

CHAPTER 44A

**CONTRACTS FOR ARCHITECTURAL,
ENGINEERING AND LAND
SURVEYING SERVICES**

Authority

N.J.S.A. 27:1A-5, 27:1A-6 and 52:34-9.1 et seq.

Source and Effective Date

R.1998 d.563, effective December 7, 1998
(operative January 14, 1999).
See: 30 N.J.R. 3016(a), 30 N.J.R. 4252(b).

Executive Order No. 66(1978) Expiration Date

Chapter 44A, Contracts for Architectural, Engineering and Land Surveying Services, expires on December 7, 2003.

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SUBCHAPTER 1. APPLICABILITY

16:44A-1.1 Applicability

The provisions of this chapter shall apply only to contracts for architectural, engineering and land surveying services which are in excess of \$25,000 and subject to the procurement provision requirements of N.J.S.A. 52:34-9.1 et seq. Nothing in this chapter shall preclude the Department from using procurement processes other than those prescribed herein if those processes have been approved by the Federal government or other State statute or if an emergency has been declared by the Commissioner of the Department of Transportation.

SUBCHAPTER 2. DEFINITIONS

16:44A-2.1 Definitions

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

“Commissioner” means the Commissioner of the New Jersey Department of Transportation.

“Compensation” means the basis of payment by an agency for professional architectural, engineering or land surveying services.

“Department” means the New Jersey Department of Transportation.

“Professional architectural, engineering and land surveying services” means those services, including planning, environmental, and construction inspection services required for the development and construction of projects, within the scope of the practice of architecture, professional engineering or professional land surveying as defined by the laws of this State or those performed by an architect, professional engineer or professional land surveyor in connection with his or her professional employment practice.

“Professional firm” means any individual, firm, partnership, corporation, association or other legal entity permitted by law to provide professional architectural, engineering, or land surveying services in this State.

**SUBCHAPTER 3. CRITERIA FOR THE
SELECTION OF THE MOST HIGHLY
QUALIFIED PROFESSIONAL FIRMS**

**16:44A-3.1 Criteria for the selection of the most highly
qualified professional firms**

(a) Prior to the solicitation of proposals or expressions of interest pertaining to the procurement of professional architectural, engineering, or land surveying services, the Department shall publicly advertise its need for such services. The advertisement shall conform to the requirements of N.J.S.A. 52:34-12(a) and (b), or be publicly advertised through electronic means. The advertisement shall either include a statement of the criteria by which the Department shall evaluate the technical qualifications of professional firms and determine the order of preference to be used in designating the firms most highly qualified to perform the services or identify such criteria by reference to the provisions of this chapter.

(b) In selecting the most highly qualified professional firms with which to contract for architectural, engineering or land surveying services, the Department, where applicable, shall consider the following criteria:

1. The experience and qualifications of the firm and designated project team in providing similar services;
 2. The experience and qualifications of the firm and designated project team on projects of similar size and complexity;
 3. The experience and capability of the firm and designated project team in respect to any special technologies, techniques, or expertise the project may require;
 4. The past performance of the firm; and
 5. Any other criteria specified in the Department's public advertisement of the project.
- (c) In selecting and ranking qualified professional firms, the Department shall establish weights for the criteria appli-

cable to each project. The Department may disqualify any firm determined to be unacceptably deficient in one or more of the applicable criteria, regardless of the firm's ranking or score on the remainder of the criteria.

SUBCHAPTER 4. EFFECTIVE DATE

16:44A-4.1 Effective date

The provisions of this chapter shall take effect on January 14, 1999. Any Department procurement proceeding for the contracting of architectural, engineering or land surveying services where the Department has not solicited proposals or expressions of interest or publicly advertised its need for such services prior to January 14, 1999, shall be subject to the applicable provisions of this chapter.