

**NEW JERSEY DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
CORRECTIVE ACTION PLAN**

SCHOOL DISTRICT NAME HARDING TOWNSHIP COUNTY MORRIS

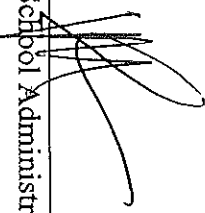
TYPE OF EXAMINATION: PUBLIC SCHOOL CONTRACTS LAW VIOLATION, OFAC #INV-007-17

DATE OF BOARD MEETING: April 24, 2017

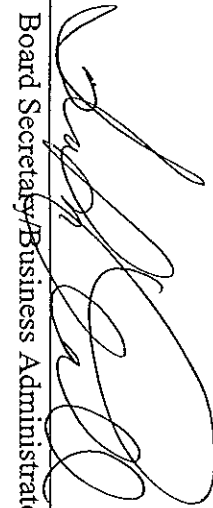
CONTACT PERSON Mr. Matthew Spelker

TELEPHONE NUMBER 973-267-6398 x101 FAX NUMBER 973-267-7133

RECOMMENDATION NUMBER	CORRECTIVE ACTION	METHOD OF IMPLEMENTATION	INDIVIDUAL RESPONSIBLE FOR IMPLEMENTATION	COMPLETION DATE OF IMPLEMENTATION
1. 18A:18A-21a.	Give training on public schools contract law to appropriate staff members.	Annual review of purchasing procedures to appropriate personnel.	Superintendent	New business administrator's start date is July 1, 2017. Training to be completed by September 1, 2017.
2. 18A:18A-21c.(2)	Same as above.	Business office personnel to attend public school contracts law training. Same as above.	Same as above.	Annual review to be conducted every September. Same as above.


Chief School Administrator

4/24/2017
Date


Board Secretary/Business Administrator

4/24/2017
Date

STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
INVESTIGATIONS UNIT

HARDING TOWNSHIP SCHOOL DISTRICT
PUBLIC SCHOOL CONTRACTS LAW VIOLATION
OFAC CASE #INV-007-17

REPORT OF EXAMINATION
FEBRUARY 2017

**HARDING TOWNSHIP SCHOOL DISTRICT
PUBLIC SCHOOL CONTRACTS LAW VIOLATION**

INVESTIGATIVE SUMMARY

The New Jersey Department of Education, Office of Fiscal Accountability and Compliance (OFAC), received notification from the New Jersey School Development Authority of a potential violation of the Public School Contracts Law, N.J.S.A. 18A:18A-21a. and c.(2) - Notice of advertisement for bids and notice of revisions or addenda to advertisements. The notification indicated an installation of the window and unit ventilator replacement project (project) was initiated by Harding Township School District (District). The bid was advertised and the addenda to the bid specifications were forwarded to bidders. However, the requisite 10 day notice for advertisement of bid and seven day notice of addenda requirements was not adhered to. The OFAC conducted a review of the timing of the notices for the project. As a result of that review, the following statutory deficiencies were noted:

1. Adherence to the provisions of N.J.S.A. 18A:18A-21a.

On May 8, 2014, the District advertised for the solicitation of competitive bids for the project. The bid solicitation indicated that sealed bids would be opened on May 15, 2014.

N.J.S.A. 18A:18A-21a. provides:

"...all advertisements for bids shall be published in an official newspaper sufficiently in advance of the date fixed for receiving the bids to promote competitive bidding, but in no event less than 10 days prior to such date."

Based upon the provisions of the statute, the calculation of the required 10-day time period begins on the date notification was made. As such, the calculation for the required 10-day time period for the bid opening should have been dated May 21, 2014. The number of calendar days between the issuance of the advertisement and the bid opening date equals six days.

2. Adherence to the provisions of N.J.S.A. 18A:18A-21c.(2)

The addenda for the project dated May 8, 2014, was issued to each prospective bidder citing revisions, modifications or clarifications to the bid specification documents.

N.J.S.A. 18A:18A-21c.(2) provides:

"For all contracts for construction work, notice shall be provided no later than seven days, Saturdays, Sundays, or holidays excepted, prior to the date for acceptance of bids, to any person who has submitted a bid or who has received a bid package in any of the following ways: i) in writing by certified mail or ii) by certified facsimile transmission, meaning that the sender's facsimile machine produces a receipt showing date and time of transmission and that the transmission was successful or iii) by a delivery service that provides certification of delivery to the sender."

Based upon the provisions of the statute, the calculation of the required seven-business-day time period begins on the date notification was made and must exclude Saturdays, Sundays, holidays and the bid opening date. As such, the calculation for the required seven-day time period for the addenda should have been dated May 19, 2014.

The number of calendar days between the issuance of the addenda and the bid opening date of May 15, 2014, excluding Saturdays, Sundays, holidays and the bid opening date, equals four days.

Conclusion

The District violated provisions of N.J.S.A. 18A:18A-21a. and c.(2) by failing to provide the required ten-day bid notice and seven-business-day notice of addenda to bid specifications.

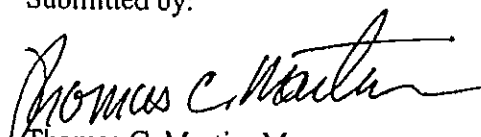
Examination of the bid documents and proposal submissions confirmed that, with the exception of the bid and addenda violation, the District's bid process was compliant with the provisions of the Public School Contracts Law pertaining to the bid solicitation.

Recommendation

The District must develop and submit to the OFAC a corrective action plan that will identify the procedures the District will implement to ensure future compliance with N.J.S.A. 18A:18A-21a. and c.(2).

All bidders were contacted with respect to the District's modifications to the bid specification documents and no objections were made by any of the bidder; therefore, the OFAC will not seek a withholding of State funds under the provisions of N.J.A.C. 6A:26-14.1.

Submitted by:



Thomas C. Martin, Manager
Investigations Unit

Approved by:



Robert C. Cicchino, Director
Office of Fiscal Accountability and Compliance

Investigator:

Francesco Frangella