



VENDOR MANUAL

August 6, 2024

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I. Purpose

It is the objective of the Ocean County Health Department Purchasing Division to ensure effective control over the encumbrance and expenditure of public funds pursuant to state law and the guidance set forth by the Division of Local Government Services while at the same time manage managing the procurement of goods and services in an efficient manner.

This document identifies and delineates the legal authority under which the public purchasing function operates, methods of procurement (formal bids, competitive contracting, etc.), required documents and ethical standards.

II. Background/Scope/Authority

The Health Department will comply with New Jersey state purchasing laws and all applicable federal laws. These laws include, but are not limited to the following:

- Local Publics Contracts Law – (N.J.S.A. 40A:11-1 et seq.) The foundation of public purchasing in New Jersey, the LCPL Identifies methods of procurement, when each can be used and their respective requirements. It also describes purchasing procedures and types of contracts; sets bid and quote thresholds, periods for contracts.
- Business Registration Certification (BRC) requirements – (N.J.S.A. 52:32-44) Required from any vendor doing business with a local unit except for non-profit organizations and government agencies. A BRC is required, or IRS non-profit letter, before award of any contract/purchase order for goods or services which in aggregate exceed the quote threshold.
- “Pay-To-Play” Law – (N.J.S.A. 19:44A-20.4 et seq.) Requires disclosure from all vendors/contractors doing business with the local contracting unit in excess of \$17,500 annually unless awarded contract(s) via fair-and-open method. The disclosure forms (Political Contribution Disclosure & Business Entity Disclosure) must show that no owner of the business made in the past year reportable donations to a political party committee or candidate committee.
- Equal Employment Opportunity – (N.J.S.A. 10:5-31 et seq. & N.J.A.C. 17:27 et seq.)

Bids for goods and/or services and professional service (as well as other exception) contracts require:

1. Letter of Federal Approval OR
2. Certificate of Employee Information Report

Construction contracts (subcontractors with four or fewer employees are exempt) require:

1. Form AA-201 upon notification of award
 2. Form AA-202 monthly for duration of contract
- Public Works/Construction contracts over \$2,000 also require:
1. Prevailing wage rates paid by contractor (N.J.S.A. 34:11-56.25 et seq); contracting unit review of debarment list, provision of prevailing wage rates with contract; certified payroll every 10 days.
 2. Public Works Contractor Registration (N.J.S.A. 34:11-56.48 et seq.)
- Prohibition on Dealings with Russia or Belarus-associated Businesses (P.L. 2022 c. 3) - Prohibits the award, renewal, amendment, or extension of State and local public contracts for goods or services with persons or entities engaging in prohibited activities in Russia or Belarus. A certification that the vendor or contractor is not on the Department of Treasury's list of entities engaged in prohibited activities in Russia or Belarus, nor investment activities in Iran pursuant to P.L. 2012, c.25 for contracts over \$1,000 or the contracting unit quote threshold in accordance with local unit attorney review provided per LFN 2023-11. Enforcement of the Russia-Belarus prohibition has been restrained pending adjudication of a suit in federal district court.

III. Procurement and Payment

All purchases (except for bona fide emergencies) are to be made by means of a Purchase Order (PO) or contract awarded by the contracting agent.

Based on price, category of good or service, aggregation and other relevant factors, Purchasing will identify which possible method(s) can be used for procurement:

- Single Quote
- Two Quotes
- Competitive Contracting
- Bidding
- Other Fair and Open RFP
- Alternate Method (non-fair and open)
- Cooperative Purchasing
- National Cooperative

Vendors shall quote firm contract prices only, F.O.B. 175 Sunset Avenue, Toms River, NJ 08755, location of the using Division, or as directed.

Vendor must assure that an original signature of an authorized representative of the firm is on any written proposal or bid. Bids are awarded to lowest, responsive and responsible bidder. Competitive contracting proposals are evaluated based on advertised criteria in

the request for proposals and other contracts as deemed to be most advantageous, price and other factors considered.

Payment will be made in accordance with the requirements of N.J.S.A. 40A:5-15. Invoices shall specify, in detail, the period for which payment is claimed, the good(s) provided or service(s) performed during the prescribed period, the amount claimed and correlation between the service claimed and the contracted task or deliverable. Certification of the party claiming payment that the bill or demand is correct must be provided prior to payment. Approval of payments must be authorized by the Ocean County Board of Health which typically meets at least once per month, a schedule of said meetings can be found on www.ochd.org.

Public funds generally may only be used to pay after delivery of goods or rendering of services, with limited exceptions set forth in the New Jersey Administrative Code. The OCBH shall pay penalties and/or interest on overdue bills only in accordance with N.J.S.A. 40A:11-19.1. Vendors may offer a discount for prompt payment of invoices.

APPENDIX A

| FORM | REQUIREMENT |
|---|--|
| W-9 Sample | All vendors and contractors |
| Business Registration Certificate contract language and sample | Any vendor/contractor from which more than \$6,600 is anticipated to be procured in a 12 month period |
| Pay-to-Play Law Compliance: Business Entity Disclosure Form | Non-competitive contracts over \$17,500 |
| Pay-to-Play Law Compliance: Political Contribution Disclosure Form | Non-competitive contracts over \$17,500 |
| Public Works Contractor Registration Sample | Public Works Contractors over \$16,263 |
| Public Contract EEO Compliance Procedures | Contracts awards for Bids and Professional Services/Other Exceptions (See procedures for req. forms) |
| Affirmative Action Certification | Request for Bids/Request for Proposals |
| Iran, Russia, Belarus Certification | All POs/Contracts over \$1,000 |
| Acknowledgment of Addenda | Request for Bids/Request for Proposals |
| Federal Non-Debarment Certification | For any construction, reconstruction, repair, or improvement of a permanent nature wholly at the expense of the public |
| Qualification Form | Specific to each RFB/RFP (when applicable) |
| Checklist for Bids/Proposals | Specific to each RFB/RFP |
| Purchase Order/Contract | P.O. below bid threshold; Contract for bids and exceptions |
| -Exhibit A | Mandatory goods & services contract language for EEO compliance |
| -Exhibit B | Mandatory construction contract language for EEO compliance |
| -Attachment A: NJ Anti-Discrimination Provisions | All contracts |
| -Attachment B: Americans with Disabilities Act Provisions | All contracts |

Conflict of Interest - state law includes the following prohibitions:

Local Ethics Law (N.J.S.A. 40A:9-22.1) - No local government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;

No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others;

No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment;

No local government officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;

No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his official duties;

No local government officer or employee shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated;

No local government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves. This provision shall not be deemed to prohibit one local government employee from representing another local government employee where the local government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities.

The New Jersey Local Finance Board can investigate ethics complaints, hold hearings and issue penalties.

APPENDIX B

Administrative code rules for evaluating competitive contracts proposals (N.J.A.C. 5:34-4.3) -
Before reviewing any proposals, each person evaluating a proposal shall assess their own affiliations and financial interest and those of their families that relate to their duties as someone evaluating a proposal to ensure they do not have a conflict of interest. For these purposes, a person has a conflict of interest with a proposal if that person or spouse, parent, or child would be in violation of the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., or the School Ethics Act, N.J.S.A. 18A:12-21 et seq. as appropriate. Any person with a conflict of interest related to the competitive contracting proposal shall not participate in the evaluation process.

Prior to evaluating the proposals, each individual participating in the evaluation of a proposal shall execute a statement certifying they do not have a conflict of interest which shall be filed with the authorized agent, prior to the beginning of the evaluation process.