

**CHAPTER 44A**

**CONTRACTS FOR ARCHITECTURAL, LANDSCAPE ARCHITECTURAL, ENGINEERING AND LAND SURVEYING SERVICES**

**Authority**

N.J.S.A. 27:1A-5, 27:1A-6 and 52:34-9.1 et seq.

**Source and Effective Date**

R.2004 d.237, effective May 27, 2004.  
See: 36 N.J.R. 20(a), 36 N.J.R. 3065(b).

**Chapter Expiration Date**

Chapter 44A, Contracts for Architectural, Landscape Architectural, Engineering and Land Surveying Services, expires on May 27, 2009.

**Chapter Historical Note**

Chapter 44A, Contracts for Architectural, Engineering and Land Surveying Services, was adopted as R.1998 d.563, effective December 7, 1998 (operative January 14, 1999). See: 30 N.J.R. 3016(a), 30 N.J.R. 4252(b).

Chapter 44A, Contracts for Architectural, Engineering and Land Surveying Services, was readopted as R.2004 d.237, effective May 27, 2004. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. APPLICABILITY**

**16:44A-1.1 Applicability**

The provisions of this chapter shall apply only to contracts for architectural, landscape architectural, engineering and land surveying services which are in excess of \$25,000 and subject to the procurement provision requirements of N.J.S.A. 52:34-9.1 et seq. Nothing in this chapter shall preclude the Department from using procurement processes

other than those prescribed herein if those processes have been approved by the Federal government or other State statute or if an emergency has been declared by the Commissioner of the Department of Transportation.

Amended by R.2004 d.387, effective October 18, 2004.

See: 36 N.J.R. 3236(a), 36 N.J.R. 4834(b).

Inserted "landscape architectural," preceding "engineering" in the first sentence.

**SUBCHAPTER 2. DEFINITIONS**

**16:44A-2.1 Definitions**

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

"Commissioner" means the Commissioner of the New Jersey Department of Transportation.

"Compensation" means the basis of payment by an agency for professional architectural, landscape architectural, engineering or land surveying services.

"Department" means the New Jersey Department of Transportation.

"Professional architectural, landscape architectural, engineering and land surveying services" means those services, including planning, environmental, and construction inspection services required for the development and construction of projects, within the scope of the practice of architecture, landscape architecture, professional engineering or professional land surveying as defined by the laws of this State or those performed by an architect, landscape architect, professional engineer or professional land surveyor in connection with his or her professional employment practice.

"Professional firm" means any individual, firm, partnership, corporation, association or other legal entity permitted by law to provide professional architectural, landscape architectural, engineering or land surveying services in this State.

Amended by R.2004 d.387, effective October 18, 2004.

See: 36 N.J.R. 3236(a), 36 N.J.R. 4834(b).

Inserted references to landscape architectural, landscape architecture, and landscape architect throughout the section.

**SUBCHAPTER 3. CRITERIA FOR THE  
SELECTION OF THE MOST HIGHLY  
QUALIFIED PROFESSIONAL FIRMS**

**16:44A-3.1 Criteria for the selection of the most highly  
qualified professional firms**

(a) Prior to the solicitation of technical proposals pertaining to the procurement of professional architectural, landscape architectural, engineering or land surveying services, the Department shall publicly advertise its need for such services. The advertisement shall conform to the requirements of N.J.S.A. 52:34-12(a) and (b), or be publicly advertised through electronic means. The advertisement shall either include a statement of the criteria by which the Department shall evaluate the technical qualifications of professional firms and determine the order of preference to be used in designating the firms most highly qualified to perform the services or identify such criteria by reference to the provisions of this chapter.

(b) In selecting the most highly qualified professional firms with which to contract for architectural, landscape architectural, engineering or land surveying services, the Department, where applicable, shall consider the following criteria:

1. The experience and qualifications of the firm and designated project team in providing similar services;

2. The experience and qualifications of the firm and designated project team on projects of similar size and complexity;

3. The experience and capability of the firm and designated project team in respect to any special technologies, techniques, or expertise the project may require;

4. The past performance of the firm; and

5. Criteria unique to a particular project and specified in the Department's public advertisement of that project.

(c) In selecting and ranking qualified professional firms, the Department shall establish weights for the criteria applicable to each project. The Department may disqualify any firm determined to be unacceptably deficient in one or more of the applicable criteria, regardless of the firm's ranking or score on the remainder of the criteria.

Amended by R.2004 d.237, effective June 21, 2004.

See: 36 N.J.R. 20(a), 36 N.J.R. 3065(b).

.In (a), added "technical" preceding "proposals" and deleted "or expressions of interest" after "proposals"; rewrote (b)5.

Amended by R.2004 d.387, effective October 18, 2004.

See: 36 N.J.R. 3236(a), 36 N.J.R. 4834(b).

In (a), inserted "landscape architectural," following "professional architectural"; in (b), inserted "landscape architectural," preceding "engineering".

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**SUBCHAPTER 4. (RESERVED)**