

ence and past performance records submitted under oath in response to the current version of Department Form DC-74A.

“Rated period” means the interval of time that the Department uses to evaluate contractors through their performance ratings.

“RE” means the Department’s field representative having direct supervision of the administration of a project.

“Related project” means a project whose work scope and complexity level is considered to be related to that of a Department project, such as work undertaken for a county, township, municipality or utility authority.

“Special Provisions” means attachments to the Standard Specifications, which include project specific requirements prepared using the Department’s current Standards Inputs and required non-standard specifications, which are not covered in either the Standard Specifications or the Standard Inputs.

“Standard Specifications” means the 2001 edition of the “New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction,” as amended and supplemented, incorporated herein by reference.

“Suspension” means an exclusion from Department contracting pursuant to N.J.A.C. 16:44-11.5.

Amended by R.1977 d.388, effective October 17, 1977.

See: 9 N.J.R. 44(a), 9 N.J.R. 543(b).

Amended by R.1981 d.72, effective March 4, 1981.

See: 13 N.J.R. 108(c), 13 N.J.R. 243(b).

“Director of Financial Management” was “Director of Accounting and Auditing”.

Amended by R.1987 d.499, effective December 7, 1987.

See: 19 N.J.R. 1634(a), 19 N.J.R. 2303(a).

Added definition “pre-qualification committee”.

Amended by R.1989 d.530, effective October 16, 1989.

See: 21 N.J.R. 2240(a), 21 N.J.R. 3314(a).

Established new composition of “Pre-qualification Committee” and reflects title changes due to organizational changes within the Department.

Amended by R.1992 d.29, effective January 6, 1992.

See: 23 N.J.R. 3270(a), 24 N.J.R. 115(c).

Added new definitions.

Amended by R.1994 d.198, effective April 18, 1994.

See: 25 N.J.R. 4727(a), 26 N.J.R. 1690(b).

Amended by R.1996 d.541, effective December 2, 1996.

See: 28 N.J.R. 4180(a), 28 N.J.R. 5078(a).

Amended by R.1999 d.113, effective April 5, 1999.

See: 31 N.J.R. 29(a), 31 N.J.R. 890(a).

Inserted “Design/Build/Operate/Maintain”; in “Key sheet” substituted “100 meters to the centimeter” for “2000 feet to the inch”; in “Plans”, substituted “special provisions” for “supplementary specifications”; and in “Standard specifications”, substituted “1996 edition” for “1983 edition”, and added “, incorporated herein by reference”.

Amended by R.2004 d.342, effective September 7, 2004.

See: 36 N.J.R. 1659(a), 36 N.J.R. 4155(b).

Rewrote the section.

Recodified from N.J.A.C. 16:44-1.1 and amended by R.2010 d.122, effective June 21, 2010.

See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).

Deleted definitions “Aggregate Rating”, “Bond value”, “Current Bid Capacity”, “Design/Build/Operate/Maintain”, “Key sheet”, “Maximum Rating”, “NJDOT contracting”, “Prequalification committee” and “Vendor”; rewrote definitions “Classification”, “Contractor”, “Corporate or LLC reorganization”, “Debarment”, “Department”, “Disqualification”,

“Performance rating”, “Plans”, “Project rating”, “Special provisions”, “Standard specifications” and “Suspensions”; and added definitions “Bureau”, “Classified”, “Commissioner”, “Department contracting”, “Equivalent project”, “Financial capability”, “Overall performance rating”, “Project”, “Questionnaire”, “Rated period”, “RE” and “Related project”. Former N.J.A.C. 16:44-2.1, Requirements, recodified to N.J.A.C. 16:44-4.1.

16:44-2.2 (Reserved)

Recodified to N.J.A.C. 16:44-4.2 by R.2010 d.122, effective June 21, 2010.

See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).

Section was “Distribution of free copies”.

SUBCHAPTER 3. CLASSIFICATION OF PROSPECTIVE BIDDERS

16:44-3.1 Prequalification Committee

The Prequalification Committee shall be comprised of five voting members, selected at the discretion of the Commissioner. The Bureau Manager shall serve as Secretary to the Committee, and may be delegated authority by the Committee to sign Classification applications on behalf of the Committee in those circumstances deemed appropriate by the Committee.

Amended by R.1978 d.164, effective May 22, 1978.

See: 10 N.J.R. 171(d), 10 N.J.R. 264(a).

Amended by R.1979 d.388, effective October 1, 1979.

See: 11 N.J.R. 409(c), 11 N.J.R. 588(b).

Amended by R.1984 d.70, effective March 19, 1984.

See: 15 N.J.R. 1930(a), 16 N.J.R. 554(a).

Amended by R.1985 d.6, effective February 4, 1985.

See: 16 N.J.R. 2515(a), 17 N.J.R. 319(a).

Deleted (f).

Amended by R.1987 d.218, effective May 18, 1987.

See: 19 N.J.R. 181(b), 19 N.J.R. 883(a).

Deleted (d)1 and chart and inserted (d)1 “Plans and supplemental ...”.

Amended by R.1990 d.500, effective October 15, 1990.

See: 22 N.J.R. 2247(a), 22 N.J.R. 3238(a).

Fees increased at (d).

Recodified from 16:44-3.2 by R.1994 d.198, effective April 18, 1994.

See: 25 N.J.R. 4727(a), 26 N.J.R. 1690(b).

Former text at 16:44-3.1, Definitions, repealed. Previously amended by R.1979 d.388 and R.1990 d.500. See: 11 N.J.R. 588(b) and 22 N.J.R. 3238(a).

Amended by R.1996 d.541, effective December 2, 1996.

See: 28 N.J.R. 4180(a), 28 N.J.R. 5078(a).

Amended by R.1999 d.113, effective April 5, 1999.

See: 31 N.J.R. 29(a), 31 N.J.R. 890(a).

Rewrote the section.

Amended by R.2004 d.342, effective September 7, 2004.

See: 36 N.J.R. 1659(a), 36 N.J.R. 4155(b).

Rewrote (b) and (c); in (d), substituted “Department” for “NJDOT” preceding “for distribution of plans” and deleted “therefrom” preceding, “shall be honored”.

Repeal and New Rule, R.2010 d.122, effective June 21, 2010.

See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).

Section was “Requirements”.

16:44-3.2 Questionnaire

(a) In order to bid on Department projects, a contractor must be classified and have a project rating. To be classified, the contractor must complete a Questionnaire on Form DC-

(b) When a contractor submits a Questionnaire, the contractor shall include the required fee in accordance with N.J.S.A. 27:7-35.3. Payment shall be made as specified in the Questionnaire and no Questionnaire will be processed until the required fee is received by the Bureau.

(c) The Department will notify a contractor of its determination of its classification within 15 days of the Department's receipt of a completed Questionnaire, and will send a confirming letter by first class mail. If the Department requests additional information from the contractor to complete the Questionnaire or to clarify information contained in the Questionnaire, the contractor will be notified of its classification by first class mail within 15 days of the Department's receipt of the requested information. Classification will be effective 15 days from receipt of the completed Questionnaire or 15 days from receipt of any additional information, provided that the additional information is satisfactory to the Bureau.

(d) Classification shall expire 18 months after the close of business date of the financial statement accompanying the Questionnaire. Contractors that do not submit a new Questionnaire at least 15 days prior to this expiration date will have their classification expire and cannot bid on Department projects unless a completed and satisfactory Questionnaire is received at least 15 days prior to the date on which bids are received.

(e) A contractor may request a change in classification at any time and shall follow the procedures for classification described in this chapter. Requests for a change in classification necessary to bid on a particular Department project, requires receipt by the Department of satisfactory additional information in support of the classification change at least 15 days prior to the date on which bids are to be received.

New Rule, R.2010 d.122, effective June 21, 2010.
See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).

Former N.J.A.C. 16:44-3.4, Departmental distribution, recodified to N.J.A.C. 16:44-5.3.

16:44-3.5 Appeals and enforcement

A contractor dissatisfied with the classification assigned to it by the Department may request in writing a hearing before the Prequalification Committee and at the hearing may present further evidence to justify a different classification. The Prequalification Committee will make the final administrative decision based on the information presented at the hearing.

New Rule, R.2010 d.122, effective June 21, 2010.
See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).

16:44-3.6 Work types and project rating ranges

(a) Contractors will be classified and assigned a project rating according to the work type and the maximum dollar value of work on which they may bid. Contractors will be assigned project ratings in differing dollar ranges for different work types.

(b) The work types for which contractors may seek classification are on file at the Department and are posted on the Department's website at: www.nj.gov/transportation/business/procurement/ConstrServ/ClassCode.shtm.

(c) Project ratings will be assigned to contractors by the Department pursuant to N.J.A.C. 16:44-3.8.

(d) The dollar ranges within which project ratings may be assigned are as set forth in Table I below:

TABLE I
Dollar Ranges

\$1,000,001	to	\$2,000,000
\$2,000,001	to	\$5,000,000
\$5,000,001	to	\$10,000,000
\$10,000,001	to	\$20,000,000
\$20,000,001	to	\$50,000,000
\$50,000,001	to	\$100,000,000
\$100,000,001	to	\$200,000,000
Unlimited		

1. A contractor who does not qualify to bid in the \$1,000,001 to \$2,000,000 range or higher will be classified with a project rating equal to its financial capability, as determined pursuant to N.J.A.C. 16:44-3.7.

2. Contractors who have been assigned project ratings of "unlimited," will be notified when the Department intends to accept bids for a project in this class. Each contractor that intends to bid upon such a project shall be required to apply for and obtain a specific approval to bid on that project, with regard to specific criteria established by the Department based on factors including the dollar amount and the nature of the project as set forth in the plans and specifications for the project. The contractor must apply for such specific approvals at least 15 days before the date set for the receipt of bids on the "unlimited" class project.

New Rule, R.1992 d.29, effective January 6, 1992.
See: 23 N.J.R. 3270(a), 24 N.J.R. 115(c).

Old section "Effective date of classification" was recodified to 1.18.

Amended by R.1994 d.198, effective April 18, 1994.

See: 25 N.J.R. 4727(a), 26 N.J.R. 1690(b).

Amended by R.1999 d.113, effective April 5, 1999.

See: 31 N.J.R. 29(a), 31 N.J.R. 890(a).

In (e)2, rewrote the second sentence.

Amended by R.2004 d.342, effective September 7, 2004.

See: 36 N.J.R. 1659(a), 36 N.J.R. 4155(b).

In (c), inserted "if qualified," preceding "and will be rated" and substituted "Department" for "NJDOT"; in (d), deleted "submitted" preceding "or to clarify information"; in (e), rewrote 1 and 2.

Recodified from N.J.A.C. 16:44-1.4 and amended by R.2010 d.122, effective June 21, 2010.

See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).

Section was "Types and amount of work". In (a) and (b), substituted "work type" for "type of work"; in (a), inserted "and assigned a project rating"; substituted "maximum dollar value" for "amount"; and inserted the second sentence; in (b), substituted "and are posted on the Department's website at: www.nj.gov/transportation/business/procurement/ConstrServ/Class.Code.shtm" for "of Transportation, Bureau of Construction Services, 1035 Parkway Avenue, PO Box 605, Trenton, New Jersey 08625-0605"; rewrote (c); deleted (d); recodified (e) as (d); in the

introductory paragraph of (d), deleted “rating” preceding “ranges”, substituted “project rating may be assigned” for “contractors may be entitled to bid”, and substituted a colon for a period at the end; in TABLE I heading of (d), deleted “Rating” preceding “Ranges”, and rewrote the table; and rewrote (d)1 and (d)2.

16:44-3.7 Determination of financial capability

(a) Financial capability of a contractor will be determined by the Department based on its examination of the following:

1. The contractor’s net working capital. Net working capital is, as used in this chapter, defined as the excess of current assets over current liabilities and identifies the relatively liquid portion of total enterprise capital, which constitutes a margin for meeting obligations within the ordinary operating cycle of the business. The Department will use the contractor’s net worth, as shown in the balance sheets, in lieu of the contractor’s net working capital whenever the net worth is less than its net working capital;
2. Net book value of construction equipment less the amount of any outstanding loans for the purchase of that equipment will equal the amount allowed; and
3. Unsecured lines of credit in accordance with the Questionnaire.

(b) The contractor’s financial capacity will be determined by the Department according to the following calculation:

$$\text{Financial capability} = (\text{net working capital or net worth} \times 15) + (\text{net book value of construction equipment less the value of any outstanding loans} \times 15) + (\text{unsecured lines of credit in accordance with the Questionnaire} \times 7).$$

New Rule, R.1992 d.29, effective January 6, 1992.
 See: 23 N.J.R. 3270(a), 24 N.J.R. 115(c).
 Old section “Notice of classification” was recodified to 1.19.
 Amended by R.1994 d.198, effective April 18, 1994.
 See: 25 N.J.R. 4727(a), 26 N.J.R. 1690(b).
 Amended by R.1999 d.113, effective April 5, 1999.
 See: 31 N.J.R. 29(a), 31 N.J.R. 890(a).
 Rewrote (b)2.
 Amended by R.2004 d.342, effective September 7, 2004.
 See: 36 N.J.R. 1659(a), 36 N.J.R. 4155(b).
 Rewrote (b): in (c), inserted “and as actually performed by the contractor” following “performance rating” in 1 and deleted “of Transportation” following “Department” throughout.
 Recodified from N.J.A.C. 16:44-1.5 and amended by R.2010 d.122, effective June 21, 2010.
 See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).
 Section was “Rating system”. Rewrote the section.

16:44-3.8 Project rating

(a) Classified contractors will be assigned a project rating for work types in which the Department determines they have sufficient experience. The project rating will reflect the experience and quality of work of the contractor, its officers, stockholders, managing members and key personnel. The Department reserves the right to not assign a project rating to any contractor for good cause shown. The Department will notify the contractor of any such proposed action and an opportunity will be given to present additional information in support of its classification request. A contractor may be as-

signed project ratings in differing ranges for different work types.

(b) Project ratings in any work type cannot exceed the determination of the contractor’s financial capability.

(c) For each work type in which a project rating is assigned, that project rating will be determined by the Department on the basis of one of three methods as follows:

1. Utilizing performance ratings;
2. Evaluation of verifiable work experience; or
3. Evaluation of resumes of officers, stockholders, managing members or key personnel.

(d) Utilizing performance ratings: For contractors that have completed Department work within the last 12 consecutive rated periods, the contractor’s overall performance rating will be used to determine their project rating.

1. If the contractor’s overall performance rating is 80 or above, the contractor will receive a project rating equal to its financial capability as referenced in Table I at N.J.A.C. 16:44-3.6.

2. If a contractor’s overall performance rating is less than 70, the Department may, in the public interest, not assign the contractor a project rating, or may assign a limited project rating.

3. If neither (d)1 nor 2 above apply, the contractor’s overall performance rating will be multiplied by a dollar amount equal to three times the largest Department project completed by the contractor, or the largest equivalent or related non-Department project completed by the contractor within the last four years. The contractor’s project rating shall be the range found in Table I at N.J.A.C. 16:44-3.6 within which the resulting dollar figure falls.

(e) Evaluation of verifiable work experience: For contractors that have not been assigned a performance rating within the last 12 consecutive rated periods, and in which the contractor engaged in the work types for which classification is being sought, the project rating will be determined as follows:

1. For each project being evaluated, the contractor will provide information from public and private owners for whom the contractor has performed work. Those owners will be contacted and the information will be reviewed, evaluated and a score assigned in the manner set forth in Table II - Work Performance Score and Table III - Work Experience Score, below:

Table II
 Work Performance Score

Work Performance	Rating Points			
	Excellent	Good	Fair	Poor
Quality of work	1.00	0.80	0.50	0.0
Completion of work on-time	0.50	0.40	0.25	0.0

Table III
Work Experience Score

	Equivalent Project Experience	Related Project Experience	No Equivalent or Related Project Experience
Work experience on projects	1.00	0.50	0.00

2. The contractor's work performance score and work experience score will be combined to establish an overall quality score for each project evaluated. For each project, the maximum potential quality score is 2.50. See example:

$$(\text{Work Performance Score} + \text{Work Experience Score} = \text{Quality Score}) \\ 1.5 + 1.0 = 2.5$$

3. The average of the quality scores calculated for each evaluation will be multiplied by the dollar value of the largest completed project for which an evaluation was performed. A contractor's project rating shall be the range found in Table I at N.J.A.C. 16:44-3.6, within which the resulting dollar figure falls.

4. If the contractor's work performance scores are evaluated to be excellent or good and the project work experience is determined by the department to be equivalent work, the Department will assign a project rating equal to its financial capability.

(f) Evaluation of resumes of officers, stockholders, managing members or key personnel: For contractors with no verifiable contracting experience, newly formed contractors, or contractors without work experience, the project rating will be determined as follows:

1. Officers, stockholders, managing members or key personnel must submit resumes detailing verifiable contracting experience.

2. Upon verification of acceptable contracting experience, the Department will, in the exercise of its discretion and for good cause, assign a project rating corresponding to the level and quality of that experience.

3. If the key personnel to be evaluated are not officers, stockholders or managing members of the contractor's company, the contractor shall submit an affidavit, stating that these individuals are currently full-time employees of the contractor and that the contractor will immediately notify the Department of any change in their employment status. Upon notification of a change in the employment of key personnel, the Department may reevaluate the contractor's classifications.

(g) Contractors forming a joint venture pursuant to N.J.A.C. 16:44-7.2 will have their project ratings combined where each joint venture participant has been assigned project ratings in at least one of the work types specified in the project advertisement.

New Rule, R.2010 d.122, effective June 21, 2010.

See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).

SUBCHAPTER 4. DISTRIBUTION OF STANDARD SPECIFICATIONS

16:44-4.1 Requirements

(a) The Department's engineering documents unit will:

1. Distribute copies of Standard Specifications; and
2. Establish a reasonable selling price for the specifications.

(b) Standard Specifications are available on the Department's website at: www.state.nj.us/transportation/eng/specs/index.shtml#StandardSpecifications. Contact information for the Department's engineering documents unit is: 609-530-5587 (phone) and 609-530-6626 or 609-530-4704 (fax).

Amended by R.1975 d.195, effective July 2, 1975.

See: 7 N.J.R. 279(a), 7 N.J.R. 387(a).

Recodified from 16:44-2.2 and amended by R.1994 d.198, effective April 18, 1994.

See: 25 N.J.R. 4727(a), 26 N.J.R. 1690(b).

Former text at 16:44-2.1, Definition, repealed. Previously amended by R.1975 d.195. See: 7 N.J.R. 387(a).

Amended by R.1999 d.113, effective April 5, 1999.

See: 31 N.J.R. 29(a), 31 N.J.R. 890(a).

In (a), substituted "Contract Administration" for "Construction" following "Bureau of" in the introductory paragraph; and in (b), substituted "Capital Program Management" for "Design and Right-of-Way" following "Commissioner of".

Amended by R.2004 d.342, effective September 7, 2004.

See: 36 N.J.R. 1659(a), 36 N.J.R. 4155(b).

In (a), substituted "Program Support-Engineering Documents Unit" for "Contract Administration Services"; rewrote (b).

Recodified from N.J.A.C. 16:44-2.1 and amended by R.2010 d.122, effective June 21, 2010.

See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).

In the introductory paragraph of (a), substituted "Department's engineering documents unit will" for "Bureau of Program Support-Engineering Documents Unit shall"; in (a)1, deleted the opening and closing quotes around "Standard Specifications"; in (a)2, substituted "specifications" for "current 'Standard Specifications'"; and rewrote (b). Former N.J.A.C. 16:44-4.1, Requirements, recodified to N.J.A.C. 16:44-6.1.

16:44-4.2 Distribution of free copies

(a) The Department's engineering documents unit will distribute Standard Specifications without charge upon request, to the following:

1. New Jersey county engineer's office (one copy each);
2. Chief engineer of other state transportation departments (one copy);
3. American Association of State Highway and Transportation Officials (three copies);
4. Federal Highway Administration (five copies); and
5. Each successful bidder upon award of the contract (one copy regardless of its number of awarded contracts).

(b) Additional copies will be distributed upon payment of the established selling price. The Assistant Commissioner or Commissioner's designee of the departmental unit from which the plans originate may approve additional nondepartmental distribution without charge. Approvals will be made on a case-by-case basis.

Amended by R.1975 d.195, effective July 2, 1975.

See: 7 N.J.R. 279(a), 7 N.J.R. 387(a).

Recodified from 16:44-2.3 and amended by R.1994 d.198, effective April 18, 1994.

See: 25 N.J.R. 4727(a), 26 N.J.R. 1690(b).

Amended by R.1999 d.113, effective April 5, 1999.

See: 31 N.J.R. 29(a), 31 N.J.R. 890(a).

In (a), substituted "Contract Administration" for "Construction" following "Bureau of" in the introductory paragraph; and in (b), substituted "Capital Program Management" for "Design and Right-of-Way" following "Commissioner of".

Amended by R.2004 d.342, effective September 7, 2004.

See: 36 N.J.R. 1659(a), 36 N.J.R. 4155(b).

In (a), substituted "Program Support-Engineering Documents Unit may" for "Contract Administration Services is authorized to" and deleted "upon revision and reprinting" in the introductory paragraph; in (b), deleted "of Capital Program Management" following "The Assistant Commissioner" and inserted "of the departmental unit from which the plans originate" following "or designee".

Recodified from N.J.A.C. 16:44-2.2 and amended by R.2010 d.122, effective June 21, 2010.

See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).

In the introductory paragraph of (a), substituted "Department's engineering documents unit will" for "Bureau of Program Support-Engineering Documents Unit may", deleted the opening and closing quotes around "Standard Specifications", and inserted "upon request"; added new (a)4; recodified former (a)4 as (a)5; rewrote (a)5 and (b).

3. The county engineer wherein any part of the work on a given project is located; and

4. The township, borough or municipal engineer of each township, borough, or municipality wherein any part of the work on a given project is located, and one copy to the engineering official of any other governmental body involved in the project site.

(b) For all others, plans and Special Provisions are only available at www.bidx.com.

The following annotations apply to N.J.A.C. 16:44-5.2 prior to its repeal by R.2010 d.122:

Repeal and New Rule, R.1994 d.198, effective April 18, 1994.

See: 25 N.J.R. 4727(a), 26 N.J.R. 1690(b).

The following annotations apply to N.J.A.C. 16:44-5.2 subsequent to its recodification from N.J.A.C. 16:44-3.3 by R.2010 d.122:

Amended by R.1978 d.164, effective May 22, 1978.

See: 10 N.J.R. 171(d), 10 N.J.R. 264(a).

Amended by R.1987 d.218, effective May 18, 1987.

See: 19 N.J.R. 181(b), 19 N.J.R. 883(a).

Added "Table of Plans" in (a)1.

Amended by R.1990 d.500, effective October 15, 1990.

See: 22 N.J.R. 2247(a), 22 N.J.R. 3238(a).

Administrative change reflected.

Recodified from 16:44-3.4 and amended by R.1994 d.198, effective April 18, 1994.

See: 25 N.J.R. 4727(a), 26 N.J.R. 1690(b).

Amended by R.1999 d.113, effective April 5, 1999.

See: 31 N.J.R. 29(a), 31 N.J.R. 890(a).

In (a), substituted references to special provisions for references to supplementary specifications throughout, substituted a reference to the Bureau of Contract Administration Services for a reference to the Bureau of Construction Services in the introductory paragraph, and substituted "One copy" for "Two (2) copies" at the beginning of 3.

Amended by R.2004 d.342, effective September 7, 2004.

See: 36 N.J.R. 1659(a), 36 N.J.R. 4155(b).

Rewrote the section.

Recodified from N.J.A.C. 16:44-3.3 and amended by R.2010 d.122, effective June 21, 2010.

See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).

Section was "Nondepartmental distribution and sale". Rewrote (a); and added (b). Former N.J.A.C. 16:44-5.2, Multiple bids, repealed.

SUBCHAPTER 5. DISTRIBUTION OF CONSTRUCTION PLANS AND SPECIAL PROVISIONS

16:44-5.1 Requirements

(a) Construction plans shall be digitally scanned by the supplier in tagged image file format (TIFF) format prior to delivery to the Department.

(b) Special Provisions shall be provided on a CD ROM in Microsoft Word format.

New Rule, R.2010 d.122, effective June 21, 2010.

See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).

Former N.J.A.C. 16:44-5.1, Procedures, recodified to N.J.A.C. 16:44-7.3.

16:44-5.2 Nondepartmental distribution

(a) The Department's engineering documents unit will distribute one copy of the plans and Special Provisions without cost to the following:

1. Each utility specifically listed in the plans or Special Provisions as having an interest in the work to be performed;

2. Each railroad company listed in the plans or Special Provisions as having an interest in the work to be performed;

16:44-5.3 Departmental distribution

(a) The division or bureau of origination shall provide construction plans and specifications on each advertised project to the Department's Design Field Offices to enable contractor organizations to review these plans and specifications. The Department's Design Field Offices are located in:

1. Mt. Arlington;
2. Freehold; and
3. Mt. Laurel.

R.1978 d.164, effective May 22, 1978.

See: 10 N.J.R. 171(d), 10 N.J.R. 264(a).

Amended by R.1990 d.500, effective October 15, 1990.

See: 22 N.J.R. 2247(a), 22 N.J.R. 3238(a).

Recodified from 16:44-3.5 and amended by R.1994 d.198, effective April 18, 1994.

See: 25 N.J.R. 4727(a), 26 N.J.R. 1690(b).

Amended by R.1999 d.113, effective April 5, 1999.

See: 31 N.J.R. 29(a), 31 N.J.R. 890(a).

In (a), changed a reference to the number of Design Field Offices in the introductory paragraph, substituted a reference to Mt. Arlington for a reference to Parsippany-Troy Hills in 1, deleted a former 2, and recodified former 3 and 4 as 2 and 3.

Amended by R.2004 d.342, effective September 7, 2004.

See: 36 N.J.R. 1659(a), 36 N.J.R. 4155(b).

Deleted "make a" preceding "review" and deleted "of" preceding "these plans".

Recodified from N.J.A.C. 16:44-3.4 and amended by R.2010 d.122, effective June 21, 2010.

See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).

In the introductory paragraph of (a), substituted "division or bureau" for "Division or Bureau", inserted "Department's" preceding the first occurrence of "Design", and deleted "in the State" following the first occurrence of "Offices" and "the" following "enable", and in the last sentence of (a), substituted "Department's" for "three". Former N.J.A.C. 16:44-5.3, Withdrawal, recodified to N.J.A.C. 16:44-7.5.

(d) When there is a question as to whether a bid is within the contractor's classification or, where it reasonably appears that a contractor may not have the classification that will allow it to bid on a project for which bids are being sought, the bid will be opened provisionally. If the bid is for a different work type or in a dollar amount greater than the contractor's maximum project rating, the bid will be rejected.

(e) No bids will be accepted after the bidding has been closed.

New Rule, R.2010 d.122, effective June 21, 2010.

See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).

Former N.J.A.C. 16:44-7.1, Partial payments to contractors, recodified to N.J.A.C. 16:44-10.1.

SUBCHAPTER 6. ADVERTISING FOR BIDS

16:44-6.1 Requirements

(a) Projects shall be advertised by public notice published for at least three weeks before bids are to be received, pursuant to the requirements of N.J.S.A. 27:7-29. Advertisements will also be posted on the Department's website at: www.nj.gov/transportation/business/procurement/ConstrServ/curradvproj.shtm and the Department's electronic bidding provider at: www.bidx.com.

(b) The advertisement will give a brief description of the work and materials required, specify where plans and specifications can be seen or obtained; the hour, date and place, where the electronic proposal will be received and publicly downloaded and read; and such other pertinent information as the Commissioner may deem relevant to the project.

Repeal and New Rule, R.1994 d.198, effective April 18, 1994.

See: 25 N.J.R. 4727(a), 26 N.J.R. 1690(b).

Recodified from N.J.A.C. 16:44-4.1 and amended by R.2010 d.122, effective June 21, 2010.

See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).

Inserted designation (a); in (a), substituted "by public notice published for at least three weeks before bids are to be received, pursuant to the requirements of" for "as required by", and inserted the second sentence; and added (b). Former N.J.A.C. 16:44-6.1, Contracts, recodified to N.J.A.C. 16:44-9.1.

16:44-7.2 Joint ventures

Two or more contractors holding valid classifications with the Department may file a request to form a joint venture for the purpose of submitting a bid on a specific project. A joint venture statement must be filed with the Bureau at least five days prior to the date set for receipt of bids on the project.

New Rule, R.2010 d.122, effective June 21, 2010.

See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).

Former N.J.A.C. 16:44-7.2, Per centum withheld pending completion of contract, recodified to N.J.A.C. 16:44-10.2.

16:44-7.3 Bid procedure

(a) Bids will be received at the hour, date and place specified in the advertisement or as otherwise noticed to all potential bidders.

(b) The presiding officer will open each bid session as near to the hour specified in the advertisement as is practical. The presiding officer will announce the projects on which bids are being received during that bid session.

(c) When required by the project's specifications, the Department will utilize an internet bidding process and the contractor shall be required to submit the bid via the internet using the appropriate software. When the internet bidding process is specified, no "paper" bids will be accepted.

1. Internet bidding information is available on the Department's website at www.bidx.com. The contractor shall download the bidding software. No alteration of the software is permitted. Registration and subscription fees are required to submit bids via the internet and to access plans and Special Provisions.

2. The contractor shall download all bid documents from the Department's internet bidding website. The bid shall consist of the completed bid documents that are submitted via the internet by the contractor to the Department prior to the time for the opening of bids. The Department assumes no responsibility for errors or omissions in the downloaded documents, except as specifically provided for in the bid documents.

SUBCHAPTER 7. BIDDING DEPARTMENT PROJECTS

16:44-7.1 Acceptance of bids

(a) Bids will only be accepted from a contractor classified with the Department pursuant to N.J.A.C. 16:44-3.

(b) Bids will only be accepted from a contractor who has been classified in at least one of the work types required in the project advertisement.

(c) Bids will only be accepted from a contractor in an amount that does not exceed its project rating.