

**Northern New Jersey NIGP**  
**Minutes of the Regular Meeting – September 8, 2010**  
**The Imperia Conference Center, Somerset New Jersey**

The meeting was called to order at 10:05 AM by President Jim Jorgensen. After the flag salute, creative self introductions were made. There was a moment of silence to commemorate the ninth anniversary of September 11<sup>th</sup>. The Treasurers Report was given by Jane Foti. Motions were made to approve the report. The minutes of the June 9, 2010 meeting were approved.

Jim outlined the speakers for the meeting:

- **Jane Foti (Somerset County)**
- **Kathy Cupano (Rutgers University)**
- **Joe Valenti (Retired DCA)**
- **George Ball – (DCA)**
- **John Donnadio- (NJAC)**

Prior to the guest speakers, a discussion ensued as a result of a question from the floor regarding whether or not the NJ Division of Purchase and Property had given the NJPA (National Joint Powers Alliance) a list of government entities. It was determined that they had not and that since the list they are circulating contains various locations for entities other than the address of the Purchasing Agent (i.e. information bureaus, boardwalks, etc.) it was suggested that they may have bought the list. A suggestion was made to have DPP contact NJPA about the information they are circulating.

The membership was advised to be on the lookout for a govconnect notice which will be issued shortly regarding hauling trash, etc. from a governmental site as opposed to a residence.

**Jane Foti – Workshop on State Contracts**

Jane gave a PowerPoint presentation on how to access and understand State Contracts. The presentation covered who can use State Contracts, provided a detailed step by step walk thru of the State Contract website, including search options, vendor awards by region, verifying prices & contacting the assigned State buyer. Procedures to be followed if problems are encountered with a state contract/vendor were outlined. It was pointed out that you must read the contract amendments & addendums on the website to learn of contract extensions, product substitutions or additions. If you see a contract beginning with the letter “M” you should note that these are not procured by the state but are authorized by the state as the result of a national cooperative purchasing alliance.

Jim thanked Jane for her presentation and asked the attendees to email him with any lingering questions which he will post to the NJ NIGP website.

**Kathy Cupano – Rutgers University**

There is a new director at the Center for Government Services. Kathy said the summer sessions were well attended. There were 12, 20 & 15 attendees enrolled respectively at

the 3 primary course locations as well as 8 attendees in Blackwood which is a big number for that particular location. These good enrollment numbers are more than likely due to the panic regarding the QPA legislation and obtaining the designation by the end of 2010. The courses and brochures for the fall semester are out. So far the numbers are acceptable-not great but not poor. Kathy noted that there is a mistake in the brochure. The session titled 'Cooperative Purchasing' should be titled 'Competitive Contracting'. Next week planning for the 2011 conference will begin. There are typically 10-15 persons involved in the planning and sometimes they struggle to come up with new ideas. Kathy asked the attendees to please provide them with ideas; even a theme would be appreciated. A recap of the 2010 conference was provided. A one day attendance option was allowed. 40 people attended 1 day only. The total attendance numbers were the same but without the 1 day option there would have been a drop off in attendance. She is not sure what conclusion to draw from this. Sessions were good and generally well received. (Back 2 Basics was the theme). Some people might have felt it was too basic.

### **Joe Valenti – Retired DCA Bureau Chief**

Joe provided a Legislative update. He said it had been a busy summer in Trenton. They have been very busy working on the "tool kits". Joe indicated that leading up to last year's GPANJ conference (Jan-May 2010) there were 31 bills in the hopper that pertained to procurement issues in one way or another. From May 12<sup>th</sup> to the present, there are now an additional 12 bills. That makes a total of 43 bills going into the fall. He mentioned Senate Bill S-514 which gives bidders the right to withdraw their bid after 5 days if they decide they made a mistake. Joe talked about how the bill came about with the involvement of the UTCA, throwing in some provisions that they thought would appease the purchasing community such as requiring financial statements to be submitted with the bid which he feels is a bad idea. Joe stated that with all the reform issues going on down in Trenton, many of the bad purchasing bills that are out there may 'fly under the radar' and get passed. Joe also discussed a problem with national coops as it related to a procurement in Hackettstown for artificial turf. A 2008 Local Finance Notice listed the only national coops authorized in NJ. Be aware that national coops are not available to everyone. Joe also discussed an upcoming meeting with the state cooperative purchasing program and some issues to be raised at that meeting. He also brought up the case of PNA Construction vs. Woodbridge and advised that there is no more List B. Put what you require in List A (40A:11-23.2) and don't get too creative. Joe also discussed the Right to Know vs. OPRA in reference to divulging to the general public who has picked up bid specs prior to the bid opening. Disclosing this could encourage collusion. Not in favor of allowing the list to be known in order to protect citizens and taxpayer's money. However if this has been your entity's past practice, you do not have to change-be consistent. Regarding the Public Works Contractor Registration, gave an example of whether or not the PWCR is needed for a bid for an air conditioning repair on a roof that would require the potential lease/rental of a crane. Should the crane operator be treated/listed as a subcontractor which would require a BRC & PWRC with the bid submittal? You should list in your spec if a crane operator is to be used. Joe also talked about several court cases that have expanded the definitions of public buildings as currently defined in LPCL. He also talked about naming subcontractors in a bid & advised against naming subs that don't have to be named as per N.J.S.A. 40A:11-16.

### **Gordon Ball- Division of Local Government Services**

Gordon thanked Jane Foti for her presentation. He told the audience that in his former position he required vendors to sign a form with their name, company, state contract #, and a statement certifying that they had the state contract. He reminded everyone that you must record on your Purchase Order the State Contract #.

There is a new energy RFP for ESIPS (Energy Savings Improvement Program) that was sent to the BPU in August. A local finance notice will be issued.

He talked about one & done cooperative purchasing agreements whereby 2 entities get together for a one time only bid/purchase. Gave an example of a recent situation with Scotch Plains and Westfield.

Gordon advised everyone that the DLGS has been receiving a lot of complaints. He reminded everyone to be careful of what you are doing in light of layoffs and companies closing. He also stated that complaints have been received from the State Police that it is taking too long to buy off Homeland Security Grants.

Gordon talked about how Construction Data Co. (Florida based) is going around saying they have agreements with Purchasing Agents in regard to obtaining information about bids. If a company buys their service, they will purchase the bid spec for them. The issue of ensuring addenda, etc. are received by the ultimate bidder was discussed, since their name would not be on your planholder list.

The new director of the DLGS is Tom Neff.

Bid Requirements Reminders:

Stockholder Disclosure-If a company owns more than 10% of the bidding company, make sure you get a Stockholder Disclosure Form for that company also. Also, only 4 subs are required to be listed.

### **John Donnadio-NJAC**

John assured the attendees that any purchasing related bills won't fly under the radar. He sends them out to Mary Lou Stanton for review. You have a voice with NJAC. UTCA sponsors many of these bills & NJAC has a good relationship with them.

He thanked everyone for their help regarding a survey pertaining to how much money is expended by entities to publish legal notices as currently required. Bill S-2072 (permits publication of legal notices on official website) is stalled in the Senate now. The newspaper industry is lobbying hard against it. He also gave a brief summary of what issues the legislature will be addressing next such as approving a seasonal employee extension, civil service reform, pensions & health benefits reform.

Prior to adjournment, Gerri Popkin wanted to inform everyone that the NIGP Region II conference will be held in Baltimore 11/18-11/20, the same week as the League of Municipalities Conference. Look on the website of the NIGP Metro DC chapter for more information. She went to San Antonio conference. 800 people attended. The peer to peer workshop was very informative. She appreciates everyone's support.

The meeting was adjourned at 12:25pm. Lunch was enjoyed by all.