

CHAPTER 19

CLASSIFICATION AND PREQUALIFICATION OF FIRMS

Authority

N.J.S.A. 52:35-1 et seq., specifically 52:35-11.

Source and Effective Date

R.2008 d.363, effective October 31, 2008.
See: 40 N.J.R. 3959(a), 40 N.J.R. 6825(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 19, Classification and Prequalification of Firms, expires on April 28, 2016. See: 47 N.J.R. 2911(a).

Chapter Historical Note

Chapter 19, Rules Governing the Classification and Qualification of Bidders, was adopted as R.1970 d.91, effective July 31, 1970. See: 2 N.J.R. 57(c), 2 N.J.R. 78(b).

Pursuant to Executive Order No. 66(1978), Chapter 19, Rules Governing the Classification and Qualification of Bidders, was readopted as R.1990 d.193, effective March 8, 1990. See: 22 N.J.R. 329(b), 22 N.J.R. 1150(b).

Chapter 19, Rules Governing the Classification and Qualification of Bidders, was repealed and Chapter 19, Classification and Qualification of Bidders, was adopted as new rules by R.1995 d.90, effective February 21, 1995, operative March 23, 1995. See: 26 N.J.R. 4747(b), 27 N.J.R. 755(a).

Pursuant to Executive Order No. 66(1978), Chapter 19, Classification and Qualification of Bidders, was readopted as R.2000 d.76, effective January 28, 2000. See: 31 N.J.R. 4237(a), 32 N.J.R. 712(a).

Chapter 19, Classification and Qualification of Bidders, was repealed and Chapter 19, Classification and Prequalification of Firms, was adopted as emergency new rules by R.2003 d.171, effective April 2, 2003 (to expire June 1, 2003). See: 35 N.J.R. 1701(a).

Chapter 19, Classification and Prequalification of Firms, was adopted as new rules by R.2003 d.252, effective June 1, 2003. See: 35 N.J.R. 1701(a), 35 N.J.R. 2881(a).

Chapter 19, Classification and Prequalification of Firms, was readopted as R.2008 d.363, effective October 31, 2008. As a part of R.2008 d.363, Subchapter 2, Rules, was renamed Classification of Firms; Subchapter 3, Debarment, Suspension and Disqualification of Firm(s) and Individual(s), was recodified as Subchapter 4; Subchapter 4, Hearing Procedures, was recodified as Subchapter 5; and Subchapter 5, Consultant Prequalification and Selection Procedures, was recodified as Subchapter 3, effective December 1, 2008. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 19, Classification and Prequalification of Firms, was scheduled to expire on October 31, 2015. See: 43 N.J.R. 1203(a).

Law Review and Journal Commentaries

Battle for state contracts: What process is due in a challenge to a state contract award? Patrick D. Kennedy & Maeve E. Cannon, 180 N.J.Law. 16 (Mag.) (Oct./Nov. 1996).

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SUBCHAPTER 1. GENERAL PROVISIONS

17:19-1.1 Definitions

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

“Affiliates” or “related parties” means firms and/or persons having an overt or covert relationship such that any one of them directly or indirectly controls or has power to control another.

“Agency consultant” means a firm that provides technical and professional services to State agencies in support of construction projects or programs through limited task order assignments.

“Agency of government” means any Federal, State, regional, county or local government agency, in this or any other state, including any department, division, commission, authority, office, branch, section and political subdivision or other governmental or quasi-governmental entity.

“Aggregate rating” means the limit of the dollar value of all contracts, public and private, that a firm may perform at any given time.

“Chairperson” means the principal member of the DPMC’s consultant selection committee who is responsible for the management of the selection process.

“Classification” means the process and product of assigning specific construction categories or trades and the aggregate ratings that define the eligibility of firms to engage in public work as determined by the DPMC in accordance with this chapter.

“Client agency” means any State entity for which the DPMC provides professional and construction contracting services.

“Construction cost estimate (CCE)” means the estimated construction cost of a specific project.

“Consultant” means an architect, engineer, construction manager, or other professional service firm providing technical and professional services in support of a design or construction project.

“Cost proposal” means a specific fee proposal covering compensation for services as specified.

“Debarment” means an exclusion from public work contracting for a definite period of time.

“Deputy Director” means a Deputy Director of the DPMC or a Deputy Director’s duly authorized representative.

“Director” means the Director of the DPMC or the Director’s duly authorized representative.

“Disqualification” means exclusion from public work contracting until specific conditions or requirements are satisfied or denial or revocation of the opportunity to bid on or engage in a particular public work contract.

“DPMC” means the Division of Property Management and Construction in the State of New Jersey, Department of the Treasury.

“DPMC-27” means the request for classification form to be submitted by a firm seeking classification as a contractor.

“DPMC-48A” means the Professional Services Prequalification application submitted by a firm seeking prequalification as a consultant.

“Final Project Performance Evaluation” (FPPE) means the mathematical average of all interim performance reviews for a contractor or a consultant on a completed project.

“Firm” means any company, sole proprietorship, partnership, association, corporation, joint stock company, limited liability company, or other business entity and their lessees, trustees, assignees or receivers.

“Major project” means a project with an anticipated cost for services greater than that allowed by the routine contract procedure or a project of a complex or specialized nature, which includes technical work requiring special licenses or certifications, new building technologies or processes, historical renovations, the potential for unforeseeable conditions, which may increase the project cost significantly, the need for increased competition, and/or the need to combine several smaller components or projects to ensure effective coordination and completion of the project(s) as determined by the Director.

“Member” means an individual appointed to serve on a selection committee.

“Prequalification” means a process of reviewing information and experience data to determine the prequalification level and professional disciplines of consultants and the result thereof.

“Prequalification level” means the maximum construction cost estimate dollar level for which a consultant is prequalified. Prequalification levels are established and periodically adjusted by the Director, in accordance with this chapter.

“Public work” means any public building or other public betterment or improvement constructed, repaired or improved wholly or in part at the expense of any agency of government required or permitted to use the DPMC’s classification of contractors and/or prequalification of design consultants.

“Ranking” means the process of combining the selection evaluations of all individual members of the selection committee and ordering the firms from highest to lowest total scores.

“Routine project” means a project with an anticipated cost for services less than that allowed in a major project as set forth in the DPMC’s policy.

“Selection committee” means the body responsible for selecting consultant firms for State projects.