

CHAPTER 11

STATE LEASING AND SPACE UTILIZATION

Authority

N.J.S.A. 52:18A-191.1 et seq., specifically 52:18A-191.8.

Source and Effective Date

R.2008 d.228, effective July 9, 2008.
See: 40 N.J.R. 598(a), 40 N.J.R. 4599(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 11, State Leasing and Space Utilization, expires on July 9, 2015. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 11, State Leasing and Space Utilization, was adopted as R.1996 d.1, effective January 2, 1996. See: 27 N.J.R. 3779(a), 28 N.J.R. 171(a). Pursuant to Executive Order No. 66(1978), Chapter 11, State Leasing and Space Utilization, expired on January 2, 2001.

Chapter 11, State Leasing and Space Utilization, was adopted as R.2003 d.65, effective February 3, 2003. See: 34 N.J.R. 3487(a), 35 N.J.R. 623(a).

Chapter 11, State Leasing and Space Utilization, was readopted as R.2008 d.228, effective July 9, 2008. As part of R.2008 d.228, Subchapter 5, Advertisements for Leased Space, was renamed Advertisement Process and Submission of Property Profile Forms, effective August 4, 2008. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

17:11-1.1 Purpose and scope

(a) The Office of Leasing Operations was established by statute under the supervision of the Administrator of the General Services Administration. Pursuant to Reorganization Plan 003-1997 as set out under N.J.S.A. 52:18A-178 et seq., the Office of Leasing Operations and related functions, powers, and duties were transferred to the Division of Property Management and Construction (DPMC). The rules in this chapter are promulgated by the Division of Property Management and Construction of the Department of Treasury to implement the provisions of that law.

(b) The rules require State agencies to account and plan for all operations and programmatic space requirements and to accurately and regularly report these requirements to DPMC.

(c) These rules apply to all State agencies, as defined by N.J.A.C. 17:11-1.3.

Amended by R.2008 d.228, effective August 4, 2008.
See: 40 N.J.R. 598(a), 40 N.J.R. 4599(a).

In (a) and (b), substituted "DPMC" for "DPM&C".

17:11-1.2 Source for public information

The public may receive information concerning the State lease program and Requests for Leased Space Proposals (RFPs) by contacting the Director of the Division of Property Management and Construction, PO Box 034, Trenton, New Jersey 08625-0034.

Amended by R.2008 d.228, effective August 4, 2008.
See: 40 N.J.R. 598(a), 40 N.J.R. 4599(a).

Substituted "lease program" for "Lease Program", "Requests" for "requests" and "Leased Space Proposals" for "leased space proposals".

17:11-1.3 Definitions

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

"Advertisement" means a public notice of a need for available space that is advertised in newspapers, periodicals and/or the internet.

"Change order request" means a document requesting authorization for modification or variation from an original scope of work.

"Committee" means the State Leasing and Space Utilization Committee.

"Construction documents" means the drawings and specifications, as prepared, signed and sealed by licensed architects and engineers, necessary to obtain all applicable permits for the construction/renovation of space and the associated certificate of occupancy. These drawings and specifications may include, but are not limited to, general construction,

electrical, plumbing, HVAC, fire protection and telecommunications.

"Cost effective" means the least expensive space procurement alternative that can be demonstrated to conform to criteria provided by DPMC in the Request for Leased Space Proposal and to the operational concerns and restrictions of the State agency.

"Co-terminus amendment" means a change that amends the substance of an existing lease to include additional space and provides that the lease term for the additional space will terminate on the same date as the original lease.

"Disclosure Statement" means a document formulated by DPMC, and required of all lessors seeking to do business with the State, that elicits information related to ownership and other interests in the property, tax liabilities and possible conflicts of interest.

"Division of Property Management and Construction (DPMC)" is the organization formed pursuant to a reorganization which occurred subsequent to the passage of P.L. 1992, c. 130. Pursuant to Reorganization Plan No. 003-1997 (filed May 8, 1997, effective July 7, 1997), 29 N.J.R. 2498(a) (June 2, 1997), Governor Whitman abolished the General Services Administration and reorganized the Department of the Treasury's Division of Building and Construction, Division of Facilities Management, the Office of Real Property Management, and the Office of Leasing Operations into the newly created Division of Property Management & Construction (DPMC) in the Department of the Treasury, and transferred the functions of the General Services Administrator under P.L. 1992, c. 130, to the Division Director (the Director).

"Lease" means the agreement, approved by the Committee in accordance with N.J.S.A. 52:18A-191.4 and N.J.S.A. 52:18A-191.5, and fully executed by the State and the lessor that contains the terms and conditions under which the lessor will provide and the State will take a leasehold interest in certain specified real property.

"Leased space proposal" means the documents formulated by prospective lessors that contain pertinent cost and site information including rental, renovations and services. Leased space proposals serve as the basis for DPMC's evaluation of the cost-effectiveness of each proposal submitted in response to the competitive process.

"Notice of proposed lease (NPL)" means the documents submitted to the Committee prior to the execution of the lease that contain statutorily required information and recommend the proposed lease agreement to the Committee.

"Proposed lease agreement" means the terms and conditions of the leased space proposal submitted by a prospective lessor, as modified by negotiations between DPMC and the prospective lessor, and recommended by DPMC to the Committee.