

(b) The *[ranking and scores of all design-builders that submitted a SOQ to create the]* shortlist will be publicly read on a date established by the Department.

SUBCHAPTER 9. DESIGN-BUILDER SELECTION COMMITTEE AND DESIGN-BUILD CONTRACT AWARD PROCESS

16:44B-9.1 Design-Builder Selection Committee

The Design-Builder Selection Committee will consist of five voting members which shall be appointed by the Commissioner.

16:44B-9.2 Design-build contract award process

(a) The Design-Builder Selection Committee (DBSC) will select the winning design-builder, consistent with the award recommendation of the Technical Review Committee.

(b) The Commissioner will have final approval or rejection of the award recommendation of the DBSC.

(c) *[The design-builder awarded the design-build contract, the final ranking, price, and scoring of the shortlist will be publicly read on a previously established date by the Department.]* ***After the award decision is made, the sealed price bid will be publicly read for each proposal submitted by a design-builder.**

(d) The winning design-builder will receive written notification of the accepted proposal. At the same time that notice of acceptance is delivered, the other design-builders will be notified, in writing, that their proposals were not accepted.

(e) When a design-builder receives notification that the proposal has not been accepted, the design-builder may, within 30 days, request to review the design-build proposals submitted, the technical review committee evaluation scores from the selection process, and the final recommendation of award document. The design-builder shall submit this request, in writing, to the DBSC.*

(a)

DIVISION OF PROCUREMENT

Notice of Readoption Construction Services

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

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

Authorized By: Francis K. O'Connor, Commissioner, Department of Transportation.

Effective Date: August 6, 2024.

New Expiration Date: August 6, 2031.

Take notice that, pursuant to N.J.S.A. 52:14B-5.1, the rules found at N.J.A.C. 16:44 were scheduled to expire on September 14, 2024. 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 of Transportation (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.

The Department has reviewed the rules and determined that they should be readopted without change. The rules are necessary, reasonable, adequate, and responsive for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

TREASURY—TAXATION

(b)

DIVISION OF TAXATION

Cigarette Tax Act Rules

Readoption with Amendments: N.J.A.C. 18:5

Adopted Repeals: N.J.A.C. 18:5-5.10 and 5.11

Proposed: June 3, 2024, at 56 N.J.R. 1009(a).

Adopted: August 9, 2024, by Marita Sciarrotta, Acting Director, Division of Taxation.

Filed: August 9, 2024, as R.2024 d.085, **without change**.

Authority: N.J.S.A. 54:40A-20 and 54:50-1.

Effective Dates: August 9, 2024, Readoption; September 3, 2024, Amendments and Repeals.

Expiration Date: August 9, 2031.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal standards analysis is not required because the rulemaking authority is granted by the operative provisions of the New Jersey Cigarette Tax Act, N.J.S.A. 54:40A-1.1 through 12.7, and is not subject to any Federal requirements or standards.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 18:5.

Full text of the adopted amendments follows:

SUBCHAPTER 3. REVENUE TAX STAMPS

18:5-3.2 Types of stamps available; denominations

(a) (No change.)

(b) Heat decalomania tax stamps applied by hand in denominations of \$2.70 are sold in blocks of individual sheets of 100 stamps and only multiples of 1,000 stamps.

18:5-3.3 Purchase of stamps; location

Decalomania tax stamps are available and may be purchased only at the Division of Revenue and Enterprise Services, PO Box 252, Trenton, NJ 08646-0252.

18:5-3.4 Purchase of stamps; discount allowed

A discount of .00166667 is allowed on all sales of hand-applied cigarette revenue tax stamps in denominations of \$2.70, when the number purchased is 1,000 stamps or more, or in multiples of 30,000 stamps for machine-applied stamps when sold to licensed distributors, provided the distributor is in compliance with all of the provisions of the Act and this chapter.

18:5-3.5 Purchase of stamps; noncredit basis

Licensed distributors may make noncredit purchases of heat-applied tax stamps by submitting an electronic order with payment to the Division of Revenue and Enterprise Services. The Division of Revenue and Enterprise Services will communicate directly with licensed distributors on acceptable forms of electronic orders and payments. Once ordered, the stamps will be mailed to the purchaser.

18:5-3.6 Purchase of stamps on a credit basis

All purchases of heat-applied tax stamps shall be made by submitting an electronic order to the Division of Revenue and Enterprise Services. The Division of Revenue and Enterprise Services will communicate directly with licensed distributors on acceptable forms of electronic orders. Once ordered, the stamps will be mailed to the purchaser or picked up at the Division of Revenue and Enterprise Services, 33 West State Street, Trenton, NJ 08608.

SUBCHAPTER 5. REPORTS

18:5-5.7 Resident distributors' report

(a) Every licensed resident distributor is required to file a monthly report on Form CR-1. The following schedules must accompany the return, when applicable:

- 1.-4. (No change.)
5. (No change in text.)
6. Schedule G.

18:5-5.8 Nonresident distributors' report

(a) Every licensed nonresident distributor is required to file a monthly report on Form CNR-1. The following schedules must accompany the return, when applicable:

1. Schedule A;
2. Schedule B;
3. Schedule D; and
4. Schedule G.

18:5-5.9 Wholesale dealers' report

Every licensed wholesale dealer, other than licensed distributors, that deals in stamped cigarettes of New Jersey, is required to file a monthly report on Form CWIP-1, unless the Director permits otherwise. Schedule R must accompany the return, when applicable.

18:5-5.10 and 5.11 (Reserved)

18:5-5.14 Time for filing reports

All tax reports required must be filed with the Division of Taxation, together with all supporting schedules, on or before the 20th day of each calendar month following the month being reported upon.

18:5-5.16 Mailing address

(a) The original copy of all required reports and all required schedules are to be filed with the Division of Taxation, PO Box 187, Trenton, NJ 08695-0187.

- (b) (No change in text.)

SUBCHAPTER 6. LICENSES

18:5-6.5 Distributor's license

(a) Each distributor is to apply for a distributor's license on Cigarette Tax Form CWD-1.

- (b)-(c) (No change.)

18:5-6.6 Licensed distributor files bond

- (a)-(b) (No change.)

(c) The bond is to run concurrently with the distributor's license and be filed on the Distributor's Cigarette Tax Stamp Credit Bond form with the Division of Revenue and Enterprise Services.

18:5-6.8 Wholesale dealer files bond

- (a)-(b) (No change.)

(c) The bond is to run concurrently with the wholesale dealer's license and be filed on Cigarette Tax Form CWD-3.