

CHAPTER 13**ADMINISTRATIVE RULES AND REGULATIONS
(NEW JERSEY EDUCATIONAL FACILITIES
AUTHORITY)****Authority**

Unless otherwise expressly noted, all provisions of this Chapter 13 were adopted by the New Jersey Educational Facilities Authority pursuant to authority delegated at N.J.S.A. 18A:72A-5 and were filed and became effective August 21, 1970 as R.1970, d.100 (Exempt, Practice Rule). See: 2 N.J.R. 73(a).

Chapter Expiration Date

Chapter 13, Administrative Rules and Regulations (New Jersey Educational Facilities Authority), expires on July 1, 2006.

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SUBCHAPTER 1. MANUAL FOR ARCHITECTS

9:13-1.1 New Jersey Educational Facilities Authority (E.F.A.)

(a) The authority was established by the New Jersey Legislature under provisions of chapter 106, Public Laws of 1966, and signed into law by Governor Richard J. Hughes on June 16, 1966. The specific purpose of the Authority's creation is to provide a vehicle for the public and independent institutions of higher education in the State of New Jersey to expand required dormitory and educational facilities and thereby create additional enrollment capacity in these institutions.

(b) For the public institutions of higher education, the Authority is empowered to construct dormitories, dining halls, student centers and parking facilities. At the independent institutions of higher education, the Authority may construct the previously mentioned facilities as well as academic facilities such as classrooms, libraries, science laboratories, administrative buildings and related units.

9:13-1.2 Construction agency

(a) The Authority has several methods of approach to the construction and financing of projects for the different categories of institutions. They are designed to provide options, where possible, for ease of management of the planning and construction processes.

1. The New Jersey Educational Facilities Authority may act as the construction agency and contract issuing body. In this arrangement, the Authority will act on behalf of the participating college in the coordination of activities for planning and construction with the architects and contractors. The architect shall receive all directions from and shall make all transmittals for approval to the EFA in accordance with procedures outlined in latter sections of this manual. The participating colleges under this arrangement will usually be the New Jersey State Colleges. In assuming the responsibility for construction of projects on State College campuses, the Authority will normally use the New Jersey Division of Building and Construction as its agent for the coordination of planning and construction of the particular facility.

2. The Authority may designate a participating college as its agent for the planning and construction of an eligible facility. A public or independent institution of higher education could avail itself of this particular arrangement if it can be demonstrated that a complement of technical staff is available to provide adequate supervision of planning and construction.

3. The Authority may make a loan to a private college for the construction of projects in accordance with the

loan agreement and plans and specifications approved by the Authority. The basic operating procedure as outlined in this manual shall apply.

9:13-1.3 Participating college

An institution of higher education, public or private, that has made application to the Authority for assistance in the construction and financing of an eligible project is considered a participating college.

9:13-1.4 Division of Building and Construction

This office in the Treasury Department of the State of New Jersey is responsible for the coordination of architectural and engineering design planning and construction of all State public institutional building projects. The Division renders professional and technical assistance to all State department agencies in the design and construction of new projects and the renovation of existing facilities. The Division is retained as a consultant to the Authority for projects at the New Jersey State Colleges and the College of Medicine and Dentistry of New Jersey.

9:13-1.5 Project

An assignment involving design of a dormitory or an educational facility or any combination thereof shall be considered a project.

9:13-1.6 Definitions

The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Dormitory" means a housing unit with necessary and usual attendant and related facilities and equipment;

"Educational facility" means a structure suitable for use as a dormitory, dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, plus parking maintenance, storage or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution for higher education, and the necessary and usual attendant and related facilities and equipment, but shall not include any facility used or to be used for sectarian instruction or as a place for religious worship;

"Private college" means an institution for higher education other than a public college, situated within the State and which, by virtue of law or charter, is a nonprofit educational institution empowered to provide a program of education beyond the high school level;

"Public college" means Rutgers, The State University, the State Colleges, the Newark College of Engineering, the College of Medicine and Dentistry of New Jersey, the

county colleges and any other public university or college now or hereafter established or authorized by law.

ARCHITECTS

9:13-1.7 General provisions

(a) Architects are the qualified technical and professional advisors in private practice, registered in the State of New Jersey, who are retained either by the Authority or a participating college to plan, design, and supervise projects.

(b) The particular arrangement under which a loan is being made will determine whether the architect is under contract to the college or the Authority.

9:13-1.8 Contract and insurance

(a) Architects retained by the Authority will be issued a formal contract outlining the services to be performed and the fee to be paid. The architect will also be given a construction budget. The architect shall provide and pay for "errors and omissions insurance" in a form acceptable to the Authority. The policy shall be filed with the Authority at the time of the signing of the contract agreement.

(b) Architects retained by a participating institution shall give evidence of coverage for "errors and omissions insurance" to the Authority.

9:13-1.9 Responsibility

The architect retains full responsibility as described in his contract for all work performed and is not relieved of this responsibility by the approval of the authority of drawings, specifications and other contractual documents or materials.

9:13-1.10 Payment for architectural services

The architect's contract shall establish a schedule for payment of fees according to completion stages of the assignment. The architect shall submit invoices in accordance with this schedule. Additional expenses for authorized changes, extra work, travel, and other expenses shall be itemized and described in full and shall be in accordance with the provisions of the contract. Revisions and change orders necessitated by error of the architect will be charged to architect or applied against his fee if circumstances warrant such action.

9:13-1.11 Approval of consultants

The architect will normally be required to submit the names of consultants for each specialty to the Authority for approval on those projects where the Authority is the owner. This submission is to be made as soon as practicable after the contract has been issued. The Authority reserves the right to request alternate submissions.

PROGRAM REQUIREMENTS

9:13-1.12 Program development

The owner of the project shall have the responsibility for development of the program. The program shall be in sufficient detail to define the scope of the project.

9:13-1.13 Correspondence

All correspondence shall be identified as to project by use of project title and location. A 1¼ inch margin is to be provided on left hand side of sheet of all correspondence for Authority use. Correspondence shall be submitted in original and four copies with distribution of copies to be shown at bottom of letters.

9:13-1.14 Delivery of drawings and specifications

When mailing copies of documents to the Authority, these should be insured in favor of the architect at full value against loss or damage. Original tracings should always be hand delivered. All documents prepared by the architect for the Authority shall be and become the property of the Authority.

9:13-1.15 Meetings with Authority and/or participating college

Arrangements for meetings on the design phase of Authority owned projects shall be made through the Authority unless otherwise designated by the Authority. It shall be the responsibility of the Authority to have college personnel and other consultants available as required. The architect shall prepare and distribute minutes of all meetings with copies to all concerned parties. Minutes of all meetings shall be numbered beginning with the first program meeting and carrying through the design stage to the start of construction.

9:13-1.16 Approval of documents

(a) After the submission of documents for approval, the architect will receive written confirmation of decisions made before proceeding with the next phase of work. Approvals will be issued by the Authority or the participating college, depending upon the manner in which the loan is to be made.

(b) For assignments at the New Jersey State Colleges, the Division of Building and Construction will normally be the agent of the Authority for necessary approval.

9:13-1.17 Schedules, estimates and progress reports

(a) In order to effectively regulate and expedite submissions, the Authority, D.B.C. or college must have advance notice of dates for submission.