

**CHAPTER 95****NEW JERSEY HEALTH CARE FACILITIES  
FINANCING AUTHORITY****Authority**

N.J.S.A. 26:2I-1 et seq., specifically 26:2I-5.5.

**Source and Effective Date**

R.2005 d.395, effective November 21, 2005.  
See: 37 N.J.R. 1119(a), 37 N.J.R. 4442(a).

**Chapter Expiration Date**

Chapter 95, New Jersey Health Care Facilities Financing Authority, expires on November 21, 2010.

**Chapter Historical Note**

Chapter 95, New Jersey Health Care Facilities Financing Authority, was adopted as new rule by R.2005 d.395, effective November 21, 2005. See: Source and Effective Date.

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**SUBCHAPTER 1. PAYMENT OF PREVAILING WAGE  
WHERE AUTHORITY FINANCIAL ASSISTANCE  
HAS BEEN PROVIDED****8:95-1.1 Definitions**

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

“Authority” means the New Jersey Health Care Facilities Financing Authority.

“Construction contract” means any contract, subcontract or agreement, whether written or oral, for construction, reconstruction, renovation, demolition, alteration, repair work, maintenance work related to a project, or construction related to the installation of equipment, undertaken in connection with a project that has received final approval for Authority assistance and paid for in whole or in part with funds received through Authority assistance.

“Department” means the New Jersey Department of Labor and Workforce Development.

“Prevailing wage rate” means the prevailing wage rate established by the Commissioner of the New Jersey Department of Labor and Workforce Development from time to time in accordance with the provisions of N.J.S.A. 34:11-56.30 for the locality in which the project is located.

“Project” means a project, as defined in N.J.S.A. 26:2I-3.

**8:95-1.2 Payments of prevailing wages in projects receiving assistance**

Recipients of assistance from the Authority for projects, as a condition for receipt of such assistance, shall, in all construction contracts in the amount of \$2,000 or more, require that wages paid to workers employed in the performance of the construction contracts be not less than the prevailing wage rate for such work.

**8:95-1.3 Assurances required**

(a) Recipients of assistance for construction contracts shall deliver a certificate to the Authority, upon completion of the project, signed by an authorized representative of the recipient, representing and confirming that:

1. The recipient has complied and has caused its contractors and subcontractors to comply with the requirements of N.J.A.C. 8:95-1.2; or
2. The recipient has not entered into any construction contracts subject to the provisions of N.J.A.C. 8:95-1.2.

**8:95-1.4 Contract provisions required**

(a) Each recipient of assistance from the Authority shall provide in all construction contracts in the amount of \$2,000 or more that:

1. The general contractor shall apply or have each subcontractor apply to the Department for a wage determination for the locality where the project is to be performed and shall specify in the construction contract the rate to be paid for each craft, trade or classification of work to be performed;
2. The general contractor shall become the custodian of all records required by the provisions of this Chapter. Each subcontractor shall provide the general contractor with the records required to be kept by (a)3 below;
3. The general contractor and each subcontractor keep accurate records showing the name, craft or trade, and actual hourly rate of wages paid to each worker employed in connection with the performance of the contract, file all required reports, and preserve such records for two years from the completion date of the project, in compliance with N.J.S.A. 34:11-56.25 et seq. and N.J.A.C. 12:60; and
4. The general contractor and each subcontractor must permit the Department, its designated agent or other interested parties, including, but not limited to, the

Authority or the recipient, complete access to all records required by the provisions of this subchapter for purposes of determining compliance with the provisions of this subchapter.

**8:95-1.5 Notification requirement**

The recipient shall notify the Department in writing, prior to the commencement of construction by the general contractor, of the name and business address of the custodian

of records where complete payroll records for the project shall be maintained.

**8:95-1.6 Violation**

A violation of the provisions of this subchapter shall be deemed a violation of N.J.S.A. 34:11-56.25 et seq., and N.J.A.C. 12:60.