—Checking Business Names

Is anyone in your school district checking the names of the business found on the National Cooperative Purchasing website with the name of the business found on the submitted documents?

The name of the business found on the official website must match the name of the business found on the submitted documents.

DUE DILIGENCE DOCUMENT CHECK WHAT IS THE NAME ON THE CHECK?

Name on the Purchase Order

The name of the vendor on the purchase order has to be the name of the vendor found on the National Cooperative website. After the order is received, the vendor is to receive payment.

What is the name on the check?

You may be surprised the vendor receiving the purchase order, is not the vendor receiving payment. It may be a bank or a financial services company.

DUE DILIGENCE DOCUMENT CHECK

WHAT IS THE NAME ON THE CHECK?

Ordering from one entity and paying another entity could be problematic.

N.J.S.A.18A:19-1. The money or funds of the board in the custody of the secretary or treasurer of school moneys shall be expended by the secretary or treasurer of school moneys by, and only by, warrants, each made payable to the order of the person entitled to receive the amount thereof and specifying the object for which it is issued, signed by the president and secretary of the board and the chief school administrator or by the treasurer of school moneys, as appropriate to the district.

Please check with your auditor!

Again with the Documents!

Documents from Third Party

If your auditor or board attorney permits your district to pay another party, then remember to collect the appropriate documents from the other party whether it be a bank or a financial services company.

- Affirmative Action Evidence
- Business Registration Certificate
- Chapter 271 Political Contribution Disclosure Form
- Iran; Disclosure of Investment Activities
- Non-collusion Affidavit
- Russia Belarus; Prohibited Activities Form
- Statement of Ownership (Stockholders' Disclosure)
- W9 IRS Form

SIGNED AFFIDAVIT SIGNED DECLARATION (VOUCHER)

When ordering from a vendor, school districts usually issue to the vendor a two (2) page purchase order document:

Page 1	Vendor Purchase Order Document
Page 2	Voucher Form

Upon receipt of the goods or completion of the services, a vendor submits an invoice and the signed voucher.

Claimant Certification

Some vendors may want to issue a claimant certification requesting payment, instead of submitting a signed voucher. Claimant certifications do not apply to school districts. School districts have to comply with N.J.S.A. 18A:19-3, Affidavit or Signed Declaration Required!

SIGNED AFFIDAVIT SIGNED DECLARATION REQUIRED

N.J.S.A. 18A:19-3

All claims and demands, that equal or exceed 15% of the bid threshold amount established pursuant to N.J.S.18A:18A-3, except for payrolls and debt service, shall be verified by affidavit, or by a signed declaration in writing, contained therein or annexed thereto, to the effect that the same are correct in all particulars, that the articles have been furnished or the services rendered as stated therein and that no bonus has been given or received on account thereof.

Once again, please confirm with your auditor or the board attorney.

Examples of National Cooperatives Just to name a few!

- Equalis Group
- Keystone Purchasing Network
- National Cooperative Purchasing Alliance (NCPA)
- OMNIA Partners
- PEPPM Cooperative Purchasing
- Purchasing Association of Cooperative Entities (PACE)
- Sourcewell
- TIPS Purchasing Cooperative

**JERSEY CITY BOARD OF EDUCATION
JERSEY CITY, NEW JERSEY 07305**

NATIONAL COOPERATIVE PURCHASING GUIDANCE

**STANDARD OPERATING PROCEDURES
SOP**

**Prepared by
ROXANNE PADILLA
Senior Management Assistant, RPPS, QPA**

September 2023/Revised March 17, 2024

NATIONAL COOPERATIVE PURCHASING GUIDANCE SCHOOL BUSINESS ADMINISTRATORS

A. Purchase Must Exceed the Bid Threshold

The district may only procure from a National Cooperative vendor when the purchase of the goods or services exceeds the bid threshold.
(LNF 2012-10—page 2)

Important Notice!

Not Applicable to Public Works/Construction Contracts

The use of national cooperative contracts only applies to contracts for goods and services; it does not apply to “public works” or construction contracts. This prohibition may affect a contracting unit that plans to construct or install turf and synthetic turf fields, masonry, fencing, roofing, or indoor carpet flooring projects.
(Page 8—LNF 2012-10)

B. Obtaining Pricing Proposal

The district has to obtain a pricing proposal from the National Cooperative vendor. The proposal should be on the company’s letterhead and the pricing for the goods or services that are to be purchased should match the pricing for the goods and services listed on the website of the National Cooperative Purchasing group. The pricing can also be confirmed by contacting the Lead Agency of the particular contract. The total cost of the purchase must exceed the bid threshold.

C. Documents

Prior to any award of a contract, the district must receive procurement documents from the vendor. The documents are

- Affirmative Action Certificate
- Business Registration Certificate
- Chapter 271 PCD Form
- Iran Disclosure Form
- IRS W-9 Form
- Non-Collusion Affidavit
- Russia Belarus Iran Form
- Statement of Ownership Disclosure

The names of the vendors on each of the documents must be identical.

NATIONAL COOPERATIVE PURCHASING GUIDANCE SCHOOL BUSINESS ADMINISTRATORS

D. Cost Savings

The district has to conduct a comparative pricing review to determine whether the pricing received from the National Cooperative vendor results in cost savings.

Cost-Savings Determination

Suggested methods of demonstrating cost-savings include:

- Comparing current State Contract pricing, available to other government entities, to that of the proposed national cooperative.
- Comparing pricing for comparable goods or services under the contracting unit's current contracts or contracts available to it (i.e., New Jersey government-based cooperative purchasing programs) to that of the proposed national cooperative.
- Comparing recently procured comparable contracts entered by other public entities to that of the proposed national cooperative.
(Page 6—LFN 2012-10)

The (cost-savings) documentation, which would be reviewed as part of an **audit**, and which is subject to disclosure under the Open Public Records Act, should be kept on file as part of the award package.

NATIONAL COOPERATIVE PURCHASING GUIDANCE SCHOOL BUSINESS ADMINISTRATORS

E. Legal Advertisement—Public Notice

The district is to publish a legal advertisement public notice in an official newspaper at least ten (10) days prior to the next procurement action taken.

PUBLIC NOTICE TEMPLATE

“Notice of Intent to Award a Contract under a National Cooperative Purchasing Agreement”:

- Name of the entity that awarded the contract;
- Title of contract (description of the contract, i.e., office supplies);
- A web link to where the contract can be viewed online;
- Length of contract (must be consistent with the length of public contracts law regulating the contracting unit);
- A statement naming the vendor to whom the contracting unit intends to award the contract;
- A statement of the authority under which the contract is being awarded; generally this will be N.J.S.A. 52:34-6.2(b)(3); and
- A notice of when the comment period ends.

(Page7—LFN2012-10) (Model Notice--Page 10)

NATIONAL COOPERATIVE PURCHASING GUIDANCE SCHOOL BUSINESS ADMINISTRATORS

F. Award of Contract—Board of Education Resolution

Pursuant to N.J.S.A. 18A:18A-5, any contract that exceeds the bid threshold must be first awarded by a board of education resolution. The resolution should include information similar to the requirements of the legal advertisement public notice.

G. National Cooperatives

Some of the leading National Cooperative Purchasing groups are:

[Equalis Group](#)

Keystone Purchasing Network (KPN)

National Cooperative Purchase Alliance (NCPA)

OMNIA Partners, Public Sector

PEPPM Cooperative Purchasing

Purchasing Association of Cooperative Entities (PACE)

Sourcewell

The Interlocal Purchasing System (TIPS)

NATIONAL COOPERATIVE PURCHASING OBTAINING A PRICING PROPOSAL

Reminder The Total Cost of the Purchase Must Exceed the Bid Threshold

All users are reminded that purchases from a National Cooperative vendor must exceed the bid threshold.

Goods and Services Contracts Only!

National cooperative contracts only apply to contracts for goods and services; it does not apply to “public works” or construction contracts. This prohibition may affect a contracting unit that plans to construct or install turf and synthetic turf fields, masonry, fencing, roofing, or indoor carpet flooring projects. (Page 8—LFN 2012-10)

PROPOSAL FROM NATIONAL COOPERATIVE VENDOR—INFORMATION REQUIRED

When requesting a pricing proposal from a National Cooperative vendor the proposal must include the following information:

The National Cooperative vendor must provide the following information on its official letterhead.

A. National Cooperative Vendor Contact Information

The National Cooperative vendor proposal must include the vendor's full name and contact information.

Vendor Example

Dell Marketing L.P.
One Dell Way
Round Rock, TX 78682

Katherine Dunay
(512) 720-3222
KatherineDunay@Dell.com

NATIONAL COOPERATIVE PURCHASING

Obtaining Pricing Proposal

B. National Cooperative Contact Information

The National Cooperative vendor proposal must include the name, address, and contact information of the National Cooperative that awarded the contract to the National Cooperative vendor.

National Cooperative Example

OMNIA Partners
501 Aspen Grove
Franklin, TN 37067

C. Lead Agency Contact Information

The National Cooperative vendor proposal must include the name of the Lead Agency that awarded the contract to the National Cooperative vendor. The Lead Agency is a government entity in another state that awarded the contract to the National Cooperative vendor.

Lead Agency Example

Region 14 Educational Services Center
1850 Highway 351
Abilene, TX 79601-4750
Contract Award Technology Solutions
Contract Number 01-143 Expires November 30, 2025

D. Pricing

The most important part of the Pricing Proposal is the official pricing. The National Cooperative vendor must include the pricing of the purchases on the pricing proposal and the total amount of the purchase must exceed the bid threshold, currently at \$44,000.00. If the pricing is a percentage discount off a price list, then the proposal must include the following for each unit purchased

Unit List Price

Less Discount

Unit Selling Price

NATIONAL COOPERATIVE PURCHASING OBTAINING VENDOR DOCUMENTS

Documents

Prior to any award of a contract, the district must receive procurement documents from the vendor. The documents are

- Affirmative Action Certificate
- Business Registration Certificate
- Chapter 271 PCD Form
- Iran Disclosure Form
- IRS W-9 Form
- Non-Collusion Affidavit
- Russia Belarus Iran Form
- Statement of Ownership Disclosure

Request Documents—Part I

School officials must request from the National Cooperative vendor the following documents:

- Affirmative Action Certificate
- Business Registration Certificate
- IRS W-9 Form
- Russia Belarus Iran Form

Request Documents—Part II

My office will provide the following documents for the National Cooperative vendor to complete and submit with their proposal:

- Chapter 271 PCD Form
- Iran Disclosure Form
- Non-Collusion Affidavit
- Statement of Ownership Disclosure

Identical!

The names of the vendors on each of the documents must be identical.

NATIONAL COOPERATIVE PURCHASING COST SAVINGS DETERMINATION

The district has to conduct a comparative pricing review to determine whether the pricing received from the National Cooperative vendor results in cost savings.

Cost-Savings Determination

Suggested methods of demonstrating cost-savings include:

- Comparing current State Contract pricing, available to other government entities, to that of the proposed national cooperative.
- Comparing pricing for comparable goods or services under the contracting unit's current contracts or contracts available to it (i.e., New Jersey government-based cooperative purchasing programs) to that of the proposed national cooperative.
- Comparing recently procured comparable contracts entered by other public entities to that of the proposed national cooperative.

(Page 6—LFN 2012-10)

The (cost-savings) documentation, which would be reviewed as part of an **audit**, and which is subject to disclosure under the Open Public Records Act, should be kept on file as part of the award package.

School Official Conducts Cost Analysis

The school official will conduct an analysis of other possible vendors that may sell the product. The analysis has to be documented.

NATIONAL COOPERATIVE PURCHASING COST SAVINGS DETERMINATION

ANALYSIS #1

Name of Vendor _____
Address _____
City, State, Zip _____
Email _____
Date of Analysis _____

Description of Analysis and Findings

The school official has to describe the means of conducting the cost-savings analysis and provide documentation of the findings. Was the analysis done by email, internet search, reviewing other government entities' contracts, etc.?

The cost of the items should be included in each analysis

ANALYSIS #2

Name of Vendor _____
Address _____
City, State, Zip _____
Email _____
Date of Analysis _____

Description of Analysis and Findings

The school official has to describe the means of conducting the cost-savings analysis and provide documentation of the findings. Was the analysis done by email, internet search, reviewing other government entities' contracts, etc.?

The cost of the items should be included in each analysis

**NATIONAL COOPERATIVE PURCHASING
LEGAL ADVERTISEMENT—PUBLIC NOTICE**

10 Days Before Award of the Contract

The district is to publish a legal advertisement public notice of intent to purchase from a National Cooperative vendor in an official newspaper at least ten (10) days prior to the next procurement action taken.

PUBLIC NOTICE!

**JERSEY CITY BOARD OF EDUCATION
JERSEY CITY, NEW JERSEY 07305**

**Notice of Intent to Award Contract
National Cooperative Purchasing Agreement**

The Jersey City Board of Education of Jersey City, New Jersey 07305, pursuant to the guidelines of Local Finance Notice 2012-10 issued by the New Jersey Division of Local Government Services; hereby provides notice of its intention to purchase 250 Dell Chromebooks at a total cost of \$55,000.00 from **Dell Marketing L.P., One Dell Way, Round Rock, TX 78682**

Dell Marketing, L.P. is a National Cooperative vendor, that was awarded a contract through the following National Cooperative: **OMNIA Partners, 501 Aspen Grove, Franklin, TN 37067**

The contract was awarded by the following Lead Agency: **Region 14 Educational Services Center 1850 Highway 351, Abilene, TX 79601-4750.**

Contract Award	Technology Solutions
Contract Number	01-143 Expires November 30, 2025

The Board of Education intends to award the contract at its **Weekday, Month 00, 2000,** board meeting.

The Jersey City Board of Education of Jersey City, New Jersey 07508, is permitted to join national cooperative purchasing agreements under the authority of N.J.S.A. 52:34-6.2(b) (3).

Dr. Dennis Frohnaphel
School Business Administrator/Board Secretary

**NATIONAL COOPERATIVE PURCHASING
BOARD RESOLUTION AWARD OF CONTRACT**

A model Board of Education resolution is provided for use by the District.

Resolution Awarding Contract to National Cooperative Vendor—Dell Marketing L.P.

Be it Resolved, the Board of Education hereby awards a contract for the purchase of DELL Chromebooks to

Dell Marketing L.P.
One Dell Way
Round Rock, TX 78682

Dell Marketing, L.P. is a National Cooperative vendor, that was awarded a contract through the following National Cooperative:

OMNIA Partners
501 Aspen Grove
Franklin, TN 37067

The contract was awarded by the following Lead Agency:

Region 14 Educational Services Center
1850 Highway 351
Abilene, TX 79601-4750
Contract Award Technology Solutions
Contract Number 01-143 Expires November 30, 2025

The contract award is as follows:

Quantity	Description	Unit Cost	Total Cost
250	Dell Chromebooks	\$220.00	\$55,000.00

The Board of Education is permitted to purchase from national cooperative purchasing agreements without advertising for bid under the authority of N.J.S.A. 52:34-6.2(b)(3).

JERSEY CITY BOARD OF EDUCATION

NATIONAL COOPERATIVE PURCHASE REVIEW

To: _____

Title: _____

RE: Return of Request to Purchase from National Cooperative Vendor

The request to purchase from a National Cooperative vendor was reviewed by the Purchasing Office and items that are checked off must be addressed before the purchasing process can continue. Return this form and the revised paperwork for further review.

Roxanne Padilla, Senior Management Assistant Date _____

	Purchase Amount—Not Exceeding the Bid Threshold The purchase amount did not exceed the bid threshold of the District.
	Price Proposal—Vendor Contact Information The price proposal form did not have the complete vendor contact information.
	Price Proposal—National Cooperative Information The price proposal form did not have the complete National Cooperative information.
	Price Proposal—Lead Agency Information The price proposal form did not have the complete Lead Agency information, including the name of the contract award, contract number, and contract dates.
	Price Proposal—Pricing The price proposal form did not have complete or proper pricing listed. See the below comments!
	Documents—Part I The following vendor documents were not provided with the request to purchase: ___ Affirmative Action Certificate ___ Business Registration Certificate ___ IRS W-9 ___ Chapter 271 Political Contribution Disclosure Form ___ Iran Disclosure Form ___ Non-collusion Affidavit ___ Statement of Ownership
	Documents—Part II The vendor names on the documents were not identical. ___ Affirmative Action Certificate ___ Business Registration Certificate ___ IRS W-9 ___ Chapter 271 Political Contribution Disclosure Form ___ Iran Disclosure Form ___ Non-collusion Affidavit ___ Statement of Ownership
	Cost Savings Analysis The cost savings analysis of this purchase was not provided.

Comments: _____

RESOLUTION

APPROVING

STUDENT TRANSPORTATION ACTIVITIES

March 2024

Resolution Approving Student Transportation Activities

WHEREAS, the Board of Education, pursuant to N.J.A.C. 6A:27-9.2 (b) (c), recognizes the need to seek competitive bid prices for certain student transportation services; and

WHEREAS, the Board of Education annually seeks approval from the Board of Education for various student transportation activities including

To and From School Transportation*

NOW, THEREFORE IT BE RESOLVED, the Board of Education hereby approves the following:

Preparation of Student Transportation Bid Specifications

School Official Name, Transportation Coordinator in consultation with the School Business Administrator/Board Secretary, is designated to prepare all student transportation bid specifications for the Board.

Reference—N.J.A.C. 6A:27-9.2 (c)

Opening of Student Transportation Bids

The School Business Administrator/Board Secretary is authorized to open all student transportation bids and publicly announce the contents. In the absence or unavailability of the School Business Administrator, the Board of Education designates the Transportation Coordinator to open all student transportation bids and publicly announce the contents.

Reference—N.J.A.C. 6A:27-9.2 (b)

Approval of Student Transportation Bid Specifications

The Board of Education hereby approves the student transportation bid specifications (To and From School Transportation) as prepared. The bid specifications will be sent to the Executive County Superintendent of Schools for review and approval. Reference—N.J.A.C. 6A:27-9.2 (c)

I recommend doing a separate resolution for School Related Activities Transportation

N.J.S.A. 18A:39-1 et seq.

Student Transportation Law

N.J.A.C. 6A:27-1 et seq.

Student Transportation Administrative Code

**NOTICE OF INTENT
TO
PROCURE RELATED SERVICES**

NJDOE

Approved Clinics and Agencies

NOTICE OF INTENT TO PROCURE RELATED SERVICES

It is the month of March!

Have you written your letter to the Executive County Superintendent?

If your district intends to procure the services of Special Education-related services providers, the district must comply with N.J.A.C. 6A:14-5.1 (d) and write a Notice of Intent Letter to the Executive County Superintendent of Schools.

N.J.A.C. 6A:14-5.1 (d)

District boards of education may purchase services listed under (c) 1 and 2 above* from Department of Education-approved clinics and agencies with **prior written notice** to the Department of Education through the county office of education according to the following:

1. Notice of the intent to purchase services shall include the proposed terms of the contract;
2. The notice shall be effective for one year; and
3. District boards of education are not required to provide prior notice to the Department of Education when contracting for an independent child study team evaluation in accordance with N.J. A.C. 6A:14-2.5.

***Above—refers to the list of SPED-related services.**

MODEL LETTER

Executive County Superintendent

Monmouth County Office

4000 Kozloski Road

Freehold, New Jersey 07728

March 17, 2024

Re: Notice of Intent to Procure Related Services

In accordance with N.J.A.C. 6A:14-5.1 (d), please note that the Board of Education intends to procure the following related services from the New Jersey Department of Education list of approved clinics and agencies for the 2024-2025 School Year. The services to be procured are as follows:

- | | |
|---------------------------------|-----------|
| • Speech Language | RFP 01-25 |
| • Physical Therapy Services | RFP 02-25 |
| • Occupational Therapy Services | RFP 03-25 |

The services will be procured through the Request for Proposal (RFP) process.

Proposed Terms of Contracts

Pursuant to N.J.A.C. 6A:14-5.1 (d), (1), I provide as attachments, copies of the terms and conditions of the proposed contracts.

Yours truly,

School Business Administrator/Board Secretary

New Jersey Department of Education Approved Clinics and Agencies

<https://www.nj.gov/education/specialed/osedirectories/index.shtml>

Regulated by New Jersey Administrative Code 6A:14-5.1 through 5.2

The clinics and agencies in this directory are approved to contract with public school districts to provide services for two categories of students: 1) Eligible students, enrolled at public expense, in public school districts and 2) Eligible students, enrolled at parental expense, in nonpublic schools. Clinics may be approved to provide services on-site at the location listed and/or off-site at the student's home, school, or other appropriate location.

SERVICE LOCATIONS: Clinics and agencies may be approved to provide services on-site at an approved clinic/agency location and/or off-site at the student's home, school, or place of confinement (e.g., hospital). **The approval permits each clinic/agency to operate in any area of the state. However, each clinic/agency determines the geographic area to be served.** For specific information as to the areas served, please contact the agency directly.

As of July 1, 2017, the New Jersey Department of Education (NJDOE) will no longer maintain a list of approved clinics and agencies providing one-to-one skilled nursing services. Clinics and agencies providing one-to-one skilled nursing services to students attending school must appear on the New Jersey Department of Human Services (DHS) Medicaid Provider Directory. Please access the [NJMMIS website](#) to determine if an agency appears in the DHS Medicaid Provider Directory. Under the 'Provider Specialty' drop-down menu, select "Private Duty Nursing" and submit the request. The NJDOE will continue to maintain a list of approved clinics and agencies providing substitute nurses and nurses for nonpublic schools.

The New Jersey Department of Education (NJDOE) Approved Clinic and Agency Directory has a new look. You will notice that the Directory has migrated to an Excel spreadsheet. Users are able to download, save, and search the spreadsheet which eliminates the need to open multiple links to access information. The Directory will be updated monthly, if not more frequently, with new provider information. Please direct questions about the Directory to clinicagency@doe.nj.gov.

[Approved Clinics and Agencies Directory](#)

New Update to the directory dated: 3/13/2024

ONE-ON-ONE NURSING SERVICES

MEDICALLY FRAGILE STUDENTS

ONE-ON-ONE NURSING SERVICES—MEDICALLY FRAGILE STUDENTS

THE LAW

N.J.S.A.18A:40-3.3: Employment of nursing, non-nursing personnel; definitions.

b. A medically fragile student requiring clinical nursing services shall have those services rendered by a provider of clinical nursing services as defined in this subsection. Nothing in this section shall be construed to exclude a licensed healthcare service firm that is approved to provide private duty nursing under the Medicaid Program and is in compliance with State Board of Education regulations. The parent or legal guardian of a medically fragile student shall have the option to choose a provider to render clinical nursing services to the student, and the State Board of Education shall allow the provider chosen by the parent or legal guardian to render such services to the student only if the cost to the school district remains neutral.

As used in this subsection:

"Medically fragile student" means a school-aged child who suffers from a life-threatening medical condition, and as a result of such condition, requires more individualized and continuous care than is available from a school nurse.

"Clinical nursing services" means specific health care services, based on a medically fragile student's individualized education plan and a physician's or advanced practice nurse's orders, as provided by a registered nurse or licensed practical nurse with specialized pediatric training who attends to the student.

"Provider of clinical nursing services" means an agency that renders clinical nursing services and is approved to provide private duty nursing under the Medicaid program pursuant to P.L. [1968, c.413](#) (C.30:4D-1 et seq.) or the NJ Family Care Program pursuant to P.L. [2005, c.156](#) (C.30:4J-8 et al.).

L. [1999, c.153](#), s.2; amended [2012, c.5](#), s.2.

Procedures

I provide for your review the following procedures to enter into a contract with nursing companies for **medically fragile students** pursuant to **N.J.S.A. 18A:40-3.3**.

- **Identify Students in Need**

The District will identify those “medically fragile” students who need one-to-one nursing services.

- **Parents Role**

The District will contact the parents of medically fragile students to determine if they desire to keep the current one-on-one nurse. The parent shall put the request in writing to the district.

- **Contact Nursing Company**

The District shall contact the nursing company that provides the nurses and obtain a written proposal from the company. The nursing company shall be on the NJDOE-approved clinics and agencies list or clinics and agencies providing one-to-one skilled nursing services to students attending school must appear on the New Jersey Department of Human Services (DHS) Medicaid Provider Directory. Please access the [NJMMIS website](#).

- **Board Resolution Template**

The district shall prepare the board resolution awarding the contract to the nursing company, as per the proposal received from the company. The district shall have on file from the company prior to the award of the contract the following documents:

- Affirmative Action Evidence
- Business Registration Certificate
- Chapter 271 Political Contribution Disclosure Form
- Iran Disclosure Form
- Professional Liability Insurance
- Russia Belarus Disclosure Form
- IRS W9

- **Attorney Contract**

The board attorney shall prepare the formal contract agreement for both parties to execute.

- **Purchase Order Issued**

The District shall issue a purchase order to the nursing company, separate from any other purchase order issued to the company.

- **Public Notice Published**

A public notice shall be published within 20 days of the award of the contract.

- **Contract File—Auditor Review**

It is recommended the Business Office keep a contract file on each nursing vendor and in the file include a copy of the letter from the parent and a copy of the proposal received from the nursing vendor.

Final Note—Nursing Services Only

It is my understanding that this law and recommended procedures only apply to nursing services for medically fragile students. The district should not be applying these procedures for other Special Education-related services.

MODEL BOARD OF EDUCATION RESOLUTION

Approval to Enter Into Contract For One-to-One Nursing Services; Medically Fragile Student

Be it resolved, based on the recommendation of the Superintendent of Schools, the Board of Education approves a contract with

Star Pediatric Home Care Agency
160 Pehle Avenue, Suite 203
Saddle Brook, New Jersey 07663

The Agency will provide one-to-one nursing services to a District student who has been identified as a “medically fragile student” pursuant to their Individual Educational Plan (IEP) and N.J.S.A. 18A:40-3.3. (Student ID #0000)

The cost of the services will be \$65.00 for a Registered Nurse and if needed, \$55.00 per hour for a Licensed Practical Nurse.

The term of the contract is retroactive from July 1, 2024, through June 30, 2024, according to the school calendar.

The total cost of the contract is estimated to be \$00,000.00.

In accordance with N.J.S.A. 18A:18A-5 (a) (1), the Board of Education hereby states the following reason for the award of this professional services contract:

The Board of Education requires the service of a qualified nurse to provide services to a student who has been identified as a “medically fragile student” pursuant to their Individual Educational Plan (IEP) and N.J.S.A. 18A:40-3.3.

PROFESSIONAL SERVICES

March 2024

LEGAL CITATIONS--PROFESSIONAL SERVICES

Definition--Professional Services—N.J.S.A. 18A:18A-2 (h)

Professional services contracts refer to services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training. Professional services may also mean services rendered in the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor.

Examples of Professional Services

Some “safe” examples of professional services are:

Legal	Medical
Auditing	Accounting
Architectural	Engineering
Special Education Related Services	

It is suggested that the board attorney be consulted as to the determination of what services are to be considered professional services.

Good News! Professional Services Identified by NJDOE Code

N.J.A.C. 6A:23A-8.1 Budget submission; supporting documentation; website publication

*Section (f) (5) Purchased **professional services***

A detailed list of all contracts by service type such as **auditor, architect, attorney**, etc., by actual cost for the year prior to the pre-budget year, actual or maximum cost, as available, for the pre-budget year, and actual or estimated maximum cost for the budget year;

Final note: The New Jersey Division of Local Government Services reminds all that

“...that not only must the person being allowed to practice the regulated profession, the services must also be of the regulated profession.” LFN 2010-3 January 2010

CONTRACT TERM

Professional Services (12 consecutive months)

Any contract made pursuant to this section may be awarded for a period of 24 consecutive months, except that contracts for professional services pursuant to paragraph (1) of subsection a. of N.J.S.A. 18A:18A-5 may be awarded for a period not exceeding **12 consecutive months**. N.J.S.A. 18A:18A-3 (b)

All contracts for the provision or performance of goods or services shall be awarded for a period not to exceed 24 consecutive months, except that contracts for professional services pursuant to paragraph (1) of subsection a. of N.J.S.18A:18A-5 shall be awarded for a period not to exceed **12 consecutive months**. N.J.S.A. 18A:18A-42

RENEWAL OF CONTRACTS

Professional Services—Prohibited!—

Any contract for services **other than professional services**, the statutory length of which contract is for three years or less, may include provisions for no more than one two-year, or two one-year, extensions.
N.J.S.A. 18A:18A-42

CONTRACTING FOR PROFESSIONAL SERVICES

Exception to Bidding—Professional Services—N.J.S.A. 18A:18A-5(a) (1)

Professional services contracts are an exception to bidding.

New Jersey Administrative Code notes there shall be some sort of selection process documented.

Selection Process or Procurement Method

- Deliberative Process;
- Comparable Process;
- Request for Proposal RFP; or
- Competitive Contracting

Professional services contracts are issued in a deliberative and efficient manner that ensures the district receives the highest quality services at a fair and competitive price or through a shared service arrangement. This may include, but is not limited to, issuance of such contracts through a request for proposals (RFP) based on cost and other specified factors or other comparable process—N.J.A.C. 6A:23A-5.2 (a) (5)

The district solicits competitive proposals with fee quotes or uses a comparable process to ensure the district receives the highest quality services at a fair and competitive price prior to the award of contracts for professional services—N.J.A.C. 6A:23A-9.3 (c) (11)

Procurement Method Suggested—Professional Services Contracts

It is suggested that school districts procure all professional services contracts as follows:

- RFP Process—State or Local Funding
- RFP Process—Less than the bid threshold when using Federal funds
- Competitive Contracting Process—More than the bid threshold when using Federal funds

Reason for Award of Contract Required in Resolution

Public Notice Required

N.J.S.A. 18A:18A-5 (a) (1)

The Board of Education shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in an official newspaper, a brief notice stating the nature, duration, service, and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the board of education

Public Notice 20-Day Rule

Public Notice—Award of Professional Services Contract (20-day rule)—N.J.A.C. 5:34-9.5(c)

When a notice of award for professional services, competitive contracting, and extraordinary unspecifiable services is required to be published in the official newspaper of the contracting unit, such notice shall be published no later than 20 calendar days after the passage of the resolution awarding the contract.

Are they looking? YES!

Audits of School Districts—Legal Services

- **Office of Fiscal Accountability and Compliance—Investigation Unit**

Since 2013, OFAC has conducted audits of seven (7) school districts on procurement of legal services and improper legal services billing.

- **Office of the State Comptroller**

The Office of the State Comptroller has issued a report on legal fees by NJ local governments and issued an audit of a school district and legal services.

HIGH IMPACT TUTORING SERVICES

SCORECARD

HOW DID YOU DO?

HIGH IMPACT TUTORING SERVICES SCORECARD

HOW DID YOU DO?

Background

In late 2023, the NJDOE announced the availability of funds under the New Jersey Learning Acceleration Program: High-Impact Tutoring Grant to support districts to provide high-dosage, intensive tutoring by focusing on high-impact tutoring interventions for students in mostly grades three (3) and four (4).

This single-year grant program begins October 11, 2023, and will close on August 31, 2024.

This program is 100% federally funded from two sources:

- American Rescue Plan's Governor's Emergency Education Relief Fund (ARP GEER)
- American Rescue Plan's State Fiscal Recovery Fund (SFRF)

NJDOE Broadcast October 20, 2023

[High Impact Tutoring NJ Broadcast Oct 2023.pdf](#)

PROCUREMENT GUIDANCE NJDOE

Districts procuring private entity vendors for tutoring under this program are reminded that any requested funds that exceed public bidding thresholds must comply with the Public School Contracts Law (N.J.S.A. 18A:18A-1 et seq.).

Competitive Contracting—Exceeding the Bid Threshold

To provide any districts that exceed this threshold with additional assistance in streamlining processes, a model Request for Proposals (RFP) is available for use by districts in competitive procurement. DLGS has approved the use of **competitive contracting** under N.J.S.A. 18A:18A-4.1.k for the procurement of tutoring vendors under this Program.

PUBLIC SCHOOL CONTRACTS LAW PROCUREMENT GUIDANCE \$44,000 QPA Bid Threshold

Total Contract Amount
\$6,600-\$43,999

Procurement Method Available
Request for Quotations (RFQ)
Request for Proposals (RFP)

\$44,000 or more

Advertise for Bids
Competitive Contracting Process

Purchasing Scorecard—How did you do?

Legal Advertisements—Reviewed 82 Legal Advertisements

I was able to review 82 legal advertisements for the High Impact Tutoring Services procurement process. Here are my findings:

- **Advertised for Bids** **Four (4) Districts**

It appears the 4 districts received funding that exceeded the bid threshold and chose to use the bidding process.

Shoop comment—Acceptable Procurement Process (PSCL)

- **Competitive Contracting Process Twenty-three (23) Districts**

It appears the 23 districts received funding that exceeded the bid threshold and chose to use the NJDOE-recommended Competitive Contracting procurement process.

Shoop comment—Acceptable Procurement Process (PSCL)

- **Request for Proposal (RFP)** **Fifty-one (51) Districts**

Did the 51 Districts comply with the Public School Contracts Law?

Shoop comment--Less than the Bid Threshold

If the total contract amount was less than the bid threshold, then the RFP process was an acceptable procurement process.

Shoop comment—More than the Bid Threshold

If the total contract amount was more than the bid threshold, then the RFP process was not an acceptable procurement process. Districts should have used the Competitive Contracting process as suggested by the NJDOE.

Purchasing Scorecard—How did you do?

- **Professional Services Contract** **Five (5) Districts**

Five (5) districts announced that they were awarding High Impact Tutoring Services awards as professional services contracts.

Shoop comment—Definition of Professional Services

I am sure your Board Attorney will agree with me that tutoring services are not professional services.

N.J.S.A. 18A:18A-2 (h). "Professional services" means services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as **distinguished from general academic instruction** or apprenticeship and training. Professional services may also mean services rendered in the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor.

Final Note I **Public Notice of Award of Contract**

There were 23 districts that used the recommended Competitive Contracting process, yet I could only find nine (9) districts that published in a newspaper the Public Notice of Award of Contract. When using the Competitive Contracting process, districts are required to have a Public Notice of Award of Contract published in the newspaper.

Final Note II **Federal Funds**

We are reminded that the High Impact Tutoring Services is 100% federally funded. Let us review some guidance on Federal procurement.

FEDERAL PROCUREMENT GUIDANCE NJASBO

MARCH 17, 2024 REVISION

PLACEHOLDER

PUBLIC WORKS CONSTRUCTION BID

FRONT-END LANGUAGE REVIEW

Completed by
School Business Administrator

PUBLIC WORKS; CONSTRUCTION BID

FRONT-END LANGUAGE

Prepared by
Date:

Project:
Architect/Engineer:

Description Language		
Addenda; Acknowledgement of	Language	Form
Advertisement to Bid		
Advisory Information to Bidders (Uniqueness of District)		
Affirmative Action EEO Language ---AA201		
Affirmative Action Acknowledgement		Form
Affirmative Action Exhibit B	Document	
American Goods		
Americans with Disabilities Act	Language	
Americans with Disabilities Act		Form
Anti-Bullying Bill of Rights; Harassment, Intimidation		
Anti-Discriminations Provisions		
Architect Contractor Dispute Alternative Dispute Resolution ADR		
Assurance of Compliance		Form
Bid Checklist List of Documents		
Bid Proposal Bid Proposal Form		
Bid Protest Language		
Bonding Requirements—Bid Guarantee		
Bonding Requirements—Certificate (Consent) of Surety		
Bonding Requirements—Performance Bond Model Bond		
Bonds; Labor and Material (Discretion of District)		
Bonds; Maintenance (Discretion of District)		
Brand Name or Equivalent (Technical Specifications Section)		
Business Registration Certificate Language		

Certificate of Authority
Challenge to Bid Specifications
Change Orders Language
Contract Award; Contract Documents Section/Form of Agreement
Contract Award; Equal Prices
Contract Award; Sixty (60) Days
Contractor Questionnaire; Certification Language
Contractor Questionnaire; Certification Form
Contractor's Registration; Public Works, Certificate Language
Contractor's Registration; Public Works, Certificate/Evidence Form
Contractor Requirements—Access/Maintenance of Records
Contractor Trade License
Criminal History Background Check—Sept 9, 2019 Broadcast
Debarment; Suspension; Disqualification; Prior Negative Experience
Debarment Form Language Public Works Bids Only Form
Equipment Certification Language
Equipment Certification Form
Ethics in Purchasing
Examination of Specifications; Acknowledgement
Experience with Work; Public School Districts
False Material Representation/Truth in Contracting
Insurance Provisions and Limits; Indemnification
Interpretations and Addenda
Liquidated Damages

Non-Collusion Affidavit	Language
Non-Collusion Affidavit	Form
Notice (Authorization) to Proceed	
Number of Working Days; Time of Completion	
Payment; Partial and Withholding—2%/5%	
Payment; Prompt (Law) Construction	
Performance Review Report by SBA on DPMC Form 43-A	
Political Contribution Disclosure Requirements (Chapter 271 PCD)	
Political Contribution Disclosure Requirements (Chapter 271 PCD)	Form
Political Contribution Code for BOE Requirement 6A:23A-6.3	
Political Contribution Affected Agencies List Document; Document	
Pre-bid Meeting Date; (Mandatory Attendance Prohibited)	
Pre-Employment Requirements—	
Pre-qualification of Bidders Language—DPMC and NJSDA	
Pre-qualification Affidavit; No Material Adverse Change District Form	
Pre-qualification; Notice of Classification Document; Bidder	
Pre-qualification; Total Amount Uncompleted Contacts Document; Bidder	
Prevailing Wages Certification Language MW 562	
Prevailing Wages Certification; Certified Payrolls; Posting	Form
Prevailing Wages 10% Below Law	
Resident Citizens; Preferred	
Right to Know Law	
School Development Project Language (SDA)	
Statement of Ownership Language	
Statement of Ownership	Form
Subcontracting and Disclosed Subcontractors'	Language
Subcontracting and Disclosed Subcontractors	District Form
Sworn Contractor Certification Language (Bidder's Certification)	
Sworn Contractor Certification	District Form

Taxes; Contractors Using Board Tax Exempt Status		
Termination of Contract		
Trade Classifications (DPMC)		
Withdrawal of Bids		
Language		
Federal Funds	Stevens Amendment Language	
Federal Funds	Certifications Appendix II to Part 200	Forms
Federal Funds	Standards of Conduct	
Federal Funds	Legal Citations	
Federal Funds	Davis Bacon	

Shoop Comments	

Prepared by Mr. James Shoop, Managing Member, SHOOP SBA, LLC

**DEBARMENT, SUSPENSION, OR
DISQUALIFICATION
&
WORKPLACE ACCOUNTABILITY IN
LABOR LIST

(THE WALL)**

March 2024

DEBARMENT, SUSPENSION, OR DISQUALIFICATION

The Board of Education will not enter into a contract for work with any person, company, or firm that is on the

- **New Jersey Department of Treasury – Consolidated Debarment Report**

<https://www.state.nj.us/treasury/revenue/debarment/debarsearch.shtml>

- **NJ Department of Labor and Workforce Development– Prevailing Wage Debarment List**

<https://www.nj.gov/labor/wageandhour/registrationpermits/register/debarmentlist.shtml>

- **Federal Debarred Vendor List—System for Award Management**
(SAM.gov Exclusions Extract) See Local Finance Notice 2021-20 Pages 4-5

- **Workplace Accountability in Labor List (The WALL)**

The WALL is now live at <https://www.nj.gov/labor/ea/osec/wall.shtml>.

- **Student Transportation Debarment List**

N.J.S.A. 18A:39-11.5 Debarment from bidding on pupil transportation contract
e. A list of persons debarred from bidding on a pupil transportation contract shall be maintained on the **Department of Education's Internet website** and shall be distributed to each school district and board of education in the State by March 1 of each year. The Commissioner of Education or School Bus Safety Ombudsman may determine to keep the names of such persons debarred pursuant to the provisions of this section on the list beyond the completion of any debarment period instituted pursuant to the provisions of this section.

Workplace Accountability in Labor List (The WALL)

P.L. 2019, c. 366 (N.J.S.A. 34:1A-1.16) authorized the New Jersey Department of Labor and Workforce Development (NJDOL) to create a list on its website, dubbed the Workplace Accountability in Labor List (The WALL), of any person found in violation of any State wage, benefit, and tax laws and against whom a final order has been issued by the NJDOL for such violation.

Any person or business named on The WALL is prohibited from contracting with any contracting unit until the liability for violations of State wage, benefit, and tax laws have been paid in full.

The WALL is now live at <https://www.nj.gov/labor/ea/osec/wall.shtml>.

The WALL (Workplace Accountability in Labor List) is a powerful tool established by law to hold businesses accountable for failing to satisfy their outstanding liabilities to the State for violations of State wage, benefit, and tax laws enforced by NJDOL. Examples of outstanding liabilities include unpaid wages due to workers, unemployment insurance contributions due to the state, or worker's compensation penalties.

Any business whose name appears on the WALL is prohibited from public contracting under N.J.S.A. 34:1A-1.16, the law establishing the WALL.

The WALL is maintained by NJDOL and updated monthly. Questions about the WALL should be directed to OSECInquiries@dol.nj.gov or 609-376-4952.

Certification of Federal Non-Debarment for Public Works Contracts

Pursuant to N.J.S.A. 52:32-44.1, any natural person, company, firm, association, corporation, or other entity prohibited, or “debarred,” from contracting with the federal government agencies, shall also be prohibited from contracting for public work in the state of New Jersey. This prohibition also extends to any affiliate organization(s) held by or subject to the control of an entity of that prohibited person or entity.

Certification Form

The Board has provided in this bid package the Certification of Non-Debarment for Federal Government Contracts which must be completed, certified to, and submitted to the Board of Education prior to the contract award. Prior to awarding any contract for public work, a person must provide written certification to the Board of Education that neither the person nor the person’s affiliates are debarred at the federal level from contracting with a federal government agency. The Board shall not make, negotiate, or award a contract for public work to any person who does not provide such written certification as required.

Local Finance Notice 2021-20 Federal Debarment Includes Certification Form

[LFN 2021-20 Public Works; Debarment.pdf](#)

Reminder! Must Consult with SAM.gov Exclusions Database

Upon receiving the contractor’s certification and prior to contract award, the contracting unit (Board of Education) must consult the federal government’s System for Award Management (SAM) exclusions database to verify whether the contractor and any affiliated individuals or entities listed on the certification are currently debarred from contracting with a federal government agency.

METHODS OF PROCUREMENT

Methods of Procurement

The School Business Administrator/Board Secretary shall determine the proper procurement method to be used when applicable.

Methods of Procurement for Public Schools

- Advertise for Bids
- Solicit for Quotations
- Request for Proposals (RFP)
- Competitive Contracting Proposals
- Extraordinary Unspecifiable Services (EUS) and Insurance
- State Contract Purchases
- Emergency Contracts
- Proprietary Purchases
- Concessions
- Cooperative Purchasing Agreements—State and National Co-ops
- Shared Services Agreements
- Sound Business Practices

Activities for Bidding

You have to bid on everything!

Well, not really!

Advertising for Bidding—the Standard!

The State of New Jersey has clearly outlined in N.J.S.A. 18A:18A-4 (a) the following:

“Every contract for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the board of education to the lowest responsible bidder after public advertising for bids and bidding therefor, except as is provided otherwise in this chapter or specifically by any other law.”

It is noted that the State of New Jersey has highlighted that every contract that exceeds the bid threshold shall be awarded to the lowest responsible bidder after public advertising for bids and bidding unless there is another legal procurement method to use.

Exceptions to the Bidding

New Jersey State Law allows for some exceptions to the bid and quotation limits. There are approximately 20 exceptions where a Board of Education does not have to go for a bid. Some of them are:

- Purchasing through State Contract;
- Cooperative Purchasing Programs
- Professional services as outlined by New Jersey law;
- Textbooks, kindergarten supplies, student-produced publications, library, and educational goods;
- Legal notices, food supplies, milk, utilities, insurance, election expenses, travel, and conferences.

These purchases may be subject to the quotation process pursuant to N.J.S.A. 18A:18A-37(a), if practicable.

The bidding process may take from six to eight weeks.

Activities for Bidding

Certification of Funds/Cost Estimate

The School Business Administrator/Board Secretary should certify or receive a certification in writing that funds exist for the bid project thus providing integrity for the bid. In the same certification, there must be provided an estimated cost of the bid. The estimate is required by law—N.J.S.A. 18A:18A-5 (c) (2). This estimate will be a guide on whether the Board of Education wants to reject all bids because the bid prices “substantially exceed the cost estimate of the project.” (N.J.S.A.18A:18A-22(a))

Prepare Technical Specifications

The technical specifications should be prepared by a district administrator seeking the goods or services (ex. Facilities Director, Athletic Director, Food Services Director, etc.) and sent to the School Business Administrator/Board Secretary for review. At this time the administrator should also submit the Certification of Funds and cost estimate.

Review of Technical Specifications

The technical specifications should be reviewed by the School Business Administrator/Board Secretary to ensure that the specifications can be awarded to the lowest responsible bidder and that the specifications are drafted in a manner to encourage “free and open competitive bidding.” (N.J.S.A.18A:18A-15)

Prepare Bid Package

Once satisfied with the technical specifications the School Business Administrator/Board Secretary should prepare the appropriate bid boilerplate package to complement the project:

- Goods and Services Bid
- Public Works Bid

Examples of Building Services Bids to name a few!

Goods and Materials

- Custodial Supplies
- Electrical Supplies
- Floor Chemicals
- Hardware Supplies
- Paper Products
- Plumbing Supplies
- Trash Liners

Public Works Time and Materials—Services and Repairs

- Boiler Service and Repair
- Burglar and Fire Alarm Service
- Electrical
- Elevator Maintenance
- Fencing
- HVACR
- Landscaping
- Painting
- Plumbing
- Sprinkler Maintenance

Services—Not Public Works

- Snow Management Services
- Lawn Mowing and Grounds Maintenance

Public Works Projects

- Boiler Replacement
- Construction
- Gym Floor Replacement
- Landscaping
- Roofing
- Window Replacement

Prepare the Bid Advertisement/Set the Bid Date and Time

The School Business Administrator/Board Secretary by virtue of the authority bestowed by the State of New Jersey prepares the bid advertisement and sets the bid date and time. The ten (10) day rule takes effect with the advertisement. (N.J.S.A.18A:18A-2(a); 18A:18A-21 et seq.)

Set the Pre-Bid Meeting (If necessary)

The School Business Administrator/Board Secretary may include, if necessary, in the bid package and the bid advertisement, the date and time for a pre-bid meeting. The purpose of the pre-bid meeting is to further explain the technical and boilerplate specifications. Mandatory pre-bid meetings are prohibited.

Set the Addenda Deadline

The School Business Administrator/Board Secretary in preparing bid timelines must always be aware that the bid specifications may have to be substantially changed. These substantial changes are done in writing and sent to all bidders, through the addenda process, before seven (7) days of the bid opening, Saturdays, Sundays, and holidays excluded. N.J.S.A. 18A:18A-21 (c) (1) (2)

Make Copies of the Bid/Mail

The bids should be mailed to vendors from a pre-determined bid list and to any bidder who makes a request for a bid. The bid list should be part of the bid file for future reference. Some districts put bid advertisements on their web page. (Bid packages may be e-mailed to vendors and it is suggested to send the bids in PDF format.

Attend the Pre-bid Meeting/Take Minutes (If necessary)

The School Business Administrator/Board Secretary should attend and chair all pre-bid meetings. Attendance should be taken in writing and if there are any questions and/or changes of a substantial nature they should be addressed in writing in the form of an addendum.

Mail/Fax Addenda (If necessary) What about emailing addenda?

All addenda should be mailed/faxed in accordance with N.J.S.A.18A:18A-21 (c) (1) (2).

Receipt of Bids (Segregation of Duties)

The School Business Administrator/Board Secretary should set up a procedure to properly receive bids and to keep them safely secured until the bid opening. Every attempt should be taken for a person other than the School Business Administrator/Board Secretary to physically receive the bids when possible.

Bid Opening

The bid opening should be conducted in full compliance with N.J.S.A. 18A:18A-21 (b) and with the full understanding that the School Business Administrator/Board Secretary opens all bids publicly and announces the prices and contents.

Analyze Bids and Prepare Spreadsheets

The School Business Administrator/Board Secretary analyzes all bids received and if necessary, prepares the appropriate spreadsheets to properly evaluate all bids. Guidance from appropriate administrators is permissible.

Review Bids with the Board Attorney (If necessary)

The School Business Administrator/Board Secretary should review the bids with the Board Attorney if there are questions about possible compliance issues with state/federal law/code. The School Business Administrator/Board Secretary should not unilaterally decide whether a bid is to be recommended for rejection or disqualification.

Prepare Board Resolution Awarding/Rejecting Contract

The School Business Administrator/Board Secretary should prepare the resolution awarding the contract to the lowest responsible bidder and include all bid results in the resolution. A proper record of the prices and terms shall be made in the minutes of the board. Resolutions rejecting any bids should be prepared in concert with the Board Attorney. Once again, all prices are to be in the board resolution awarding a contract.

Board of Education Awards Contract

The Board of Education at a public meeting has the authority to award the contract to the lowest responsible bidder. (18A:18A-4(a))

Notify All Bidders of the Results

The School Business Administrator/Board Secretary, as a good business practice, should notify all bidders of the bid results. A copy of the board resolution sent to each bidder would be a good method of notification with a caveat that no work is to begin or no goods are to be sent unless the winning bidder has the appropriate signed purchase order.

Prepare/Mail Purchase Orders

The School Business Administrator/Board Secretary should prepare and mail all purchase orders relevant to the bid project with the full understanding that no work is to begin or no good to be sent unless the winning bidder(s) has the signed purchase order. (N.J.S.A.18A:18A-2(v))

Prepare/Mail Contracts (If necessary)

The Board Attorney should prepare formal written contracts for the School Business Administrator/Board Secretary to mail to winning bidders. It is highly recommended that formal written contracts be prepared for all contracts for services and public works that are approved by a board of education resolution.

Bid File Folder—Minimum Contents

The School Business Administrator/Board Secretary should ensure that the bid file folder has at the minimum, copies of the following items that are needed for auditor review:

Attendance Sheet—Bid Opening

Attendance Sheet—Pre-Bid Meeting

Bid Package—2 Copies

Bids Received Check-off Sheet

Certification of Funds Memo

Legal Bid Advertisement

Minutes—Pre-Bid Meeting

Original Bids Received from Vendors

Resolution Awarding Bid—5 copies

Vendors List of Names and Addresses

Solicitation of Quotations

Solicitation of Quotations

The School Business Administrator/Board Secretary shall determine whether the district shall advertise for bids or solicit quotations for goods and services. This method of procurement is used for contracts for goods, materials, services, and public work projects that in the aggregate are less than the bid threshold, but 15% more than the bid threshold.

All quotations shall be in writing and will be coordinated by the Office of the School Business Administrator/Board Secretary. When a quotation is deemed necessary, the Administrator/Supervisor or Principal is asked to contact the Business Office. The School Business Administrator/Board Secretary will review these quotation specifications to determine whether they are set up to provide open and competitive quotations.

Please note: The formal quotation process could take about 2-4 weeks from start to finish. There will be no telephone quotations except in a case of extreme urgency.

Certification of Funds/Cost Estimate

The School Business Administrator/Board Secretary should certify or receive a certification in writing that funds exist for the project thus providing integrity for the proposal process.

Prepare Technical Specifications

The technical specifications should be prepared by a district administrator seeking the goods or services (ex. Facilities Director, Athletic Director, Food Services Director, etc.) and sent to the School Business Administrator/Board Secretary for review.

Review of Technical Specifications

The technical specifications should be reviewed by the School Business Administrator/Board Secretary to ensure the specifications are drafted in a manner that encourages a free and open competitive process.

Prepare Quotation Package

Once satisfied with the technical specifications the School Business Administrator/Board Secretary should prepare the appropriate quotation boilerplate package to complement the project:

- Goods and Services Quote
- Public Works Quote

Set the Submission Date and Time

The School Business Administrator/Board Secretary sets the submission of proposals date and time, which may be from three to seven days upon receipt of proposals by the vendor.

Solicitation of Quotations School Business Administrator

The quotation package should be mailed to vendors via electronic mail whenever possible by the Office of the School Business Administrator.

N.J.S.A.18A:18A-37. Award of purchases, contracts or agreements. All contracts enumerated in this section shall be awarded as follows:

a. For all contracts that in the aggregate are less than the bid threshold but 15 percent or more of that amount, and for those contracts that are for subject matter enumerated in subsection a. of N.J.S.18A:18A-5, except for paragraph (1) of that subsection concerning professional services and paragraph (3) of that subsection concerning work by employees of the board of education, **the purchasing agent shall award the contract after soliciting at least two competitive quotations**, if practicable. The award shall be made to a vendor whose response is most advantageous, price, and other factors considered.

Receipt of Responses (Segregation of Duties)

The School Business Administrator/Board Secretary should set up a procedure to properly receive responses. Every attempt should be taken for a person other than the School Business Administrator/Board Secretary to physically receive the responses whenever possible.

Submission Date and Time Bid Opening

Responses for quotation proposals do not have to be publicly opened unless advertised so. The School Business Administrator/Board Secretary should receive all responses by the submission date and time and begin the evaluation process.

Analyze Responses and Prepare Spreadsheets

The School Business Administrator/Board Secretary analyzes all responses received and if necessary, prepares the appropriate spreadsheets to properly evaluate all responses. Guidance from appropriate administrators is permissible.

Review Responses with the Board Attorney (If necessary)

The School Business Administrator/Board Secretary should review the responses with the Board Attorney if there are questions about possible compliance issues with state/federal law/code. The School Business Administrator/Board Secretary should not unilaterally decide whether a response is to be recommended for rejection or disqualification.

Award of Contract—Price and Other Factors

The board of education is obligated to solicit at least two (2) competitive quotations and award the contract pursuant to N.J.S.A. 18A:18A-37 (a), to the vendor whose response is most advantageous, price and other factors included.

Telephone Quotation Solicitations

The district shall only solicit quotations by telephone in urgent matters and when approved by the School Business Administrator/Board Secretary.

Request for Proposal RFP

Request for Proposal RFP

The request for proposal (RFP) is a legally recognized procurement method that permits contracting agencies to award a contract to a vendor or respondent based upon the proposal that is most advantageous to the contracting agency, price, and other factors considered, and not solely based upon the lowest price.

Services are procured through an RFP (Simple RFP compared to Competitive Contracting RFP). The RFP method is the most preferred method for awarding contracts for the following services:

Professional Services	Academic/Operational Services (Contracts less than \$44,000)
Auditing; Accounting	Instructional Services Less than \$44,000
Legal	Educational Services Less than \$44,000
Engineering, Architectural	Professional Development Services Less than \$44,000
Medical	
Special Education Related Services	
(as so designated by the board attorney)	

Award of Contract—RFP Evaluative Criteria

The RFP method is designed to award the contract to the vendor or respondent based upon a model evaluation criteria (TMC) which may be found in N.J.A.C. 5:34-4.2 and also as recommended by the NJ State Comptroller's Office with the publication:

Best Practices in Awarding Service Contracts (2010)

The award for an RFP contract does not have to be given to the respondent who submits the lowest price. The evaluative process is designed to award the contract to the respondent whose response is most advantageous, price and other factors considered, and who will provide the highest quality service at a fair and competitive price.

Final Note: Advertising an RFP—Not Required!

There is no legal requirement to advertise a request for a proposal that is not part of the Competitive Contracting process. Districts are encouraged to “publicize” each RFP by putting it on the district’s website in PDF format. RFPs shall be publicized when the district uses Federal Funds.

When using the RFP process as part of the Competitive Contracting procurement process the district has to advertise pursuant to N.J.S.A. 18A:18A-4.5 (a).

Request for Proposal RFP Process

Technical Specifications/Evaluation Criteria Prepared

The district administrator prepares technical specifications and evaluation criteria for review by the School Business Administrator/Board Secretary.

Review of Technical Specifications/Evaluation Criteria

The School Business Administrator/Board Secretary reviews technical specifications and evaluation criteria.

Request for Proposal Format—Technical Specifications

The RFP format shall be used when preparing technical specifications for the solicitation of proposals.

Purpose of Proposal

This is where the service required is identified.

Scope of Service

Administrators are asked to fully describe all services they want the vendor to provide to the district. Please be very detailed. Think of everything that is needed for the service. Anything left out may cost the district extra money for the omitted services.

Qualifications

List all minimum qualifications the vendor should meet. Licenses; background checks; experience with public school districts; type and number of personnel needed; facilities and equipment needed; and other matters of importance for the particular contract.

Contract Period

Unless otherwise noted the term of the contract will be from

July 1, 20____ through June 30, 20____

A professional services contract may not exceed 12 months.

Presentation Package

In this section, all respondents are asked to respond to the RFP by preparing a presentation package. Respondents will have to provide in writing

- Fully describe the services they are to provide;
- Provide all evidence of qualifications; and
- Submit a fee proposal; schedule

Fee Schedule – Payment

Here you are to advise the consultant on what type of payment process will be used. Do you plan to pay one lump sum after the entire project is completed? Will you pay the vendor per case; evaluation per time frame; or other means of determining payment? It is important that this is explained thoroughly so that you may be able to compare apples to apples.

Award of Contract

This is not a bid and therefore the Board of Education does not have to award the contract to the respondent who submits the lowest price.

All RFPs will have the following language:

- **Award of Contract**
The Board of Education intends to award the contract to the respondent based upon relative experience, qualifications, and the respondent who will provide the highest quality service at fair and competitive prices.
- **Coordination of Activities**
List the person who will coordinate the activities for this contract.

List of Vendors

Administrators are to provide with each RFP proposal a list of vendors to whom the proposal will be sent. A minimum of at least three (3) vendors for each proposal should be provided.

Cost Estimate

The School Business Administrator/Board Secretary and appropriated district administrator shall prepare a contract cost estimate pursuant to N.J.S.A. 18A:18A-5 (c) (2). The SBA shall certify that funds exist for the project.

RFP Package Prepared by School Business Administrator/Board Secretary

The SBA prepares the complete RFP set of specifications ready for distribution.

Set the Submission Date and Time

The School Business Administrator/Board Secretary sets the submission of proposals date and time, which may be from ten to twenty days upon receipt of proposals by the vendor.

RFP Packages Mailed to Potential Respondents

The School Business Administrator/Board Secretary on the same day of sending the legal advertisement to the newspaper may mail (email) the RFP complete package to potential respondents.

RFP Specifications Published on Website—Optional

The School Business Administrator/Board Secretary may place the RFP specification on the district's website.

Opening of Sealed Proposals

The School Business Administrator/Board Secretary may publicly open and unseal all proposals received, however, there is no legal requirement to do so.

Review of Proposals: Appointment of Evaluation Committee

The SBA may appoint an evaluation committee (if necessary), to assist in the evaluation of all proposals

Conflict of Interest Statement

Everyone involved in the evaluation process must file with the SBA a Conflict of Interest Certification. The SBA and the Evaluation Committee may also conduct interviews with respondents.

Analyze Responses

The School Business Administrator/Board Secretary analyzes all responses received and if necessary, prepares the appropriate spreadsheets to properly evaluate all responses. Guidance from appropriate administrators and the evaluation committee is permissible.

Review Responses with the Board Attorney (If necessary)

The School Business Administrator/Board Secretary should review the responses with the Board Attorney if there are questions about possible compliance issues with state/federal law/code. The School Business Administrator/Board Secretary should not unilaterally decide whether a response is to be recommended for rejection or disqualification.

Award of Contract—Price and Other Factors

The board of education may award the contract pursuant to N.J.S.A. 18A:18A-37 (a), to the vendor whose response is most advantageous, price and other factors included.

Competitive Contracting

Competitive Contracting

Competitive Contracting (Certain Contracts Exceeding Bid Threshold)

This procurement method is used for purchases of certain goods and services exceeding the bid threshold.

The district can only use this procurement method for contracts that are outlined in N.J.S.A. 18A:18A-4.1. Some of the examples that are permitted are:

- Proprietary Computer Software for Board Use
 - Student Information Systems
 - Business Office; Human Recourses
 - Student Transportation
- Professional Development Services
- Educational Consultant Services
- Instructional Improvement Services

The award of the contract is similar to the RFP award—an evaluative criteria which includes, price and other factors considered.

Competitive Contracting Process

Authorization to Use Competitive Contracting Process

The School Business Administrator/Board Secretary prepares a board resolution seeking permission from the board to use the Competitive Contracting process.

State of New Jersey Approval--NJDLGS

If State Approval – Division of Local Government Services was needed, the School Business Administrator/Board Secretary writes to the Division for approval.

Technical Specifications/Evaluation Criteria Prepared

The district administrator prepares technical specifications and evaluation criteria for review by the School Business Administrator/Board Secretary.

Review of Technical Specifications/Evaluation Criteria

The School Business Administrator/Board Secretary reviews technical specifications and evaluation criteria

Request for Proposal Format—Technical Specifications

When using the Competitive Contracting process the RFP format shall be used.

Purpose of Proposal

This is where the service required is identified.

Scope of Service

Administrators are asked to fully describe all services they want the vendor to provide to the district. Please be very detailed. Think of everything that is needed for the service. Anything left out may cost the district extra money for the omitted services.

Qualifications

List all minimum qualifications the vendor should meet. Licenses; background checks; experience with public school districts; type and number of personnel needed; facilities and equipment needed; and other matters of importance for the particular contract.

Contract Period

Unless otherwise noted the term of the contract will be from

July 1, 20____ through June 30, 20____

Professional services contract may not exceed 12 months.

Presentation Package

In this section, all respondents are asked to respond to the RFP by preparing a presentation package. Respondents will have to provide in writing

- Fully describe the services they are to provide;
- Provide all evidence of qualifications; and
- Submit a fee proposal; schedule

Fee Schedule – Payment

Here you are to advise the consultant on what type of payment process will be used. Do you plan to pay one lump sum after the entire project is completed? Will you pay the vendor per case; evaluation per time frame; or other means of determining payment? This must be explained thoroughly so that you may be able to compare apples to apples.

Award of Contract

This is not a bid and therefore the Board of Education does not have to award the contract to the respondent who submits the lowest price.

All RFPs will have the following award of contract language:

- **Award of Contract**
The Board of Education intends to award the contract to the respondent based upon relative experience, qualifications, and the respondent who will provide the highest quality service at fair and competitive prices.
- **Coordination of Activities**
List the person who will coordinate the activities for this contract.

List of Vendors

Administrators are to provide with each RFP proposal a list of vendors to whom the proposal will be sent. A minimum of at least three (3) vendors for each proposal should be provided.

Cost Estimate

The School Business Administrator/Board Secretary and appropriated district administrator shall prepare a contract cost estimate pursuant to N.J.S.A. 18A:18A-5 (c) (2). The SBA shall certify that funds exist for the project.

Competitive Contracting Package Prepared by School Business Administrator/Board Secretary

The SBA prepares the complete Competitive Contracting/RFP set of specifications ready for distribution.

Legal Ad – Sent to Official Newspaper

The School Business Administrator/Board Secretary sends the legal advertisement to the official newspaper the day after Board approval.

CC/RFP Packages Mailed to Potential Respondents

The School Business Administrator/Board Secretary on the same day of sending the legal advertisement to the newspaper may mail (email) the CC/RFP complete package to potential respondents.

CC/RFP Specifications Published on Website—Optional

The School Business Administrator/Board Secretary may place the CC/RFP specification on the district's website.

Legal Ad Published--Twenty (20) Days

Proposals may not be opened until 20 days after the legal ad is published.

Pre-Submission Meeting (7 business days after publication of advertisement)

This meeting is held between district officials and potential respondents to discuss the project and competitive contracting process.

Addenda Preparation—Goal One Day after Meeting

As a result of the pre-submission meeting, the specifications may need to be amended. Within one day of the meeting, the SBA should prepare and send by certified fax all addenda to potential respondents.

Notice of Addenda

A notice of addenda must be published in an official newspaper shall be published in an official newspaper seven (7) days prior to the proposal opening.

Addenda Received/Notice Published

The SBA should maintain a copy of the publication of the official addenda to the CC/RFP.

If an addendum was issued, seven (7) days must have elapsed from the receipt of the addenda, (Saturdays, Sundays, and holidays excluded) prior to the opening of the proposals.

Opening of Sealed Proposals in Public

The School Business Administrator/Board Secretary shall publicly open and unseal all proposals received at the advertised date and time. The SBA shall read publicly, the names of the respondents and the prices of their respective proposals.

Review of Proposals: Appointment of Evaluation Committee

The SBA may appoint an evaluation committee (if necessary), to assist in the evaluation of all proposals.

Conflict of Interest Statement

Everyone involved in the evaluation process must file with the SBA a Conflict of Interest Certification. The SBA and the Evaluation Committee may also conduct interviews with respondents.

Preparation of Report and Recommendation of Award--SBA

In accordance with N.J.S.A. 18A:18A-4.5 (d), the SBA shall prepare a report for the board. The report provides information as outlined in the law. The SBA shall provide a recommendation of the vendor to be recommended for the award.

Board Committee Review (if necessary)

The appropriate Board of Education Committee may review the report and ask to review all proposals with the SBA. The Committee or the full board may interview leading respondents.

Negotiations Not Permitted

Under no circumstances shall the provisions of the RFP be subject to negotiation. (N.J.S.A. 18A:18A-4.5 (b))

Award of Contract—Report to the Board

The School Business Administrator/Board Secretary shall recommend to the board the selection of the vendor(s) through their official report to the board. The report shall become part of the public record and reflect the action of the board.

The award of the contract shall be made by resolution of the board of education.

The board may reject all proposals pursuant to N.J.S.A. 18A:18A-22.

Public Notice—Award of Contract

The SBA shall prepare a Public Notice legal ad notifying the public of the award of the contract. The public notice is to be sent to the official newspaper and published within 20 days of the award.

Extraordinary Unspecifiable Services EUS

Extraordinary Unspecifiable Services — EUS

The EUS procurement process is the preferred method to use when procuring insurance or insurance consulting (Broker of Record) services.

Extraordinary Unspecifiable Services (EUS) Procurement Process

When using the EUS procurement process please note the following:

1. Solicitation of Quotations--EUS

N.J.A.C. 5:34-2.3 (a) clearly states that if the estimated cost exceeds 15% of the bid threshold, quotations as to the cost or prices must be solicited by the contracting agent.

The code notes that the contract shall be awarded in accordance with N.J.S.A. 18A:18A-37 (a).

2. Award of Contract—EUS--N.J.S.A. 18A:18A-37 (a)

A review of the law will note the following:

The School Business Administrator/Board Secretary shall solicit at least two (2) competitive quotations if practicable.

The award shall be made to the vendor whose response is most advantageous, with price, and other factors considered.

3. Simple Quotation/Request for Proposal?

The simple quotation process is acceptable, however, the district shall use the Request for Proposal (RFP) method.

4. RFP: The Request for Proposal Method

The RFP method, when prepared using the guidance of the NJ State Comptroller—*Best Practices for Awarding Service Contracts*, permits the school district to award the contract, based upon a model evaluation criteria of

- Technical criteria;
- Management criteria; and
- Cost criteria

It appears, that by using the above model evaluation criteria found in N.J.A.C. 5:34-4.2 (a), the price and other factors test outlined in N.J.S.A. 18A:18-37 (a) would be satisfied.

EUS Procurement Process—More Activities

1. Certification Required—Prior to Award of Contract

The designated administrative official (School Business Administrative) shall file with the Board of Education prior to the award of the contract, the following document:

Standard Certification Declaration for an Extraordinary Unspecifiable Service

This document may be found on the NJ Division of Local Government Services website or at the end of Local Finance Notice AU 2002-02.
Reference—N.J.A.C. 5:34-2.3 (b)

2. Board Resolution Required

- a) Contracts less than the bid threshold
A board resolution is not required by law, however, in the sensitive case of insurance services, it is strongly recommended that a resolution be prepared and adopted by the board of education.
- b) Contracts exceeding the bid threshold
A board resolution is required.

3. Public Notice Required

A notice of award of contract procured through the EUS process must be published in an official newspaper no later than 20 days after the passage of the board resolution. The notice of award shall be prepared in accordance with the guidelines as established in Local Finance Notice 2010-3 (Page 2—Letter A)

NJ Office of the State Comptroller Guidance

The district will refer to the guidance issued by the Office of the State Comptroller at an NJASBO Professional Development workshop. The OSC publication on procurement compliance may be found on the NJASBO website—on pages 40-45

ETHICS IN PURCHASING

GUIDING PRINCIPLES

Ethics in Purchasing—Guiding Principles

The “Gut Feeling”

The brain uses a combination of logic and emotion when making decisions of any kind. ... That specific emotion, innate to us as humans, is intuition. We possess the capacity to **feel**, and thereby the ability to know things without conscious reasoning. (Google). If you have a “gut feeling” that it is wrong, then it must be wrong!

Ethics in Purchasing—Guiding Principles

School Ethics Act—**Prohibited Acts**—N.J.S.A. 18A:12-24

c. No school official shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, **has a direct or indirect financial involvement** that might reasonably be expected to impair his objectivity or independence of judgment. No school official shall act in his official capacity in any matter where he or a member of his immediate family has a personal involvement that is or creates **some benefit** to the school official or member of his immediate family;

e. No school official, or member of his immediate family, or business organization in which he has an interest, **shall solicit or accept** any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or **other thing of value** was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the school official has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the school official in the discharge of his official duties;

f. No school official shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, **for the purpose of securing financial gain** for himself, any member of his immediate family, or any business organization with which he is associated.

Ethics in Purchasing—Guiding Principles

Financial Disclosures—**Telling the Truth**—N.J.S.A. 18A:12-26

a. Each school official shall **annually file a financial disclosure statement** with the School Ethics Commission. All financial disclosure statements filed pursuant to this act shall include the following information which shall specify, where applicable, the name and address of each source and the school official's position:

(1) **Each source of income, earned or unearned, exceeding \$2,000** received by the school official or a member of his immediate family during the preceding calendar year. Individual client fees, customer receipts or commissions on transactions received through a business organization need not be separately reported as sources of income. If a publicly traded security or interest derived from a financial institution is the source of income, the security or interest derived from a financial institution need not be reported unless the school official or member of his immediate family has an interest in the business organization or financial institution;

(2) **Each source of fees and honorariums** having an aggregate amount **exceeding \$250** from any single source for personal appearances, speeches or writings received by the school official or a member of his immediate family during the preceding calendar year;

(3) **Each source of gifts, reimbursements or prepaid expenses** having an aggregate value **exceeding \$250 from** any single source, excluding relatives, received by the school official or a member of his immediate family during the preceding calendar year; and

(4) **The name and address of all business organizations** in which the school official or a member of his immediate family had an interest during the preceding calendar year.

Question? Should the School Business Administrator review all of the Financial Disclosure Forms of their district?

Ethics in Purchasing—Guiding Principles

Federal Standard of Conduct; Conflict of Interests; 2 CFR 200.318 (c)(1)

The non-Federal entity must **maintain written standards of conduct** covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent **conflict of interest**. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the non-Federal entity **may neither solicit nor accept gratuities, favors, or anything of monetary value** from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

Ethics in Purchasing—Guiding Principles

Board Policies; Honest and Ethical Relations with Vendors

N.J.A.C. 6A:23A-6.3 Contributions to district board of education members and contract awards

(a) As a condition of receiving State aid, **each school district** and CVSD shall have policies that comply with the provisions of this section to ensure **the school district shall maintain honest and ethical relations with vendors and shall guard against favoritism, improvidence, extravagance, and corruption in its contracting processes and practices.** The terms "business entity" and "interest" as used below are defined as set forth in P.L. 2004, c. 19.

STANDARDS OF CONDUCT; CONFLICTS OF INTERESTS ETHICS IN PURCHASING

The ANYTOWN BOARD OF EDUCATION, pursuant to Federal Regulation 2 CFR 200.318 (c) (1), hereby establishes the following Standard of Conduct; Conflict of Interests in the selection, award, and administration of contracts using federal funds.

Conflict of Interest

No employee, officer, or agent of the District may participate in the **selection, award, or administration of a contract** supported by a Federal award if he or she has a real or apparent **conflict of interest**. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

Financial Interest; Involvement in Contracts

No person officially connected or employed with, the Board shall be an agent for, or be in any way pecuniarily or **beneficially interested in, or receive any compensation or reward of any kind for, the sale of any textbooks, school apparatus or supplies of any kind**, for use in the school district with which he is connected or by which he is employed or within the state or part thereof over which his jurisdiction extends, upon penalty of removal from office or of revocation of his certificate to teach or to administer, direct or supervise the teaching, instruction or educational guidance of pupils in the public schools, but the prohibition of this section shall not prevent any person from receiving royalties upon the sale of any textbook of which he is the author. N.J.S.A. 18A:6-8

No school official shall act in his official capacity in any matter where he, a member of his **immediate family**, or a business organization in which he has an interest, has a direct or indirect financial involvement that might reasonably be expected to impair his objectivity or independence of judgment.

No school official shall act in his official capacity in any matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family. N.J.S.A. 18A:12-24 (c)

Solicitation/Receipt/Acceptance of Gifts and Gratuities from Contractors

The officers, employees, and agents of the Board may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

Board members, school officials, employees, or members of their immediate family are prohibited from soliciting, receiving, or agreeing to receive any compensation, reward, employment, gift, meal, honorarium, travel, reimbursement, favor, loan, service, or **other things of value** from any person, firm, corporation, partnership, or business that is a recipient of a purchase order from the district, or a potential bidder, or an applicant for any contract with the district, based upon an understanding that what is solicited or offered was for the purpose of influencing the board member or school employee in the discharge of their official duties. N.J.S.A. 18A:12-24 (e).

Contractor/Vendor Responsibility – Doing Business with the Board of Education

Any vendor doing business or proposing to do business with the Board, shall neither pay, offer to pay, either directly or indirectly, any fee, commission, or compensation, nor offer any gift, gratuity, or other things of value of any kind to any official or employee of the Board or any member of the official's or employee's immediate family. No vendor shall cause to influence or attempt to cause to influence, any official or employee of the Board, in any manner which might tend to impair the objectivity or independence of judgment of said official or employee.

Disciplinary Actions for Violations of Standards

Officers, employees, and agents of the Board who violate the standards of conduct, shall be subject to administrative disciplinary actions which may lead to suspension of employment; removal of office, and revocation of his certificate to teach or administer in the State of New Jersey.

Disclosure of Fraudulent Activities

The Board of Education will disclose all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award pursuant to Uniform Grant Guidance, 2 CFR 200.113. Such disclosures must occur in a timely manner and be submitted in writing to the United States Department of Education or the New Jersey Department of Education.

CRIMINAL CODE CITATIONS

Title 2C -- Criminal Code

2C:27-9 Unlawful Official Business Transaction

“A public servant commits a crime of the fourth degree if, while performing his official functions on behalf of the government entity, the public servant knowingly transacts any business with himself, a member of his immediate family, or a business organization in which the public servant or an immediate family member has an interest. (N.J.S.A. 2C:27-9)

2C:27-10 -- Acceptance or Receipt of Unlawful Benefit by Public Servant for Official Behavior

“A public servant commits a crime in the fourth degree...if the public servant directly or indirectly, knowingly solicits, accepts or agrees to accept any benefit, whether the benefit inures to the public servant on another person, to influence the performance of an official duty or to commit a violation of an official duty.”