§ 19:30-2.2 Causes for disqualification/debarment of persons

(a) The Authority may decline to give financial assistance, or approval as a tenant in any Authority-financed project or Authority-owned project, to any person, or may debar a person from Authority project contracting for any of the following causes:

1. Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance or such contract or subcontract;

2. Violation of the Federal Organized Crime Control Act of 1970, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty;

3. Violation of the Federal or State antitrust statutes, or of the Federal Anti-Kickback Act; (18 U.S.C. 874);

4. Violation of any law governing the conduct of elections of the Federal Government, State of New Jersey or of its political subdivision;


6. Violation of any laws governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, or child labor;

7. Violation of any law governing the conduct of occupations or professions of regulated industries;

8. Violation of any law which may bear upon a lack of responsibility or moral integrity;

9. Any other cause of such serious and compelling nature as may be determined by the Authority to warrant disqualification for assistance or debarment from contracting with the Authority or from Authority project contracting;

10. Debarment by any department, agency, or instrumentality of the State or Federal government;

11. Violation of any of the following prohibitions on vendor activities representing a conflict of interest, or failure to report a solicitation as set forth in (a)11i below:

   i. No person shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any Authority officer or employee or special Authority officer or employee, as defined by N.J.S.A. 52:13D-13b and e, with which such person transacts or offers or proposes to transact business, or to any member of the immediate family as defined by N.J.S.A. 52:13D-13i, of any such officer or employee, or partnership, firm, or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13g.
The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any Authority officer or employee or special Authority officer or employee from any person shall be reported in writing by the person to the Attorney General and the Ethics Liaison Officer.

No person may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such person to, any Authority officer or employee or special Authority officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to the Authority, or with any person, firm or entity with which he or she is employed or associated or in which he or she has an interest within the meaning of N.J.S.A. 52:13D-13g. Any relationships subject to this subsection shall be reported in writing to the Authority Ethics Liaison Officer and the State Ethics Commission, which may grant a waiver of this restriction upon application of the Authority officer or employee or special Authority officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.

No person shall influence, or attempt to influence or cause to be influenced, any Authority officer or employee or special Authority officer or employee in his or her official capacity in any manner which might tend to impair the objectivity or independence of judgment of the officer or employee.

No person shall cause or influence, or attempt to cause or influence, any Authority officer or employee or special Authority officer or employee to use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for the person or any other person.

The provisions in (a)11 above shall not be construed to prohibit an Authority officer or employee or special Authority officer or employee from receiving gifts from or contracting with persons under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines the State Ethics Commission may promulgate.

### History

**HISTORY:**


(a)11 and (b) added, prohibitions on vendor activities representing conflicts of interest.


See: 22 N.J.R. 1537(a), 22 N.J.R. 2532(a).

Section recodified from 5.2.

Tenancy or other disqualification/debarment may be denied based on any cause in (a), including failure to report solicitation.


Amended citations in (a)3.


In the introductory paragraph of (a), inserted "or Authority-owned project"; in (a)11ii, substituted "Ethics Liaison Officer" for "Executive Commission on Ethical Standards"; in (a)11iii, substituted "Authority Ethics Liaison Officer"
and the State Ethics Commission" for "Executive Commission on Ethical Standards"; and in (b), substituted "State Ethics Commission" for "Executive Commission on Ethical Standards".

Annotations

Notes

Chapter Notes

Case Notes

Initial Decision (2007 N.J. AGEN LEXIS 157) adopted, which found that a corporation was properly debarred from Division of Property Management and Construction contracting and Schools Construction Corporation contracting for a period of four years because the actions of its corporate officers in seeking to influence the public contracting process through donations to political parties in excess of that which the Legislature permitted involved the commission of a criminal offense involving a lack of business integrity and demonstrating moral turpitude which reflected adversely upon the moral responsibility of the individuals and, as such, the corporation; because the corporation was by its very nature able to act only through individuals, it had to be held responsible for what those individuals did, especially when the activity directly affected the pocketbook of the corporation. Dept of Treasury, Div. of Prop. Mgmt. & Constr. v. JCA Associates, Inc., OAL Dkt. No. TPP 00055-05S and SCC 06543-05 S (Consolidated), 2007 N.J. AGEN LEXIS 1190, Final Decision (May 4, 2007).

Initial Decision (2006 N.J. AGEN LEXIS 422) adopted, which found that respondent was properly debarred from bidding on any school facilities projects financed or constructed pursuant to the Educational Facilities Construction and Financing Act, N.J.S.A. 18A:7G-1 et seq., where respondent provided false information regarding his prior criminal history on his prequalification application; his dishonest acts in certifying the false information demonstrated a lack of business integrity or honesty and there were no mitigating factors that would have precluded debarment. N.J. Schools Construction Corp. v. Bogey's Trucking & Paving, Inc., OAL Dkt. No. SCC 6544-05, 2006 N.J. AGEN LEXIS 1137, Final Decision (October 5, 2006).

Research References & Practice Aids

CROSS REFERENCES:

Applicability to business employment incentive program grants, see N.J.A.C. 19:31-10.8.