

**NORTHERN NEW JERSEY NIGP  
MINUTES OF THE REGULAR MEETING – September 13, 2018  
MADELINES ON VOSELLER, BOUND BROOK, NEW JERSEY**

The meeting was called to order at 10:14A.M. by President Jim Jorgensen. After the flag salute, a moment of silence was observed. New guests were welcomed and self-introductions were made by the attendees. There was a joint motion to approve both the Treasurers Report and the previous meeting's minutes which had been posted to the website. The motion was approved.

**GUEST SPEAKERS**

**Kathi Cupano, Assistant Director, Center for Government Services, Rutgers Continuing Education**

The 2019 Purchasing Forum will be held on 5/1 & 5/2 at the Golden Nugget in Atlantic City. It will have a "Margaritaville" theme. The current semester is going well & courses have been filling up. The Spring 2019 brochure will be available in November.

**Anthony E. Carlos, Investigator, NJ Dept. of the Treasury**

The guidelines for administering EEO in Public Contracting, which were last updated in January 2016, are available on the department's website.

If your entity is reviewed for EEO compliance it will receive a grade of either Pass or Fail. It is the Public Agency Compliance Officer's (P.A.C.O.) responsibility to check contracts for compliance. and P.A.C.O.'s must be appointed annually by January 10<sup>th</sup>.

Three things that that the Division will be looking for in a review are:

- Mandatory Language in the Bid Advertisement (N.J.S.A.10:5-31)
- Mandatory Language in the Contract (Exhibit A for goods & services & Exhibit B for Construction.) (County Colleges require additional language).
- Evidence of Compliance: could be either a OFCCP letter (rarely seen) which is only good for 1 year or Certification of Employee Information Report or Form AA302-which is the form used to obtain the certificate. If Form AA302 is used to verify compliance it is a good idea to also obtain a copy of the check or money order that the vendor is providing to the state. The only form of evidence for Construction projects is Form AA201. It must have a projected & completed date. A good rule of thumb: If you anticipate going over the bid threshold, you should obtain the certificate

On the compliance audits, state contracts, cooperative contracts & JIF's are not looked at however, emergency contracts must also have evidence of EEO compliance. Sanctions will be issued if your entity does not pass the audit. A letter will be sent and the entity will have 30 calendar days to correct any deficiency. Monetary penalties may be issued.

**Joseph A. Valenti, LLC, Governmental Purchasing Educator**

**Mr. Valenti gave an update on recent legislation**

The attendees were advised to be on the lookout for legislation regarding Public/Private partnerships, since the public sector is broke. In August, S-865 was passed into law (P.L.2018 c.90) and allows government entities to enter in public/private partnerships for which the private entity assumes responsibility for design, development, construction, etc. of a project for the benefit of a government entity. Prevailing wage must be paid and projects are subject to Project Labor Agreements. Oversight is responsibility of NJEDA & DCA still needs to promulgate the regulations, as it will not be subject to the LPCL.

A2187/P.L. 2018 c104: This legislation, known as Jake's Law encourages the building of completely inclusive playgrounds. Government entities may partner with playground manufacturers to assist with the design & construction. DCA must promulgate regulations.

The concern is what will be put in place of LPCL-How are you going to buy the equipment, etc.?

A3808: This bill provides for prompt payment for goods & services. It called for 45 calendar days for municipalities to pay vendors & 60 days for schools. It was vetoed by the governor. Penalties will be paid at rate to be specified by State Treasurer.

Look for it to pass eventually, with the dates being changed to 60 and 90 days

A4197: Pending- Permits acceptance of bids that are up to 5% more than the lowest responsible bidder for goods & services, under certain circumstances. i.e. if bid response is most advantageous or bidder has more responsible track record. ...then isn't it a competitive contract?

A4291: Expands circumstances under which prevailing wage must be paid for EDA funded projects.

There is a challenge in Atlantic County regarding bid openings. What traditionally has been considered the public announcing of the "contents" is being questioned. In addition to announcing the bid prices, the challenger wants to go to a more detailed level (Is the BRC there, etc.) It is suggested that the word "contents" be defined.

**OLD BUSINESS:**

None

**NEW BUSINESS:** Jim thanked Liz Crescibine who will be stepping down as Vice President; therefore there is an opening now for the VP position. He stated that nominations are also needed for the President & VP positions for 2019. Jim will not be continuing in this position due to job conflicts. The following nominations were made and passed by motion:

Melissa Kosensky: President

Apryl Roach: Vice President

Jane Foti: Treasurer

Installation will take place at the December meeting.

Jim asked if anyone was interested in taking over the association's responsibility for the association's website to please let him know and he concluded by stating that it had been a great experience serving as the President and an honor to represent the group.

The meeting was adjourned at 12:13PM.

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Respectfully Submitted,  
Mary Richers