

## CHAPTER 13

RULES IMPLEMENTING THE HIGHER  
EDUCATION TECHNOLOGY INFRA-  
STRUCTURE FUND ACT

## Authority

N.J.S.A. 18A:72A-59 through 71; and P.L. 1997, c. 238.

## Source and Effective Date

R.2008 d.108, effective March 31, 2008.  
See: 39 N.J.R. 5042(a), 40 N.J.R. 2270(a).

## Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1.c(2), Chapter 13, Rules Implementing the Higher Education Technology Infrastructure Fund Act, expires on September 27, 2015. See: 47 N.J.R. 880(a).

## Chapter Historical Note

Chapter 13, Rules Implementing the Higher Education Technology Infrastructure Fund Act, was adopted as R.1998 d.46, effective January 20, 1998. See: 29 N.J.R. 4611(a), 30 N.J.R. 364(a).

Chapter 13, Rules Implementing the Higher Education Technology Infrastructure Fund Act, was readopted as R.2003 d.109, effective February 6, 2003. See: 34 N.J.R. 3673(a), 35 N.J.R. 1269(a).

Chapter 13, Rules Implementing the Higher Education Technology Infrastructure Fund Act, was readopted as R.2008 d.108, effective March 31, 2008. See: Source and Effective Date.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 13, Rules Implementing the Higher Education Technology Infrastructure Fund Act, was scheduled to expire on March 31, 2015. See: 43 N.J.R. 1203(a).

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## SUBCHAPTER 1. GENERAL PROVISIONS

## 9A:13-1.1 Purpose and authority

This chapter is promulgated by the Secretary of Higher Education to implement the Higher Education Technology Infrastructure Fund Act, P.L. 1997, c. 238, as amended by P.L. 2012, c. 42.

Amended by R.2013 d.072, effective May 6, 2013.  
See: 45 N.J.R. 92(a), 45 N.J.R. 1132(a).

Rewrote the section.

## 9A:13-1.2 Definitions

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

“Act” means the Higher Education Technology Infrastructure Act, P.L. 1997, c. 238, as amended by P.L. 2012, c. 42.

“Authority” means the New Jersey Educational Facilities Authority or any board, body, commission, department, or officer succeeding to the principal functions thereof or to whom the powers conferred upon the Authority shall be given by law.

“Bond” or “bonds” means bonds or notes of the Authority issued pursuant to the authority granted by the Amending Act.

“Cost-effectiveness” means the degree to which a project produces a positive economic analysis when considering the construction expenses, operating, and maintenance expenses, compared to the project’s resultant facilities and/or equipment, the life span of the facilities and/or equipment, facility usage and capacity, user productivity and, where appropriate, such attributes as aesthetics, historic preservation, security, and safety.

“Grant” means a grant of moneys from the Higher Education Technology Infrastructure Fund approved by the Secretary.

“Infrastructure fund” means the Higher Education Technology Infrastructure Fund as created by chapter 238, P.L. 1997.

“Institution” means a public or private institution of higher education that is eligible to receive State aid.

“Interinstitutional” means between two or more institutions.

“Intrainstitutional” means within an institution’s campus or between campuses of a multicampus institution.

“Matching funds” means funds equal to or greater than a grant from the infrastructure fund, which are allocated by the institution for the specific project for which the grant funds are used, and which are generated from institutional sources, other grants, borrowing through the Authority, or other sources as permitted in the grant approval process. Notwithstanding anything in this definition to the contrary, grants from State government sources may not be used to satisfy the matching requirement in N.J.A.C. 9A:13-1.3(a)6.

“Presidents’ Council” means a body established in accordance with N.J.S.A. 18A:3B-7 which consists of the presidents of the 45 public and independent institutions of higher education that receive State aid and four presidents who represent the 10 degree-granting religious and proprietary institutions in New Jersey.

“Project” means a project funded by an infrastructure fund grant and matching funds to develop technology infrastructure within or among institutions of higher education or between such institutions and libraries or elementary/secondary schools.

“Secretary” means the Secretary of Higher Education.

“Technology infrastructure” means video, voice, and data telecommunications equipment and linkages, including transport services and network interconnections, as well as future developments in multimedia equipment and linkages. Only computer software that is part of the operating or data base management systems is considered part of technology infrastructure for the purpose of the Amending Act; application software, for purposes such as word processing, spreadsheets, desktop publishing, and e-mail, does not qualify as technology infrastructure.

Amended by R.2013 d.072, effective May 6, 2013.  
See: 45 N.J.R. 92(a), 45 N.J.R. 1132(a).

Rewrote definition “Act”; deleted definitions “Amending Act”, “Commission” and “Executive Director”; added definitions “Cost-effectiveness” and “Secretary”; in definition “Grant”, substituted “a grant of moneys” for “funds requiring approval by the Commission for a project pursuant to the Amending Act” and inserted “approved by the Secretary”; and in definition “Matching funds”, inserted “as permitted in the grant approval process” at the end of the first sentence and inserted the last sentence.

### 9A:13-1.3 Funding eligibility

(a) The Secretary shall only approve a grant from the infrastructure fund if the institution:

1. Commits, by resolution of its governing board, to maintaining the technology infrastructure proposed for purchase;
2. Has a long-range facilities plan for technology and uses the infrastructure fund grant to advance that plan;
3. Certifies that it will use the funds to enhance inter-institutional or intrainstitutional connectivity and information technology as it relates to advancing the instructional, research, or service/economic development missions of the institution;
4. Certifies that it will use the funds to advance the institution toward the next level in establishing integrated voice, video, and data networks.
5. Ensures that interinstitutional networking enhancements are compatible with the recommended technology infrastructure for New Jersey higher education;
6. Provides matching funds equal to the amount of the grant requested; and
7. Addresses training, staffing, and other indirect costs related to the proposed use of funds.

Recodified from N.J.A.C. 9A:13-1.4 and amended by R.2013 d.072, effective May 6, 2013.

See: 45 N.J.R. 92(a), 45 N.J.R. 1132(a).

Section was “Funding criteria”. Rewrote the introductory paragraph of (a); in (a)1, substituted “Commits” for “Commit”; in (a)2, substituted

“Has” for “Have” and “uses” for “use”, and inserted “facilities”; in (a)3 and (a)4, substituted “Certifies that it will use” for “Use”; in (a)5, substituted “Ensures” for “Ensure”; in (a)6, substituted “Provides” for “Provide”; and in (a)7, substituted “Addresses” for “Address”. Former N.J.A.C. 9A:13-1.3, Allocation of funds, repealed.

### 9A:13-1.4 Grant application

(a) Following approval by the governing board at a duly authorized meeting, an institution of higher education may apply to the Secretary for a grant from the infrastructure fund. The institution’s application shall include the following items:

1. A complete description of the proposed technology infrastructure project;
2. A copy of the institutional governing board’s resolution approving the institution’s application and committing the institution to support the annual operating costs of and maintenance requirements for the proposed project;
3. A summary of the institution’s long-range facilities plan for technology and how the proposed project advances that plan;
4. A description of how the proposed project enhances interinstitutional or intrainstitutional connectivity and information technology as these relate to advancing the instructional, research, or service/economic development missions of the institution;
5. A description of how the proposed project advances the institution toward the next level of establishing integrated voice, video, and data networks for the institution;
6. A description of how interinstitutional networking enhancements are compatible with the technology infrastructure plan for New Jersey higher education originally established;
7. Identification of all direct costs associated with the acquisition of the proposed technology infrastructure;
8. An itemization of the proposed expenditure of the grant and matching funds, including all telecommunications equipment and linkages, transport services, network interconnections, and associated expenditures of up to 10 percent of matching funds, with estimated costs;
9. Identification of all revenue sources for the proposed project, including the specific source(s) of revenue for matching funds for the grant requested;
10. A description of how the institution will address training, staffing, and other indirect costs related to the project;
11. The useful life of any equipment as determined either by reference to the Internal Revenue Service Class Life Asset Depreciation Range System set forth in Revenue Procedure 87-56, as amended, supplemented, or superseded, or by appraisal of any independent engineering or accounting firm, as appropriate;