

Recodify existing N.J.A.C. 16:41C-8.7 and 8.8 as 8.8 and 8.9 (No change in text.)

(a)

**DIVISION OF CAPITAL PROGRAM MANAGEMENT
OFFICE OF OUTDOOR ADVERTISING AND
WIRELESS SERVICES**

**Tourist Oriented Directional Signs Program (TODS)
Adopted Amendments: N.J.A.C. 16:41D-2.1 and 3.2**

Proposed: August 21, 2017, at 49 N.J.R. 2779(a).
Adopted: November 8, 2017, by Richard T. Hammer,
Commissioner, Department of Transportation.
Filed: November 9, 2017, as R.2017 d.229, **without change**.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, and 27:7-21.12.
Effective Date: December 4, 2017.
Expiration Date: June 20, 2018.

Summary of Public Comments and Agency Responses:
Comments were received from Ryan Krill, President, Garden State Craft Brewers Guild and Cape May Brewing Company on behalf of Garden State Craft Brewers Guild.

COMMENT: Mr. Krill expressed the organization’s support of the proposed amendments, which update eligibility requirements for participation in the TODS program. The Guild advocated for passage of P.L. 2015, c. 139, which alleviated small businesses from public telephone and free water eligibility requirements. He believes that this change will result in increased participation in the TODS program by limited license breweries. The Guild will continue to support reforms to the program, which afford the craft breweries easier access to the program and increases exposure to the businesses.

RESPONSE: The Department thanks Mr. Krill and the Guild for their comments and continued support.

Federal Standards Statement

Pursuant to N.J.S.A. 39:4-183.6, all official highway signs must conform to the Manual of Uniform Traffic Control Devices (MUTCD). The adopted amendments do not pertain to signage, therefore a Federal standards analysis pursuant to Executive Order No. 27 (1994) P.L. 1995, c. 65, is not required.

Full text of the adoption follows:

SUBCHAPTER 2. DEFINITIONS

16:41D-2.1 Definitions

The following words and terms, when used in this chapter, have the following meanings unless the text clearly indicates otherwise:

...

SUBCHAPTER 3. ELIGIBILITY AND GENERAL REQUIREMENTS

16:41D-3.2 Participation requirements

(a) Each eligible facility must satisfy the following general requirements:

- 1.-3. (No change.)
Recodify existing 5.-8. as 4.-7. (No change in text.)

(b) Each eligible facility shall satisfy the following specific requirements. If a specific requirement conflicts with a general requirement, the specific requirement will apply.

- 1. (No change.)
- 2. The facility-specific requirements for camping facilities are as follows; the facility shall:
 - i. Be located within 10 miles of the State highway on which the intersection approach sign is erected; and
 - ii. Be open a minimum of seven days each week, 360 days per year, unless designated as seasonal.

3. The facility-specific requirements for fuel facilities are as follows; the facility shall:

- i.-iv. (No change.)
- v. Provide compressed air for tire inflation and free water for batteries and radiators.

4. The facility-specific requirements for lodging facilities are as follows; the facility shall:

- i. Be open a minimum of seven days each week, 360 days per year, unless designated as seasonal.

5. The facility-specific requirements for restaurants are as follows:

- i. (No change.)
- ii. A restaurant located in a mall, shopping center or other enclosed structure shall have a primary entrance from the public parking area, which is dedicated for the restaurant’s exclusive use.

- 6. (No change.)

TREASURY—GENERAL

(b)

**DIVISION OF ADMINISTRATION
Small Business Set Aside Rules**

Adopted New Rules: N.J.A.C. 17:13

Proposed: June 5, 2017, at 49 N.J.R. 1348(a).
Adopted: November 8, 2017, by Ford Scudder, State Treasurer.
Filed: November 8, 2017, as R.2017 d.227, **without change**.

Authority: N.J.S.A. 52:18A-30(d), 52:27H-21.7 et seq., 52:32-31, 52:34-6 et seq., 52:34-12, and 52:34-13; P.L. 2008, c. 27; and Executive Order Nos. 71 (2003) and 34 (2006).

Effective Date: December 4, 2017.
Expiration Date: December 4, 2024.

Summary of Public Comment and Agency Response:
No comments were received.

Federal Standards Statement

A Federal standards analysis is not required because the expired rules adopted herein as new rules relate strictly to the State of New Jersey and its small business and veteran-owned business registration process and small business set-aside process. The expired rules adopted herein as new rules are independent from any Federal systems or requirements.

Full text of the expired rules adopted herein as new rules can be found in the New Jersey Administrative Code at N.J.A.C. 17:13.

Full text of the adopted amendments to the expired rules adopted herein as new rules and the adopted new rule follows:

CHAPTER 13
SMALL BUSINESSES SET-ASIDE AND VETERAN-OWNED
BUSINESS REGISTRATION

SUBCHAPTER 1. PURPOSE, SCOPE, AND DEFINITIONS

17:13-1.1 Purpose and scope

(a) The rules in this chapter are promulgated by the Department of the Treasury to implement N.J.S.A. 52:32-17 et seq., P.L. 2008, c. 27, and Executive Order No. 71, dated October 2, 2003, to establish a set-aside program that, in part, requires State agencies with contracting authority to make a good faith effort to award State contracts and subcontracts to eligible small businesses. Executive Order No. 71 (2003) requires at least 25 percent of the total dollar value of State contracts to be set aside for small businesses. This percentage goal is an overall program goal for each State contracting agency. State contracting agencies are expected to apply their business judgment when establishing set-aside goals for individual contracts.

(b) The rules in this chapter apply to both State contracts for goods and services awarded by any State contracting agency and to the award

of State contracts for construction and construction-related services, unless unique rules for a specific contract type are specified.

(c) Applications and questions regarding eligibility as a small business should be addressed to:

Department of the Treasury
Division of Revenue and Enterprise Services
33 West State St., 5th Floor
PO Box 026
Trenton, NJ 08625-0026

Questions concerning the award of contracts under this chapter should be directed to the State contracting agency issuing the particular contract.

17:13-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Bidder” means any individual or business entity submitting a proposal, quotation, or other offer to do business with the State of New Jersey.

...
“Construction contract” means any contract to which the State or any State contracting agency is a party involving any construction, renovation, reconstruction, rehabilitation, alteration, conversion, extension, or demolition of or repair or other changes or improvements of any kind whatsoever to any State public structure or facility. The term also includes contracts for consultant services, supervision, inspection, and other functions incidental to actual construction.

“Consultant” means an architect, engineer, construction manager, or other provider of technical and professional services in support of the design or construction project.

“Contractor” means any party under contract or agreement to provide goods and services, or design and/or construction services to the State of New Jersey.

...
“Delegated purchasing authority” means the authority of a State agency to award contracts below the bid threshold amount pursuant to authority delegated by the Director, Division of Purchase and Property (See N.J.S.A. 52:25-23) or for construction contracts pursuant to the authority delegated by the Director, Division of Property Management and Construction.

“Director” means the head of the Division of Revenue and Enterprise Services in the Department of the Treasury.

“Division of Property Management and Construction” or “DPMC” means the State agency within the Department of the Treasury, which provides a centralized design and construction contract procurement and administration service for other State agencies pursuant to N.J.S.A. 52:18A-151 et seq.

“Division of Purchase and Property” means the State agency within the Department of the Treasury which provides centralized procurement of goods and services for Executive Branch State agencies, pursuant to N.J.S.A. 52:27B-56.

“Division of Revenue and Enterprise Services” or “Division” means the Division in the Department of the Treasury that administers the registration of small business enterprises.

“Goal” means the statutorily determined percentage of contracting dollars awarded by each State contracting agency to small businesses in order to comply with the small business provisions of the Set-Aside Act. It further means the percentage of State contracting dollars that the State contracting agency makes a good faith effort to award to small businesses under Executive Order No. 84 (2006).

...
“Registration” means the process by which any small business or veteran-owned business can have its eligibility for participation in the Division’s small business programs determined.

“Request for Proposals” or “RFP” means the document issued by a State contracting agency to initiate an advertised bidding and contract award process. (See the definition of “Invitation for Bids”)

...
“Set-aside contract,” for the purposes of construing and applying the rules in this chapter only, means a contract, specifically designated by a

contracting agency, in whole or in part, for award to a small business either at a prime or subcontract level.

“Small business” means a business, which has its principal place of business in the State; is independently owned and operated; has no more than 100 full-time employees (35 hours or more, not including seasonal and part-time employees employed for less than 90 days, if seasonal and casual part-time employment are common to that industry, and consultants employed under other contracts not related to the goods and services which are the subject of the specific contract for which the business wants to be eligible as a small business) and for goods and services contracts, has gross revenues that do not exceed \$12 million or the applicable Federal revenue standards established at 13 CFR 121.201, incorporated herein by reference, as may be adjusted periodically (see www.sba.gov/tools/resourcelibrary/laws_and_regulations/index.html), and satisfies any additional eligibility standards under this chapter. For design and construction contracts, has gross revenues that do not exceed \$3 million, or 50 percent of the applicable annual revenue standards set forth in Federal regulation at 13 CFR 121.201 (see www.sba.gov/tools/resourcelibrary/laws_and_regulations/index.html) or whose gross revenues do not exceed the applicable annual revenue standards set forth in Federal regulation at 13 CFR 121.201, as may be adjusted periodically.

...
“Small Business Set-Aside Unit” or “Unit” means the section in the Department of the Treasury, which provides oversight and direction for the small-business set-aside program for the State of New Jersey.

“State contracting agency” or “contracting agency” means any board, commission, committee, authority, division, department, college, or university of the State, which possesses the legal authority to enter into or award contracts for goods and services or design and construction contracts. A list of State contracting agencies shall be maintained at www.newjerseybusiness.gov, and updated as necessary to reflect the addition or elimination of agencies.

“Subcontractor” means a third party that is engaged by a contractor to perform all or part of the goods, services, or construction services included in a contract with the State.

...
“Term contract” means an award made by a State contracting agency in which a source of supply for a product or service is established for a specific period of time. A term contract is generally applied when a State contracting agency:

1. Establishes a fixed unit price, hourly rate, or discount for items to be purchased thereunder;
- 2.-3. (No change.)

...
“Vendor Registration Form” means the form available on the State’s website, <https://www.njportal.com/DORE/SBERegistry/> that a business completes when applying to the Division to register as a small business under this chapter.

“Veteran” means any citizen and resident of this State honorably discharged, or released under honorable circumstances, who served in any branch of the Armed Forces of the United States or a Reserve component thereof for at least 90 days and shall include disabled veterans.

“Veteran-owned business” means a business, as defined in N.J.S.A. 52:32-49 et seq., which has its principal place of business in the State, is independently owned and operated, and not less than 51 percent of the business is owned by one or more veterans; and the management and daily business operations of which are controlled by one or more veterans.

“Waiver of advertising” means a contract award process authorized by N.J.S.A. 52:34-9 and 52:34-10, which does not require public advertisement and which is subject to approval by the State Treasurer.

SUBCHAPTER 2. ELIGIBILITY REQUIREMENTS FOR SMALL BUSINESSES

17:13-2.1 Standards of eligibility for small businesses for goods and services and for State construction contracts

(a) In order to be eligible as a small business, a business must satisfy all of the following criteria:

1.-2. (No change.)

3. The business must be a sole proprietorship, partnership, limited liability company, or corporation with 100 or fewer employees in full-time positions (35 hours or more not including seasonal and part-time employees employed for less than 90 days, if seasonal and casual part-time employment are common to that industry, and consultants employed under other contract not related to the goods and services which are the subject of the specific contract for which the business wants to be eligible as a small business).

4. For goods and services contracts, the business must have gross revenues that do not exceed \$12 million or the applicable Federal revenue standards established at 13 CFR 121.201, incorporated herein by reference, whichever is higher. For State construction contracts, the business must have gross revenues that do not exceed \$3 million or the applicable annual revenue standards set forth in Federal regulation at 13 CFR 121.201, incorporated herein by reference, as may be adjusted periodically.

i.-iii. (No change.)

(b) (No change in text.)

(c) Small businesses, for goods and services, will be registered in one of the following three categories:

1.-3. (No change.)

(d) Small businesses for State construction contracts will be registered in one of the following three categories:

1. Small businesses whose gross revenues do not exceed \$3 million;

2. Small businesses whose gross revenues do not exceed 50 percent of the applicable annual revenue standards set forth in Federal regulation at 13 CFR 121.201 (see www.sba.gov/tools/resourcelibrary/laws_and_regulations/index.html), incorporated herein by reference, and as may be adjusted periodically; or

3. Small businesses whose gross revenues do not exceed the applicable annual revenue standards set forth in Federal regulation at 13 CFR 121.201, incorporated herein by reference, as may be adjusted periodically.

(e) Small businesses properly registered in the category in (c)1 above will be eligible to participate in set-aside contracts and subcontracting programs available to businesses registered in the categories in (c)1, 2, and 3 above. Small businesses properly registered in the category in (c)2 above will be eligible to participate in set-side contracts and subcontracting programs available to businesses registered in the categories in (c)2 and 3 above. Small businesses properly registered in the category in (c)3 above will be eligible to participate in set-aside contracts and subcontracting programs available to businesses in the category in (c)3 above only.

(f) Small businesses properly registered in the category in (d)1 above will be eligible to participate in set-aside contracts and subcontracting programs available to businesses registered in the categories in (d)1, 2, and 3 above. Small businesses properly registered only in the category in (d)2 above will be eligible to participate in set-aside contracts and subcontracting programs available to businesses registered in the categories in (d)2 and 3 above. Small businesses properly registered in the category in (d)3 above will be eligible to participate in set-aside contracts and subcontracting programs available to businesses registered only in the category in (d)3 above.

17:13-2.2 Obligation to provide information and penalties for failure to provide complete and accurate information

(a) (No change.)

(b) When a business has been approved as a small business, on the basis of false information knowingly supplied by the business, and the business has been awarded a State contract or a subcontract thereto, the Small Business Set-Aside Unit, after notice and opportunity for a

contested case hearing pursuant to N.J.S.A. 52:14B-10 and N.J.A.C. 17:27, shall:

1.-2. (No change.)

3. Order the business ineligible to transact any business with a State contracting agency for a period of 12 months; and

4. Order the Division of Revenue to revoke the registration of the business as a small business for a period of one year from the State's small business database.

(c) (No change.)

(d) The failure of a business to report any such changed circumstances, or the intentional and/or knowing reporting of false information, shall disqualify the business for inclusion in the small business database under these rules and shall order the Division of Revenue to revoke the registration of the business as a small business for a period of one year from the State's small business database.

(e) When a business has been registered as a small business on the basis of false information knowingly supplied by the business, but the business has not been awarded a State contract, the Small Business Set-Aside Unit, after notice and opportunity for a contested case hearing pursuant to N.J.S.A. 52:14B-10 and N.J.A.C. 17:27, shall order the Division of Revenue to revoke the registration of the business as a small business for a period of one year from the State's small business database.

SUBCHAPTER 3. REGISTRATION

17:13-3.1 Registration procedures for small businesses and veteran-owned businesses

(a) A business seeking to register as a small business or a veteran-owned business shall comply with the following registration procedures:

1. (No change.)

2. The business shall apply to the Division by completing the Vendor Registration Form, available online at www.newjerseybusiness.gov.

i. As part of its application to the Division, a business shall document its principal place of business, independent status, number of employees, and its gross revenues. This documentation shall include appropriate forms or reports otherwise submitted to or issued by State and Federal agencies, such as employee reports filed with the New Jersey Department of Labor and Workforce Development or certificates of incorporation issued by the New Jersey Division of Revenue and Enterprise Services.

ii. (No change.)

iii. As part of its application, the business shall pay a non-refundable \$167.00 application fee for a five-year registration.

(b) When an application for registration as a small or veteran-owned business has been completed, the Division shall determine whether to approve it and notify the business of its decision. If approved, the Division will issue the business a registration certification and add the business to the small business database.

(c) (No change.)

(d) Every five years, no later than 20 days prior to expiration of the small or veteran business's registration, and not earlier than 60 days prior to the expiration of such registration, a business interested in remaining registered as a small or veteran business shall comply with the registration procedures pursuant to (a) above.

(e) Annually the business shall submit, prior to the anniversary of the registration notice, a verification statement, in which it shall attest that there has been no change in the ownership, revenue eligibility, or control of the business at the State's website, <https://www.njportal.com/DOR/SBERegistry/>.

1. If the business fails to submit the annual verification statement by the anniversary date of the registration notice, the registration will lapse and the business will be deemed revoked from the State's small business database. If the business seeks to be registered after revocation, it will have to reapply and pay the \$167.00 application fee.

2. If the business submits the annual verification statement by the anniversary date of the original registration notice, but either the verification statement or other information received by the Division indicates that the business is no longer eligible for registration as a small or veteran-owned business, the Division shall revoke the registration

pursuant to this chapter and following revocation, the business shall be deemed revoked from the State's small business database. The business may appeal this revocation pursuant to the procedures set forth at N.J.A.C. 17:13-3.4.

17:13-3.2 Time for application to register as a small or veteran-owned business

(a) A business may apply to the Division at any time to be registered as a small or veteran-owned business and to be placed on the small business database.

(b) If a business is to be eligible to bid on a specific set-aside contract or participate in the subcontracting target programs for purposes of this chapter, it must be registered as a small or veteran-owned business by the Division on or before the date the bid or proposal is due at the State contracting agency.

17:13-3.3 Procedures for challenging a business registered as a small or veteran-owned business

(a) The qualification under this chapter of a business as a small or veteran-owned business may be challenged by any third party.

1. A registration challenge shall be made in writing to the Small Business Set-Aside Monitoring Unit, setting forth the factual basis for the challenge. The Unit shall provide a copy of the challenge and a notice granting the opportunity for a hearing to the challenged business. Where a particular contract is at issue, the Unit shall also provide a copy of the challenge to the contracting agency.

2. A registration challenge to the Unit may concern only the qualification of the business under these rules as a small or veteran-owned business. Any challenge to a business's qualifications to perform a contract shall be referred to the appropriate State contracting agency.

(b) When the Unit receives a registration challenge, upon request of the business whose registration is at issue, the Unit Manager or a designee of the Director shall conduct a hearing on the matter as follows:

1. The Unit shall notify all interested parties, including, but not limited to, the challenging party, the business whose registration is at issue, and any affected State contracting agency, of the time and place of the hearing, and of the right to attend and be represented at the hearing.

2. The burden of proof lies with the challenger to establish that the business whose registration is at issue is not qualified and/or not properly registered as a small business under this chapter. However, the Unit may use its own resources to ascertain the validity of a challenge and the status of a business.

3. The hearing will be conducted by the Unit Manager or his or her designee. The Unit Manager will issue a written report within seven working days following the close of the hearing.

4. At the discretion of the Unit Manager, participants at the hearing may be permitted to file written exceptions to the report no later than five working days after the date on which the report is made available to the business.

5. Thereafter, the Unit Manager shall issue a final decision on the challenge and notify the parties by fax (or other electronic means) and letter.

6. (No change.)

17:13-3.4 Procedures for denial or revocation of registration as a small or veteran-owned business

(a) If the Division either denies an application for small or veteran-owned business registration or revokes a registration as a small or veteran-owned business, the Division will so notify the business. The denial or revocation is effective as of the date of the Division's notice to the business of its denial or revocation determination.

(b) When a business has been denied registration or had its registration revoked, the business has the right to an appeal. The appeal procedures in this section govern denials and revocations, except for revocations on the basis of false information knowingly supplied by the business or failure to submit the annual verification statement. Revocation based on false information knowingly supplied by the business is addressed by the procedures at N.J.A.C. 17:13-2.2.

(c) Within 10 days from receipt of the denial or revocation notification, the business that received the notification may request, in writing to the Small Business Set-Aside Unit, an appeal hearing. The

appeal may concern only the qualification of the business under this chapter as a small business or veteran-owned business. When the Division receives an appeal, it shall conduct a hearing on the matter as follows.

1. The Unit shall notify the business of the time and place of the hearing and of the right of the business to appear and be represented by counsel at the hearing.

2. The appeal request shall include all information, including any relevant documents, available to the appealing business relevant to the appeal.

3. The burden of proof lies with the appealing business to show that the denial or revocation of the business registration was in error and that the appealing business meets all of the requisite qualifications under this chapter to be registered as a small business and/or veteran-owned business.

4. The hearing will be conducted by the Unit Manager or a designee. The Unit Manager shall issue a written report within seven days of the close of the hearing.

5. At the discretion of the Unit Manager, the business may be permitted to file written exceptions to the designee's report no later than five working days after the date on which the report is made available to the business.

6. Thereafter, the Unit Manager shall issue a decision on the appeal and notify the business by fax (or other electronic means) and letter.

SUBCHAPTER 4. SET-ASIDE CONTRACTING AND SUBCONTRACTING PROGRAM

17:13-4.1 Set-aside program goals and procedures

(a) Each State contracting agency, consistent with its contracting authority, shall establish and administer a set-aside program which provides, with regard to goods and services contracts, a goal toward at least 25 percent of the dollar value of its contracts to be awarded to eligible small businesses, as follows: at least 10 percent shall be awarded to small businesses whose gross revenues do not exceed \$500,000; at least an additional 15 percent shall be awarded to the additional categories of small businesses whose gross revenues do not exceed \$12 million or the applicable Federal revenue standards established at 13 CFR 121.201, incorporated herein by reference, whichever is higher. For design and construction contracts, the goal is to award 25 percent of the total contract value to either prime contractors or subcontractors that qualify as small businesses with revenues that do not exceed the annual revenue standards established by the Federal standard at 13 CFR 121.201.

1.-2. (No change.)

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

17:13-4.2 Subcontracting target program and procedures

(a) (No change.)

(b) Each State contracting agency shall establish written procedures and maintain records as necessary to define, document, and report subcontracts awarded pursuant to this program. The procedures shall include the following provisions:

1. The State contracting agency shall review its schedule of contracting opportunities and establish a method of determining which upcoming contracts are suitable for the subcontracting target program.

i. Factors to be considered when making the determination that a particular contract is suitable for inclusion in this program include, but are not limited to: the total dollar amount of the project and subcontracting opportunities on the project and the number of eligible businesses in geographical proximity to the project site.

ii. The designation of a particular RFP as a small business set-aside subcontracting opportunity may be made prior to the public advertisement for bids or established pursuant to addenda.

(c) For construction contracts, the State contracting agency reviews the project to determine if small business set-aside goals are appropriate or can be reasonably attained given the elements of the job. The State contracting agency may review the Division's list of classified contractors to determine the number of eligible small businesses, as established in N.J.A.C. 17:14-2.1 that may reasonably be expected to

participate in the project, giving consideration to the geographic location, required trades, and estimated dollar value of the project.

1. The Small Business Enterprise (SBE) goal for construction projects set-aside can be reached either at the prime or subcontractor level.

2. The public advertisement shall include a notice to prospective bidders disclosing the SBE goal for the contract.

3. Bidders shall provide sufficient documentation of its good faith efforts to meet the SBE set-aside goal either with its bid or within 10 days of a request by the State contracting agency or other State agency. Failure to comply may preclude award of a contract to a bidder.

(d) Nothing in this subchapter shall be construed as requiring or permitting a State contracting agency to depart from its statutory restrictions or documented policies governing the percentage of a contract which may be subcontracted.

(e) The public advertisement shall include a notice to prospective bidders identifying small business categories applicable to the RFP.

(f) In the event that a goods and services RFP is designated as a small business set-aside subcontracting opportunity, the RFP shall contain a detailed notice to bidders advising of the following:

1. The bidding package includes a subcontractor utilization that must be completed and included as part of the bidder's proposal if the bidder intends to subcontract; and

2. The steps the bidder would need to take to either:

- i. Meet the targets of the set-aside subcontracting requirement; or
- ii. Document the bidder's good faith effort to meet the targets of the set-aside subcontracting requirement.

3. Bidders shall provide sufficient documentation of good faith efforts to meet the targets of the set-aside requirement either with a bid proposal or within seven days of the State contracting agency's request. Failure to comply shall preclude award of a contract to a bidder.

(g) Each bidder awarded a contract for a procurement that contains the set-aside subcontracting goal requirement shall fully cooperate in any studies or surveys that may be conducted by the State contracting agency to determine the extent of the bidder's compliance with this chapter.

17:13-4.3 Good faith efforts of bidders; requirements

(a) (No change.)

(b) Bidders shall maintain adequate records to document their good faith efforts to solicit and award subcontracts to eligible small businesses, as established in the RFP, including those specific actions set forth in this subchapter.

17:13-4.4 Exemptions from set-aside program

In those circumstances where Federal law or regulations permit or require a procurement procedure other than those prescribed in this chapter, the State contracting agency may follow the Federal procedures notwithstanding the provisions of this chapter, provided that the State contracting agency issues a written declaration that such Federal laws or regulations are in effect.

SUBCHAPTER 5. (RESERVED)

SUBCHAPTER 6. VETERAN-OWNED BUSINESS

17:13-6.1 Veteran-owned business

(a) To register as a veteran-owned business, the business must:

1. Register at www.newjerseybusiness.gov, for premier business services; and

2. Apply to the Division by completing the Veteran-Owned Business (VOB) Registration Application, available online at www.newjerseybusiness.gov.

3. Provide a copy of Discharge Form DD-214, and a \$167.00 non-refundable application fee (check or money order) payable to "NJ Division of Revenue and Enterprise Services" and return to:

NJ Division of Revenue and Enterprise Services
PO Box 455
Trenton, NJ 08648

(b) If an applicant knowingly supplies inaccurate or false information, the application shall be denied under this chapter, the business shall be disqualified from inclusion in the small business database, and the

business may be subject to adverse action by contracting agencies, the Attorney General, or other enforcement agencies.

(c) As part of its application, the business shall pay a non-refundable \$167.00 application fee for a five-year registration.

OTHER AGENCIES

(a)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

**Notice of Readoption
Contested Transfer Determinations**

Readoption with Technical Changes: N.J.A.C. 19:18

Authority: N.J.S.A. 34:13A-11 and 34:13A-27.

Authorized By: P. Kelly Hatfield, Chair Public Employment Relations Commission.

Effective Dates: August 21, 2017, Readoption;

December 4, 2017, Technical Changes.

New Expiration Date: August 21, 2024.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 19:18 were scheduled to expire on September 23, 2017. N.J.S.A. 34:13A-25 prohibits transfers of school board employees between work sites for disciplinary reasons. N.J.S.A. 34:13A-27 empowers the Public Employment Relations Commission to resolve a dispute over whether the basis for a transfer between work sites is predominately disciplinary. N.J.A.C. 19:18 specifies the procedures for filing, answering, processing, and deciding petitions in contested transfer cases.

Subchapter 1, Nature of Proceedings, describes the nature of a contested transfer proceeding and stresses that the procedures in Chapter 18 are intended to avoid protracted administrative litigation.

Subchapter 2, Institution of Proceedings, states who may file a petition, what information must be included, and when a petition must be filed.

In Subchapter 3, Procedure, there is a separate rule governing the procedures for each of the following topics: intervention; conference; amendment, withdrawal, dismissal, or consolidation; answers; where to file, number of copies, and service; amendment of answers; replies to answers; request for evidentiary hearing; briefs; evidentiary hearings and motions; record, exceptions, and cross-exceptions; oral argument; final determinations; motions for reconsideration; and interim relief.

Take further notice that the Commission is readopting these rules with technical changes to replace "Chairman" and "Chairman of the Commission" with the gender-neutral "Commission Chair" or "Chair."

The Commission has determined that the chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which it was first promulgated and should be readopted with the technical changes discussed above.

Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 19:18 is readopted and shall continue in effect for a seven-year period.

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

SUBCHAPTER 3. PROCEDURE

19:18-3.1 Intervention

A motion for leave to intervene in proceedings under this chapter shall be filed in writing with the Commission, stating the grounds upon which an interest in the proceeding is claimed and stating the extent to which intervention is sought. An original and nine copies of such motion shall be filed, together with proof of service of a copy of such motion upon the parties. The [Chairman] **Chair** or such other Commission designee, in his or her discretion, may permit intervention to such extent and upon such terms as may be deemed just.