

i. Ten years experience as a purchasing agent in New Jersey and has successfully completed Municipal Finance Administration as offered by the Rutgers Center for Government Services;

ii. Seven years experience as a purchasing agent in New Jersey and is the holder of a Certified Municipal Finance Officer or Certified County Finance Officer certificate issued by the Division of Local Government Services, or is the holder of a Registered Public Purchasing Specialist certification issued by the Rutgers Center for Government Services;

iii. Without regard to service as a purchasing agent, is the holder of a Registered Public Purchasing Official certificate issued by the Rutgers Center for Government Services, or is the holder of a Certified County Purchasing Official certificate issued by the Division of Local Government Services;

iv. Three years experience as a purchasing agent in New Jersey and:

(1) Holds a certification as a Certified New Jersey School Business Administrator; or

(2) Is a school board manager or school board secretary who is grandfathered, pursuant to N.J.A.C. 6:11-9.7;

v. Without regard to the number of years as a purchasing agent, has successfully completed 30 hours of training in New Jersey procurement law, and has successfully completed Municipal Finance Administration as offered by the Rutgers Center for Government Services and, is either:

(1) Certified as a Certified Public Purchasing Official or a Certified Public Procurement Buyer by the National Institute of Governmental Purchasing; or

(2) Certified by the Federal government as a Purchasing Agent; or

vi. Without regard to the requirement of experience in a contracting unit, has seven years of experience as purchasing agent in the private sector, has successfully completed 50 hours of training in New Jersey procurement law, and has successfully completed Municipal Finance Administration as offered by the Rutgers Center for Government Services.

(b) Applications for qualified purchasing agent shall be on a form prescribed by the Director and shall include proof(s) of meeting the requirement of a qualified purchasing agent described in this section. Applications may be submitted at any time. There shall be no application fee. At the discretion of the Director, additional documentation may be required upon receipt of an application. Upon approval of the application by the Director, the applicant shall be issued a certificate as a qualified purchasing agent.

(c) Where compliance with (a)2 above included the holding of a professional certificate, the certificate must remain in force during the time the individual serves as a qualified purchasing agent.

Administrative change.
See: 34 N.J.R. 1264(a).

5:34-5.2 Procedures for increasing the bid threshold

(a) A contracting unit with a qualified purchasing agent desiring to take advantage of the supplemental authority of N.J.S.A. 40A:11-3 and 40A:11-4.3 or N.J.S.A. 18A:18A-3 and 18A:18A-4.3 shall have its governing body pass a resolution authorizing the amount of a higher bid threshold for the contracting unit, the amount of which shall not exceed the statutory maximum bid threshold.

(b) A contracting unit that increases the bid threshold pursuant to (a) above shall either:

1. In a contracting unit subject to the Local Public Contracts Law, a certified resolution increasing the bid threshold shall be filed with the Director and shall be accompanied by:

i. A certification from the chief executive officer of the contracting unit that the purchasing agent of the contracting unit exercises the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and

ii. A copy of the contracting unit's purchasing agent's qualified purchasing agent certification; or

2. In a contracting unit subject to the Public School Contracts Law, a certified resolution increasing the bid threshold shall be filed with the Director and shall be accompanied by a copy of the contracting unit's purchasing agent's qualified purchasing agent certification.

5:34-5.3 Absence of qualified purchasing agent

If at any point in time the qualified purchasing agent is unable to exercise the authority, responsibility and accountability of the contracting unit's purchasing function the bid threshold shall revert to the lower statutory bid threshold level not requiring qualified purchasing agent status, pursuant to N.J.S.A. 40A:11-3 and 18A:18A-3, until a qualified purchasing agent is able to assume the purchasing functions.

5:34-5.4 Procedures for certain contracting units without a qualified purchasing agent to temporarily increase their bid threshold to \$26,000

(a) A contracting unit that has appointed a purchasing agent who meets the following eligibility requirements to sit for the qualified purchasing agent (QPA) examination and

who intends to take the examination once it becomes available, may increase its bid threshold to \$26,000 through the following procedure:

1. Individuals desiring to qualify for the examination must meet each of the following criteria:

i. Be a citizen of the United States, is of good moral character, and is a high school graduate or equivalent;

ii. Successfully completed Principles of Public Purchasing I, II and III, and one of the Municipal Finance Administration courses, all as provided by the Rutgers Center for Government Services; or have been performing the duties of a purchasing agent (as defined at N.J.A.C. 5:34-1.2) for at least three consecutive years;

iii. Possess two years of college education and two years of full-time governmental experience performing duties relative to public procurement. Additional years of experience may be substituted for the college education on a year-for-year basis;

iv. Attest that they will apply for either the first or second QPA certification exam to be administered by the Division, and participate in such exam. They shall further agree that their test score shall be provided to the contracting unit; and

v. Document the foregoing by completing an "Affidavit of QPA Qualification." The affidavit is available on the Division of Local Government Services website, www.nj.gov/dca/dlgs/lpcl. The affidavit requires certification of the individual, their supervisor and the chief executive officer of the contracting unit that the individual possesses the required education and/or experience, and that the individual exercises the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit.

2. Contracting units using this procedure are required to notify the Division of their action by adopting a resolution that: names the individual that meets the eligibility criteria who shall serve as purchasing agent, and raises the contracting unit's bid threshold to an amount that does not exceed \$26,000. The resolution shall be submitted to the Director with the Affidavit of QPA Qualification of the named purchasing agent.

3. Upon notification by the Division that the individual did not take or failed to pass the examination, within one month of the notification, the contracting unit bid threshold shall automatically revert to \$17,500. If the individual passes the examination or the contracting unit otherwise appoints a purchasing agent who holds a QPA certificate, the temporary bid threshold shall remain until the con-

tracting unit, pursuant to N.J.A.C. 5:34-5.2, raises its bid threshold to \$36,000.

Special New Rule, R.2011 d.207, effective July 6, 2011 (to expire July 5, 2012).

See: 43 N.J.R. 1906(a).

SUBCHAPTER 6. EMERGENCY PURCHASES AND CONTRACTS

5:34-6.1 General requirements

(a) The use of emergency purchasing pursuant to N.J.S.A. 40A:11-6 or 18A:18A-7 shall be subject to the following requirements:

1. An actual or imminent emergency must exist requiring the immediate delivery of the goods or the performance of the service;

2. As soon as reasonably possible, but within three days of declaring the emergency, the chief school administrator of a board of education shall notify the superintendent of education for the county of the nature of the emergency and the estimated needs for goods and services necessary to respond to it;

3. The emergency purchasing procedure may not be used unless the need for the goods or services could not have been reasonably foreseen or the need for such goods or services has arisen notwithstanding a good faith effort on the part of the contracting unit to plan for the purchase of any goods or services required by the contracting unit;

4. The contract shall be of such limited duration as to meet only the immediate needs of the emergency; and

5. Under no circumstances shall the emergency purchasing procedure be used to enter into a multi-year contract.

(b) The governing body of each contracting unit shall adopt rules or regulations as appropriate to the contracting unit to ensure that there is a procedure for determining and confirming the existence of an emergency and that the provisions for emergency purchasing pursuant to N.J.S.A. 40A:11-6 or 18A:18A-7 may be implemented. Such rules or regulations shall include such provisions that ensure that initially designated individuals are not available, there is a designated chain of command to ensure that there are always appropriate individuals available to make such decisions.

Amended by R.2000 d.485, effective December 4, 2000.

See: 32 N.J.R. 3237(a), 32 N.J.R. 4300(a).

Rewrote the section.

5:34-6.2 (Reserved)

Repealed by R.2000 d.485, effective December 4, 2000.

See: 32 N.J.R. 3237(a), 32 N.J.R. 4300(a).

Section was "Procedure for emergency purchases and contracts".