



DCA NJ DEPARTMENT OF Community Affairs

**Division of
Local Government Services**

Department of Community Affairs

Lt. Governor Sheila Y. Oliver
Commissioner

Jacquelyn A. Suarez
Director of Local Government Services

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BEST PRACTICES

STAFF TRAINING

RISK MANAGEMENT

ADMINISTRATION

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police dis

Government

government queries

CERTIFIED POSITIONS SUPPORT

DCA NJ DEPARTMENT OF Community Affairs

LPCL Update

New Jersey League of Municipalities Conference – November 18, 2021

New Jersey Department of Community Affairs
Division of Local Government Services
Michele E. Meade
Municipal Technical Advisor and Procurement Specialist

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new jersey
department of community affairs
division of local government services **dlgs**

Local Finance Notice

Philip D. Murphy Governor Lt. Governor Sheila Y. Oliver Commissioner Jacquelyn A. Suárez Director

LFN 2021-18

September 29, 2021

Contact Information

Director's Office
V. 609.292.6613
F. 609.633.6243

Local Assistance Bureau
V. 609.292.6858
F. 609.633.6243

Financial Regulation and Assistance
V. 609.292.4806
F. 609.984.7388

Local Finance Board
V. 609.292.0479
F. 609.633.6243

**Final Adopted E-Procurement Regulations:
Goods, Services, and Public Works Contracts**

The Director of the Division of Local Government Services has adopted [final regulations](#) authorizing use of electronic procurement platforms by local governments and boards of education. In addition, the final adoption of N.J.A.C. 5:30-8.5 and subsection (c) of N.J.A.C. 5:34-4.3 addresses circumstances when a state of emergency declared by the Governor for public health reasons requires a bid or proposal opening to occur without members of the public present, on which the Division will be issuing a separate Notice. The Notice of Final Adoption contains the Division's responses to the original adopted and concurrently proposed regulations.

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Local Finance Notice

Philip D. Murphy Governor Lt. Governor Sheila Y. Oliver Commissioner Jacquelyn A. Suárez Director

LFN 2021-20

November 1, 2021

Contact Information

Director's Office
V. 609.292.6613
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Local Assistance Bureau
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Financial Regulation and Assistance
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Local Finance Board
V. 609.292.0479
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Administrative Services Unit
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Mail and Delivery
101 South Broad St.

**Discussion and Update on
Various Public Works Contracting Issues**

This Notice reminds local government and school district contracting units of public works contractor registration, prevailing wage, debarment, and equal opportunity/affirmative action requirements. Also reviewed is a recent law expanding the types of projects for which a contracting unit may require a project labor agreement. Local Finance Notices [2004-9](#), [2005-15](#), [2007-12](#), and [2010-4](#) are hereby supplemented by this Notice. Local Finance Notice 2020-18 is repealed and superseded by this Notice.

National cooperative contracts cannot be utilized for public works projects and as such are not covered by this Notice. Contracting units shall continue to adhere to [Local Finance Notice 2012-10](#) regarding use of national cooperative contracts. The Division will be issuing further guidance on the use of public works contracts awarded by the State or by DLGS-registered cooperative purchasing systems, as this issue warrants individual treatment.

Public Works Contractor Registration and Prevailing Wage

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Public Works Contracting – Cooperative Purchasing

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|-------------------------|
| LFN 2021-20 |
| November 1, 2021 |

National cooperative contracts cannot be utilized for public works projects and as such are not covered by this Notice. Contracting units shall continue to adhere to [Local Finance Notice 2012-10](#) regarding use of national cooperative contracts. The Division will be issuing further guidance on the use of public works contracts awarded by the State or by DLGS-registered cooperative purchasing systems, as this issue warrants individual treatment.



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Public Works Contracting – Public Works Contractor Registration

34:11-56.48. Short title

This act shall be known and may be cited as "The Public Works Contractor Registration Act."

[Back to top](#)

34:11-56.49. Legislative findings

The Legislature finds and declares that:

- a. There is growing concern over the increasing number of projects laboring under conditions which violate unemployment and temporary disability insurance payroll taxes;
- b. Contractors and subcontractors receiving the benefit of prevailing wage rates are being exploited by denying their workers the benefit of prevailing wage rates;
- c. It is therefore necessary and proper for the Legislature to amend the Public Works Contractor Registration Act to require the payment of prevailing wage rates on all public works projects.

The screenshot shows the website for the State of New Jersey Department of Labor and Workforce Development. The page title is 'Public Works (Prevailing Wage) FAQs'. The navigation menu includes: Unemployment Benefits, Temporary Disability, Family Leave, and Disclaimer. The sidebar lists various programs like NJDOL Home, Apprenticeship, Earned Sick Leave, Employer Accounts, Employer Handbook, Equal Pay Act, Individuals with Disabilities, Labor Market Information, Safety & Health, Social Security Disability Programs, Temporary Disability & Family Leave Insurance, and Unemployment Insurance. The main content area lists several frequently asked questions regarding prevailing wage rates.

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Public Works Contracting – Prevailing Wage

| Prevailing Wage Thresholds | | | |
|----------------------------|--|-----------------|--------------------|
| Statutory Reference | Description | Prior Threshold | Current Threshold* |
| 34:11-56.25 | Prevailing Wage Contracts for Municipalities (five-year cycle 2014-2019) | \$15,444 | \$16,263 |
| 34:11-56.25 | Prevailing Wage Contracts for All Other Contracting Units | \$2,000 | \$2,000 |

*Current as of July 1, 2019



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Maintenance

- Repair without change or increase
- Beyond capabilities of in-house staff



Public Work

- Construction
- Reconstruction
- Demolition
- Alteration
- Including painting and decorating



Custom Fabrication

- Heating
- Plumbing
- Cooling
- Ventilation or exhaust ducts
- Mechanical insulation
- Pre-fabricated components

PREVAILING WAGE WORK – NJSA 34:11-56.26

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CHANGES TO PREVAILING WAGE REQUIREMENTS:

Definition of Custom Fabrication

- **Previous law:** the fabrication of plumbing, heating, cooling, ventilating or exhaust duct systems and mechanical insulation.
- **Current law adds:** any other fabrication which is either of components or structures pre-fabricated to specifications for a particular project of public work or of other materials finished into components without further modification for use in a project of public work or for use in a type or classification of a project of public work.

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CHANGES TO PREVAILING WAGE REQUIREMENTS:

Expanded Definition of Custom Fabrication

- One or more signs in a project which cost a total of more than \$30,000 and are part of a project upon completion.”
- Effective October 18, 2021

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CERTIFICATION OF NON-DEBARMENT FOR FEDERAL GOVERNMENT CONTRACTS
22 F.S. § 22.12-44.1 (F.L. 2019, c. 406)

This certification shall be completed, certified to, and submitted to the contracting unit prior to contract award, except for emergency contracts where submission is required prior to payment.

| PART I - VENDOR INFORMATION | |
|---------------------------------------|--|
| Individual or Organization Name | |
| Address of Individual or Organization | |
| DUNS Code (if applicable) | |
| CAGE Code (if applicable) | |

Check the box that represents the type of business organization:

Sole Proprietorship (skip Parts III and IV) Non-Profit Corporation (skip Parts III and IV)
 For-Profit Corporation (any type) Limited Liability Company (LLC) Partnership
 Limited Partnership Limited Liability Partnership (LLP)
 Other (be specific): _____

PART II - CERTIFICATION OF NON-DEBARMENT: Individual or Organization

I hereby certify that the individual or organization listed above in Part I is not debarred by the federal government from contracting with a federal agency. I further acknowledge that I am authorized to execute this certification on behalf of the above-named organization; that the **name of contracting unit** is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the date of contract award by **type of contracting unit** to notify the **type of contracting unit** in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if so, I am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the **type of contracting unit**, permitting the **type of contracting unit** to declare any contract(s) resulting from this certification void and unenforceable.

| | | |
|--------------------|--------|--|
| Full Name (Print): | Title: | |
| Signature: | Date: | |

MODEL CERTIFICATION FORM

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SAM.GOV

You have reached the new home of SAM.gov, an official website of the U.S. government. There is no cost to use this site.

SAM.gov has merged with beta.SAM.gov. All content from both sites is now here at SAM.gov. This is the official site for registering to do business with the federal government. Registration on this site is free.

All of the functions below are now on this site:

| | |
|--|---|
| <p>From SAM.gov</p> <ul style="list-style-type: none"> • Entity registration • Exclusions • Entity reporting (SCR and BioPreferred) • Disaster response registry | <p>From beta.SAM.gov</p> <ul style="list-style-type: none"> • Contract opportunities • Contract data reports • Wage determinations • Assistance listings • Federal hierarchy |
|--|---|

Help resources can be found in the SAM.gov help section or by going directly to FSD.gov. You can search the FSD knowledge base anytime or request help from an FSD agent Monday-Friday 8 a.m. to 8 p.m. ET.

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Exclusions

An exclusion record identifies parties excluded from receiving Federal contracts, certain subcontracts, and certain types of Federal financial and non Financial assistance and benefits. Exclusions are also referred to as suspensions and debarments.

Search Exclusions [Advanced Search](#)

e.g. Smith, 123456789

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FEDERAL DEBARMENT & EMERGENCY CONTRACTS

KEEP CALM AND FOLLOW EMERGENCY PROCEDURES

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Public Works Contracting – EEO and AA

STATE OF NEW JERSEY
DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT
CONSTRUCTION EEO COMPLIANCE MONITORING PROGRAM

FORM AA-201
Revised 11/17

INITIAL PROJECT WORKFORCE REPORT CONSTRUCTION

For instructions on completing the form, go to: https://www.nj.gov/treasury/contract_compliance/documents/pdf/forms/aa201m

Official Use Only

Assignment _____
Code _____

State Of New Jersey
Department of Labor & Workforce Development
Construction EEO Compliance Monitoring Program

FORM AA-202
Revised 11/17

MONTHLY PROJECT WORKFORCE REPORT - CONSTRUCTION
For instructions on completing the form, go to: https://www.nj.gov/treasury/contract_compliance/documents/pdf/forms/aa202m.pdf

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|--|-------------------------|--|--|--|--|
| 1. FID NUMBER | 2. CONTRACTOR ID NUMBER | 3. NAME AND ADDRESS OF PUBLIC AGENCY AWARDED CONTRACT Name: _____ Address: _____ | | 4. Supporting Fund | |
| 3. NAME AND ADDRESS OF PRIME CONTRACTOR (Name) _____ (Street Address) _____ (City) _____ (State) _____ (Zip Code) _____ | | CONTRACT NUMBER _____ DATE OF AWARD _____ DOLLAR AMOUNT OF AWA _____ | | 5. Public Agency Awarding Contract _____ Date of Award _____ | |
| 4. IS THIS COMPANY MINORITY OWNED [] OR WOMAN OWNED [] | | 6. IS THIS PROJECT COVERED BY A LABOR AGREEMENT (PLA)? YES | | 7. Project ID Number _____ | |
| 9. TRADE OR CRAFT | | PROJECTED TOTAL EMPLOYEES | | PROJECTED MINORITY EMPLOYEES | |
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Project Labor Agreements



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Project Labor Agreements

Previous: Buildings at public expense excepts pump station and water or sewer treatment plants

Now: Any public works project for construction, reconstruction, demolition or renovation:

- If project is subject to prevailing wage AND
- Total project cost, exclusive of land, is \$5 m or more

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Public Works Contracting – Cooperative Purchasing

Local Contracting Unit responsibilities:

- Read and understand the limitations of lead agency specification before using a cooperative purchasing contract.
- Verify PWCR and not debarred for prevailing wage violations
- If federal debarment applies to the contract, obtain the certification and check the SAM database.
- Collect certified payrolls per prevailing wage.
- Comply with EEO / AA reporting requirements.

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New procurement laws to check out:

Design-Build P.L. 2021, c. 71 - Passed in April 2021:

Permissive. Division required to adopt rules which are currently being drafted.
Stakeholder review before adoption.

Procurement Laws Signed in November 2021:

[PL 2021, chapter 301](#) – Effective 5-7-2022 - Requires certain bidders for prevailing wage public work to provide proof that prevailing wage will be paid.

[PL 2021, chapter 278](#) – Effective immediately - Requires builders to offer unit concrete products that utilize carbon footprint-reducing technology as option in new construction; establishes tax incentives, and State and local purchasing requirements, for unit concrete products that utilize carbon footprint.

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THANK YOU!

Questions and Answers

New Jersey Department of Community Affairs
Division of Local Government Services

lpcl@dca.nj.gov

