

2. The address and telephone number of the complainant or alternate contact person; and

3. A description of manner in which the ADA has not been complied with or has been violated, including times and locations of events and names of witnesses if appropriate.

19:3A-3.7 Complaint form

The following form may be utilized for the submission of a complaint pursuant to this subchapter:

Americans with Disabilities Act Grievance Form

Date: _____

Name of grievant: _____

Address of grievant: _____

Telephone number of grievant: _____

Disability of grievant: _____

Name, address and telephone number of alternate contact person:

Agency alleged to have denied access: _____

Department: _____

Division: _____

Bureau or office: _____

Location: _____

Incident or barrier:

Please describe the particular way in which you believe you have been denied the benefits of any service, program or activity or have otherwise been subject to discrimination. Please specify dates, times and places of incidents, and names and/or positions of agency employees involved, if any, as well as names, addresses and telephone numbers of any witnesses to any such incident. Attach additional pages if necessary.

Proposed access or accommodation:

If you wish, describe the way in which you feel access may be had to the benefits described above, or that accommodation could be provided to allow access.

A copy of the above form may be obtained by contacting the designated ADA coordinator identified at N.J.A.C. 19:3A-3.4.

19:3A-3.8 Investigation

(a) Upon receipt of a complaint submitted pursuant to this subchapter, the designated ADA coordinator will notify the complainant of the receipt of the complaint and the initiation of an investigation into the matter. The designated ADA coordinator will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 45 days from the date of receipt of the complaint, unless a later date is agreed to by the complainant.

(b) Upon completion of the investigation, the designated ADA coordinator shall prepare a report for review by the designated decision maker for the agency. The designated decision maker shall render a written decision within 45 days of receipt of the complaint, unless a later date is agreed to by the complainant, which decision shall be transmitted to the complainant and/or the alternate contact person if so designated by the complainant.

SUBCHAPTER 4. PROFESSIONAL SERVICES CONTRACTS

Authority

N.J.S.A. 52:34-9.1 et seq.

Source and Effective Date

R.2000 d.4, effective January 3, 2000.
See: 31 N.J.R. 2520(a), 32 N.J.R. 69(a).

19:3A-4.1 Applicability

The provisions of this subchapter shall apply only to contracts for 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 subchapter shall preclude the Commission 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 Executive Director of the Hackensack Meadowlands Development Commission.

19:3A-4.2 Definitions

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

“Commission” means the Hackensack Meadowlands Development Commission.

“Executive Director” means the Executive Director of the Hackensack Meadowlands Development Commission.

“Professional 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, professional engineering or professional land surveying as defined by the laws of this State or those performed by an 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, engineering, or land surveying services in this State.

19:3A-4.3 Filing of current statements of qualification and supporting data

(a) A professional firm which wishes to be considered pre-qualified to provide professional engineering, architectural, or land surveying services to the Commission may file a current statement of qualification and supporting data to the Commission.

(b) Such statements may be filed at any time during the calendar year and shall be sent to the Office of the Director of Planning and Management. Such statements must conform to the regulations of the State Treasurer, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., with respect thereto.

(c) No statement which shall have been filed more than two years prior to the publication of an advertisement pursuant to N.J.A.C. 19:3A-4.4 shall be deemed to be a current statement with respect to the qualifications of the firm which shall have filed such statement.

19:3A-4.4 Solicitation of additional statements of qualification

(a) Prior to the solicitation of proposals pertaining to the procurement of professional architectural, engineering, or land surveying services, the Commission shall publicly advertise its need for such services.

(b) The advertisement shall be by one or more of the following methods:

1. Newspapers;
2. Written notice to New Jersey professional societies covering the construction industry; or
3. Direct mailings to firms pre-qualified with the Commission requesting expressions of interest.

(c) The advertisement shall include either a statement of the criteria by which the Commission 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 subchapter. In addition, the advertisement shall include notice that professional firms wishing to be considered for selection as a potential provider of such services in connection with a proposed project must have submitted, or must promptly submit, to the Commission a current statement of qualifications and supporting data as prescribed in N.J.S.A. 52:34-9.3. The advertisement shall also include a brief statement of the nature and scope of the services proposed for procurement by the Commission.

19:3A-4.5 Criteria for the selection of the most highly qualified professional firms

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

1. The experience and qualifications of the firm;
2. The availability of qualified and experienced personnel to complete the project;
3. The experience and capability of the firm and designated project team with respect to any special technologies, techniques, or expertise the project may require;
4. The experience of the firm and designated project team on projects of similar size and/or complexity;
5. The past performance of the firm;
6. Any potential conflicts of interest the firm may have in completing the project; and
7. Any other criteria specified in the Commission's public advertisement of the project.

(b) In selecting and ranking the most highly qualified professional firms, the Commission shall establish weights for the criteria applicable to each project. The Commission 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.

(c) Based upon the criteria set forth in (a) above, the Commission shall short-list the most highly qualified firms to the top three or more ranked firms. Each qualified firm on that list shall then, at the request of the Commission, submit a fee proposal.

(d) The Commission may select less than three firms if fewer firms respond to the solicitation or if fewer firms are deemed qualified.

19:3A-4.6 (Reserved)

19:3A-4.7 Negotiations and fee agreements

(a) The Executive Director, or the Executive Director's designee, shall:

1. Negotiate a contract with the top-ranked firm at a fee determined to be fair and reasonable to the Commission;
2. In determining a fee which is fair and reasonable, consider the estimated value of the services to be ren-

dered and the scope, complexity and professional nature thereof;

3. If unable to negotiate a contract with the top-ranked firm at a fair and reasonable fee, terminate negotiations with that firm;

4. In the event of a termination of negotiations pursuant to (a)3 above, negotiate in accordance with the above procedures with the second ranked firm; and

5. In the event of a termination of negotiations pursuant to (a)4 above, negotiate in accordance with the above procedures with the third ranked firm.

(b) If unable to negotiate a satisfactory contract with any of the firms on the short list, additional firms in order of qualifications and competence from the list of the most highly qualified firms may be called in to negotiate in accordance with this section until a contract has been awarded.