

**CHAPTER 44
CONSTRUCTION SERVICES**

Authority

N.J.S.A. 27:1A-5, 27:1A-6, 27:7-21 and 27:7-35.1 et seq.

Source and Effective Date

R.2010 d.122, effective May 26, 2010.
See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).

Chapter Expiration Date

Chapter 44, Construction Services, expires on May 26, 2015.

Chapter Historical Note

Chapter 44, Construction Services, was originally codified in Title 16 as Chapter 65. Chapter 65 was adopted and became effective prior to September 1, 1969.

Subchapter 8, Debarment, Suspension and Disqualification of Person(s), was adopted as R.1976 d.207, effective July 1, 1976. See: 8 N.J.R. 309(b), 8 N.J.R. 404(b).

Pursuant to Executive Order No. 66(1978), Chapter 65, Construction Services, was readopted as R.1983 d.409, effective September 6, 1983. See: 15 N.J.R. 1080(b), 15 N.J.R. 1668(b).

Chapter 65, Construction Services, was recodified as N.J.A.C. 16:44, effective October 17, 1983. See: 15 N.J.R. 1772(a).

Pursuant to Executive Order No. 66(1978), Chapter 44, Construction Services, was readopted as R.1988 d.279, effective May 25, 1988. See: 20 N.J.R. 889(a), 20 N.J.R. 1467(a).

The Executive Order No. 66(1978) expiration date for Chapter 44, Construction Services, was extended by gubernatorial directive from May 25, 1993 to May 25, 1994. See: 25 N.J.R. 2227(a).

Pursuant to Executive Order No. 66(1978), Chapter 44, Construction Services, was readopted as R.1994 d.198, effective March 24, 1994. See: 25 N.J.R. 4727(a), 26 N.J.R. 1690(b).

Pursuant to Executive Order No. 66(1978), Chapter 44, Construction Services, was readopted as R.1999 d.113, effective March 11, 1999. See: 31 N.J.R. 29(a), 31 N.J.R. 890(a).

Chapter 44, Construction Services, was readopted as R.2004 d.342, effective August 13, 2004. See: 36 N.J.R. 1659(a), 36 N.J.R. 4155(b).

Pursuant to Executive Order No. 1(2010), the chapter expiration date was extended from February 9, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule was readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

Chapter 44, Construction Services, was readopted as R.2010 d.122, effective May 26, 2010. As a part of R.2010 d.122, Subchapter 1, Classification of Contractors and Prospective Bidders, was renamed Purpose and Scope; Subchapter 2, Definitions, was adopted as new rules; former Subchapter 2, Distribution of Standard Specifications, was recodified as Subchapter 4; Subchapter 3, Classification of Prospective Bidders, was adopted as new rules; former Subchapter 3, Distribution and Sale of Construction Plans and Special Provisions, was recodified as Subchapter 5 and renamed Distribution of Construction Plans and Special Provisions; former Subchapter 4, Advertising for Bids, was recodified as Subchapter 6; former Subchapter 5, Receipt of Bids, was recodified as Subchapter 7 and renamed "Bidding Department Projects"; Subchapter 8, Project Award, was adopted as new rules; former Subchapter 6, Contracts, was recodified as Subchapter 9; former Subchapter 7, Partial and Deferred Payments to Contractors, was recodified as Subchapter 10 and renamed Retainage and Partial Payments to Con-

tractors, former Subchapter 8, Debarment, Suspension and Disqualification, was recodified as Subchapter 11; and former Subchapter 9, Reorganization of Contractors, was recodified as Subchapter 12, effective June 21, 2010. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. PURPOSE AND SCOPE

16:44-1.1 Purpose and scope

The purpose of this chapter is to provide the processes by which contractors can become qualified to bid on Department projects, can obtain Department plans and specifications, can enter into contracts for construction projects and receive payment for work, may be debarred, suspended or disqualified and may secure approval of its reorganization.

New Rule, R.2010 d.122, effective June 21, 2010.
 See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).
 Former N.J.A.C. 16:44-1.1, Definitions, recodified to N.J.A.C. 16:44-2.1.

16:44-1.2 (Reserved)

Recodified to N.J.A.C. 16:44-3.2 by R.2010 d.122, effective June 21, 2010.
 See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).
 Section was "Statements under oath".

16:44-1.3 (Reserved)

Recodified to N.J.A.C. 16:44-3.3 by R.2010 d.122, effective June 21, 2010.
 See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).
 Section was "Penalties for false statements".

16:44-1.4 (Reserved)

Recodified to N.J.A.C. 16:44-3.6 by R.2010 d.122, effective June 21, 2010.
 See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).
 Section was "Types and amount of work".

16:44-1.5 (Reserved)

Recodified to N.J.A.C. 16:44-3.7 by R.2010 d.122, effective June 21, 2010.
 See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).
 Section was "Rating system".

16:44-1.6 (Reserved)

New Rule, R.1992 d.29, effective January 6, 1992.
 See: 23 N.J.R. 3270(a), 24 N.J.R. 115(c).
 Old section "Equal employment opportunity" was recodified to 1.20.
 Amended by R.2004 d.342, effective September 7, 2004.
 See: 36 N.J.R. 1659(a), 36 N.J.R. 4155(b).
 Rewrote the section.
 Repealed by R.2010 d.122, effective June 21, 2010.
 See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).
 Section was "Project Rating for contractors with verifiable work experience, but no Department of Transportation past performance rating".

16:44-1.7 (Reserved)

New Rule, R.1992 d.29, effective January 6, 1992.
 See: 23 N.J.R. 3270(a), 24 N.J.R. 115(c).
 Old section "Wage rate administration" was recodified to 1.21.
 Amended by R.2004 d.342, effective September 7, 2004.
 See: 36 N.J.R. 1659(a), 36 N.J.R. 4155(b).
 In (b), deleted "of Transportation" preceding "will grant" in the first sentence and substituted "Department" for "NJDOT" in the second and third sentences; rewrote (c).
 Repealed by R.2010 d.122, effective June 21, 2010.
 See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).
 Section was "Project Rating for newly formed or inexperienced contractors".

16:44-1.8 (Reserved)

New Rule, R.1992 d.29, effective January 6, 1992.
 See: 23 N.J.R. 3270(a), 24 N.J.R. 115(c).
 Amended by R.1992 d.271, effective July 6, 1992.
 See: 24 N.J.R. 703(a), 24 N.J.R. 2464(a).
 Revised (c)1.
 Amended by R.1994 d.198, effective April 18, 1994.
 See: 25 N.J.R. 4727(a), 26 N.J.R. 1690(b).
 Amended by R.2004 d.342, effective September 7, 2004.
 See: 36 N.J.R. 1659(a), 36 N.J.R. 4155(b).
 In (b), substituted "Department" for "NJDOT" preceding "past performance rating" and substituted "or" for "and/or" following "N.J.A.C. 16:44-1.6"; rewrote (c).
 Repealed by R.2010 d.122, effective June 21, 2010.
 See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).
 Section was "Renewal of classification ratings".

16:44-1.9 (Reserved)

New Rule, R.1994 d.198, effective April 18, 1994.
 See: 25 N.J.R. 4727(a), 26 N.J.R. 1690(b).
 Amended by R.2004 d.342, effective September 7, 2004.
 See: 36 N.J.R. 1659(a), 36 N.J.R. 4155(b).
 Rewrote the section.
 Repealed by R.2010 d.122, effective June 21, 2010.
 See: 41 N.J.R. 3387(a), 42 N.J.R. 1239(a).
 Section was "Effective date and expiration date of classification".

16:44-1.10 (Reserved)

New Rule, R.1992 d.29, effective January 6, 1992.
 See: 23 N.J.R. 3270(a), 24 N.J.R. 115(c).
 Recodified from 16:44-1.9 by R.1994 d.198, effective April 18, 1994.
 See: 25 N.J.R. 4727(a), 26 N.J.R. 1690(b).