

EO63 Posting Cover Statement

Authority Professional Services Contracts Rules Amendments

The New Jersey Economic Development Authority (“NJEDA” or “Authority”) is proposing amendments to the existing rules at N.J.A.C. 19:30-8.1 through 8.3.

The New Jersey Economic Development Authority (“EDA” or “Authority”) is proposing amendments to its Professional Services Contracts rules at N.J.A.C. 19:30-8.1 through 8.3 to allow firms interested in being qualified to provide professional architectural, professional engineering and related design services, or professional land surveying services exceeding the threshold prescribed in N.J.S.A. 52:34-7 to provide the Authority a current statement of qualifications and supporting data approved by another State agency.

EO63 REVIEW DRAFT

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 8. PROFESSIONAL SERVICES CONTRACTS

19:30-8.1. Applicability

The provisions of this subchapter shall apply only to contracts for **professional** architectural, **professional engineering and related design services**, and **professional** land surveying services that involve development and construction of projects which are in excess of [\$25,000] **the amount prescribed pursuant to N.J.S.A. 52:34-7** and subject to the procurement provisions of N.J.S.A. 52:34-9.1 et seq. Nothing in this subchapter shall preclude the Authority from using procurement processes other than those prescribed herein if those processes have been approved by the Federal government or other State statute, or if an emergency has been declared by the [Chief Executive Officer of the New Jersey Economic Development Authority] **Governor**.

19:30-8.2 Definitions

“Agency” or “State agency” means those entities as defined in N.J.S.A. 52:34-9.2 and shall also include any Bi- or Multi-State entity to which New Jersey is a party, and which is authorized by law to contract for professional architectural, engineering or land surveying services.

“Compensation” means the basis of payment by an agency for professional architectural, **professional engineering and related design services**, or **professional** land surveying services.

“Professional architectural, **professional engineering and related design services**, [and] or **professional** land surveying services” means those services, including planning, environmental,

and construction inspection services required for the development and construction of projects, within the scope of the practice of architecture, professional engineering or professional land surveying as defined by the laws of this State or those performed by an architect, professional engineer **and related design services**, or professional land surveyor in connection with [his, or her] **their** other professional employment practice.

“Professional firm” means any individual, firm, partnership, corporation, association or other legal entity permitted by law to provide professional architectural, **professional engineering and related design services**, or **professional** land surveying services in this State.

19:30-8.3 Criteria for the selection of the most highly qualified professional firms

(a) Prior to the solicitation of proposals or expressions of interest pertaining to the procurement of professional architectural, **professional engineering and related design services**, or **professional** land surveying services for the development and construction of projects, the Authority shall publicly advertise its needs for such services, **when in excess of the amount prescribed pursuant to N.J.S.A. 52:34-7 and subject to the procurement provisions of N.J.S.A. 52:34-9.1 et seq.** The advertisement shall conform to the requirements of N.J.S.A. 52:34-12(a) and (b), or be publicly advertised through electronic means. The advertisement shall either include a statement of the criteria by which the Authority shall evaluate the technical qualifications of professional firms and determine the order of preference to be used in designating the firms most highly qualified to perform the services or identify such criteria by reference to the provisions of this chapter.

(b) In selecting the most highly qualified professional firms with which to contract for **professional** architectural, **professional engineering and related design services**, or **professional** land surveying services, the Authority, where applicable, shall consider the following criteria:

1. The experience and qualifications of the firm and designated project team in providing similar services;
2. The experience of the firm and designated project team on projects of similar size and complexity;
3. The experience and capability of the firm and designated project team with respect to any special technologies, techniques, or expertise the project may require;
4. The past performance of the firm; and
5. Any other criteria specified in the Authority's public advertisement of the project.

(c) In selecting and ranking the most highly qualified professional firms, the Authority shall establish weights for the criteria applicable to each project. The Authority may disqualify any firm determined to be unacceptably deficient in one or more of the applicable criteria, regardless of the firm's ranking or score on the remainder of the criteria.

(d) All professional firms interested in being considered qualified to provide professional architectural, professional engineering and related design services, or professional land surveying services shall:

1. file or shall have filed with the Authority a current statement of qualifications and supporting data; or

2. provide a copy of the prequalification documents submitted to and approved by a State agency.

3. For the purposes of this subsection, documentation submitted to the Authority shall expire two years from the date it was received by the Authority.