

## **North Jersey NIGP Chapter #7**

*Chartered October 26, 1977*

**President:** *James J. Jorgensen*

**Treasurer/Membership:** *Jane Foti*

**Vice President:** *Cindy Lea Weber*

**Secretary:** *Paula S. Ferreira*

### **Minutes**

***Regular Meeting***

***June 8, 2011***

***The Imperia Conference Center***

***Somerset, New Jersey***

The meeting was called to order at 10:00 am by President Jim Jorgensen.

After the flag salute, self introductions were made.

Minutes from March's meeting were approved.

Treasurer's report was given by Jane Foti.

Motion to approve Treasurer's report.

***Joseph A. Valenti, Retired Bureau Chief, NJ Department of Community Affairs***

### **Legislative update**

There are 84 bills affecting the Local Public Contracts Law and construction is the main bills.

**A3633**—The League of Municipalities is concerned about this one. It's regarding testing soil for contamination. Everybody voted this bill down.

**A3493-** Brand name or equivalent. We can't get the tools and materials because those companies will only sell to those contractors. Many engineers will put it in there that if you are not giving a brand name you must give 10 days prior notice with the name of the item. Contractors didn't even know about it. This bill is still in Committee.

**A2769-** Third revision. Naming of more than 4 subprime sub contractors. Affects everyone. State colleges, schools ect. Masons, HVAC, Plumber. There is a new association of subcontractors that want a share of the action, Association of Subcontractors. Name any sub that is doing 35% of work. What is left for General Contractor to do? This bill is in review and has been pulled back. This is a major bill.

**A3945-** Design bill. Two mile tunnel in Atlantic City was designed built. Design and build as you go along. Contractor hires subs to do construction. There is never a final price. Cumberland county prison was design built. It is all proposals. This bill is getting a lot of push. Where is the control for the contracting unit? How about change orders?

**A3285-** Cost estimates or range of cost estimate. This is being heavily pushed. If this goes in we will not need Local Public Contracts Law. The DCS is behind this. UCTCA is behind this. League, County Associations ect everyone effected has sent in their opposition. Mary Lou Stanton, Purchasing Agent for Somerset County was able to get a 9-0 vote and they all came up to her after and said that she made them think twice about this bill. This affects construction and goods and services. This Bill is now out of Committee. Mary Lou did a wonderful job in opening their eyes.

### ***Mary Lou Stanton, Purchasing Agent, Somerset County***

Contractors and Sponsors do not know a great deal about legislation. We don't think half have read this legislation. People will give an opinion just on the statement. An assault on the 6 reasons to reject bids. They decided to amend law if it exceeds appropriation? Who would go out for bid without it?

**4.2** Model evaluation criteria. Moral integrity was never used as criteria in evaluations. Vendors sent her things about other vendors like DWI, porn ect. We shouldn't use moral integrity from preventing their bid. But with competitive contracting you could use moral integrity.

**4.3** Opening and evaluating proposals. There shall be a finding to recommend a vendor on all weights or all shall be rejected.

*Whatever you can't find in the law, check the rules.*

**4.4** You may use for not listed and go to DCA to ask.

**4.5** Competitive contracting for energy services. Use law, rules and Finance Notices.

Check the Finance Notice about QPA in addition to the original since it was wrong.

When you are involved in Cooperative Purchasing you should know what is involved.

**Subchapter 8-**Contracts subject to bidding. Determination of aggregation. Two types one under LPCL and one under Pay to Play. Intentional miscalculations to avoid bidding.

**Subchapter 9-**Purchase of proprietary goods or services. Closest you can get to sole source. You must certify that it is propriety to governing body and then do a resolution. Marylou has never bid a proprietary item. Difference between proprietary here and in other states is in other states if you can prove it you don't have to bid it. She will bid brand name or equivalent.

**9.3-**Cancellation or postponement of bid opening.

**9.4** Concessions. Advertising on school busses. County tried it and didn't get anywhere. A lot of intricacies and licensing with it. Private vendor making a private gain from public funds must be a concession.

**9.5** Misc circumstances- solid waste, goods and services under the threshold

**9.6-**Purchasing under the State Contract price.

**Appendix A-**Four situations-aggregation is one if you have an expenditure and it is approaching your bid threshold, you are in a 12 month period and it will put you over the bid threshold, you must bid it.

*Kathy Cupano Rutgers, Assistant Director for Curriculum Development*

## **GPANJ Conference**

Forum was well received. It went up from 235 to 270 participants. Purchasing classes are down by 20 percent like all classes. Center for Government Services was approached by DLGS to front up some funding and development of Green Purchasing classes. It will be an online course.

## **Old Business**

Powerhouse purchasing is a free class offered by the State. It is a pilot program to bring Purchase Bureau together about their website.

NIGP website-anybody who has content or change? Should we continue the blog? Increase in dues? Last time we raised dues was 2003. We may change it in 2012. Up for discussion at our next meeting.

Can addendum be emailed? No!

Next meeting September 14, 2011

With no more business, the meeting was adjourned at 12:00 pm. Networking and lunch were enjoyed by all.

Respectfully submitted,

Paula S. Ferreira, Secretary