

3. Asian-American, having origins in and of the original peoples of the Far East, Southeast Asia, Indian subcontinent, Hawaii, or the Pacific Islands; or

4. American Indian or Alaskan native (Native American), having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliations or community recognition.

“Minority agency” means a business or organization, profit or nonprofit, which is:

1. A sole proprietorship, partnership, or joint venture in which at least 51 percent of the ownership interest is held by minorities and the policy-making, management and daily business operation are controlled by one or more of the minorities who own it; or

2. A corporation or other business entity authorized under the laws of the United States whereby 51 percent of the stockholders, board of directors, ownership or management of daily business operations is controlled by one or more minorities.

Amended by R.1993 d.597, effective November 15, 1993.

See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

Amended by R.1997 d.532, effective December 15, 1997.

See: 29 N.J.R. 3959(a), 29 N.J.R. 5314(a).

Added “Minority” and “Minority agency”.

### 10:3-3.3 Request for proposal

(a) The departmental component or CHSAC/designated entity shall issue a public announcement of the availability of funds for the purchase of services in accordance with N.J.S.A. 52:14-34.4, 34.5 and 34.6. The announcement shall be made in a manner to permit reasonable competition among eligible provider agencies. The departmental component shall publish the announcement in the New Jersey Register and publications directed toward minorities. In addition, the departmental component may choose to do one of the following as a second notification: mail the announcement to identified prospective provider agencies, including those that may provide similar, but not the specific service requested, minority organizations and culturally diverse and sensitive groups or advertise in newspapers of general circulation. Upon publication in the New Jersey Register, the Contract Policy and Management Unit will upload the notice of RFP on Human Services Online (HSOL), which is a community bulletin board on the worldwide web ([www.hsol.org](http://www.hsol.org)).

(b) The departmental components may choose to have bidders conferences. Technical information regarding the RFP may be disseminated at such a meeting.

(c) The CHSACs/designated entities, at minimum, shall use the standards set forth in this subchapter when they are delegated the responsibility to solicit proposals on behalf of the Department. The Department shall be a signatory to the contract in this instance. In all other instances, the

departmental component shall notify the CHSACs/ designated entity of the RFP, if appropriate.

(d) The proposal process shall be completed within 120 days of publication of the RFP notice in the New Jersey Register, inclusive of all informal review processes. See N.J.A.C. 10:3-3.13 for exceptions.

(e) Within three business days after a potential applicant has requested a proposal package, the departmental component or the CHSAC/designated entity shall forward a proposal package to, or the package may be picked up by, those prospective applicants responding to the public announcement. In addition, when the CHSAC/designated entity has been delegated the responsibility to solicit proposals on behalf of the Department, all appropriate Department procedures, as set forth in this subchapter, and county procedures, as appropriate, shall be followed. The proposal package shall contain, at a minimum, the following information and requirements:

1. The amount of funds available, the source of funds, the purpose, scope, and goals of the programs and services solicited, and any specific conditions, requirements, and/or constraints such as spending caps or match requirements;

2. A list of requirements which must be fulfilled for the proposal to be evaluated;

3. The type of provider agencies eligible to submit a proposal for consideration;

4. A request for a list of the board of directors and officers of the applicant agency;

5. The address to which the completed proposal must be sent, the submission deadline (time and date) after which no applications will be accepted, time frames for review of the proposal and awarding of contracts, and the target date for implementation;

6. The name and address of a contact person who can provide technical assistance;

7. Funding proposal evaluation criteria (see N.J.A.C. 10:3-3.8);

8. A disclaimer stating the following: “The Department reserves the right to reject any and all proposals when circumstances indicate that it is in its best interest to do so. The Department’s best interest in this context, include, but are not limited to, loss of funding, inability of the applicant to provide adequate services, indication of misrepresentation of information and/or noncompliance with State and Federal laws and regulations, any existing Department contracts, and procedures set forth in this subchapter”;

9. The following statements:

i. "It is anticipated that the resulting contract will contain approximately (insert amount) dollars in funding;"

ii. Needed for the privatization of State service and/or program only:

(1) "In accordance with guidelines established by the New Jersey Executive Commission on Ethical Standards, be advised that Department employees or former employees are eligible to submit proposals to this RFP."

(2) "These services were previously State operated. Therefore, if awarded this contract, your provider agency may be responsible to maintain, administer and dispose of public records previously maintained by the State of New Jersey as defined by N.J.S.A. 47:3-16 and must agree to do so under the terms of the contract."

10. The appropriate information, forms and a list of required supporting documents as set forth in N.J.A.C. 10:3-3.6;

11. A copy of Executive Order No. 189(1988), regarding conflict of interest (see Appendix A, incorporated herein by reference);

12. A list of depository libraries where the Contract Reimbursement Manual and Contract Policy and Information Manual may be reviewed prior to proposal;

13. The terms and conditions which must be met to comply with specific funding requirements and Departmental contracting rules;

14. The Statement of Assurances and the requirement that it shall be properly signed by the Chief Executive Officer or equivalent and returned with the application package. See Appendix B incorporated herein by reference; and

15. A statement explaining the departmental component's informal review process and that informal reviews by the departmental component must be completed within the time frame specified in the RFP or within 30 days after receipt of the CHSAC/designated entity recommendation, and that informal reviews by the CHSAC/designated entity must be completed within the 90-day process time period and prior to the recommendations being sent to the departmental component.

Amended by R.1993 d.597, effective November 15, 1993.

See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

Amended by R.1997 d.532, effective December 15, 1997.

See: 29 N.J.R. 3959(a), 29 N.J.R. 5314(a).

Rewrote (a); in (c), inserted the second sentence; in (e), added two day requirement for mailing of proposal packages; rewrote (e)9; inserted (e)9i and (e)9ii; inserted (e)14 and recodified existing (e)14 as (e)15.

Amended by R.1998 d.551, effective November 16, 1998.

See: 30 N.J.R. 3193(a), 30 N.J.R. 4043(a).

In (a), deleted "as defined in Section 10:3-3.2" at the end of the third sentence, and rewrote the fourth sentence as the fourth and fifth sentences; in (d), substituted "120 days of publication of the RFP notice in the New Jersey Register" for "105 days of publication" following "within"; and in (e), substituted a reference to three business days for a reference to two working days in the first sentence, rewrote 9i, substituted "Needed" for "In a RFP" at the beginning of 9ii, substituted "A copy" for "Notification" at the beginning of 11, and substituted a reference to informal reviews for a reference to reviews and substituted a reference to 30 days for a reference to 15 days in 15.

#### 10:3-3.4 Sole source services

Where there is none or only one response to the RFP, after specifications of the RFP have been cited and all criteria of this subchapter have been met, documentation of any and all efforts to obtain multiple responses shall be kept in the Department RFP file. Documentation shall also be retained of every contact made by the departmental component or CHSAC/designated entity to find a provider agency to fulfill the required services.

Amended by R.1993 d.597, effective November 15, 1993.

See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

#### 10:3-3.5 Internal controls for proposals

(a) The departmental component or CHSAC/designated entity shall maintain all correspondence to and from the departmental component or CHSAC/designated entity, whichever is applicable, in a file retained in the individual program RFP records.

(b) The person who maintains the correspondence file shall be different from the staff personnel who are on the review panel and participating in the selection process.

(c) The log shall indicate, at minimum, the following information:

1. The name of the program;
2. The submission deadline date;
3. The date the completed proposal was received from the applicant;
4. The name of the Department or CHSAC/designated entity staff person receiving the proposal for review and selection;
5. The decision of the review panel in awarding the contract; and
6. The date the decision letter notifying the applicant of acceptance or rejection was sent.

(d) All proposal packages shall be sent to applicants via first class mail, hand delivered or picked up in person, as decided by the departmental component, to ensure timely receipt by the applicant.

(e) Proposal packages from applicants shall be date and time stamped upon receipt.