

2. The name and company affiliation of the individual(s) who conducted the assessment;
3. The date of the assessment;
4. The recommended corrective action; and
5. The casino licensee's response to the recommended corrective action.]

(e) Each casino licensee shall perform an annual system integrity and security assessment conducted by an independent professional selected by the licensee, subject to the approval of the Division. The independent professional's report on the assessment shall be submitted to the Division annually and shall include:

1. The scope of review;
2. The name and company affiliation of the individual(s) who conducted the assessment;
3. The date of the assessment;
4. The findings;
5. The recommended corrective action, if applicable; and
6. The casino licensee's response to the findings and recommended corrective action.

TRANSPORTATION

(a)

DIVISION OF PROCUREMENT

Construction Services

Proposed Readoption: N.J.A.C. 16:44

Authorized By: Richard T. Hammer, Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:7-21, and 27:7-35.1 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-110.

Submit comments by September 1, 2017, to:

Paul F. Sprewell, Administrative Practice Officer
 New Jersey Department of Transportation
 1035 Parkway Avenue
 PO Box 600
 Trenton, New Jersey 08625-0600
 Fax: (609) 530-4638
 Submit electronically at njdotRules@dot.state.nj.us.

This rule may be viewed or downloaded from the Department's website at <http://www.state.nj.us/transportation/about/rules/proposals.shtm>.

The agency proposal follows:

Summary

In accordance with N.J.S.A. 52:14B-5.1, N.J.A.C. 16:44 was scheduled to expire on May 26, 2017. As the Department of Transportation (Department) filed this notice of proposal prior to that date, the expiration date was extended 180 days to November 22, 2017, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Department of Transportation has reviewed the rules and determined that they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. The Department proposes to readopt this chapter without amendment. Since the Department has provided a 60-day comment period for this notice of proposal, this notice is exempted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

State law mandates that the Department utilize competitive bidding practices and qualify prospective bidders as to the character and amount of work that a contractor may bid when awarding contracts for Department construction projects. The purpose of N.J.A.C. 16:44, Construction Services, is to provide current and prospective contractors with the procedures and criteria used in the bidder classification process, information about the bidding procedure for Department construction

projects, certain contractual requirements, payment provisions, contractor eligibility, and debarment and suspension procedures. These rules contribute to an efficient bidding process and provide uniform standards by which all contractors are evaluated, rated, and classified.

The chapter is summarized as follows:

Subchapter 1, Purpose and Scope, provides the purpose and scope of the chapter.

Subchapter 2, Definitions, provides the definitions used throughout this chapter.

Subchapter 3, Classification of Prospective Bidders, provides the process for the classification of contractors and prospective bidders.

Subchapter 4, Distribution of Standard Specifications, provides the method for the distribution of standard specifications.

Subchapter 5, Distribution of Construction Plans and Special Provisions, provides the method of distributing plans and special provisions and describes the fees to be charged for such materials.

Subchapter 6, Advertising for Bids, outlines requirements related to the advertising of bids.

Subchapter 7, Bidding Department Projects, provides the procedures for bidding.

Subchapter 8, Project Award, establishes general provisions related to the awarding of projects.

Subchapter 9, Contracts, establishes provisions related to contracts that have been awarded.

Subchapter 10, Retainage and Partial Payments to Contractors, outlines the method of payment to contractors as work progresses, bond requirements for contractors, action required in cases of default, and payment of service charges.

Subchapter 11, Debarment, Suspension and Disqualification, establishes causes, conditions, and procedures related to debarment, suspension, and disqualification.

Subchapter 12, Reorganization of Contractors, establishes procedures and guidelines to be followed by contractors who effect any change in organization while under contract with the Department.

Social Impact

The rules proposed for readoption affect all current and prospective contractors that seek to conduct construction service business with the Department. There are currently approximately 251 contractors prequalified to provide construction services to the Department.

Contractors benefit by knowing the procedures and contract-related requirements prior to making a bid and entering into a construction services contract. Knowing the requirements, standards, and responsibilities of the bidding and contracting process will guide contractors in preparing an acceptable bid. Prospective bidders will be able to evaluate their bidding capacity in advance and will not expend unnecessary time and incur costs in developing bids where there is little chance of award.

The rules will continue to have a positive social impact to the general public by providing a system of open and competitive bidding on Department construction projects. The public will receive construction services of high quality at the lowest cost.

Economic Impact

The rules proposed for readoption will continue to have a positive economic impact on those contractors seeking to be prequalified to provide construction services to the Department. As stated in the Social Impact statement, the public will benefit by receiving high quality construction services at the lowest cost.

Contractors incur direct and indirect costs in preparing bids. Contractor must subscribe to an online bidding exchange to bid on Department projects and to obtain plans and special provisions necessary to prepare bids. Although knowledge of the construction field is advantageous, bid preparation requires no specialized training, and contractors can minimize cost by maintaining information, such as current price indices of supplies and services. Contractors will also incur costs to register their businesses. Pursuant to the Public Works Contractor Registration Act, N.J.S.A. 34:11-56.48, all contractors must be registered with the New Jersey Department of Labor and Workforce Development, Division of Wage and Hour Compliance and pay a non-refundable fee. All contractors must also register with the New Jersey

Department of the Treasury, pursuant to N.J.S.A. 52:32-44. For State-funded projects, contractors must be registered at the time of bid; for Federally funded projects, contractors must be registered prior to executing a contract.

The Department incurs direct and indirect costs for personnel and equipment needed for the administration of the contracting process, such as the production of allotted specifications, plans, and special provisions.

Federal Standards Statement

A Federal standards analysis pursuant to Executive Order No. 27 (1994) and P.L. 1995, c. 65 is not required because the rules proposed for re-adoption come within the authority of State statute only and are not subject to Federal requirements or standards.

Jobs Impact

The rules proposed for re-adoption have not resulted, and will not result, in the generation or loss of jobs. The rules are intended to set forth the classification process, bidding procedure, contractual requirements, contractor eligibility, and other related information to prospective contractors interested in working on Department construction projects. These rules neither establish nor fund construction projects or services.

Agriculture Industry Impact

The rules proposed for re-adoption will have no impact on the agriculture industry in New Jersey. The rules are not intended to regulate farming, crop, or animal production.

Regulatory Flexibility Analysis

The rules proposed for re-adoption require all businesses, including small businesses, as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., to prepare a questionnaire as part of the contractor classification process. The rules use performance standards as a standardized means of evaluating prospective bidders and assigning project ratings. In addition to the classification process, N.J.A.C. 16:44 provides the criteria the Department will use when advertising projects, outlines the contract award process, and provides the procedures necessary for efficient and competitive bidding and to uphold the accountability of contractors conducting construction service business with the Department. The Department has determined that these rules are the minimum necessary to accomplish these goals, and, therefore, has made no provision for lesser or differing reporting, recordkeeping, or compliance standards for small businesses.

Housing Affordability Impact Analysis

The rules proposed for re-adoption will have no impact on the affordability of housing in New Jersey. The rules outline the contractor classification process and provide information about the bidding procedure and contractual requirements for Department construction projects. The Department believes that it is extremely unlikely that the rules would bring about a change in the average costs associated with housing.

Smart Growth Development Impact Analysis

The rules proposed for re-adoption will have no impact on smart growth. The Department believes that it is extremely unlikely that the rules proposed for re-adoption would bring about a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the rules concern the contractor classification process and bidding procedure for Department construction projects.

Full text of the rules proposed for re-adoption may be found in the New Jersey Administrative Code at N.J.A.C. 16:44.

TREASURY—GENERAL

(a)

OFFICE OF THE STATE TREASURER Public Employee Charitable Fund-Raising Campaign

Proposed New Rules: N.J.A.C. 17:28

Authorized By: Ford Scudder, State Treasurer.

Authority: N.J.S.A. 52:14-15.9c13 and 52:18A-30.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-111.

Submit written comments by September 1, 2017, to:

Michael Tyger
Director of Administration
PO Box 211
Trenton, New Jersey 08625-0211
or administration_email@treas.nj.gov

The agency proposal follows:

Summary

The proposed new rules are designed to merge two expired chapters, N.J.A.C. 17:28, which provided rules for the State employees campaign, and N.J.A.C. 17:29, which provided rules for Local Government campaigns. By merging the two chapters, the Office of the State Treasurer (OST) believes the rules are simplified, consistent with the Governor's Red Tape Review Commission's goals. Where there are differences between the State and Local campaigns, they are specified in the proposed new rules. N.J.A.C. 17:28, although expired, is still codified in the New Jersey Administrative Code, and, therefore, for purposes of this rulemaking, are treated as expired rules proposed herein as new rules with amendments. A description of the expired rules proposed herein as new rules and the proposed amendments pertaining to local campaigns are as follows:

At N.J.A.C. 17:28-1.1, Purpose, minor language additions were made to include "Local Units of State Government" along with State employees as the subject of the chapter.

At N.J.A.C. 17:28-1.2, Scope, new subsection (a) is proposed to make it clear that the Public Employee Charitable Fund-raising Campaign is the only authorized solicitation in public workplaces. The expired rule is codified as subsection (b) and new subsection (c) is proposed to cover allowable deductions for local units of government.

At N.J.A.C. 17:28-1.3, Definitions, definitions applicable to local government are added as follows: "appropriate disbursing officer," "local unit of government," and "Local Unit of Government Charitable fund-raising campaign." The definition of "compensation" is proposed for amendment to include the appropriate disbursing officer (as that term is now defined in the chapter). The definition of "Campaign Steering Committee" is proposed for amendment to make a technical change.

At N.J.A.C. 17:28-1.4, Forms, amendments applicable to local governments are proposed.

At N.J.A.C. 17:28-1.5, General provisions, amendments applicable to local governments are proposed.

At N.J.A.C. 17:28-2.1, General provisions, is proposed for amendment to change the section heading to "steering committee" and to add language applicable to local government. In subsection (c), the specific words "at the call of the State Treasurer" are proposed for deletion, to reflect that the Steering Committee should meet quarterly and they may (and should) call such a meeting without intervention from the State Treasurer.

At N.J.A.C. 17:28-2.2, Membership, new subsection (b) is added to set forth the membership applicable to each local government Campaign Steering Committee.

At N.J.A.C. 17:28-2.3, Term of membership, amendments applicable to local governments are proposed.