

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

PENNS GROVE-CARNEYS POINT REGIONAL SCHOOL DISTRICT  
ADDENDA BIDDING NOTICE REVIEW  
OFAC CASE #INV-004-17

REPORT OF EXAMINATION  
JANUARY 2017

**PENNS GROVE-CARNEYS POINT REGIONAL SCHOOL DISTRICT  
ADDENDA BIDDING NOTICE REVIEW**

**INVESTIGATIVE SUMMARY**

The 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-21.c.(2) – Notice of revisions or addenda to advertisements. The notification indicated an installation of a Door Replacement/Renovations Project (project) at the Lafayette-Pershing School in the Penns Grove-Carneys Point Regional District (District) and addenda #2 and #3 to the bid specifications were forwarded to bidders. However, the requisite seven day notice requirement attaching to the addenda was not adhered to. The OFAC conducted a review of the timing of the notice of addenda to the bid specifications for the project. As a result of that review, the following was noted:

On January 6, 2016, the District advertised for the solicitation of competitive bids for the project at Lafayette-Pershing School. The bid solicitation included a notice the District would accept sealed bids to be opened on January 28, 2016. Addenda #2 and addenda #3 for the project, dated January 27, 2016, was issued to each prospective bidder. The addenda(s) was issued as a clarification to the bid specification documents.

N.J.S.A. 18A:18A-21.c.(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, [Emphasis added.] 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 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 addenda should have been January 19, 2016.

The number of calendar days between the issuance of addenda #2 and #3 and the bid opening date of January 28, 2016, excluding Saturdays, Sundays, holidays equals one day.

**Conclusion**

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

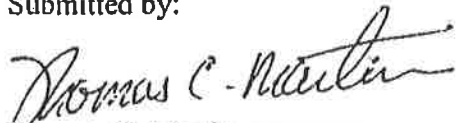
Examination of the bid documents and proposal submissions confirmed that, with the exception of the addenda violation, the District's bid process was compliant with the provisions of the Public School Contracts Law pertaining to the bid solicitation. However, addenda was issued in less than the required seven day time period.

**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-21.c.(2).

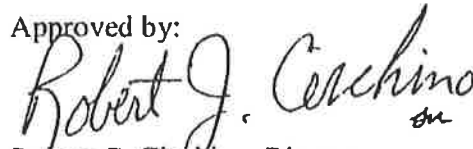
Because all bidders were contacted with respect to the District's modifications made to bid specifications and no objections were made by any of the bidders, the OFAC will not seek a withholding of State funds under the provisions of N.J.A.C. 6A:26-14.1.

Submitted by:



Thomas C. Martin, Manager  
Investigations Unit

Approved by:



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

Investigator

Francesco Frangella

# Corrective Action Plan

School District Name	County	Date
Penns Grove-Carney's Point Regional School District	Salem	January 23, 2017
Contact Person	Contact's Telephone Number	Contact's Email
Brian Ferguson, Business Administrator/Board Secretary	(856) 299-4250 Ext 1111	bferguson@pennsgrove.k12.nj.us

OFAC Investigation Number	Corrective Action Approved by the Board	Method of Implementation	Individual Responsible for Implementation	Completion Date of Implementation
OFAC Case #INV-004-17.	For all contracts for construction work, notice shall be provided no later than seven (7) days, Saturday, Sundays, or holidays excepted, prior to the date for acceptance of bids, as per N.J.S.A. 18A:18A-21c.(2).	The Business Administrator will coordinate with architects, engineers and other professional service providers to insure that, when issuance of addenda or clarification is required, the District is in compliance with N.J.S.A. 18A:18A-21c.(2).	Brian Ferguson, Business Administrator/ Board Secretary	January 23, 2017, going forward.

  
 CHIEF SCHOOL ADMINISTRATOR

1/23/17  
 DATE

  
 BOARD SECRETARY/SCHOOL BUSINESS ADMINISTRATOR

1/23/17  
 DATE