

CHAPTER 34

LOCAL PUBLIC AND PUBLIC SCHOOL CONTRACTS LAWS

Authority

N.J.S.A. 18A:18A-49.2 and 40A:11-37.1.

Source and Effective Date

R.2006 d.179, effective April 19, 2006.
See: 37 N.J.R. 4601(a), 38 N.J.R. 2119(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 34, Local Public and Public School Contracts Laws, expires on April 19, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 34, Capital Budget Manual, was adopted as R.1970 d.113, effective September 21, 1970. See: 2 N.J.R. 61(c), 2 N.J.R. 81(b).

Chapter 34, Capital Budget Manual, was repealed by R.1978 d.322, effective September 14, 1978. See: 10 N.J.R. 416(d).

Chapter 34, Local Public Contracts, was adopted as new rules, and Subchapter 7, Cooperative Pricing and Joint Purchasing Systems, was recodified from N.J.A.C. 5:30-17 by R.1990 d.595, effective December 3, 1990. See: 22 N.J.R. 724(a), 22 N.J.R. 3639(a).

Subchapter 7, Cooperative Pricing and Joint Purchasing Systems, was repealed and Subchapter 7, Cooperative Pricing and Joint Purchasing Systems, was adopted as new rules by R.1992 d.401, effective October 5, 1992. See: 24 N.J.R. 2667(a), 24 N.J.R. 3529(a).

Pursuant to Executive Order No. 66(1978), Chapter 34, Local Public Contracts, was readopted as R.1995 d.633, effective November 8, 1995. See: 27 N.J.R. 3259(a), 27 N.J.R. 4885(b).

Pursuant to Executive Order No. 66(1978), Chapter 34, Local Public and Public School Contracts Laws, was readopted as R.2000 d.485, effective November 6, 2000, and Subchapter 4, Change Orders and Open-End Contracts, was recodified as N.J.A.C. 5:30-11 and Subchapter 5, Certification of Funds and Applicable Accounting Procedures, was recodified as N.J.A.C. 5:30-5 by R.2000 d.485, effective December 4, 2000. See: 32 N.J.R. 3237(a), 32 N.J.R. 4300(a).

Chapter 34, Local Public and Public School Contracts Laws, was readopted as R.2006 d.179, effective April 19, 2006. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

- 5:34-1.1 Application and compliance
- 5:34-1.2 Definitions

SUBCHAPTER 2. EXTRAORDINARY UNSPECIFIABLE SERVICES

- 5:34-2.1 Use of extraordinary unspecifiable services
- 5:34-2.2 General requirements limiting the use of the exception
- 5:34-2.3 Procedures for implementation of the exception
- 5:34-2.4 (Reserved)

SUBCHAPTER 3. CERTAIN LEASES OF EQUIPMENT AND SERVICE AGREEMENTS BEYOND THE FISCAL YEAR

- 5:34-3.1 Duration of contract
- 5:34-3.2 Application of bidding requirements

- 5:34-3.3 Option to purchase, prohibitions, cancellation clause
- 5:34-3.4 Equipment changes

SUBCHAPTER 4. ADMINISTRATION OF COMPETITIVE CONTRACTING PROCESS

- 5:34-4.1 Definitions
- 5:34-4.2 Model evaluation criteria
- 5:34-4.3 Opening and evaluating proposals and awarding competitive Contracts
- 5:34-4.4 Use of competitive contracting for non-listed services
- 5:34-4.5 (Reserved)

SUBCHAPTER 5. QUALIFIED PURCHASING AGENTS AND INCREASING THE BID THRESHOLD

- 5:34-5.1 Qualified purchasing agent
- 5:34-5.2 Procedures for increasing the bid threshold
- 5:34-5.3 Absence of qualified purchasing agent
- 5:34-5.4 Procedures for certain contracting units without a qualified purchasing agent to temporarily increase their bid threshold to \$26,000

SUBCHAPTER 6. EMERGENCY PURCHASES AND CONTRACTS

- 5:34-6.1 General requirements
- 5:34-6.2 through 5:34-6.3 (Reserved)

SUBCHAPTER 7. COOPERATIVE PURCHASING

- 5:34-7.1 Applicability and authority
- 5:34-7.2 Definitions
- 5:34-7.3 Cooperative pricing system or joint purchasing system creation
- 5:34-7.4 Cooperative pricing system or joint purchasing system formal agreement
- 5:34-7.5 Cooperative pricing system or joint purchasing system registration
- 5:34-7.6 Cooperative pricing system or joint purchasing system membership registration
- 5:34-7.7 Cooperative pricing system or joint purchasing system identifier
- 5:34-7.8 Cooperative pricing system or joint purchasing system renewal
- 5:34-7.9 Cooperative pricing system or joint purchasing system administrative responsibilities
- 5:34-7.10 Cooperative purchasing system requirement for bids
- 5:34-7.11 Cooperative pricing system financial and contractual details
- 5:34-7.12 Cooperative pricing system use of pre-existing contracts
- 5:34-7.13 Regional cooperative pricing system
- 5:34-7.14 Joint purchasing systems financial and contractual details, exclusive of boards of education
- 5:34-7.15 Commodity resale system registration
- 5:34-7.16 Commodity resale system renewal
- 5:34-7.17 Accounting requirements for commodity resale systems
- 5:34-7.18 Energy aggregation
- 5:34-7.19 Cooperative purchasing of energy
- 5:34-7.20 Binding estimate option
- 5:34-7.21 County cooperative contract purchasing system creation
- 5:34-7.22 County cooperative contract purchasing system registration
- 5:34-7.23 County cooperative contract purchasing system identifier
- 5:34-7.24 County cooperative contract purchasing system administrative responsibilities
- 5:34-7.25 County cooperative contract purchasing system county requirement for bids
- 5:34-7.26 County cooperative contract purchasing system renewal
- 5:34-7.27 Member reports
- 5:34-7.28 Time for review-all systems
- 5:34-7.29 The State of New Jersey's cooperative purchasing program

- 5:34-7.30 Application of N.J.S.A. 40A:11-5(4) or 18A:18A-5e: purchases at 10 percent less than State contract price
- 5:34-7.31 Authority of Director
- 5:34-7.32 Enforcement

SUBCHAPTER 8. CONTRACTS SUBJECT TO PUBLIC BIDDING

- 5:34-8.1 Multi-year contracts
- 5:34-8.2 Determinations of aggregation
- 5:34-8.3 When determinations of aggregation are found to be incorrect
- 5:34-8.4 Intentional miscalculations to avoid public bidding

SUBCHAPTER 9. SPECIAL CIRCUMSTANCES

- 5:34-9.1 Purchase of proprietary goods or services
- 5:34-9.2 Use of "brand name or equivalent" pursuant to N.J.S.A. 40A:11-13 and 18A:18A-15
- 5:34-9.3 Cancellation or postponement of receipt of bids or proposals
- 5:34-9.4 Concessions
- 5:34-9.5 Miscellaneous circumstances
- 5:34-9.6 Purchasing at 10 percent less than a State cooperative contract price
- 5:34-9.7 Use of the General Services Administration's Federal Supply Schedules

APPENDIX A

APPENDIX B

APPENDIX C

SUBCHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

5:34-1.1 Application and compliance

(a) Unless specifically stated to the contrary, the rules in this chapter apply to all local government agencies that are encompassed by the definition of contracting unit in N.J.S.A. 40A:11-2(1), and by all boards of education meeting the definition of board of education in N.J.S.A. 18A:18A-2a by whatever name called.

(b) Every governing body, chief executive officer, or chief school administrator shall take reasonable steps to provide training so that all officials and employees responsible for the administration of public contracts are aware of and are able to comply with the requirements of the law and these rules.

(c) These rules are adopted by the Director of the Division of Local Government Services after consultation with the Commissioner of Education pursuant to N.J.S.A. 40A:11-37.1 and 18A:18A-49.2.

(d) Public housing authorities that operate subject to the authority of the U.S. Department of Housing and Urban

Development will adhere to procurement procedures which reflect N.J.S.A. 40A:11-1 et seq. and related rules, provided that procurements conform to applicable Federal law and the standards required therein and to 24 CFR 85.36(b) that requires where both State and Federal law encompass the same procurement, the stricter or more limiting procedure which encourages competition shall be used.

Amended by R.2000 d.485, effective December 4, 2000.
See: 32 N.J.R. 3237(a), 32 N.J.R. 4300(a).
Rewrote the section.

5:34-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context indicates otherwise:

"Aggregate" or "aggregation" means the sums expended or to be expended for the provisions or performance of any goods or services in connection with the same immediate purpose or task, or the furnishing of similar goods or services, during the same contract year through a contract awarded by a contracting agency.

"Bid threshold" means the dollar amount set in N.J.S.A. 40A:11-3, and in N.J.S.A. 18A:18A-3, above which a contracting unit shall advertise for and receive sealed bids.

"Board of education" means and includes the board of education of any local school district, consolidated school district, regional school district, educational services commission, county special services school district, county vocational school and any other board of education or other similar body other than the State Board of Education, the Commission on Higher Education or the Presidents' Council, established and operating under the provisions of Title 18A of the New Jersey Statutes and having authority to make purchases and to enter into contracts for the provision or performance of goods or services. The term "board of education" also shall include the board of trustees of a charter school established under P.L. 1995, c.426 (N.J.S.A. 18A:36A-1 et seq.).

"Competitive contracting" means the method described in N.J.S.A. 40A:11-4.1 et seq. and 18A:18A-4.1 et seq. of contracting for specialized goods and services in which formal proposals are solicited from vendors.

"Concession" means the granting of a license or right to act for or on behalf of the contracting unit, or to provide a service requiring the approval or endorsement of the contracting unit, and which may or may not involve a payment or exchange, or provision of services by or to the contracting unit.

"Contract" means any agreement, including, but not limited to, a purchase order or a formal agreement, which is a legally binding relationship enforceable by law, between a vendor who agrees to provide or perform goods or services and a contracting unit which agrees to compensate a vendor,

as defined by and subject to the terms and conditions of the agreement. A contract also may include an arrangement whereby a vendor compensates a contracting unit for the vendor's right to perform a service, such as, but not limited to, operating a concession.

ii. Are sound environmental practices such as recycling, energy efficiency, and waste reduction used?

2. Management criteria:

i. Project management:

(1) How well does the proposed scheduling timeline meet the contracting unit's needs?

(2) Is there a project management plan?

ii. History and experience in performing the work:

(1) Does the vendor document a record of reliability of timely delivery and on-time and on-budget implementation?

(2) Does the vendor demonstrate a track record of service as evidenced by on-time, on-budget, and contract compliance performance?

(3) Does the vendor document industry or program experience?

(4) Does the vendor have a record of moral integrity?

iii. Availability of personnel, facilities, equipment and other resources:

(1) To what extent does the vendor rely on in-house resources vs. contracted resources?

(2) Are the availability of in-house and contract resources documented?

iv. Qualification and experience of personnel:

(1) Documentation of experience in performing similar work by employees and when appropriate, sub-contractors?

(2) Does the vendor make use of business capabilities or initiatives that involve women, the disadvantaged, small and/or minority owned business establishments?

(3) Does the vendor demonstrate cultural sensitivity in hiring and training staff?

3. Cost criteria:

i. Cost of goods to be provided or services to be performed:

(1) Relative cost: How does the cost compare to other similarly scored proposals?

(2) Full explanation: Is the price and its component charges, fees, etc. adequately explained or documented?

ii. Assurances of performance:

(1) If required, are suitable bonds, warranties, or guarantees provided?

(2) Does the proposal include quality control and assurance programs?

iii. Vendor's financial stability and strength:

(1) Does the vendor have sufficient financial resources to meet its obligations?

5:34-4.3 Opening and evaluating proposals and awarding competitive Contracts

(a) The request for proposals document shall state the time and place for receiving and opening the proposals, and shall specify the criteria that will be used to evaluate proposals.

(b) At the time and place proposals are due, the names of all the vendors and the price of their respective proposals shall be announced in public. Prior to opening such proposals, the authorized agent shall, if not provided as part of the request for proposals document, describe the specific weighting of any evaluation criteria, which may be used for evaluating the proposals.

(c) The evaluation of request of proposals shall be subject to the following requirements:

1. The request for proposals document shall state the criteria for evaluating the proposals.

2. Where not otherwise required to do so by other applicable Federal, State and local regulations, the authorized agent may appoint a committee to assist in the evaluation of the proposals. Committees shall be subject to the following requirements:

i. If a committee is to be used, the names of the individuals who serve as committee members shall not be publicly disclosed until the evaluation report is presented to the governing body. Committee members shall be familiar with the need for the goods to be provided or the services to be performed in the request for proposals.

ii. Committee members may conduct their work separately or together.

iii. While a member of the governing body is not required to be a committee member, no more than one less than the majority of the current membership of the governing body may serve on a committee.

iv. The committee may use advisors, as it deems necessary to give opinions on evaluating proposals, except that the advisors shall be subject to the provisions of (e) below. The names of such advisors shall be included in the report submitted to the governing body.

v. Meetings of the committee are advisory in nature and are not subject to the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq.

3. At the option of the contracting unit, the request for proposals document may, after proposals are received and

opened, but prior to completing the evaluation of the proposals, provide the opportunity for vendors to provide clarification regarding their submission. The presentation shall address only those matters specified by the contracting unit. The presentation shall not be used for negotiation of a contract contrary to law.

(d) The process of establishing weighting criteria and evaluating proposals shall result in a finding that a specific proposal is the most advantageous, price and other factors considered, or that all proposals should be rejected.

(e) Before reviewing any proposals, each person evaluating a proposal shall assess their own affiliations and financial interest and those of their families that relate to their duties as someone evaluating a proposal to ensure they do not have a conflict of interest. For these purposes, a person has a conflict of interest with a proposal if that person or spouse, parent, or child would be in violation of the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., or the School Ethics Act, N.J.S.A. 18A:12-21 et seq. as appropriate. Any person with a conflict of interest related to the competitive contracting proposal shall not participate in the evaluation process.

(f) Prior to evaluating the proposals, each individual participating in the evaluation of a proposal shall execute a statement in accordance with (e) above certifying they do not have a conflict of interest. Such statement shall reflect the provisions at (e) above, which relate to possible conflict of interest situations. This statement shall be filed with the authorized agent, prior to the beginning of the evaluation process. The certification shall be as follows:

I hereby certify that I have reviewed the conflict of interest standards in the Local Government Ethics Law or the School Ethics Act, as appropriate, and that I do not have a conflict of interest with respect to the evaluation of this proposal. I further certify that I am not engaged in any negotiations or arrangements for prospective employment or association with any of those submitting proposals or their parent or subsidiary organization.

5:34-4.4 Use of competitive contracting for non-listed services

(a) The authorized agent shall apply to the Director for approval to use the provisions of N.J.S.A. 40A:11-4.1k and 18A:18A-4.1k requesting the use of competitive contracting for the operation, management, or administration of services not otherwise listed in N.J.S.A. 40A:11-4.1a through j and 18A:18A-4.1a through j. The application shall be in letter form and shall provide the information reasonably required for the Director to respond to the request. If the Director finds that the subject matter of the application is consistent with the intent of the statutory provisions encouraging competitive contracting, then the Director shall approve the request. The Director may consider the level and characteristics of the service and competition in the market. Prior to submitting an

application, an applicant may request to consult with the Director or designee to review issues regarding a potential application.

(b) Services that meet the requirements for procurement through competitive contracting may not be combined or included in a contract with other services which are required to be procured through competitive bidding so as to avoid the statutory obligation for the procurement of such other services through competitive bidding.

5:34-4.5 (Reserved)

Repealed by R.2006 d.179, effective May 15, 2006.

See: 37 N.J.R. 4601(a), 38 N.J.R. 2119(b).

Section was "Use of competitive contracting for energy services".

SUBCHAPTER 5. QUALIFIED PURCHASING AGENTS AND INCREASING THE BID THRESHOLD

Authority

N.J.S.A. 40A:11-37.1 and 18A:18A-49.2.

Source and Effective Date

R.2002 d.17, effective January 22, 2002.

See: 33 N.J.R. 1994(a), 34 N.J.R. 524(a).

Law Reviews and Journal Commentaries

Bidding on Public Construction Contracts. Michael S. Simon, 217 N.J.L.J. 30 (2002).

5:34-5.1 Qualified purchasing agent

(a) A contracting unit's purchasing agent shall be considered qualified pursuant to N.J.S.A. 40A:11-9b to exercise the supplemental authority as set forth in N.J.S.A. 40A:11-3 and 40A:11-4.3 or N.J.S.A. 18A:18A-3 and 18A:18A-4.3 if the following criteria are met:

1. The individual has served as purchasing agent as defined in N.J.A.C. 5:34-1.2; and

i. Held the power to award contracts as allowed by law; and

ii. Personally performed duties that included, but were not limited to: preparing or reviewing bid specifications, evaluating bids, seeking or authorizing the solicitation of quotations, recommending or awarding contracts, and analyzing procurement needs on a regular basis; and

2. The individual served as a purchasing agent within 15 years immediately preceding the filing of the application to be a qualified purchasing agent and meets at least one of the following standards of qualifications and experience in contracting units under the jurisdiction of the Local Public Contracts Law or Public School Contract Law:

i. Ten years experience as a purchasing agent in New Jersey and has successfully completed Municipal Finance Administration as offered by the Rutgers Center for Government Services;

ii. Seven years experience as a purchasing agent in New Jersey and is the holder of a Certified Municipal Finance Officer or Certified County Finance Officer certificate issued by the Division of Local Government Services, or is the holder of a Registered Public Purchasing Specialist certification issued by the Rutgers Center for Government Services;

iii. Without regard to service as a purchasing agent, is the holder of a Registered Public Purchasing Official certificate issued by the Rutgers Center for Government Services, or is the holder of a Certified County Purchasing Official certificate issued by the Division of Local Government Services;

iv. Three years experience as a purchasing agent in New Jersey and:

(1) Holds a certification as a Certified New Jersey School Business Administrator; or

(2) Is a school board manager or school board secretary who is grandfathered, pursuant to N.J.A.C. 6:11-9.7;

v. Without regard to the number of years as a purchasing agent, has successfully completed 30 hours of training in New Jersey procurement law, and has successfully completed Municipal Finance Administration as offered by the Rutgers Center for Government Services and, is either:

(1) Certified as a Certified Public Purchasing Official or a Certified Public Procurement Buyer by the National Institute of Governmental Purchasing; or

(2) Certified by the Federal government as a Purchasing Agent; or

vi. Without regard to the requirement of experience in a contracting unit, has seven years of experience as purchasing agent in the private sector, has successfully completed 50 hours of training in New Jersey procurement law, and has successfully completed Municipal Finance Administration as offered by the Rutgers Center for Government Services.

(b) Applications for qualified purchasing agent shall be on a form prescribed by the Director and shall include proof(s) of meeting the requirement of a qualified purchasing agent described in this section. Applications may be submitted at any time. There shall be no application fee. At the discretion of the Director, additional documentation may be required upon receipt of an application. Upon approval of the application by the Director, the applicant shall be issued a certificate as a qualified purchasing agent.

(c) Where compliance with (a)2 above included the holding of a professional certificate, the certificate must remain in force during the time the individual serves as a qualified purchasing agent.

Administrative change.
See: 34 N.J.R. 1264(a).

5:34-5.2 Procedures for increasing the bid threshold

(a) A contracting unit with a qualified purchasing agent desiring to take advantage of the supplemental authority of N.J.S.A. 40A:11-3 and 40A:11-4.3 or N.J.S.A. 18A:18A-3 and 18A:18A-4.3 shall have its governing body pass a resolution authorizing the amount of a higher bid threshold for the contracting unit, the amount of which shall not exceed the statutory maximum bid threshold.

(b) A contracting unit that increases the bid threshold pursuant to (a) above shall either:

1. In a contracting unit subject to the Local Public Contracts Law, a certified resolution increasing the bid threshold shall be filed with the Director and shall be accompanied by:

i. A certification from the chief executive officer of the contracting unit that the purchasing agent of the contracting unit exercises the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and

ii. A copy of the contracting unit's purchasing agent's qualified purchasing agent certification; or

2. In a contracting unit subject to the Public School Contracts Law, a certified resolution increasing the bid threshold shall be filed with the Director and shall be accompanied by a copy of the contracting unit's purchasing agent's qualified purchasing agent certification.

5:34-5.3 Absence of qualified purchasing agent

If at any point in time the qualified purchasing agent is unable to exercise the authority, responsibility and accountability of the contracting unit's purchasing function the bid threshold shall revert to the lower statutory bid threshold level not requiring qualified purchasing agent status, pursuant to N.J.S.A. 40A:11-3 and 18A:18A-3, until a qualified purchasing agent is able to assume the purchasing functions.

5:34-5.4 Procedures for certain contracting units without a qualified purchasing agent to temporarily increase their bid threshold to \$26,000

(a) A contracting unit that has appointed a purchasing agent who meets the following eligibility requirements to sit for the qualified purchasing agent (QPA) examination and who intends to take the examination once it becomes

available, may increase its bid threshold to \$26,000 through the following procedure:

1. Individuals desiring to qualify for the examination must meet each of the following criteria:

i. Be a citizen of the United States, is of good moral character, and is a high school graduate or equivalent;

ii. Successfully completed Principles of Public Purchasing I, II and III, and one of the Municipal Finance Administration courses, all as provided by the Rutgers Center for Government Services; or have been performing the duties of a purchasing agent (as defined at N.J.A.C. 5:34-1.2) for at least three consecutive years;

iii. Possess two years of college education and two years of full-time governmental experience performing duties relative to public procurement. Additional years of experience may be substituted for the college education on a year-for-year basis;

iv. Attest that they will apply for either the first or second QPA certification exam to be administered by the Division, and participate in such exam. They shall further agree that their test score shall be provided to the contracting unit; and

v. Document the foregoing by completing an "Affidavit of QPA Qualification." The affidavit is available on the Division of Local Government Services website, www.nj.gov/dca/lgs/lpcl/. The affidavit requires certification of the individual, their supervisor and the chief executive officer of the contracting unit that the individual possesses the required education and/or experience, and that the individual exercises the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit.

2. Contracting units using this procedure are required to notify the Division of their action by adopting a resolution that: names the individual that meets the eligibility criteria who shall serve as purchasing agent, and raises the contracting unit's bid threshold to an amount that does not exceed \$26,000. The resolution shall be submitted to the Director with the Affidavit of QPA Qualification of the named purchasing agent.

3. Upon notification by the Division that the individual did not take or failed to pass the examination, within one month of the notification, the contracting unit bid threshold shall automatically revert to \$17,500. If the individual passes the examination or the contracting unit otherwise appoints a purchasing agent who holds a QPA certificate, the temporary bid threshold shall remain until the contracting unit, pursuant to N.J.A.C. 5:34-5.2, raises its bid threshold to \$36,000.

Special New Rule, R.2011 d.207, effective July 6, 2011 (to expire July 5, 2012).

See: 43 N.J.R. 1906(a).
Administrative correction.
See: 43 N.J.R. 2305(a).

SUBCHAPTER 6. EMERGENCY PURCHASES AND CONTRACTS

5:34-6.1 General requirements

(a) The use of emergency purchasing pursuant to N.J.S.A. 40A:11-6 or 18A:18A-7 shall be subject to the following requirements:

1. An actual or imminent emergency must exist requiring the immediate delivery of the goods or the performance of the service;

2. As soon as reasonably possible, but within three days of declaring the emergency, the chief school administrator of a board of education shall notify the superintendent of education for the county of the nature of the emergency and the estimated needs for goods and services necessary to respond to it;

3. The emergency purchasing procedure may not be used unless the need for the goods or services could not have been reasonably foreseen or the need for such goods or services has arisen notwithstanding a good faith effort on the part of the contracting unit to plan for the purchase of any goods or services required by the contracting unit;

4. The contract shall be of such limited duration as to meet only the immediate needs of the emergency; and

5. Under no circumstances shall the emergency purchasing procedure be used to enter into a multi-year contract.

(b) The governing body of each contracting unit shall adopt rules or regulations as appropriate to the contracting unit to ensure that there is a procedure for determining and confirming the existence of an emergency and that the provisions for emergency purchasing pursuant to N.J.S.A. 40A:11-6 or 18A:18A-7 may be implemented. Such rules or regulations shall include such provisions that ensure that if initially designated individuals are not available, there is a designated chain of command to ensure that there are always appropriate individuals available to make such decisions.

Amended by R.2000 d.485, effective December 4, 2000.

See: 32 N.J.R. 3237(a), 32 N.J.R. 4300(a).

Rewrote the section.

5:34-6.2 (Reserved)

Repealed by R.2000 d.485, effective December 4, 2000.

See: 32 N.J.R. 3237(a), 32 N.J.R. 4300(a).

Section was "Procedure for emergency purchases and contracts".