

**NORTHERN NEW JERSEY NIGP
MINUTES OF THE REGULAR MEETING – March 15, 2018
MADELINES ON VOSELLER, BOUND BROOK, NEW JERSEY**

The meeting was called to order at 10:00 A.M. by President James Jorgenson.

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 (Beginning Balance \$7,472.01, Ending Balance \$10,830.37) and the previous meeting's minutes which had been posted to the website. The motion was approved.

GUEST SPEAKERS

Kathleen McKenzie Cupano, Assistant Director Center for Government Services, Rutgers Continuing Studies

117 attendees have registered for the Spring Conference to date and 14 vendors have committed. The conference will have a 'Kentucky Derby' theme. Registration for Purchasing courses continues to be strong, demonstrating a commitment to continuing education in purchasing.

Bryna Bartlett, Program Manager U.S. Communities

Bryna is the local Program Manager for U.S. Communities. She is available for any support needed and to resolve any issues that may come up. You can join by simply going to the U.S. Communities website. There are no minimum usage requirements for membership and webinars are offered periodically. U.S. Communities was the first to receive accreditation from the NIGP in June 2007. They are cognizant of compliance and due diligence requirements and have an advisory Board of public procurement professionals. They issue national RFP's, with a lead agency holding and maintaining each contract awarded. 55,000 public agencies use U.S. Communities contracts and they are competitively priced.

On their website, there is a page dedicated to New Jersey. Look under the Resources tab. When a contract is awarded, all required vendor documentation including the RFP should be on the website as well as the evaluations. If you want to review the bid language to ensure that it meets NJ State requirements, you must look at each state's (lead agency on the bid/RFP) bid language to determine if it is comparable. You must do your due diligence and follow through for everything you need. Using a national cooperative can save you time and money. She noted that Amazon Business has a U. S. Communities contract which encompasses everything on the Amazon Business site; however they won't sign Purchase Orders. Refer to LFN 2012-10 for more information on using National Cooperatives. Bryna can be contacted by phone at 201-407-2821 if you have any questions.

Joseph A. Valenti, Former NJ DCA Bureau Chief, Current Rutgers Instructor and Consultant

The attendees were advised that the current requirements concerning Claimant signature may soon go away. The majority of the presentation centered on P.L. 2017 c. 317, for which a handout was provided. The law established standardized changed conditions clauses for certain local public contracts. Its intention was to deal with unforeseen or differing site conditions (i.e. utilities) that might be encountered during the course of the contract work. The bill was backed by the UCTA who took the position that site change conditions which this addresses had nothing to do with conventional change orders. Mr.

Valenti pointed out several deficiencies or issues he sees with the way the bill was written. Examples were:

In Section A (1): States that the “contracting unit” should be notified if differing site conditions are encountered. Who constitutes the “contracting unit”? Is it the Engineer on the project?

In Section B (1): States that contracting unit shall provide written notice to contractor if the work will be stopped for more than 10 days. How does the contracting unit know that it will last more than 10 days?

In Section B (4): How is a ‘fair and equitable upward adjustment’ defined?

In Section C (4): This section discussed changes to the character of the work provisions. Joe felt that, as written, it diminished or pushed aside the governing body’s role, did not give a definition or timeframe for “promptly” advising the contractor and necessitated the need for sharp numbers up front if paragraph (3) was invoked.

Overall he feels that the bill is ill defined, too loose and allows for sloppy work. It also increases the professional liability on the architects and engineers involved in the projects.

Rules are still to be promulgated by the State.

Concerning the 2018/19 Legislative Session:

167 bills have been introduced between January 24th and March 2nd. 55 of these already impact contracts/schools/county colleges, etc.

Several of these discussed were:

S361 - Permits counties to establish a county wide purchasing system for custodial or food services. The county will get a fee from the vendor, but how do County Purchasing Agents know how to buy food? Only certain counties (5) will be impacted.

S1178- Design/Build Construction: Only the shell of the project is bid. The contractor fleshes it out as the project moves along. Using this concept the 2 mile Atlantic City tunnel took 4 years to build and the State Prison in Cumberland County took 6 years to build.

S1234 - Requires procurement of insurance coverage and consulting services to be awarded through competitive contracting.

S1599 - Authorizes Use of electronic procurement technology in selling land and buildings.

S1102 - Effort to Make Prevailing Wage & Pay to Play & Bid Threshold equivalent was reintroduced. Prevailing wage may be taken out of it & the current \$2,000 threshold for all entities other than municipalities may be made equivalent to the municipal prevailing wage threshold.

James Jorgensen, President

OLD BUSINESS:

None

NEW BUSINESS: The next meeting will be in June and any suggestions or ideas for future meeting topics would be appreciated.

The meeting was adjourned at 12:00 PM.

Respectfully Submitted,
Mary Richers