



State of New Jersey

OFFICE OF THE STATE COMPTROLLER  
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**KIM GUADAGNO**  
*Lt. Governor*

**A. MATTHEW BOXER**  
*State Comptroller*

January 28, 2013

All Local Government Contracting Units  
*Via email transmission*

As local government units recover from Hurricane Sandy and prepare to rebuild, the Office of the State Comptroller ("OSC") wishes to remind local units of their statutory obligation to comply with certain pre-advertising and post-award reporting requirements for public contracts.

Under N.J.S.A 52:15C-10b(1), contracting units<sup>1</sup> must notify OSC of any negotiation or solicitation of a contract that may exceed \$10 million as early as practicable, but no later than 30 days before advertisement of the contract. Contracting units must notify OSC within 20 days after they award any contract between \$2 and \$10 million, pursuant to N.J.S.A 52:15C-10a.

The fact that repair or rebuilding contracts are related to Hurricane Sandy does not exempt local contracting units from complying with these requirements. Moreover, local contracting units should not assume that N.J.S.A. 52:15C-10c, the public exigency exception to the notification requirements outlined above, will apply to any Sandy related contract.

OSC is, however, mindful that some of these contracts may be time sensitive in nature. Local contracting units should be aware that under N.J.S.A. 52:15C-10b(2), they may request a waiver of the 30 day pre-advertisement period. OSC intends to make its best efforts for

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<sup>1</sup> Contracting units are defined as "the principal departments in the Executive branch of the State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department, any independent State authority, commission, instrumentality and agency, and any State college or university, any county college, and any unit of local government including a county, municipality, board of education and any board, commission, committee, authority or agency, thereof which has administrative jurisdiction over any project or facility, included or operating in whole or in part, within the territorial boundaries of any county, municipality or board of education which exercises functions which are appropriate for the exercise by one or more units of local government, and which has statutory power to make purchases and enter into contracts for the provision or performance of goods or services."

expedited review of Sandy related repair or replacement contracts that are submitted for review with a written request for a waiver of the 30 day period.

More information on statutory compliance, as well as OSC notification forms, can be found online at <http://www.nj.gov/comptroller/compliance/index.html>. OSC has previously issued guidance on best practices in awarding service contracts, available at [http://www.nj.gov/comptroller/news/docs/service\\_contracts\\_report.pdf](http://www.nj.gov/comptroller/news/docs/service_contracts_report.pdf), which may be helpful to local units preparing to enter into repair or replacement contracts as a result of damage related to Hurricane Sandy. If your unit is contemplating entering into such a contract, and you are unclear about your obligation to notify the Office of the State Comptroller under the statute, or whether the public exigency exception applies, you may contact our office for further guidance at [contracts@osc.state.nj.us](mailto:contracts@osc.state.nj.us).

Sincerely,

A handwritten signature in cursive script, reading "Karen H. Shelton". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Karen H. Shelton  
Director, Procurement Division