

North Jersey NIGP Chapter #7

Chartered October 26, 1977

President: *James Jorgensen*

Treasurer/Membership: *Denise Piszkowski*

Vice President: *Apryl L. Roach*

Secretary: *Simona Casian-Sirbu*

**Minutes
Regular Meeting
September 29, 2022**

The meeting was called to order at 10:00 am by President James Jorgensen. After the flag salute, a moment of silence was observed.

Denise Piszkowski/ Treasurer provided the Treasurer report and stated that the association's bank account currently has a balance of \$14,110.06. An order for 500 pins was placed at a cost of \$ 638.00

Motions were introduced to accept the Treasurer's report and the previous meeting's minutes which had been posted on the website. The motions were approved.

Guest Speakers

Jason Martucci-Esq. , Legislative & Regulatory Affairs Officer DLGS

Mr. Martucci discussed about LFN 2022-15 <https://www.nj.gov/dca/divisions/dlgs/lfns/22/2022-15.pdf>, regarding regulatory amendments pertaining to licensed officials. These amendments allow for the one-time extension of certification periods by one year. The rules also allow a certificate holder to carry over up to 50% of the CEU's accumulated during the prior certification window into the following renewal cycle.

In respect to the QPA renewal, starting with the December 2022 renewals, the total number of CEU's required for renewal will go up to 25 from the current 20. The Public Procurement category requirement will go up to 5 from the current 2. A new optional category, Public Works compliance, which encompasses some of the matters that do not fit completely within the Public

Procurement category (e.g. Davis-Bacon Act, EEO and Affirmative Action Compliance, Prevailing Wage laws as they apply to Public Works Contracts) has also been introduced.

Mr. Martucci went on to talk about the new Russia-Belarus Law

<https://www.njleg.state.nj.us/bill-search/2022/S1889> which was signed into law in March of this year and is in effect, and which requires the Department of Treasury to develop a list of entities and persons that are doing business with Russia and Belarus, and with whom a contracting unit will be prohibited to enter into or renew a contract. Once the list is promulgated an LFN will be issued by the Division. The law applies to Goods and Services contracts as well as to banking services, insurance services, redevelopers agreements as well as PILOT programs. DLGS is looking to promulgate a model form that will coincide with the Russia-Belarus LFN and will be combined with the Iran Investments list in an attempt to reduce paperwork. The form can be customized by each Contracting Unit; it is not mandatory that the form issued by DLGS be used. As with the Iran Disclosure form, this form will not be required at the time of the bid submittal, and can be submitted up to the time of the contract award.

For Public Works construction contracts, the Department of Labor will be monitoring compliance of this newly adopted regulation and as a result the form will not be required in these contracts.

Mr. Martucci also discussed P.L. 2021, c. 301 https://pub.njleg.gov/Bills/2020/AL21/301_.HTM which requires a bidder that submits a bid for a Public Works project, and whose lowest bid is 10% or more less than the next lowest bidder, to submit prior to the award of the contract a statement that prevailing wages will be paid to the workers during the term of the contract. If contractor fails to submit the required certification, then the contract can be awarded to the next lowest bidder, and the same scenario applies in reference to the certification requirement if that bid is 10% less or more than the next bidder. If only one bid received, then this certification will not be necessary.

“Duct cleaning” is now work that is covered under the definition of Public Works, and these types of contracts should be awarded accordingly by any contracting unit.

Mr. Martucci touched upon LFN 2021-20, <https://www.nj.gov/dca/divisions/dlgs/lfns/21/2021-20.pdf> which was issued as an update on various Public Works contracting issues, such as Public Works Contractor’s Registration Certification, Prevailing Wage rules and regulations, debarment laws, EEO & AA requirements.

As a final point, Mr. Martucci explained that the purpose for issuing these LFN’s is to provide guidance and to help everyone better understand the purpose and intent of the enacted laws that they reference. They are meant to help everyone better understand some of the legal terms that are used when these laws are written. They are also intended to provide some clarifications to questions that arise as a result of these newly enacted laws. It is a so-called balancing act that the Division is looking to accomplish, by trying to explain the statutes in terms that can be easily

understood by anyone while trying to stay faithful to them. He also elaborated on the legislative process of how LFN's are being promulgated. Mr. Martucci encouraged anyone to feel free to reach out with comments and inputs they might have for any proposed rules. The comment period is open to the public, not only to associations or government entities. The division looks at all the comments and questions submitted and tries to respond to all of them.

During a special adoption, a rule takes effect immediately and will run concomitantly with the comment period. The adoption of this rule will have an expiration date, at which time Department will have to readopt the rule before it gets final adoption.

As a final point Mr. Martucci reminded everyone that the Department of Labor, through the joint letter that they have sent out in June to all the agencies, is looking to ensure that the Public Works contracts are awarded as required by law and that the prevailing wage regulations are followed.

Shane Springer, Senior Director, State and Local Government-Northeast OMNIA Partners

Mr. Springer provided an overview of the purpose of cooperative contracts and of the OMNIA Cooperative which he represents.

The intent of a cooperative contract is to alleviate some of the administrative burden and the opportunity for greater efficiency, by allowing for greater buying power which can help reduce costs.

In 2018 OMNIA Partners was formed through a merge of US Communities and National IPA, and became the largest National Co-op offering a broad variety of contracts.

It currently has over 230 active user participants and over 300 contracts available. The categories are vast, but in NJ, some of the most popular categories are Office products, Furniture and Auto Parts.

The Lead Agencies awarding the contracts go through a 5-step process as follow:

1. The Lead Agency prepares the competitive solicitation;
2. The Lead Agency issues the solicitation;
3. Interested supplies respond to the solicitation;
4. The Lead Agency evaluates and awards the contract or master agreement;
5. The Lead Agency files the award of the contract with OMNIA and it becomes available for all of the members to use.

The RFP's issued by the Lead Agency has included in their standard boilerplate, language about the contract being made available to all of the OMNIA Partners members.

OMNIA has conducted a survey on why agencies use cooperative contracts and the top three answers were:

- Pressure to save time;
- Availability of options;
- Legislative freedom.

In the last few years, OMNIA has estimated that 20% of the State Local Government purchases are done through cooperative contracts. This trend grows about 3% every 2 to 3 years.

OMNIA contracts are available to all Government Agencies, School districts (public and private), Colleges (public and private), Counties as well as Special Districts. OMNIA has recently made their contracts available to Non-profit organizations.

<https://www.omniapartners.com/>

Olga Chaban, Senior Coordinator- Professional Continuing Education and Training- Rutgers University-Center for Government Service

Ms. Chaban gave an overview of the current courses available from Rutgers, and advised that the courses will remain on-line for the fall session, and most likely will continue that way or at most will follow a hybrid format for the foreseeable future, but they are constantly looking at offering a variety of options to include in person options as well. Eleven of the courses aligned for fall semester are continuing education courses.

The courses information is entirely online, at <https://cgs.rutgers.edu/programs/publicpurchasing>. Brochures will no longer be mailed.

Ms. Chaban advised that the 2023 Public Purchasing forum will take place between 5/2 and 5/4 next year. More information will follow.

Rutgers is currently working on updating the yellow book and the LPCL reference guide and hoping to have those online soon. The reference guide is waiting on a final signature from DLGS. The yellow book is expected to be ready by the end of the year.

Ms. Chaban advised that Rutgers is always looking for instructors, and asked that anyone interested in teaching, that possesses the experience and wants to share in the knowledge with prospective Purchasing Officials, to reach out to her office.

OLD BUSINESS- none

NEW BUSINESS: A change in dues was discussed, and voted on starting with 2023. The new yearly membership due will go up from \$80 to \$100.

The meeting was adjourned at or about 12:00 PM.

Respectfully Submitted,

Simona Casian-Sirbu

Secretary