

SUBTITLE I. NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

CHAPTER 30

ADMINISTRATIVE RULES

Authority

N.J.S.A. 34:1B-1 et seq.

Source and Effective Date

R.2000 d.297, effective June 16, 2000.
See: 32 N.J.R. 1705(a), 32 N.J.R. 2602(c).

Executive Order No. 66(1978) Expiration Date

Chapter 30, Administrative Rules, with the exception of Subchapter 7, expires on June 16, 2005. Pursuant to 28 C.F.R. Part 35, Subchapter 7, Disability Discrimination Complaint Procedure, is exempt from the provisions of Executive Order No. 66(1978).

Chapter Historical Note

Chapter 30, Administrative Rules, was adopted as R.1974 d.332, effective December 3, 1974. See: 6 N.J.R. 455(b), 7 N.J.R. 34(c).

Subchapter 3, Payment of Prevailing Wages in Authority Projects, was adopted as R.1979 d.337, effective August 24, 1979. See: 11 N.J.R. 152(b), 11 N.J.R. 530(b).

Subchapter 4, Targeting of Authority Assistance, was adopted as R.1979 d.338, effective August 24, 1979. See: 11 N.J.R. 264(c), 11 N.J.R. 530(c).

Subchapter 5, Debarment of Applicants and Contractors, was adopted as R.1981 d.167, effective June 4, 1981. See: 12 N.J.R. 356(a), 13 N.J.R. 378(d).

Subchapter 2, Fees and Charges of Authority, was repealed and Subchapter 2, Fees and Charges, was adopted as new rules by R.1981 d.245, effective July 9, 1981. See: 13 N.J.R. 248(c), 13 N.J.R. 465(e).

Subchapter 6, Affirmative Action in Authority-Financed Construction Projects, was adopted as R.1984 d.263, effective July 2, 1984. See: 16 N.J.R. 704(a), 16 N.J.R. 1808(b).

Pursuant to Executive Order No. 66(1978), Subchapter 3, Payment of Prevailing Wages in Authority Projects, was readopted as R.1984 d.320, effective July 16, 1984. See: 16 N.J.R. 1344(a), 16 N.J.R. 2168(a).

Subchapter 7, Private Activity Bonds Reallocation and Carryforward, was adopted as R.1985 d.500, effective October 7, 1985. See: 17 N.J.R. 1750(a), 17 N.J.R. 2454(b).

Subchapter 2, Fees and Charges, was repealed and Subchapter 2, Fees, was adopted as new rules by R.1986 d.311, effective August 4, 1986. See: 18 N.J.R. 1094(b), 18 N.J.R. 1614(a).

Pursuant to Executive Order No. 66(1978), Chapter 30, Administrative Rules, was readopted as R.1990 d.411, effective July 23, 1990. As a part of R.1990 d.411, effective August 20, 1990, Subchapter 2, Fees, was recodified as Subchapter 6; Subchapter 4, Targeting of Authority Assistance, was repealed and Subchapter 3, Payment of Prevailing Wages in Authority Projects, was recodified as Subchapter 4; Subchapter 5, Disqualification of Applicants and Debarment of Contractors, was recodified as Subchapter 2, Disqualification/Debarment/Conflict of Interest; Subchapter 5, Targeting of Authority Assistance, was adopted as new rules; Subchapter 6, Affirmative Action in Authority-Financed Construction Projects, was recodified as Subchapter 3; and Subchapter 7, Private Activity Bonds Reallocation and Carryforward, was repealed. See: 22 N.J.R. 1537(a), 22 N.J.R. 2532(a).

Subchapter 7, Disability Discrimination Complaint Procedure, was adopted as R.1994 d.111, effective March 7, 1994. See: 25 N.J.R. 4864(b), 26 N.J.R. 1248(a).

Pursuant to Executive Order No. 66(1978), Chapter 30, Administrative Rules, was readopted as R.1995 d.435, effective July 20, 1995. See: 27 N.J.R. 2377(a), 27 N.J.R. 3216(a).

Subchapter 8, Professional Services Contracts, was adopted as R.2000 d.5, effective January 3, 2000. See: 31 N.J.R. 3244(a), 32 N.J.R. 70(a).

Pursuant to Executive Order No. 66(1978), Chapter 30, Administrative Rules, was readopted as R.2000 d.297, effective June 16, 2000. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 19:30-1.1 Purpose and objectives
- 19:30-1.2 Definitions
- 19:30-1.3 Organization
- 19:30-1.4 Public information
- 19:30-1.5 Nonpublic information
- 19:30-1.6 Petitions for rules
- 19:30-1.7 Procedure for petitioner
- 19:30-1.8 Procedure of the Authority

SUBCHAPTER 2.

DISQUALIFICATION/DEBARMENT/CONFLICT OF INTEREST

- 19:30-2.1 Definitions
- 19:30-2.2 Causes for disqualification/debarment of persons
- 19:30-2.3 Conditions affecting the disqualification/debarment of a person(s)
- 19:30-2.4 Procedures; period of disqualification/debarment
- 19:30-2.5 Notice to Attorney General and Treasurer
- 19:30-2.6 Authority discretion
- 19:30-2.7 Executive Director to implement regulation

SUBCHAPTER 3. AFFIRMATIVE ACTION IN AUTHORITY-FINANCED CONSTRUCTION PROJECTS

- 19:30-3.1 Definitions
- 19:30-3.2 Application of affirmative action regulations
- 19:30-3.3 Compliance
- 19:30-3.4 Monitoring by the Authority
- 19:30-3.5 Contract provisions
- 19:30-3.6 Failure to comply
- 19:30-3.7 Executive Director to enforce regulation

SUBCHAPTER 4. PAYMENT OF PREVAILING WAGES IN AUTHORITY PROJECTS

- 19:30-4.1 Definitions
- 19:30-4.2 Payments of prevailing wages in projects receiving assistance
- 19:30-4.3 Assurances required
- 19:30-4.4 Contract provisions required
- 19:30-4.5 Violation
- 19:30-4.6 (Reserved)

SUBCHAPTER 5. TARGETING OF AUTHORITY ASSISTANCE

- 19:30-5.1 Priority consideration of projects in economically distressed localities
- 19:30-5.2 Municipalities eligible for priority consideration

19:30-5.3 Special eligibility list

SUBCHAPTER 6. FEES

- 19:30-6.1 Application fee
- 19:30-6.2 Commitment fees
- 19:30-6.3 Closing fees
- 19:30-6.4 Post-closing fees
- 19:30-6.5 Sign display
- 19:30-6.6 Guarantee incentive fees
- 19:30-6.7 Fee waiver

SUBCHAPTER 7. DISABILITY DISCRIMINATION COMPLAINT PROCEDURE

- 19:30-7.1 Definitions
- 19:30-7.2 Purpose
- 19:30-7.3 Required ADA Notice
- 19:30-7.4 Designated ADA coordinator
- 19:30-7.5 Complaint procedure
- 19:30-7.6 Complaint contents
- 19:30-7.7 Complaint form
- 19:30-7.8 Investigation

SUBCHAPTER 8. PROFESSIONAL SERVICES CONTRACTS

- 19:30-8.1 Applicability
- 19:30-8.2 Definitions
- 19:30-8.3 Criteria for the selection of the most highly qualified professional firms

SUBCHAPTER 1. GENERAL PROVISIONS

19:30-1.1 Purpose and objectives

(a) These rules are established to effectuate, and shall be applied so as to accomplish, the general purposes of "The New Jersey Economic Development Authority Act" (chapter 80, P.L. 1974; C.34:1B-1 et seq.), and the following specific objectives:

1. To foster and promote the economy of the State;
2. To increase opportunities for gainful employment and to improve living conditions;
3. To assist in the economic development or redevelopment of political subdivisions within the State;
4. To contribute to the prosperity, health and general welfare of the State and its inhabitants by making available financial and other assistance to induce manufacturing, industrial, commercial and other employment-promoting enterprises to locate, remain, or expand within the State; and
5. To protect and enhance the quality of the natural environment.

Amended by R.1990 d.411, effective August 20, 1990.
See: 22 N.J.R. 1537(a), 22 N.J.R. 2532(a).
Authority's general objectives clarified.

19:30-1.2 Definitions

The following words and terms, when used in this chapter and in N.J.A.C. 19:31, shall have the following meanings unless the context clearly indicates otherwise.

"Act" means the New Jersey Economic Development Authority Act (chapter 80, P.L. 1974), as amended and supplemented.

"Authority" means the staff of the New Jersey Economic Development Authority.

"Executive Director" means the Executive Director of the New Jersey Economic Development Authority.

Words or terms which are defined in the Act are used in this chapter and in N.J.A.C. 19:31 as defined in the Act.

Amended by R.1990 d.411, effective August 20, 1990.
See: 22 N.J.R. 1537(a), 22 N.J.R. 2532(a).

Definition of authority clarified; definitions apply also.

19:30-1.3 Organization

(a) The governing body of the New Jersey Economic Development Authority, in but not of the Department of Treasury, consists of the Chief Executive Officer of the New Jersey Commerce and Economic Growth Commission, the Commissioner of Banking and Insurance, the Commissioner of Labor, the State Treasurer, and six members and three alternate members appointed by the Governor with the advice and consent of the State Senate (collectively referred to as Members). The Authority is chaired by the Chief Executive Officer of the New Jersey Commerce and Economic Growth Commission or at the Chief Executive Officer's discretion, a chairperson may be appointed from one of the six public members.

(b) The Authority maintains the following functional divisions to administer its programs:

1. The Division of Investment Banking issues tax-exempt bonds:
 - i. To manufacturing firms to meet capital financing needs;
 - ii. For certain exempt activities as defined in the United States Internal Revenue Code;
 - iii. To benefit certain nonprofit organizations;
 - iv. To refund eligible projects; and
 - v. To benefit certain local, county and State governmental units or agencies.
2. The Division of Investment Banking also issues taxable bonds for projects not eligible for tax-exempt bonds;
3. The Division of Commercial Lending guarantees loans and makes direct loans for fixed-asset financing and for working capital;