

17:11-6.12 Selection

The selection by the Division of Property Management of particular space pursuant to the advertisement procedures for soliciting competitive leased space proposals is not a final agency action because it is subject to the review and approval of the Committee. The Director of the Division shall give notice to all respondents to the Division's request for lease proposals of the space intended for recommendation prior to submission of a final recommendation to the Committee. Challenges to the notice of intent to recommend a lease shall be submitted in writing to the Director of the Division of Property Management, within seven working days from the date of the letter giving notice of the intent to recommend. These challenges shall be forwarded by DPM to the Committee, together with the Director's final recommendation of a lease, for the Committee's review and final determination.

17:11-6.13 Documents considered public information

Subsequent to the Director's issuance of notice to all respondents of his or her intent to recommend a lease to the Committee, the documents submitted by the respondents shall be considered public information, notwithstanding any other disclaimers submitted by the respondent to the contrary.

SUBCHAPTER 7. STATE LEASING AND SPACE UTILIZATION COMMITTEE APPROVAL
17:11-7.1 Notice of proposed lease (NPL)

(a) Upon completion of the advertisement process for bids for lease agreements and the consequent identification of the most cost effective lease agreement under consideration, the DPM shall prepare a notice of proposed lease (NPL) for submission to the State Leasing and Space Utilization Committee. The NPL shall include:

1. The approved State agency SPR;
2. A statement setting forth the terms and conditions of the lease agreement;
3. A statement setting forth the cost of the leased space, including the cost of rent, taxes, renovation and other costs involved in the lease agreement;
4. A statement from the Attorney General that the lease agreement under consideration is not in conflict with any applicable State or Federal law or regulation;
5. A statement certifying that, on the basis of a comparison of costs and an analysis of financing, the lease agreement is cost effective and in compliance with the space utilization master plan;

6. A statement certifying that the office advertised for bids for lease agreements and that the lease agreement under consideration is the most cost effective; and

7. A statement from the Director of the Division of Budget Accounting in the Department of the Treasury certifying that funds have been appropriated to the DPM to cover all costs associated with the lease, including the cost of renovations, for the fiscal year.

17:11-7.2 Decision of the State Leasing and Space Utilization Committee

Upon its receipt of the NPL, the State Leasing and Space Utilization Committee shall approve or disapprove in writing the lease agreement under consideration.

17:11-7.3 Validity of lease agreement

No lease agreement negotiated by the DPM shall be valid without the prior written approval of the State Leasing and Space Utilization Committee.

17:11-7.4 Execution of lease agreement

No lease agreement approved by the Committee will be executed prior to the approved prospective lessor's completion of all work plans and specifications required by DPM, pursuant to this chapter.

17:11-7.5 Rescission of Committee approval

(a) Any request by a State agency for cancellation of a proposed lease agreement subsequent to Committee approval and prior to execution, must be submitted in writing to the Director of the Division of Property Management for review. The Director shall then submit such request to the Committee for its review when the Director determines the agency's request for cancellation is not in accordance with the provisions of N.J.A.C. 17:11-4.3.

(b) The Committee shall assess the State agency for any expenses resulting directly from the cancellation, including, but not limited to, planning or construction costs and any rent payable.

SUBCHAPTER 8. CONSTRUCTION
17:11-8.1 Approval of construction documents

(a) The prospective lessor shall provide construction documents to DPM for approval within the time frames established by DPM.

(b) DPM shall coordinate the review of the construction documents with the using agency, but shall retain the sole authority for approving all construction documents.

17:11-8.2 Notice to proceed with work

DPM shall have sole authority for issuing a notice to proceed with any construction or renovation work prior to occupancy of a new lease. Issuance of a notice to proceed will only be granted after the Committee has approved the notice of proposed lease, and the lease has been signed by the lessor.

17:11-8.3 Change order

(a) Any agency requiring a change to an authorized construction project prior to occupancy shall submit a change order request to DPM describing the needed change and reason for such change. DPM shall approve a change order request if it meets the criteria established by DPM, which includes the following:

1. Compliance with all applicable codes;
2. Compliance with SPR approvals and the State Space Plan;
3. Compliance with executed lease documents;
4. Availability of funding by the agency; and
5. No adverse impact on construction or occupancy schedule.

(b) In the event a change order cannot be approved because it does not meet the established criteria, DPM shall assist the agency in developing an acceptable alternative, if necessary.

(c) DPM has sole responsibility for the authorization of any change orders.

17:11-8.4 Requests for renovation

Any agency requesting renovations to an existing leased building shall conform to the provisions of N.J.A.C. 17:11-11.3.

SUBCHAPTER 9. FURNISHING SPACE**17:11-9.1 Acquisition of furniture**

No State agency shall acquire loose or systems furniture for use in any State owned or leased space without the prior approval of DPM, unless the furniture to be acquired shall be within the dollar amount established by law.

17:11-9.2 Relocation of furniture

No State agency shall relocate loose or systems furniture in any State owned or leased space, unless the relocation is only of agency purchased furnishings and between existing department spaces, and such relocation has been approved by DPM, based on the State Space Plan and the agency SPR.

SUBCHAPTER 10. ENFORCEMENT OF LEASE AGREEMENT**17:11-10.1 Submission of disclosure statement**

All lessors contracted with the State shall annually submit an updated disclosure statement to DPM.

17:11-10.2 Tenant complaints

DPM shall be the liaison for the tenant agency with the lessor. All space-related complaints shall be directed to DPM for resolution.

SUBCHAPTER 11. TENANT AGENCY RESPONSIBILITIES**17:11-11.1 Tenant compliances with lease**

A tenant agency utilizing premises leased by the State shall at all times comply with the terms of the lease and with the requirements of this chapter.

17:11-11.2 Repair costs

A tenant agency shall be responsible for costs to repair damages to premises caused by the agency, its clients or invitees. DPM shall determine the extent of damages and take actions to have repairs made.

17:11-11.3 Renovations

(a) A tenant agency desiring to make renovations to space leased or owned shall submit a TSR to DPM for approval.

(b) DPM shall evaluate the TSR in accordance with established criteria, as follows:

1. Compliance with fire and safety codes, ADA, UCC and zoning restrictions;
2. Proposed cost;
3. Consistency with terms and conditions of the lease;
4. Consistency with the approved SPR and the State Space Plan; and
5. Consistency with the comprehensive space utilization plan.

17:11-11.4 Notification of lessor non-compliance

All tenant agencies shall notify the Division of Property Management of any failure by a lessor to comply with the terms and conditions of the lease or of deficiencies in leased space. Notification shall be by telephone or in writing, as appropriate. No State agency shall initiate corrective action without prior DPM approval.