

CHAPTER 13
RULES IMPLEMENTING THE
HIGHER EDUCATION TECHNOLOGY
INFRASTRUCTURE 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-5.1b, Chapter 13, Rules Implementing the Higher Education Technology Infrastructure Fund Act, expires on March 31, 2015. See: 43 N.J.R. 1203(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.

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SUBCHAPTER 1. GENERAL PROVISIONS

9A:13-1.1 Purpose and authority

The following rules implement the Higher Education Technology Infrastructure Fund Act, P.L. 1997, c.238, an act supplementing the New Jersey Educational Facilities Authority Act, Chapter 72A of Title 18A of the New Jersey Statutes.

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 New Jersey Educational Facilities Authority Act, N.J.S.A. 18A:72A-1 et seq.

“Amending Act” means the Higher Education Technology Infrastructure Fund Act, P.L. 1997, c.238.

“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.

“Commission” means the New Jersey Commission on Higher Education.

“Executive Director” means the Executive Director of the New Jersey Commission on Higher Education.

“Grant” means funds requiring approval by the Commission for a project pursuant to the Amending Act from the Higher Education Technology Infrastructure Fund.

“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.

“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.

“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.

9A:13-1.3 Allocation of funds

(a) Grants from the technology infrastructure fund shall be used only to acquire technology infrastructure.

(b) The grants from the technology infrastructure fund shall be allocated initially as follows:

1. \$12,600,000 for technology infrastructure at the State colleges/universities;
2. \$7,722,000 for technology infrastructure at Rutgers, the State University;
3. \$4,306,500 for technology infrastructure at the University of Medicine and Dentistry of New Jersey;
4. \$2,821,500 for technology infrastructure at the New Jersey Institute of Technology;
5. \$12,600,000 for technology infrastructure at the community colleges;
6. \$4,950,000 for technology infrastructure at private institutions of higher education;
7. \$5,000,000 for interconnectivity among higher education institutions; and
8. \$5,000,000 for nonmatching public library grants or for Statewide library initiatives through the New Jersey State Library.

(c) The Commission shall, by resolution, allocate funds to individual State colleges/universities, community colleges, and private institutions of higher education within the sector allocations above.

(d) Grants for higher education institutions shall require matching funds equal to the amount of the grant requested. The matching funds shall be used for the same purposes as the grant funds, although up to 10 percent of the matching funds may be devoted to costs directly associated with the grant but not within the definition of technology infrastructure.

(e) The Commission shall reallocate any balance in the amount authorized in (b)1 through 7 above for which the Commission has not approved a grant by March 3, 1999 or within 18 months of subsequent allocations by the Commission.

(f) No reallocation shall be made pursuant to (e) above if:

1. The grant application has been received by the Commission by March 3, 1999 or within 18 months of any

amounts that are subsequently allocated by the Commission;

2. Delays are the result of Federal, State, or local government approvals or regulatory requirements not attributable to the institution; or

3. In the sole determination of the Commission there are other compelling and documentable reasons.

(g) The Executive Director shall contact all institutions to which technology infrastructure funds have been allocated 15 months after such allocation to determine what, if any, funds will become available for reallocation after 18 months.

(h) The Commission shall determine the allocation of moneys available if the State Treasurer authorizes bonds for additional grants to be issued by the Authority.

9A:13-1.4 Funding criteria

(a) The Commission shall approve a grant from the infrastructure fund providing the institution meets the following criteria. The institution must:

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

9A:13-1.5 Grant application

(a) Upon approval by its governing board at a duly authorized meeting, an institution of higher education shall apply to the Commission for a grant from the infrastructure fund. The institution's proposal 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 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 established by the Commission and Presidents' Council based on an interinstitutional needs assessment;

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 Revised Procedure 87-56, as amended, supplemented or superseded, or by appraisal of any independent engineering or accounting firm, as appropriate;

12. The estimated timetable for completing the acquisition and installation of the technology infrastructure;

13. Certification by the institution that the project will comply with existing codes, statutes, and government guidelines, including the principles of affirmative action and equal employment opportunity where applicable, as specified in the Amending Act; and

14. Other information as the Executive Director may require on a case-by-case basis and relating to a specific proposal.

(b) Institutions shall not use as a match for technology infrastructure grant funds any expenditures made before July 1, 1997. Institutions may match the grant funds with expenditures made after July 1, 1997 provided that these are tied to the project(s) for which the grant funds are used, and provided that the expenditures were made for technology infrastructure and meet the requirements of N.J.A.C. 9A:13-1.4.

(c) Application for use of the \$5 million for interinstitutional connectivity shall be made by the New Jersey Presidents' Council on behalf of all institutions after completion of a needs assessment and recommendations by the Higher Education Technology Task Force, the group established by the Commission and Presidents' Council to make recommendations regarding technology and institutional infrastructure.

(d) The specific acquisitions proposed may be revised as a result of bidding processes, advances in technology, or for other reasons provided that the revisions are consistent with the proposal approved by the governing board of the affected institution and by the Commission.

(e) Grant requests shall be submitted in a format provided by the Commission.

9A:13-1.6 Authorization process

(a) Grant applications shall be approved at a public meeting of the Commission.

(b) The total dollar amount of a grant approved for any institution shall not exceed the institution's allocation as approved by the Commission.

(c) The Commission shall forward to the Authority the grant application and a copy of the resolution approved by the Commission, including the amount of the grant.

(d) Each grant awarded shall be contingent upon the recipient governing board's entering into a contract or contracts to acquire technology infrastructure within one year of the date on which the grant funds are made available. The funds shall be considered available on the date of the Authority's issuance of the corresponding bond or on the date of the Commission's authorization of the grant, whichever is later.

(e) The Authority shall not issue bonds to finance the equipment purchases with terms exceeding the useful life of acquisitions and in no case exceeding 15 years.

9A:13-1.7 Reporting requirements

The Authority shall annually report to the Commission its purchases resulting from the Amending Act. The Commission then shall report to the Governor and Legislature on the use of the funds from the Amending Act.