

SUBTITLE D. NEW JERSEY HIGHWAY AUTHORITY

CHAPTER 8

REGULATIONS GOVERNING USE OF THE GARDEN STATE PARKWAY

Authority

N.J.S.A. 27:12B-5(i),(j) and (t), 27:12B-14 and 27:12B-18.

Source and Effective Date

R.2003 d.277, effective June 13, 2003.
See: 35 N.J.R. 1048(a), 35 N.J.R. 2890(a).

Chapter Expiration Date

Chapter 8, Regulations Governing Use of the Garden State Parkway, expires on June 13, 2008.

Chapter Historical Note

Chapter 8, Regulations Governing Use of the Garden State Parkway, Subchapters 1 through 4, was adopted and became effective prior to September 1, 1969.

Subchapter 5, Central Purchasing, and Subchapter 6, Sale of Surplus Personal Property, were adopted as R.1976 d.92, effective March 25, 1976. See: 8 N.J.R. 155(b), 8 N.J.R. 315(a).

Subchapter 7, Inspection and Obtaining of Authority Records, was adopted as R.1976 d.168, effective May 28, 1976. See: 8 N.J.R. 263(c), 8 N.J.R. 359(c).

Subchapter 8, Special Permits for Oversize Vehicles, was adopted as R.1980 d.476, effective October 31, 1980. See: 12 N.J.R. 619(c), 12 N.J.R. 732(c).

Subchapter 9, Permits for Outdoor Advertising, was adopted as R.1982 d.361, effective October 18, 1982. See: 14 N.J.R. 901(a), 14 N.J.R. 1166(d).

Pursuant to Executive Order No. 66(1978), Chapter 8, Regulations Governing Use of the Garden State Parkway, was readopted as R.1983 d.237, effective June 2, 1983. See: 15 N.J.R. 615(a), 15 N.J.R. 1039(d).

Pursuant to Executive Order No. 66(1978), Chapter 8, Regulations Governing Use of the Garden State Parkway, expired on June 1, 1988.

Chapter 8, Regulations Governing the of the Garden State Parkway, was adopted as R.1988 d.292, effective July 5, 1988. See: 20 N.J.R. 890(a), 20 N.J.R. 1571(c).

Subchapter 10, Pre-Employment Screening, was adopted as R.1989 d.44, effective January 17, 1989. See: 20 N.J.R. 2864(a), 21 N.J.R. 173(c).

Subchapter 11, Organizational Rules, was adopted as R.1989 d.361, effective June 14, 1989. See: 21 N.J.R. 2056(a).

Subchapter 12, Petitions for Rules, was adopted as R.1989 d.482, effective September 18, 1989. See: 21 N.J.R. 1975(a), 21 N.J.R. 3021(b).

Pursuant to Executive Order No. 66(1978), Chapter 8, Regulations Governing Use of the Garden State Parkway, was readopted as R.1993 d.290, effective May 17, 1993. See: 25 N.J.R. 1500(b), 25 N.J.R. 2701(c).

Subchapter 5, Central Purchasing, was renamed Purchasing and Procurement by R.1998 d.25, effective January 5, 1998. See: 29 N.J.R. 4460(b) 30 N.J.R. 107(a).

Pursuant to Executive Order No. 66(1978), Chapter 8, Regulations Governing Use of the Garden State Parkway, was readopted as R.1998

d.210, effective April 7, 1998. See: 30 N.J.R. 806(a), 30 N.J.R. 1635(d).

Subchapter 13, Fee Policy for Construction and Utility Installation Permits, was adopted as R.1994 d.520, effective October 17, 1994. See: 26 N.J.R. 3252(a), 26 N.J.R. 4213(a).

Subchapter 15, Electrical Toll Collection Monitoring System, was adopted as R.1999 d.17, effective January 19, 1999. See: 30 N.J.R. 3389(a), 30 N.J.R. 4147(a), 31 N.J.R. 141(a).

Chapter 8, Regulations Governing Use of the Garden State Parkway, was readopted as R.2003 d.277, effective June 13, 2003. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. DEFINITIONS AND TRAFFIC RULES

19:8-1.1 Definitions

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

“Amphitheater” means the theater and lawn areas within the confines of the fence which surrounds the theater located at the Garden State Arts Center.

“Arts Center” means the amphitheater, plaza, buildings, mall, all roads leading to and from the amphitheater, all parking areas supporting the amphitheater, and surrounding lands located on the Garden State Parkway at the Telegraph Hill Nature Area, Holmdel, New Jersey.

“Authority” means the New Jersey Highway Authority created by L.1952 c.16 and its statutory successors.

“Bus token” means the Authority’s authorized discount token for use by buses.

“Camper” means a self-propelled motor vehicle, single unit or unit attached, which is used and designed for human habitation and not used for commercial purposes.

“Car” means a passenger motor vehicle, including station wagons, hearses, funeral flower and funeral service vehicles for which issuance of passenger car plates is authorized, taxicabs, motorcycles, two axle four tire campers, school buses and panel vans, pickup trucks and similar vehicles having a gross weight not exceeding 6,999 pounds.

“Car token” means the Authority’s authorized car token for use by cars only at exact change and/or “TOKEN ONLY” toll lanes.

“Discharge” means the unintentional or intentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, abandonment or

dumping of a hazardous or non-hazardous material or waste into or on the land, water or air. This shall also include the disposal of containers of hazardous materials into receptacles for trash or recycling at any location on the Parkway.

“Division head” means those individuals who hold that title and who report directly to the Executive Director.

6. Authorized vehicles when engaged in the performance of construction, service or maintenance contracts when such vehicles are operated by personnel authorized by the Authority to perform duties under the terms of contracts with the Authority.

Administrative Correction to (a)1: Inserted missing text.

See: 22 N.J.R. 2187(a).

Amended by R.2002 d.218, effective July 15, 2002.

See: 34 N.J.R. 1246(b), 34 N.J.R. 2466(b).

Rewrote (a)2.

Amended by R.2003 d.277, effective July 7, 2003.

See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).

Rewrote (a)2.

SUBCHAPTER 4. PENALTIES

19:8-4.1 Penalties

(a) Any violation of any regulation adopted by the Authority under the provisions of N.J.S.A. 27:12B-18 is punishable by a fine not exceeding \$200.00 or by imprisonment not exceeding 30 days or by both fine and imprisonment.

(b) In addition, every registration certificate and every license certificate to drive a motor vehicle may be suspended or revoked and any person may be prohibited from obtaining a driver's license or registration certificate.

(c) Violators may be required to leave the Parkway at the next exit in the direction of traffic.

Statutory References

N.J.S.A. 27:12B-18.

SUBCHAPTER 5. PURCHASING AND PROCUREMENT

19:8-5.1 Purpose and objective

(a) The purpose of these regulations is to establish and prescribe uniform general rules and procedures which are the minimum standards to be observed by, and binding upon all departments and divisions of the New Jersey Highway Authority in purchasing or hiring equipment, goods, materials, supplies or services. No purchase shall be made unless accomplished in accordance with the regulations contained herein.

(b) The objective of these regulations is to enable the Authority to accomplish its procurements equitably and expeditiously at the least possible cost.

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

19:8-5.2 Departmental responsibility

(a) The Division of Central Purchasing shall have jurisdiction over all acquisitions, with the exception of the following:

1. The Engineering Department, which shall have jurisdiction over acquisitions involving construction, reconstruction, repair or installation work performed by contractors in situations where the department, or any engineer(s) or engineering firm retained under its supervision, provides the specifications and drafts the applicable contract.

i. The Engineering Department shall also have jurisdiction over emergency procurements requiring engineering or construction services.

ii. For contracts under the jurisdiction of the Engineering Department, the Chief Engineer is authorized to make awards without competitive bidding, where the contract price is less than \$25,000.

iii. All engineering (professional services) contracts in the amount of \$25,000 or greater require adherence to the competitive process outlined in this chapter. Construction contracts in the amount of \$25,000 or greater require public advertising and bidding.

iv. For engineering and construction contracts where the price is less than \$25,000, the Chief Engineer is authorized to award such contracts without Commission action.

2. Acquisitions other than emergency engineering and construction services by emergency purchase orders shall be the responsibility of the acquiring units in accordance with N.J.A.C. 19:8-5.6; however, the Division of Central Purchasing will process emergency purchase orders, and will have the responsibility of determining the propriety of such procurements under these regulations.

3. Acquisitions of less than \$300.00 for items other than equipment shall be the responsibility of the department head of the acquiring unit. Such procurements shall be processed by the Finance Department in accordance with this chapter, under the direction of the Comptroller.

(b) Forms and procedures supplementing and consistent with these regulations may be issued by the Division of Central Purchasing, Engineering Department and Finance Department relative to their particular procurement activities.

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Added (a)1i through iv; and rewrote (a)2 and 3.

Amended by R.2003 d.277, effective July 7, 2003.

See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).

In (a)1, substituted "\$25,000" for "\$12,300" in ii and iii.

19:8-5.3 Purchases involving \$25,000 and over (excluding professional services)

(a) All purchases of personal property or services, where the aggregate cost, contract price or amount involved is \$25,000 or over, as anticipated by the Director of Central Purchasing, shall be made only after public advertisement for competitive bids, unless the Authority specifically waives the requirement of public advertising for a particular transaction.

(b) Advertisements for competitive bids shall be placed in appropriate newspaper(s) or journal(s) having a large circulation in the State. Such advertisements shall be published not less than seven calendar days preceding the date upon which the proposals are to be received and opened. All advertisements must contain:

1. A brief description of the supplies, materials, equipment or services to be furnished or performed;
2. Notice of the place where quotation forms, specifications, terms and conditions may be obtained;
3. The place, date and time when the sealed bids shall be publicly opened.

(c) All advertisements shall be approved by the Chairman, or his or her designee, and the General Attorney, prior to publication.

(d) In addition to advertising, bids shall be solicited from all known interested parties by mail. Such solicitations shall provide prospective bidders with at least the same information contained in the public advertisement.

(e) In the event that amendment of any pertinent information supplied prospective bidders becomes necessary, notice of the change(s) shall be given to all prospective bidders at least three days prior to the opening of the bids. If such notice is given orally, it shall be timely confirmed in writing by the Director of Central Purchasing.

(f) Where the Authority has waived advertisement, the purchase shall be made in the manner directed by the Authority.

(g) When the requisitioning unit specifies either the source or the brand name (or names) of personal property or services of a value of \$25,000 or more to be acquired, the department or staff division head of the requisitioning unit shall file with the Division of Central Purchasing a memorandum with a copy to the Comptroller, stating the basis and reasons for the particular selection. Such acquisition shall be made only upon the concurring recommendation of the Director of Central Purchasing and the approval of the Chairman, or his or her designee. Upon such concurrence and approval the source or brand name designation shall apply to all succeeding purchases until changed by appropriate action, or until a period of two years has elapsed from the memorandum date, whichever first occurs.

(h) Awards involving acquisitions where the aggregate cost, contract price or amount involved is equal to or exceeds \$25,000 shall be made only after written recommendation by the Director of Central Purchasing and approval by the Authority.

(i) Awards involving \$25,000 or more may be made to other than the lowest bidder for valid reason. Action of this nature shall be taken only on receipt by, and acceptable to, the Director of Central Purchasing a written recommendation from the head of the acquiring Department or Division, approved by the Chairman, or his designee, with copies directed to the General Attorney and the Comptroller.

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Award amounts changed.

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Substituted "\$12,300" for "\$7,500" and deleted footnote.

Amended by R.2003 d.277, effective July 7, 2003.

See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).

In (a), (g) and (i), substituted "\$25,000" for "\$12,300".

Case Notes

Highway Authority could amend specifications for towing services, even though they contained no provisions allowing for amendment; specifications called for pre-bid meeting, and provided that Authority could supply written answers to questions raised at meeting. *Sevell's Auto Body Co., Inc. v. New Jersey Highway Authority*, 306 N.J.Super. 357, 703 A.2d 948 (A.D. 1997).

19:8-5.4 Purchase under \$25,000

(a) In the case of purchases where the aggregate cost, contract price or amount involved is equal to or exceeds, \$2,500 but is less than \$25,000, written bids shall be solicited by mail from all known interested vendors. Bids shall be solicited on the proper quotation form. All responses shall be received in the Division of Central Purchasing before the time fixed for the public opening.

(b) Where the acquisition involves less than \$2,500, bids may be solicited by telephone. Whenever feasible, at least three sources of supply shall be so contacted, and a record of all such telephone solicitations shall be maintained. Additionally, to the extent possible, written confirmation of all such bids shall be obtained.

(c) When the requisitioning unit specifies:

1. Initially the source or brand name (or names) of personal property of a value of from \$2,500 to \$25,000 to be acquired, the department or division head of the requisitioning unit shall file with the Division of Central Purchasing a memorandum, with a copy to the Comptroller, stating the basis and reasons for the particular selection. Such memorandum must bear the concurring recommendation of the Director of Central Purchasing and the approval of the Chairman, or his or her designee. Upon such concurrence and approval the source or brand name designation shall apply to all succeeding purchases until changed by appropriate action, or until a period of two years has elapsed from the memorandum date, whichever first occurs. A memorandum shall not be required when attachments, parts, or supplies are requested for a unit of equipment which can be supplied by only one vendor.

2. The preferred source of services of a value of from \$2,500 to \$25,000 to be acquired, a memorandum as described in this section shall be required for the initial and succeeding purchases, if any.

(d) In the event that amendment of any pertinent information supplied prospective bidders becomes necessary, notice of the change(s) shall be given to all prospective bidders at least three days prior to the opening of the bids. If such notice is given orally, it shall be timely confirmed in writing by the Director of Central Purchasing.

(e) Awards involving \$2,500 to \$25,000 may be made to other than the lowest bidder for valid reason. Action of this nature shall be taken only on receipt by the Director of Central Purchasing an acceptable written recommendation from the head of the acquiring Department or Division approved by the Chairman, or his designee, with copies directed to the General Attorney and the Comptroller.

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Purchase amounts changed.

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Substituted "\$12,300" for "\$7,500".

Amended by R.2003 d.277, effective July 7, 2003.

See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).

Substituted "\$25,300 for \$12,300" throughout.

19:8-5.5 Repeat purchases

In the case of personal property which is procured repeatedly, awards may be made at various times to the successful bidder (whose bid was secured in accordance with these regulations) at the same prices as those in the original award for a period of six months from the date of the bid opening, or until \$25,000 of such personal property shall be acquired from such bidder, whichever event shall first occur. If the prices charged by the successful bidder differ from those in the original award, such acquisitions shall not be made in accordance with this rule, but shall be made in accordance with the criteria specified in this subchapter.

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Personal property acquired changed from "\$2,500" to "\$7,500".

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Substituted "\$12,300" for "\$7,500".

Amended by R.2003 d.277, effective July 7, 2003.

See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).

Substituted "\$25,000" for "\$12,300".

19:8-5.6 Emergency purchases

(a) Whenever an emergency occurs requiring the immediate acquisition of personal property or services, the rules and procedures otherwise applicable, which are inconsistent with those contained in this section, shall not apply. In such cases the unit requiring the procurement shall immediately notify the Division of Central Purchasing of the situation, giving a complete description of the required acquisition. Upon determining that a true emergency exists on the basis

of the reported facts, the Division of Central Purchasing shall by telephone solicitation of known sources obtain whatever is necessary to meet the emergency on the most advantageous terms possible in the circumstances. If, at the time of the emergency, the services of the Division of Central Purchasing are unavailable, the acquiring unit may accomplish the procurement on its own initiative from the best source available to it.

(b) Immediately following the emergency purchase, documentation will be prepared and processed in a manner similar to other acquisitions.

(c) Relative to any emergency purchase involving an expenditure of \$2,500 or more, the department or division head of the acquiring unit shall direct to the Division of Central Purchasing a confirming memorandum certifying the existence and cause of the emergency and advancing the reasons the immediate acquisition was necessary, with a copy to the Comptroller. Such memorandum shall bear the approval of the Chairman, or his or her designee. If the expenditure is \$25,000 or over, the purchase shall be submitted by the Director of Central Purchasing to the Commissioners for ratification at the next regularly scheduled Authority meeting.

(d) Instances of lack of compliance with the provisions of this section shall be promptly reported in writing by the Director of Central Purchasing to the persons concerned with a copy directed to the Comptroller. Persistent violations shall be reported in a memorandum by the Director of Central Purchasing to the Chairman, or his or her designee, with a copy to the Comptroller.

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Section substantially amended:

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Deleted (d); and recodified (e) as (d).

Amended by R.2003 d.277, effective July 7, 2003.

See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).

In (c), substituted "\$25,000" for "\$12,300".

19:8-5.7 Emergency engineering and construction procurements

(a) Whenever an emergency occurs of a nature requiring the immediate acquisition of engineering or construction services, the rules and procedures otherwise applicable, which are inconsistent with those contained in this section shall not apply. In such cases, upon determining that a true emergency exists on the basis of the reported facts, the Chief Engineer or his or her designee shall by telephone solicitation of known sources obtain whatever is necessary to meet the emergency on the most advantageous terms possible in the circumstances.

(b) Immediately following the emergency procurement, documentation shall be prepared and processed in a manner similar to other procurements under the jurisdiction of the

Engineering Department, that is, in accordance with this chapter.

(c) Relative to any emergency procurement under the jurisdiction of the Engineering Department, the Chief Engineer shall direct to the Executive Director a confirming memorandum certifying the existence and cause of the emergency and advancing the reasons the immediate procurement was necessary, with a copy to the Comptroller. Such memorandum shall bear the approval of the Chairman, or his or her designee. If the expenditure is \$25,000 or over, the procurement shall be submitted by the Chief Engineer to the Commissioners for ratification at the next regularly scheduled Authority meeting.

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Purchases changed from "\$35.00" to "\$75.00."

Repeat and New Rule, R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Section was "Purchases on limited purchase orders".

19:8-5.8 Purchases pursuant to price agreements

(a) The Director of Central Purchasing is authorized to make purchases pursuant to written price agreements entered into with vendors with reference to equipment, materials, supplies and services which are regularly required in undeterminable quantities. Such price agreements shall fix unit prices for a specified period of time.

(b) The procedures to be followed in obtaining bids for price agreements shall be the same as for other acquisitions under these regulations depending on and determined by the estimated total expenditures to be made under the agreement. In estimating expenditures, due consideration will be given to past experience, the current price level, and/or the opinion of the head of the acquiring department, if requested. Price agreements shall not be invalidated by reason of the fact that actual expenditures exceeded estimated expenditures to such an extent as would have required other procedures in obtaining bids.

(c) Price agreements involving estimated expenditures of \$25,000 or over shall be approved by and executed in the manner specified by the Authority. In the absence of any specific direction by the Authority, the Chairman, or his or her designee, will execute all price agreements involving estimated expenditures of less than \$25,000.

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Expenditures changed from "\$15,000" to "\$25,000."

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Amended by R.2003 d.277, effective July 7, 2003.

See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).

In (c), deleted ", except that the Director of Central Purchasing may execute all price agreements involving estimated expenditures of less than \$12,300".

19:8-5.9 Receipt and opening of bids

(a) All bids solicited by advertising or by mail must be submitted in sealed envelopes on the appropriately signed quotation forms before the time fixed for the public opening.

(b) Each sealed return envelope shall bear the following information on the face: the bidder's name, item, description, applicable purchase request or contract number, if any, and bid opening date and time.

(c) The Division of Central Purchasing shall maintain locked boxes for the purpose of receiving bids.

(d) The Chairman, or his or her designee, shall designate a responsible party, who is not a member of the Division of Central Purchasing, to retain custody of the keys to all the unit's locked boxes. In turn, the party so designated shall make suitable provisions during periods of absence for the proper custody of the keys.

(e) The Chairman, or his or her designee, shall designate responsible parties, who are not members of the Division of Central Purchasing, to witness the opening of bids.

(f) When sealed envelopes containing bids are received in the office of the Division of Central Purchasing, they shall be dated, time-stamped, recorded and deposited (unopened) in the appropriate locked boxes.

(g) On the appropriate date and at the appropriate time and place, a representative of the Division of Central Purchasing shall open and publicly read the bids. Following the opening and reading of the bids, each bid sheet containing prices shall be signed by the party opening and reading same.

(h) For valid reason in the interests of the Authority, the Director of Central Purchasing may at any time prior to the scheduled public opening postpone the receipt and opening of bids for a reasonable period. Appropriate notice of such postponement shall be given to all prospective bidders.

(i) Immediately upon the public reading of the bids, a member of the Division of Central Purchasing shall prepare a summary of all bids timely submitted on a Bid Summary Form. The original Bid Summary Form shall be signed by the preparer, the bid opener and the witness. A photocopy of the original bid summary shall be given to the Internal Audit Division upon completion. The required final copies of the Bid Summary Form shall be signed and certified to by the Director of Central Purchasing.

(j) The Bid Summary Form shall record all bids timely received whether complying with all formalities or not. Due note shall be made on the Bid Summary Form with respect to any bid which did not comply with formalities.

(k) Any bids received after the bidding has been closed shall be rejected and processed by a member of the Division of Central Purchasing as follows:

1. Time and date stamp the late bid envelope and note the time and date of receipt or the original Bid Summary Form;
2. Open and photocopy the contents of the late received bid and retain the photocopies in the pertinent bid file;
3. Return the late bid to the concerned bidder.

As amended, R.1984 d.544, eff. December 17, 1984.
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
New (k); old (k) recodified to (l).
Amended by R.1998 d.25, effective January 5, 1998.
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).
Rewrote (b); and deleted (l).

19:8-5.10 Tie bids

(a) In the event that bid prices submitted by two or more low responsible bidders are identical, the Director of Central Purchasing may award the contract at issue on the basis of one or more of the following factors:

1. Delivery advantage, considering time; distance; convenience and facilities of the bidders;
2. If practical, provide for contract award by splitting the award, with the concurrence of the tie bidders;
3. If several items have already been awarded by actual low bids, the tie-bid items may be awarded in a manner that will grant equitable balance to the overall bid award;
4. The fact that one of the low responsible tie bidders is a New Jersey based vendor, where the others are not;
5. When none of the above distinguishable characteristics are available, or pertinent, the tie low bids shall be broken by either the toss of a coin or a drawing held in the presence of a member of the Internal Audit Division. If practical, the interested bidders may be invited to the Office of Central Purchasing to participate in the coin tossing or drawing. Such tiebreaking shall be noted on the Bid Summary.

R.1984 d.544, eff. December 17, 1984.
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
New Rule.
Amended by R.1998 d.25, effective January 5, 1998.
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

19:8-5.11 Rejection of bids

(a) When in the best interests of the Authority, any or all bids relative to an acquisition may be rejected in the following manner:

1. Where the expenditure involved is \$25,000 or more, the Authority on the written recommendation of the Director of Central Purchasing may reject bids.

2. Where the expenditure involved is less than \$25,000, the Chairman, or his or her designee, may reject bids. In such case a memorandum acceptable to the Director of Central Purchasing shall be filed, authorizing the rejection and signed by the Chairman, or his or her designee.

(b) In situations where bids obviously do not comply with specifications, the Director of Central Purchasing may summarily reject them. Where, however, some doubt exists as to whether specifications have been met, such rejection may be made only upon receipt by the Director of Central Purchasing of a written advice and consent from the head of the acquiring department or division, acceptable to the Director of Central Purchasing and approved by the Chairman, or his or her designee, with copies directed to the General Attorney and the Comptroller.

(c) When in the best interests of the Authority, minor irregularities in bids or in the required formalities may be waived by the Chairman, or his or her designee. Such action is to be accomplished by memorandum of the Director of Central Purchasing bearing the approval of the Chairman, or his or her designee, with copies thereof to the General Attorney and the Comptroller.

As amended, R.1984 d.544, eff. December 17, 1984.
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Recodified from 5.10. Expenditure changed from "\$15,000" to "\$25,000" and "\$2,500" to "\$7,500".
Amended by R.1998 d.25, effective January 5, 1998.
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).
Amended by R.2003 d.277, effective July 7, 2003.
See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).
In (a), deleted former 2, recodified former 3 as 2, and substituted "\$25,000" for "\$12,300".

19:8-5.12 Bid guarantees

(a) All bids submitted relative to acquisitions involving expenditures of \$25,000 or more may be required to provide bid security amounting to not less than either 10 percent of the total bid price or any fixed amount which may be established by the Director of Central Purchasing. At the discretion of the Director of Central Purchasing, guarantees may be required for bids amounting to less than \$25,000. The guarantee shall be submitted in the form of a certified check payable to the Authority, but cashier's checks, money orders, surety corporation bid bonds, letters of credit or other good and valuable security may also be accepted. Failure to submit a bid guarantee when required shall result in rejection of the bid.

(b) In the event any bidder fails to accept an award in accordance with his bid, or file a required performance security, the guarantee submitted shall be immediately forfeited.

(c) All bid guarantees shall be returned to bidders as soon as possible after the opening of bids. The guarantees furnished by successful bidders shall be returned after the delivery of the property, the performance of the services or

the furnishing of performance security. The guarantees furnished by unsuccessful bidders shall be returned after determining that the bids do not warrant awards.

As amended, R.1984 d.544, eff. December 17, 1984.
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Recodified from 5.11.

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Amended by R.2003 d.277, effective July 7, 2003.

See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).

In (a), substituted "\$25,000" for "\$12,300" throughout.

19:8-5.13 Terms and conditions applicable to submission of bids

(a) All bids shall be submitted in sealed envelopes on quotation forms provided in accordance with applicable instructions on or before the date and time fixed for the public opening.

(b) All bids shall be properly signed and executed.

(c) Any correction of an entry made on the quotation form shall be initialed by the party making the correction and should also be initialed by the party signing the bid.

(d) Bidders may withdraw, or withdraw and resubmit, bids at any time prior to the public opening, but not thereafter. Bids may be withdrawn only on written request received prior to the public opening and signed by a duly authorized representative of the bidding firm with proper identification. Bids so withdrawn shall be returned to the bidder unopened.

(e) With respect to bids submitted, the Authority retains the right to reject any or all of them, to waive informalities and minor irregularities and to make awards at any time within the period designated in the terms and conditions of the bid. If an award is not made within the suggested period as designated with the terms and conditions of the bid, written extensions of time may be obtained from bidders whose bids remain under consideration.

(f) In the case of inconsistencies or errors in unit prices, extensions and totals, the Authority shall have sole discretion to make determinations with regard to same.

(g) Unless contrary to the nature of the procurement, or unless otherwise instructed, bidders shall be permitted to submit partial bids. The Authority reserves the right to accept any item or group of items of any kind and to award in whole or in part.

As amended, R.1984 d.544, eff. December 17, 1984.
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Recodified and amended from 5.12.

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

19:8-5.14 Bid errors

(a) If an error is discovered after bid opening but before award, the vendor may request that his bid be withdrawn. The decision to permit withdrawal of bid shall be based on the following essential conditions:

1. Evidence of vendor good faith;
2. The mistake is of so great a consequence that to enforce the purchase would be unconscionable;
3. That the matter as to which the mistake was made relates to a material feature of the purchase;
4. That the mistake occurred notwithstanding the exercise of reasonable care by the party making the mistake;
5. The vendor can get relief by way of cancellation without serious prejudice to the Authority.

(b) If during the evaluation of bids received, an obvious error made by a potential low bidder has been found, the Director of Central Purchasing shall notify the vendor, in writing, of that fact. Copies of that letter will be sent to all other vendors. The vendor will have five days after receipt of that letter to request withdrawal of his bid, but in no instance shall there be a bid modification. If the vendor fails to request withdrawal of his bid within the time frames noted above, he will waive his right to have the bid withdrawn.

R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

New rule.

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Deleted references to personal property or services.

19:8-5.15 Purchase orders and contracts

(a) (Reserved)

(b) All purchase orders must bear an authorized signature within delegated signing levels. All purchase orders involving expenditures of \$25,000 or more must bear the approval signature of the Chairman, or his or her designee.

(c) Except as otherwise authorized by the Authority, all contracts are to be executed by at least five of the eight Commissioners for contracts involving \$25,000 or more, while those involving less than \$25,000 will be executed by the Chairman, or his or her designee.

(d) (Reserved)

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Recodified and substantially amended from 5.13.

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Deleted (a) and (d).

Amended by R.2003 d.277, effective July 7, 2003.

See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).

In (b), substituted "\$25,000" for "\$12,300".

19:8-5.16 (Reserved)

R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Recodified from 5.14.

Repealed by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Section was "Late deliveries and late performance of services".

19:8-5.17 Purchases under New Jersey State contracts

When it is deemed advisable and in the best interest of the Authority, the Director of Central Purchasing may recommend that equipment, goods, materials and supplies be purchased directly, without advertising, from vendors who hold contracts with the State of New Jersey for the furnishing of such items to the State. In such cases the purchases shall not be subject to Authority approval, but may be executed in accordance with the dollar limits for signature as related to other purchases.

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Recodified from 5.15. Added language, " , or his designee".

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

19:8-5.18 Public advertising threshold requirement

As provided in N.J.S.A. 27:12B-5.2, the public advertising requirement sum of \$25,000 may be adjusted by the Governor. Upon such notification, the Director of Central Purchasing shall timely confirm such authorized change to the Authority. All sections of these regulations, effected by subsequent adjustments, shall be appropriately administered as though amended accordingly.

R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

New rule.

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Substituted "\$12,300" for "\$7,500".

Amended by R.2003 d.277, effective July 7, 2003.

See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).

Substituted "\$25,000" for "\$12,300".

19:8-5.19 Purchases from State Distribution Center

Whereas items stocked in the State Distribution Center are priced on the basis of competitive bids, and purchases would be made from a State agency, when it has been determined to be in the best interests of the Authority by the Director of Central Purchasing, orders may be placed directly with the State Distribution Center without specific Authority action. All purchase orders and contracts for such items shall be processed in accordance with the procedures for all other purchases.

New Rule, R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

SUBCHAPTER 6. SALE OF SURPLUS PERSONAL PROPERTY**19:8-6.1 Purpose and objective**

(a) The purpose of these regulations is to establish and prescribe uniform general rules and procedures for the sale of surplus personal property after it has formally been declared surplus and a determination has been made by the Director of Central Purchasing for its sale. No such sale shall be made unless accomplished in accordance with the regulations contained therein.

(b) The objective of these regulations is to establish an orderly and equitable procedure for the sale of Authority surplus personal property at the highest possible price.

As amended, R.1984 d.544, effective December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Deleted language "in accordance with resolution 1960-46".

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

19:8-6.2 Bids

(a) All sales of surplus personal property, where the aggregate anticipated proceeds are \$25,000 or over, as determined by the Director of Central Purchasing, shall be made only after public advertisement for competitive bids, unless the Authority specifically provides by resolution that the requirement of public advertising be waived as to a particular transaction. Any such public advertisement for competitive bids shall be approved in advance by the Chairman, or his or her designee. The concurrence of the General Attorney shall also be required in writing. Where the anticipated aggregate proceeds are between \$2,500 and \$25,000, public advertising is not required and the Director of Central Purchasing may solicit sealed bids from known interested parties. Where the anticipated aggregate proceeds are less than \$2,500, bids may be solicited by telephone in which event the successful bidder shall confirm same in writing.

(b) Advertisements for competitive bids shall be placed in an appropriate newspaper(s) or journal(s) having a large circulation in the State. Such advertisements shall be published in sufficient time to allow inspection of the items being sold prior to the date upon which the bids are to be received and opened. All advertisements must contain:

1. A brief description of the type of supplies, materials or equipment to be sold;
2. Notice of the place where quotation forms, terms and conditions may be obtained;
3. The place, date and time when the sealed bids shall be publicly opened.

(c) In addition to advertising when required, bids shall be solicited from known interested parties by mail. Such solici-

tations shall provide prospective bidders with at least the same information contained in the public advertisement.

(d) Employees may bid on surplus personal property being sold. Notices containing listings of adequately described items offered for sale shall be distributed to all department and division heads who shall circulate such notices to the employees under their supervision.

(e) In the event that amendment of any pertinent information supplied prospective bidders becomes necessary, notice of the change(s) shall be given to all prospective bidders at least three days prior to the scheduled opening of the bids. If such notice is given orally, it shall be timely confirmed in writing.

As amended, R.1984 d.544, effective December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Section substantially amended.

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Substituted "\$12,300" for "\$7,500"; in (a) deleted the sixth sentence regarding the requirement for a memorandum of anticipated proceeds from surplus personal property sales; and in (d), deleted the third sentence regarding posting of personal property sale notices.

Amended by R.2003 d.277, effective July 7, 2003.

See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).

In (a), substituted for "\$25,000" for "\$12,300" throughout.

19:8-6.3 Invitation to bid and receipt and opening of bids

(a) Bids shall be requested on the Invitation for Bid Form and submitted on signed quotation form before the time fixed for public opening. Any bids received after the bidding has been closed shall be returned unopened.

(b) All bids shall be submitted in sealed envelopes in accordance with applicable instructions.

(c) The bidder's name, due date and time shall be shown on the face of each sealed envelope submitted.

(d) The Division of Central Purchasing shall maintain locked boxes for the purpose of receiving bids.

(e) The Chairman, or his or her designee, shall designate, in writing, responsible parties who are not members of the Division of Central Purchasing to retain custody of the keys to the Division of Central Purchasing's locked boxes. In turn, the party so designated shall make suitable provision during period of absence for opening of bids and for proper custody of the keys.

(f) When sealed envelopes containing bids are received in the office of the Division of Central Purchasing, they shall be dated, time-stamped, recorded and deposited in the appropriate locked boxes. Such bid envelope shall be signed by the person who stamped and deposited the envelope in the bid box.

(g) On the appropriate date and at the appropriate time and place, the Division of Central Purchasing shall open and publicly read the bids. Following the opening and reading of the bids, each page of the quotation form on which pricing appears shall be signed and dated by the party opening and reading same.

(h) For valid reason in the interest of the Authority, the Director of Central Purchasing may, at any time prior to the scheduled public opening, postpone the receipt and opening of bids. Appropriate and timely notice of such postponements shall be given to all prospective bidders, if possible.

(i) Simultaneously with the public reading of the bids, a member of the Division of Central Purchasing shall prepare a summary of all bids timely submitted on a Bid Summary Form. A member of the Internal Audit Division shall also be present to witness the preparation. The original bid summary form shall be signed by the preparer, the bid opener and the witness who has verified the accuracy of the recorded read information. A photocopy of the original bid summary shall be given to the Internal Audit Division witness at the conclusion of the bid opening. The required final copies of the bid summary form shall be signed and certified to by the Director of Central Purchasing.

(j) The Bid Summary Form shall record all bids timely received whether complying with all formalities or not. Due note shall be made on the bid summary form with respect to any bid which did not comply with formalities.

(k) The sale of surplus personal property to the highest acceptable bidder shall not be confirmed without the prior written approval of the Chairman, or his designee. A photocopy of this approval shall be given to the General Audit Section of the Finance Department.

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Substantially amended.

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

19:8-6.4 Failure to receive bids or more than one bid

In the event that no bids are received or only one bid is received on items offered for sale, the Director of Central Purchasing shall determine whether the offered property shall be awarded, reoffered for sale, traded in or scrapped.

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Deleted requirement of written approval of the chairman or his designee.

19:8-6.5 Withdrawal of items from offer to sell after bid opening and prior to award

(a) When in the best interest of the Authority, one or more items may be withdrawn from the offer to sell. In such cases, a memorandum shall be sent to the Chairman, or his or her designee, authorizing the withdrawal. Such requests shall be approved by the Director of the Division of Central Purchasing with copies directed to Internal Audit and Finance.