

CHAPTER 130

ATLANTIC CITY CONVENTION
CENTER AUTHORITY

Authority

N.J.S.A. 52:27H-40(a).

Source and Effective Date

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SUBCHAPTER 1. PURCHASING

12A:130-1.1 Purpose

The purpose of this subchapter is to establish and prescribe the standing rules and procedures which are to be observed by the Atlantic City Convention Center Authority ("ACCCA") for all purchases, contracts or agreements, entered into with any private vendors.

12A:130-1.2 Purchases, contracts or agreements over threshold amount

(a) For purposes of this subchapter, the term "threshold amount" shall mean the current dollar amount established by the Governor, in consultation with the Department of Treasury, for the purpose of setting the minimum contract price over which the New Jersey Sports and Exposition Authority, and certain other State authorities and agencies specified in P.L. 1981, c.447 amended by P.L. 1984, c.128, shall utilize in bid advertising procedures and in entering purchases, agreements, or contracts with private vendors.

(b) All purchases, contracts or agreements, where the cost or contract price exceeds the threshold amount shall, except as otherwise provided in this subchapter, be made, negotiated or awarded by ACCCA only after public advertisement for bids, and shall be awarded to that responsible bidder whose bid, conforming to the invitation for bids is on terms determined to be advantageous to ACCCA based upon ACCCA's consideration of price and other factors. Any bid may be rejected (even if this means all bids are rejected) when ACCCA determines that it is in the public interest to do so. In determining whether it is in the public interest to accept or reject a bid, ACCCA shall evaluate such factors as: economic effects; the effect on the resort, convention and tourism industry in Atlantic City and the surrounding community; the effect on maintenance and/or operation of the Atlantic City Convention Centers (the "Centers"); and the efficient and cost effective administration of the Centers and ACCCA.

(c) Public advertisements for competitive bids shall be placed in appropriate newspaper(s) or journal(s) at least 10 business days prior to the date upon which the bids are to be received and opened.

(d) In the event that any revisions, amendments or addenda are made to any pertinent information in bid documents relating to bids supplied to prospective bidders, notice of such changes shall be given to all known prospective bidders at least five business days prior to the opening of the bids.

(e) Any purchase, contract or agreement, where the aggregate cost or contract price exceeds the threshold amount, may be made, negotiated, or awarded by ACCCA without advertisement for bids when the subject matter consists of:

1. Services which are professional or technical in nature or services which are original and creative in character in a recognized field of artistic endeavor;
2. Items which are perishable or subsistence supplies;
3. Items which are specialized equipment or specialized machinery necessary to the conduct of ACCCA business;

4. Items or services supplied by a public utility subject to the jurisdiction of the Board of Public Utilities, and tariffs and schedules of the charges made, charged or exacted by the public utility for those items or services which are filed with the Board;

5. Items which are styled or seasonal wearing apparel;

6. Items or services which, in order to compete successfully with other sports, convention and entertainment facilities, ACCCA deems necessary to provide quality athletic contests or other spectator sporting events, trade shows, expositions, concerts, conventions, and other public events. These items and services shall include but not be limited to: food concessions; playing surfaces for football, soccer, basketball, tennis, or other athletic contests; rings for boxing, wrestling and similar events; indoor foot racing tracks; ice making and resurfacing equipment and services; matrix and scoreboard systems; ticket printing and ticket selling services; materials, supplies, equipment and services for or related to any such events; and items or services which are part of or related to promotional or advertising efforts;

7. The lease of such office space, office machinery, specialized equipment, buildings or real property as may be required for the conduct of ACCCA business; and

8. The sale or licensing of advertising rights.

(f) Any purchase, contract or agreement where the cost or contract price exceeds the threshold amount may also be made, negotiated, or awarded by ACCCA without advertisement for bids if any one of the following circumstances exists:

1. Standardization of equipment and interchangeability of parts is in the public interest (in determining whether such standardization of equipment and interchangeability of parts is in the public interest, ACCCA shall evaluate the same factors as are set forth in (b) above);

2. Only one source of supply or service is available;

3. The safety or protection of ACCCA's or other public property requires;

4. The exigency of ACCCA's service will not permit advertisement;

5. More favorable terms can be obtained from a primary source of supply of an item or service;

6. Bid prices, after advertising, are not reasonable or have not been independently arrived at in open competition; but no negotiated purchase, contract or agreement may be entered into under this paragraph after the rejection of all bids received unless:

i. Notification of the intention to negotiate and reasonable opportunity to negotiate is given to each responsible bidder;

ii. The negotiated price is lower than the lowest rejected bid price of a responsible bidder; and

iii. The negotiated price is the lowest negotiated price offered by any responsible bidder;

7. The purchase is to be made from, or the contract is to be made with, the Federal or any state government or agency or political subdivision thereof; or

8. Purchases made through or by the Director of the Division of Purchase and Property pursuant to Section 1 of P.L. 1959, c.40 (N.J.S.A. 52:27B-56.1).

12A:130-1.3 Purchases, contracts or agreements under threshold amount

All purchases, contracts or agreements, where the cost or contract price is less than or equal to the threshold amount, may be made, negotiated or awarded by ACCCA without advertising and in any manner which ACCCA, in its sole discretion, deems necessary and, where practicable, consistent with the promotion of full and free competition. Methods of award, contract or negotiation may include, without limitation, acceptance of price quotations, telephone solicitation or request for proposals.

12A:130-1.4 Repeat purchases

In the case of materials, supplies and services which are procured repeatedly, awards may be made at various times to the successful bidder (whose bid was secured in accordance with this subchapter) for a period of two years from the date of the bid opening (subject to available funds) or until the contract amount has been reached or exceeded for such materials, supplies and services that shall be obtained from such bidder, whichever event shall first occur.

12A:130-1.5 Emergency purchases

(a) Whenever an exigency or emergency exists of a nature requiring the immediate acquisition of personal property or services, the rules and procedures otherwise applicable, which are inconsistent with this section, shall not apply.

(b) In such cases under (a) above, ACCCA shall, by such solicitation as it considers advisable, obtain whatever is necessary to meet the exigency or emergency on the most advantageous terms possible under the circumstances.

12A:130-1.6 Receipt and opening of bids

(a) All bids shall be submitted in sealed envelopes on the appropriately signed bid forms before the time and date fixed as the deadline for public bidding.

(b) Any bids received after the bidding has been closed shall be returned unopened.

(c) Telephone, telegram or fax bids are not acceptable.