

**CHAPTER 3
CONTRACT ADMINISTRATION**

Authority
N.J.S.A. 30:1-12.

Source and Effective Date
R.1993 d.597, effective October 22, 1993.
See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

Executive Order No. 66(1978) Expiration Date
Chapter 3, Contract Administration, expires on October 22, 1998.

Chapter Historical Note
All provisions of this chapter were adopted pursuant to authority of Executive Order No. 34 and became effective on March 7, 1978 as R.1978 d.83. See: 9 N.J.R. 469(b), 10 N.J.R. 154(a).

1983 Revisions: Subchapter 2 became effective September 19, 1983 as R.1983 d.392. See: 15 N.J.R. 1072(a), 15 N.J.R. 1580(a). Amendments to sections 2.2 and 2.3 became effective December 5, 1983 as R.1983 d.561. See: 15 N.J.R. 1627(a), 15 N.J.R. 2042(b).

This chapter expired pursuant to Executive Order 66(1978) on September 19, 1988 and was adopted as a new rule effective November 21, 1988 as R.1988 d.513. See: 20 N.J.R. 1771(a), 20 N.J.R. 2898(a). Subchapter 4, Cognizant Division Contracting, was adopted as R.1991 d.442, effective August 19, 1991. See: 23 N.J.R. 1647(a), 23 N.J.R. 2534(a). Subchapter 3, Request for Proposal, was adopted as R.1991 d.554, effective November 4, 1991. See: 23 N.J.R. 957(a), 23 N.J.R. 3356(a).

Pursuant to Executive Order No. 66(1978), Chapter 3 was readopted as R.1993 d.597. See: Source and Effective Date. See, also, section annotations for specific rulemaking activity.

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SUBCHAPTER 1. DEBARMENT, SUSPENSION AND DISQUALIFICATION OF PERSON(S)

10:3-1.1 Definitions

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

“Affiliates” means persons having a relationship such that any one of them directly or indirectly controls or has the power to control another.

“Commissioner” means the Commissioner of the Department of Human Services or his designated representative.

“Debarment” means an exclusion from Department of Human Services (DHS) contracting on the basis of a lack of responsibility evidenced by an offense, failure, or inadequacy of performance for a reasonable period of time commensurate with the seriousness of the offense, failure, or inadequacy of performance.

“DHS contracting” means any arrangement giving rise to an obligation to supply any thing to or perform any service

for the DHS or divisions within the DHS other than by virtue of State employment, or to supply any thing to or perform any service for a private person where the State provides substantial financial assistance and retains the right to approve or disapprove the nature or quality of the goods or service of the persons who may supply or perform the same.

“Disqualification” means a debarment or suspension which denies or revokes a qualification to bid or otherwise engage in DHS contracting which has been granted or applied for pursuant to statute or rules and regulations.

“Person” means any natural person, company, firm, association, corporation, or other entity.

“Suspension” means an exclusion from DHS contracting for a temporary period of time pending the completion of an investigation or legal proceedings.

10:3-1.2 Causes for debarment of a person

(a) Subject to the conditions hereinafter described, the Commissioner may debar a person for any of the following causes.

1. Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract;

2. Violation of the Federal Organized Crime Control Act of 1970, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty;

3. Violation of the Federal or State Antitrust Statutes, or of the Federal Anti-Kickback Act (18 U.S.C. 874, 40 U.S.C. 276b, c);

4. Violations of any of the laws governing the conduct of elections of the Federal government, State of New Jersey or of its political subdivisions;

5. Violation of the “Law Against Discrimination” (P.L. 1945, c.169, N.J.S.A. 10:5-1 et seq., as supplemented by P.L. 1975, c.127), or of the act banning discrimination in public works employment (N.J.S.A. 10:2-1 et seq.), or of the act prohibiting discrimination by industries engaged in defense work in the employment of persons therein (P.L. 1942, c.114, N.J.S.A. 10:1-10 et seq.);

6. Violations of any laws governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages or child labor;

7. Violations of any laws governing the conduct of occupations or professions or regulated industries;

8. Willful failure to perform in accordance with contract specifications or within contractual time limits;

9. A record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that such failure or unsatisfactory performance has occurred within a reasonable time preceding the determination to debar and was caused by acts within the control of the person debarred;

10. Violation of contractual or statutory provisions regulating contingent fees;

11. Any other cause affecting responsibility as a State contractor of such serious and compelling nature as may be determined by the DHS or the divisions within DHS to warrant debarment, including such conduct as may be prohibited by the laws or contracts enumerated in this paragraph even if such conduct has not been or may not be prosecuted as violations of such laws or contracts. Divisions within the DHS may promulgate rules and regulations specifically setting forth other causes of such serious and compelling nature as to warrant debarment;

12. Debarment by another department or agency in the executive branch.

Amended by R.1993 d.597, effective November 15, 1993.
See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

10:3-1.3 Conditions affecting debarment of a person(s)

(a) Debarment shall be made only upon approval of the Commissioner except as otherwise provided by law.

(b) The existence of any of the causes set forth in N.J.A.C. 10:3-1.2 shall not necessarily require that a person be debarred. In each instance, the decision to debar shall be made within the discretion of the Commissioner unless otherwise required by law, and shall be rendered in the best interests of the State.

(c) All mitigating factors shall be considered in determining the seriousness of the offense, failure or inadequacy of performance and in deciding whether debarment is warranted.

(d) The rendering of a final judgment or conviction based upon any of the grounds set forth in N.J.A.C. 10:3-1.2(a)1 through 7, by either a court of competent jurisdiction or by an administrative agency empowered to render such judgment shall establish cause for debarment. In the event an appeal taken from such judgment or conviction results in reversal thereof, the debarment shall be removed upon the request of the debarred person unless other cause for debarment exists.

(e) The existence of a cause set forth in N.J.A.C. 10:3-1.2(a)8 through 11 shall be established by evidence which the DHS determines to be clear and convincing in nature.

(f) No vendor shall influence, or attempt to influence or cause to be influenced, any State officer or employee or special State officer or employee in his or her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.

(g) No vendor shall cause or influence, or attempt to cause or influence, any state officer or employee or special State officer or employee to use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for the vendor or any other person.

(h) The provisions cited in this section shall not be construed to prohibit a State officer or employee or special State officer or employee from receiving gifts from or contracting with vendors under the same terms and conditions as are offered or made available to members of the general public, subject to any guidelines the Executive Commission on Ethical Standards may promulgate.

New rule, R.1989 d.315, effective June 19, 1989.
See: 20 N.J.R. 2849(a), 21 N.J.R. 1699(b).

SUBCHAPTER 2. CAPITAL FUNDING PROGRAM AND FUNDING AGREEMENT

10:3-2.1 Capital Funding Program

(a) The Department of Human Services has established a Capital Funding Program entailing contracting with private and local government agencies in order to carry out the purposes of the New Jersey Public Purpose Buildings Construction Bond Act of 1980 (P.L. 1980, c.119).

10:3-2.2 Capital Funding Agreement for Construction, Purchase, or Purchase and Renovation of Community-Based Facilities

(a) The Department efforts to consolidate division-specific contracts/agreements has culminated in the development of a Standard Contract/Agreement Document for the Construction, Purchase, or Purchase and Renovation of Community-Based Facilities. Copies of the Standard Document and updates may be obtained from:

Facilities Support Services
Department of Human Services
CN 700
Trenton, New Jersey 08625

(b) In the event of a conflict between the standard document referred to in (a) above and any other agency rule in Title 10, the standard document shall prevail. Contract administration rules or documents formerly adopted or adopted in the future pertaining to specific divisions within

the Department shall apply to the extent that they are not inconsistent with the standard document.

OFFICE OF ADMINISTRATIVE LAW NOTE: A copy of the Standard Contract/Agreement Document in (a) above was submitted as part of this proposal but is not reproduced herein. This document may be reviewed at the Office of Administrative Law, 9 Quakerbridge Plaza, Trenton, New Jersey 08625 or Facilities Support Services, CN 700, 222 South Warren Street, Trenton. This document will not be reproduced in the New Jersey Administrative Code.

As amended, R.1983 d.561, effective December 5, 1983.
See: 15 N.J.R. 1627(a), 15 N.J.R. 2042(b).
Address changed from "Office of Community Management Services" to "Contract Policy and Management Unit".
Amended by R.1988 d.513, effective November 21, 1988.
See: 20 N.J.R. 1771(a), 20 N.J.R. 2898(a).
Address changed from "88 East State Street" to "9 Quakerbridge Plaza" and "Office of Community Management Services" changed to "Contract Policy and Management Unit".
Amended by R.1993 d.597, effective November 15, 1993.
See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

10:3-2.3 Capital Funding Agreement for Renovation, Remodeling, Extension or Other Improvements to Agency-Owned or Leased Community Facilities

(a) The Department efforts to consolidate division-specific contracts/agreements has culminated in the development of a Standard Contract/Agreement Document for the Renovation, Remodeling, Extension or Other Improvements to Agency-Owned or Leased Community Facilities. Copies of the Standard Document and updates may be obtained from:

Facilities Support Services
Department of Human Services
CN 700
Trenton, New Jersey 08625

(b) In the event of a conflict between the standard document referred to in (a) above and any other agency rule in Title 10, the standard document shall prevail. Contract administration rules or documents formerly adopted or adopted in the future pertaining to specific divisions within the Department shall apply to the extent that they are not inconsistent with the standard document.

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As amended, R.1983 d.561, effective December 5, 1983.
See: 15 N.J.R. 1627(a), 15 N.J.R. 2042(b).
Amended by R.1988 d.513, effective November 21, 1988.
See: 20 N.J.R. 1771(a), 20 N.J.R. 2898(a).

Deleted text "heretofore existent".
Amended by R.1993 d.597, effective November 15, 1993.
See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

10:3-2.4 Capital Funding Agreement for Community-Based Facility Planning and Design Services

(a) The Department, continuing in its efforts to consolidate contracts and agreements, has developed the Funding Agreement for Community-Based Facility Planning and Design Services document to be used by all divisions for preliminary planning/design services. Copies of the standard document and updates may be obtained from:

Facilities Support Services
Department of Human Services
CN 700
Trenton, New Jersey 08625

(b) In the event of conflict between the standard document referred to in (a) above and any other agency rule in Title 10, the standard document shall prevail. Contract administration rules or documents formerly adopted or adopted in the future pertaining to specific divisions within the Department shall apply to the extent that they are not inconsistent with the standard document.

OFFICE OF ADMINISTRATIVE LAW NOTE: A copy of the Standard Contract/Agreement Document in (a) above was submitted as part of this proposal but is not reproduced herein. This document may be reviewed at the Office of Administrative Law, 9 Quakerbridge Plaza, Trenton, New Jersey 08625 or Facilities Support Services, CN 700, 222 South Warren Street, Trenton. This document will not be reproduced in the New Jersey Administrative Code.

New rule, R.1988 d.513, effective November 21, 1988.
See: 20 N.J.R. 1771(a), 20 N.J.R. 2898(a).
Amended by R.1993 d.597, effective November 15, 1993.
See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

SUBCHAPTER 3. REQUEST FOR PROPOSAL

10:3-3.1 Purpose and scope

This rule applies to all departmental components, County Human Services Advisory Councils (CHSACs) and designated entities when departmental components choose to issue an RFP, and to all groups or entities responding to RFPs for contracts for the provision of third-party social services or training. The RFP process, except when the Departmental component chooses to RFP, shall not be required for renewal or expansion of Department purchase of service contracts for programs in effect as of November 4, 1991. In addition, the RFP process shall not apply to renewal of contracts for which an RFP was utilized in selection of the current grant recipients.

Amended by R.1993 d.597, effective November 15, 1993.
See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

10:3-3.2 Definitions

The following terms, when used in this subchapter, shall have the following meanings unless the context indicates otherwise.

"Applicant" means the person, agency or entity responding to an RFP.

"County Human Service Advisory Councils (CHSACs)" means councils appointed by the government of each county to review county-level human service activities and to serve as the primary vehicle for local public input into New Jersey Department of Human Services' decision making. The activities of the County Human Services Advisory Councils include, but are not limited to, review and comment on human service proposals; preparation of allocation plans; review of existing purchase of service contracts; and coordination and consolidation of the local human services delivery systems.

"Days" means calendar days.

"Department" means the New Jersey Department of Human Services. As used throughout the subchapter, it also means, where appropriate from the context, the division, commission, bureau, office, unit or other designated component of the Department of Human Services responsible for the administration of particular contract programs.

"Departmental component" means the division, commission, bureau, office or other unit within the Department responsible for the negotiation, administration, review, approval, and monitoring of certain social service or training contracts.

"Designated entity" means that group or county board which has been given the authority by the Department of Human Services to solicit human service proposals for review and comment and recommended acceptance for third-party social service Contracts. Although the RFP is handled by a group other than the departmental component, the contract is signed and finalized by the departmental component.

Amended by R.1993 d.597, effective November 15, 1993.
See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

10:3-3.3 Request for proposal

(a) The departmental component or CHSAC/designated entity shall issue a public announcement of the availability of funds for the purchase of services in accordance with N.J.S.A. 52:14-34.4, 34.5 and 34.6. The announcement shall be made in a manner to permit reasonable competition among eligible provider agencies. The departmental component shall publish the announcement in the New Jersey Register. In addition, the announcement may be mailed to identified prospective provider agencies and/or advertised in at least three newspapers of general circulation.

(b) The departmental components may choose to have bidders conferences. Technical information regarding the RFP may be disseminated at such a meeting.

(c) The CHSACs/designated entities, at minimum, shall use the standards set forth in this subchapter when they are delegated the responsibility to solicit proposals on behalf of the Department. In all other instances, the departmental component shall notify the CHSACs/designated entity of the RFP, if appropriate.

(d) The proposal process shall be completed within 105 days of publication, inclusive of all appeals processes. See N.J.A.C. 10:3-3.13 for exceptions.

(e) The departmental component or the CHSAC/designated entity shall forward a proposal package to or it may be picked up by those prospective applicants responding to the public announcement. In addition, when the CHSACs/designated entities have been delegated the responsibility to solicit proposals on behalf of the Department, all appropriate Department procedures, as set forth in this subchapter, and county procedures, as appropriate, must be followed. The proposal package shall contain, at minimum, the following information and requirements:

1. The amount of funds available, the source of funds, the purpose, scope, and goals of the programs and services solicited, and any specific conditions, requirements, and/or constraints such as spending caps or match requirements;
2. A list of requirements which must be fulfilled for the proposal to be evaluated;
3. The type of provider agencies eligible to submit a proposal for consideration;
4. A request for a list of the board of directors and officers of the applicant agency and for a statement that the application to provide services is devoid of any conflict of interest;
5. The address to which the completed proposal must be sent, the submission deadline (time and date) after which no applications will be accepted, time frames for review of the proposal and awarding of contracts, and the target date for implementation;
6. The name and address of a contact person who can provide technical assistance;
7. Funding proposal evaluation criteria (see N.J.A.C. 10:3-3.8);
8. A disclaimer stating the following: "The Department reserves the right to reject any and all proposals when circumstances indicate that it is in its best interest to do so." The Department's best interests in this context, include, but are not limited to: loss of funding, inability of the applicant to provide adequate services, indication of misrepresentation of information and/or non-compli-

ance with State or Federal laws and regulations, any existing Department contracts, and procedures set forth in this subchapter;

9. A statement as follows: If awarded a contract, your agency will be required to comply with the affirmative action requirements of P.L. 1975 c.127. (N.J.A.C. 17:27).

10. The appropriate information, forms and a list of required supporting documents as set forth in N.J.A.C. 10:3-3.6;

11. Notification of Executive Order No. 189 (1988), regarding conflict of interest;

12. A list of depository libraries where the Contract Reimbursement Manual and Contract Policy and Information Manual may be reviewed prior to proposal;

13. The terms and conditions which must be met to comply with specific funding requirements and Departmental contracting rules; and

14. A statement explaining the appeals process and that appeals to the departmental component must be completed within the time frame specified in the RFP or within 15 days after receipt of the CHSAC/designated entity recommendation, and that appeals to the CHSAC/designated entity must be completed within the 90 day process time period and prior to the recommendations being sent to the departmental component.

Amended by R.1993 d.597, effective November 15, 1993.
See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

10:3-3.4 Sole source services

Where there is none or only one response to the RFP, after specifications of the RFP have been cited and all criteria of this subchapter have been met, documentation of any and all efforts to obtain multiple responses shall be kept in the Department RFP file. Documentation shall also be retained of every contact made by the departmental component or CHSAC/designated entity to find a provider agency to fulfill the required services.

Amended by R.1993 d.597, effective November 15, 1993.
See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

10:3-3.5 Internal controls for proposals

(a) The departmental component or CHSAC/designated entity shall record all correspondence to and from the departmental component or CHSAC/designated entity, whichever applicable, in a log retained in the individual program RFP file.

(b) Correspondence shall be recorded in the log by a staff person different from the staff personnel who are on the review panel and participating in the selection process.

(c) The log shall indicate, at a minimum, the following information:

1. The name of the program;
2. The submission deadline date;
3. The name of the applicant, the date the applicant requested the proposal package, and how requested (telephone, letter, etc.);
4. The date the proposal package was sent to or picked up by the applicant;
5. The date the completed proposal was received from the applicant;
6. The name of the Department or CHSAC/designated entity staff person receiving the proposal for review and selection;
7. The decision of the review panel in awarding the contract; and
8. The date the decision letter notifying the applicant of acceptance or rejection was sent.

(d) All proposal packages are to be sent to applicants via first class mail to ensure timely receipt or may be FAXed as appropriate.

(e) Proposal packages from applicants are to be date and time stamped upon receipt.

(f) All decision letters concerning acceptance and rejection shall have the same date and shall be mailed on that day.

(g) When a CHSAC/designated entity is handling the RFP process, all documentation shall be forwarded to the departmental component responsible for signing the contract for final approval and retention.

(h) The departmental component shall communicate to the CHSAC/designated entity the outcome of any departmental component appeal on a CHSAC/designated entity RFP and forward a copy of the final award letter.

Amended by R.1993 d.597, effective November 15, 1993.
See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

10:3-3.6 Funding proposal program summary and evaluation data; list of required information

(a) The funding proposal requirements shall apply to all proposals submitted to a departmental component or CHSAC/designated entity. Each proposal submitted to a departmental component or CHSAC/designated entity shall contain the following:

1. The funding proposal cover sheet, "Appendix A," which is incorporated herein by reference;
2. The applicant's mission and goals, being a brief description of the applicant's history, purpose, goals, and objectives;

3. A need justification, being a description of the basis for concluding that each of the proposed services is needed in the community and the factors that make the applicant the most capable to provide the service(s), including the following:

- i. The nature of the problem;
- ii. Existing services;
- iii. Statistics;
- iv. Relevant discussions of studies within the community;
- v. The applicant's capability to provide the same or similar services as those existing in the community and/or the applicant's capability to provide a new type of service not currently available in the community;
- vi. The target population and characteristics; and
- vii. The geographic areas to be serviced;

4. Service goals and objectives including specification of the service goals and objectives, the impact on the target populations to be served and how the services will affect the cause of the problem;

5. An indication of those services that will require a subcontract for provision of the services requested, including a list the subcontracts, if known;

6. A program approach, including the following:

- i. Based on the parameters set forth in the RFP, a description of how the services will be implemented and the time frames involved. The narrative shall address client population and geographic areas served;

- ii. An overview of the total service package. For each component of the program package, the following information shall be provided:

- (1) A definition of each service to be provided, including the purpose and goal of each;

- (2) A description of the service activities or methods that staff will employ to achieve the service objective;

- (3) An indication of the number, qualifications, and skills of the staff that will perform the above service activities, as well as the use of any volunteers. A table of organization for administration and personnel and job descriptions for each position shall be included;

- (4) A description of the management and supervision methods that will be utilized in the operation and the monitoring of the effective performance of the service activities;

- (5) The methods to be used to measure and evaluate the quality of service;

- (6) A description of fees for service (if any), sliding fee schedules and waivers of fees; and
 - (7) A description of client data to be recorded, the use of this data by the applicant, the means of maintaining confidentiality of client records and data, and the retention schedule of client records and schedule for destruction;
7. Information on accessibility of services, including the following:
 - i. The hours and days that each service will be available to clients, including how emergencies are handled; for example, closings, client crisis, after-hours contacts;
 - ii. A list and description of the location(s) where each service will be provided to clients (including in-home provision, if that is an option);
 - iii. A description of transportation options for clients in obtaining each service; and
 - iv. A description of handicapped accessibility accommodations, if applicable;
 8. Eligibility requirements and referral processes, including:
 - i. A description of the priorities for accepting clients into the program and the procedures to be followed to ensure that all clients accepted meet the eligibility requirements for admission;
 - ii. An explanation of intake procedures; and
 - iii. An explanation of referral mechanisms and processes (formal and informal) and community outreach procedures;
 9. Termination procedures, including a description of termination procedures (client-and program-initiated), the appeals process, and follow-up services, as appropriate. A list of the various reasons for termination shall be included;
 10. Information on level of service including the following:
 - i. An indication of the level of service anticipated throughout the contract period; for example, number of clients to be served, number of meals served, round trips for transportation, hours; and
 - ii. A definition of each unit of service;
 11. Information on service coordination, including the following:
 - i. A description of the relevant services and ancillary agencies that will be frequently utilized in combination with the service being proposed for funding, including any already existing relationships and agencies which will be referral sources for these services; and
 - ii. A description of how formal coordination and referral agreements with other community agencies will be accomplished, and where appropriate, specification of these agencies;
 12. Information on community participation, including a description of how community members and clients will participate in the functioning of the applicant's organization including the delivery of services, planning for service provisions, and the evaluation of services;
 13. A description of activities and timetable for implementation of services, including a description of the timetable for the implementation of activities and schedule of deliverables;
 14. Information on current programs managed by the applicant and the funding sources, identification of current programs managed and the funding sources utilized;
 15. A copy of the applicant's organizational chart;
 16. A copy of the most recent organization-wide audit report;
 17. A copy of the applicant's code of ethics and/or conflict of interest policy;
 18. A list of the board of directors, officers and their terms of office;
 19. Documentation of the applicant's charitable registration status;
 20. A copy of the certification of incorporation of the applicant;
 21. Originals and/or copies of letters of support from the community;
 22. A completed budget proposal, "Appendix B," which is incorporated herein by reference, with a separate column for each service to be provided and with the same program and service names used consistently throughout the proposal;
 23. A list of the name(s) and address(es) of those entities providing support and/or money to help fund the program for which the proposal is being made;
 24. A list of those persons responsible and authorized within the agency to approve and certify binding documents, reports and financial information; and
 25. A statement of assurance that all Federal and State laws and regulations are being followed.

Amended by R.1993 d.597, effective November 15, 1993.
See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

10:3-3.7 Composition of review panel

(a) The unit responsible for RFP coordination shall convene a review panel of at least three persons to assess, rate, and rank proposals to recommend an applicant for funding. The responsible unit shall present an objective process to the panel for the purpose of rating the proposals.

(b) A panel member must disqualify himself or herself from the panel when he or she has any interest, financial or otherwise, direct or indirect, in the results of the panel's evaluations (see Conflict of Interest Law, N.J.S.A. 52:13D-12 et seq.).

(c) The panel may consist of an allocations review panel under the CHSAC/designated entity or the following:

1. A chairperson appropriate to the RFP-originating office;
2. A departmental component unit contract supervisor or designee;
3. A contract administrator;
4. A county social service specialist or office program specialist;
5. A department representative from the appropriate county;
6. A staff person with recognized fiscal expertise;
7. An individual with recognized program/service expertise;
8. An individual from appropriate advisory board or council, for example, the CHSAC or community mental health board;
9. A regional office representative;
10. Representatives from a service coalition or community group, if applicable; and
11. A client or prospective client.

(d) Composition of the panel members may vary depending upon the unit responsible for coordinating the RFPs and the nature of the funds to be awarded and services solicited. The rating system to be used in evaluating criteria, such as numeric, will generally be determined by the responsible unit. Recommendations of the panel are regarded as confidential until final approvals and awards are announced.

Amended by R.1993 d.597, effective November 15, 1993.
See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

10:3-3.8 Evaluation of the proposal

(a) All meetings of the review panel shall have written minutes.

(b) The evaluation of the applicants' proposals shall be in writing with an explanation of the rating system used for the evaluation process.

(c) Proposals shall be evaluated by a review panel using, at a minimum, the following general criteria (see N.J.A.C. 10:3-3.9):

1. Satisfactory documentation of need for services;
2. Compatibility of applicant's goals and objectives with goals of the program and services solicited;
3. Clarity and attainability of the objectives and the implementation plan;
4. Logic and consistency of the proposal;
5. Clarity of the planned integration of the services with the generic agencies in the community;
6. Reasonableness of the proposed budget as related to the anticipated results;
7. Availability and accuracy of supporting documentation; and
8. Local endorsements, for example, county mental health boards.

(d) The specific evaluation criteria (see N.J.A.C. 10:3-3.6) to be used when assessing proposals shall include:

1. Completeness of the application and clarity of statements concerning:
 - i. The applicant's mission and goals;
 - ii. Need justification;
 - iii. Service goals and objectives;
 - iv. The program approach, including:
 - (1) Service definitions;
 - (2) Activities/methods to achieve objectives;
 - (3) Staff qualifications and job descriptions;
 - (4) Monitoring plan; and
 - (5) Evaluation of quality of services.
 - v. Accessibility of services;
 - vi. Eligibility requirements and referral processes;
 - vii. The termination procedure;
 - viii. The level of service;
 - ix. Service coordination;
 - x. The community participation description;

- xi. The timetable to implement services;
 - xii. Identification of current programs managed and the funding sources;
 - xiii. The budget proposal; and
 - xiv. Identification of other sources of support and match, as appropriate;
2. Reasonableness of proposed budget in consideration of anticipated results;
 3. Compatibility of the applicant's goals and objectives with goals of the program;
 4. Availability and accuracy of supporting documentation;
 5. Compliance with all terms and conditions of previous contracts with the Department and the standard language document;
 6. The extent to which new and innovative strategies are proposed to assist the target population; and
 7. The adequacy and specificity of the outcome statements.

10:3-3.9 Evaluation of applicant

(a) The applicant shall be evaluated to determine the following (an on-site evaluation may be conducted by the departmental component or CHSAC/designated entity if deemed necessary). The CHSAC/designated entity shall evaluate the applicant on only those factors with which they are familiar or about which they have accurate information. The Department is responsible for evaluation of all information presented by the applicant in the RFP.

1. Ability to comply with all terms and conditions of the standard language document and its associated annexes and attachments;
2. Prior history in the delivery of the same or similar services;
3. Qualifications of staff;
4. Adequacy of facilities;
5. Ability to manage the fiscal aspects of the contract including a satisfactory past history (a pre-award survey may be necessary prior to the signing of the contract);
6. Accountability of the program and management initiatives to ensure accountability of the staff, for example, supervision and training of staff, planned levels of service, and contingency plans to ensure attainment of objectives;

7. Evidence of ability (including satisfactory past performance and evaluation) to provide the proposed services to the target population;
8. Evidence of the existence of adequate resources, facilities, and equipment to operate the proposed program; and
9. Review of required documents.

Amended by R.1993 d.597, effective November 15, 1993.
See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

10:3-3.10 Notification of decision

(a) Upon determining which proposals are most responsive and advantageous to the needs of the clients to be served, and costs and other factors are considered, the departmental component shall notify all applicants in writing of its decision within the time frames specified in the request for proposal, not to exceed 90 days. The appeals process must be completed within 15 days thereafter.

(b) An appeal based on the determination may be filed according to the procedures established by the departmental component or CHSAC/designated entity which shall be referenced in the notice of decision to the applicant.

(c) Acceptance letters shall indicate that:

1. The award is contingent on contract negotiation and that if, anytime before or during the contract negotiations, it is found that the agency awarded the contract is incapable of providing the necessary services or has misrepresented any material fact or its ability to handle the funding or provide the solicited services, the award may be rescinded. The rescission shall be made in writing, specifying why the award has been withdrawn.

2. The contract is not binding until funding has been verified and the Department's standard language document and the contract confirmation letter are signed by both parties.

Amended by R.1993 d.597, effective November 15, 1993.
See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

10:3-3.11 Document retention

Awarded contracts, signed originals, all support materials and the record copy shall be retained by the departmental component for three years after the termination of the contract and four years thereafter at the records center prior to destruction. Unsuccessful proposals shall be retained for one year by the departmental component and then may be destroyed. The material to be retained includes the RFP, the applicant proposals, all evaluation sheets, and any other documentation which details why the agency was selected or not selected.

Amended by R.1993 d.597, effective November 15, 1993.
 See: 25 N.J.R. 3694(b), 25 N.J.R. 5165(a).

10:3-3.12 Contract negotiations

At the time an award is made to the applicant, negotiations shall proceed with the process of preparing and submitting a formal contract proposal package to the Department. The initial proposal as modified and agreed to by both parties may serve as the Annex A program description for the contract.

10:3-3.13 Exceptions to procedures

(a) When the announcement of the availability of funds limits the Department to less than 90 days for allocation, obligation, and/or expenditure of funds, or requires an extension, the time frames for the RFP process may be adjusted by the Department accordingly.

(b) When there is an emergent danger and/or a risk to the health and welfare of clients as a result of strict adherence to N.J.A.C. 10:3-3, an exemption from the full RFP process may be granted and signed by the person in charge of the departmental component.

Address of Applicant: _____
 Address of Service(s): _____
 (Attach list if necessary.) _____
 Contact person: _____ Phone No.: _____
 Total dollar amount requested: _____ Fiscal Year End: _____
 Total Match required: _____ Match Secured: Yes _____ No _____
 Funding period: From _____ to _____
 Services: _____
 (For which funding is requested)
 Total number of unduplicated clients to be served: _____
 Brief description of services by program name and level of service to be provided*: _____
 Authorization:
 Chief Executive Officer (Print) _____
 Signature _____ Date _____
 * NOTE: If funding request is for more than one service, complete a separate description for each service. Identify the number of units to be provided for each service as well as the unit description (hours, days, etc.). If the Contract will be based on a rate, please describe how the rate was established.

Appendix B

State of New Jersey
 Department of Human Services
 Request for Proposal (RFP): Budget Information Summary
 Date _____ Page _____ of _____
 RFP Project Name _____ Agency Federal ID # _____
 Agency Name _____ Charities Registration # _____
 Address _____ Agency: Non-Profit _____ Profit _____
 _____ Public _____ Hosp. Based _____
 Telephone Number _____ Budget Period _____ to _____
 Chief Exec. Officer _____ Agency Fiscal Year End _____

Contract Information Summary
 (List all Department of Human Services contracts)

Contracting Division	Contract Number	Program Name	Type of Service	Current Reimbursable Ceiling

Appendix A

Date received _____
 Dept/Component _____
 STATE OF NEW JERSEY
 DEPARTMENT OF HUMAN SERVICES
 Funding Proposal
 Cover Sheet
Proposal Summary Information
 Incorporated Name of Applicant: _____
 Type: Public _____ Profit _____ Non-Profit _____, or Hospital Based _____
 Federal ID Number: _____ Charities Reg. Number: _____

State of New Jersey
 Department of Human Services
 Request for Proposal (RFP): Budget Information Summary
 Date _____ Page _____ of _____
 RFP Project Name _____ Agency Federal ID # _____
 Agency Name _____
 Funding Request—Program Name(s) _____
 Service(s) _____

RFP Budget Expense Summary

Budget Categories	Total Costs	Indicate Programs to be Funded				Unallowable Costs	Gen. & Adm. Costs
A. Personnel (including fringe benefits)							
B. Consultants & Professional Fees							
C. Materials and Supplies							
D. Facility Costs							
E. Specific Assistant to Clients							
F. Other							
G. Gen. & Adm. Cost Allocation	>>>>>>					()	
H. Total Operating Costs							
I. Equipment							
J. Total Cost							
K. Revenue (deduct)	()	()	()	()			
L. Funding Request	\$ ()	\$ ()	\$ ()	\$ ()			
Total Units of Service							
Unit Description							

The budget request shall indicate the Agency's total proposed budget for delivery of the service(s) reduced by the other sources of funding (line K). Indicate the sources of funding and the dollar amounts for each:

Total Other Sources of Funding	\$	\$	\$	\$

State of New Jersey
Department of Human Services

Date _____

Request for Proposal (RFP): Budget Information Summary

Page ____ of ____

RFP Project Name _____ Agency Federal ID # _____

Agency Name _____

RFP—Personnel Detail

Position Title/ Name of Employee	Total Cost	Hrs/ Week	% of Time	Indicate Programs to be Funded			Unallowable Costs	Gen. & Adm. Costs

State of New Jersey
Department of Human Services

Date _____

Request for Proposal (RFP): Budget Information Summary

Page ____ of ____

RFP Project Name _____ Agency Federal ID # _____

Agency Name _____

RFP—Budget Category Detail

Budget Category	Basis of Allocation	Total Cost	Indicate Programs to be Funded			Unallowable Costs	Gen. & Adm. Costs

SUBCHAPTER 4. COGNIZANT DIVISION CONTRACTING

10:3-4.1 Purpose and scope

The purpose of these rules is to advise provider agencies of the policies and procedures to be followed in cognizant division contracting. These rules apply to all provider agencies that contract with more than one departmental component and have a cognizant division assigned to coordinate the contracting process.

10:3-4.2 Definitions

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

“Cognizant division” means the division or other designated departmental component responsible for all fiscal contract administration functions when a provider agency contracts with more than one departmental component.

“Contract” means one of the Department’s social service or training contracts with a provider agency. Terms and conditions of the contract are included in the standard language document, annexes, appendices, attachments (including any approved assignments, subcontracts and modifications) and supporting documents. The contract constitutes the entire agreement between the Department and the provider agency.

“Contract modification” means the formal procedures entailing the Department’s written approval to allow certain programmatic and/or financial changes in the contract during the contract term.

“Day” means calendar days.

“Department” means the New Jersey Department of Human Services. As used in these rules, it also means, where appropriate from the context, the division, commission, bureau, office, unit or other designated component of the Department of Human Services responsible for the administration of particular contract programs.

“Departmental component” means the division, commission, bureau, office, or other unit within the Department responsible for the negotiation, administrative review, approval and monitoring of certain social service or training contracts.

“Intra-departmental agreement” means the document signed by the cognizant and non-cognizant division(s) which delineates the authority and responsibilities of the cognizant and non-cognizant division(s) that contract for services with the same provider agency.

“Provider agency” means the public or private organization which has a social or training contract with the Department.

“Reimbursable ceiling” means the total cost of the contract to the Department. The reimbursable ceiling is the maximum payment to the provider agency.

“Standard language document” means the document which establishes the non-negotiable obligations, responsibilities, rights and relationships of the contract parties.

10:3-4.3 Administrative policies

(a) A cognizant division shall be identified and may be assigned by the Department’s Contract Policy and Management Unit when a provider agency contracts with more than one departmental component.

(b) Generally, the cognizant division is chosen based on the departmental component which provides the most contract dollars to the provider agency, unless circumstances and/or past history indicate the selection of another departmental component.

(c) A copy of the intra-departmental agreement shall be forwarded to the provider agency by the cognizant division after the agreement is completed and signed by all involved departmental components. The intra-departmental agreement delineates the authority and responsibilities of the cognizant division and non-cognizant division(s) that contract for services with the same provider agency.

10:3-4.4 Administrative procedures

(a) For pre-contract negotiations, the following procedures shall apply:

1. The Contract Policy and Management Unit shall:

i. Annually notify the departmental components of those provider agencies which contract with more than one departmental component; and

ii. Meet with the responsible contract administration supervisors of the departmental components to determine the assignment of a cognizant division for each provider agency.

2. The cognizant division shall:

i. Notify the provider agency that a cognizant division has been assigned and is responsible for coordinating the contract negotiation process; and

ii. Coordinate the planning, negotiating, finalizing and distribution of the intra-departmental agreement in a timely manner.

3. The cognizant/non-cognizant division(s) shall: