



NEW JERSEY ADMINISTRATIVE CODE
 Copyright (c) 2010 by the New Jersey Office of Administrative Law

*** THIS FILE INCLUDES ALL REGULATIONS ADOPTED AND PUBLISHED THROUGH THE ***
 *** NEW JERSEY REGISTER, VOL. 42, NO. 23, DECEMBER 6, 2010 ***

TITLE 19. OTHER AGENCIES
 NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
 CHAPTER 30. ADMINISTRATIVE RULES
 SUBCHAPTER 4. PAYMENT OF PREVAILING WAGES IN AUTHORITY PROJECTS

N.J.A.C. 19:30-4.1 (2010)

§ 19:30-4.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Authority financial assistance" means any loan, loan guarantee, grant, incentive, tax exemption or other financial assistance that is approved, funded, authorized, administered or provided by the Authority to any entity and is provided before, during or after completion of a project, including but not limited to, all Authority financial assistance received by the entity pursuant to the Business Employment Incentive Program Act, P.L. 1999, c. 26 (*N.J.S.A. 34:1B-124 et seq.*), that enables the entity to engage in a construction contract.

"Construction contract" means any contract, subcontract or agreement, whether written or oral, for construction, reconstruction, demolition, alteration, repair work, maintenance work, or construction related to installation of equipment, undertaken in connection with Authority financial assistance or any of its projects, those projects which it undertakes pursuant to P.L. 2002, c. 43 or undertaken to fulfill any condition of receiving Authority financial assistance and paid for in whole or in part with funds received through Authority financial assistance, including the performance of any contract to construct, renovate or otherwise prepare a facility for operations which are necessary for the receipt of Authority financial assistance unless specifically exempted by *N.J.A.C. 19:30-4.2*.

"Construction project" or "project" means a project that has received final approval from the Authority.

"Contractor" means any party who enters into a construction contract with the project owner/applicant, or any party to whom funds will be disbursed for payment of construction work, including any subcontractor of the contractor.

"Prevailing wage rate" means the prevailing wage rate established by the Commissioner of New Jersey Department of Labor and Workforce Development from time to time in accordance with the provisions of *N.J.S.A. 34:11-56.25 et seq.* for the locality in which the project is located.

HISTORY:

Amended by R.1990 d.411, effective August 20, 1990.

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

Definitions of Authority and Executive Director deleted; construction contract includes installation of equipment and any agreement, whether oral or written. Section recodified from 3.1.

Amended by R.2000 d.482, effective December 4, 2000.

See: 32 *N.J.R. 3555(a)*, 32 *N.J.R. 4275(b)*.

In "Construction contract", substituted "receiving" for "that has received final approval for".

Amended by R.2005 d.274, effective August 15, 2005.

See: *37 N.J.R. 1714(a)*, *37 N.J.R. 3058(a)*.

Added "and Workforce Development" following "Department of Labor" to "Prevailing wage rate" definition.

Amended by R.2010 d.285, effective December 6, 2010.

See: *42 N.J.R. 2019(a)*, *42 N.J.R. 2969(a)*.

Section was "Definition". Added definitions "Authority financial assistance", "Construction project" and "Contractor"; rewrote definition "Construction contract"; and in definition "Prevailing wage rate", updated the N.J.S.A. reference.

NOTES:

Chapter Notes



NEW JERSEY ADMINISTRATIVE CODE
Copyright (c) 2010 by the New Jersey Office of Administrative Law

*** THIS FILE INCLUDES ALL REGULATIONS ADOPTED AND PUBLISHED THROUGH THE ***
*** NEW JERSEY REGISTER, VOL. 42, NO. 23, DECEMBER 6, 2010 ***

TITLE 19. OTHER AGENCIES
NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
CHAPTER 30. ADMINISTRATIVE RULES
SUBCHAPTER 4. PAYMENT OF PREVAILING WAGES IN AUTHORITY PROJECTS

N.J.A.C. 19:30-4.2 (2010)

§ 19:30-4.2 Payments of prevailing wages in projects receiving assistance

(a) Not less than the prevailing wage rate shall be paid to workers employed in the performance of any construction contract, including contracts for millwork fabrication, undertaken in connection with Authority financial assistance or any of its projects, those projects which it undertakes pursuant to P.L. 2002, c. 43 (*N.J.S.A. 52:27BBB-1 et seq.*), or undertaken to fulfill any condition of receiving Authority financial assistance, including the performance of any contract to construct, renovate, or otherwise prepare a facility for operations which are necessary for the receipt of Authority financial assistance, unless the work performed under the contract is:

1. Performed on a facility owned by a landlord of the entity receiving the assistance;
2. The landlord is a party to a construction contract(s); and
3. Less than 55 percent of the facility is leased by the entity at the time of the contract and under any agreement to subsequently lease the facility.

(b) In accordance with P.L. 2007, c. 245 (*N.J.S.A. 34:1B-5.1*), nothing in this subchapter shall be construed as requiring the payment of prevailing wage for construction commencing more than two years after an entity has executed with the Authority a commitment letter regarding Authority financial assistance and the first payment or other provision of the assistance is received.

HISTORY:

Amended by R.1990 d.411, effective August 20, 1990.

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

Stylistic changes. Section recodified from 3.2.

Repeal and New Rule, R.2010 d.285, effective December 6, 2010.

See: 42 *N.J.R. 2019(a)*, 42 *N.J.R. 2969(a)*.

Section was "Payments of prevailing wages in projects receiving assistance".

NOTES:

Chapter Notes



NEW JERSEY ADMINISTRATIVE CODE
 Copyright (c) 2010 by the New Jersey Office of Administrative Law

*** THIS FILE INCLUDES ALL REGULATIONS ADOPTED AND PUBLISHED THROUGH THE ***
 *** NEW JERSEY REGISTER, VOL. 42, NO. 23, DECEMBER 6, 2010 ***

TITLE 19. OTHER AGENCIES
 NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
 CHAPTER 30. ADMINISTRATIVE RULES
 SUBCHAPTER 4. PAYMENT OF PREVAILING WAGES IN AUTHORITY PROJECTS

N.J.A.C. 19:30-4.3 (2010)

§ 19:30-4.3 Assurances required

(a) Recipients of Authority financial assistance for construction contracts shall deliver an NJEDA affirmative action completion certificate to the Authority (or designated agent for the Authority), upon completion of the contract, signed by an authorized representative of the recipient, representing and confirming that:

1. It has complied and has caused its landlord, if applicable, contractors and subcontractors to comply with the requirements of *N.J.A.C. 19:30-4.2*; or

2. It has not entered into any construction contracts subject to the provisions of *N.J.A.C. 19:30-4.2(a)* and its landlord has not entered in any contracts pursuant to *N.J.A.C. 19:30-4.2(a)*.

HISTORY:

Amended by R.1990 d.411, effective August 20, 1990.

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

Correction of citation. Section recodified from 3.3.

Amended by R.2010 d.285, effective December 6, 2010.

See: 42 *N.J.R. 2019(a)*, 42 *N.J.R. 2969(a)*.

In the introductory paragraph of (a), inserted "Authority financial", substituted "an NJEDA affirmative action completion" for "a" and substituted "contract" for "project"; in (a)1, inserted "landlord, if applicable", and deleted "and attaching true copies of all such construction contracts with contractors and subcontractors" following "19:30-4.2"; and in (a)2, inserted "(a) and its landlord has not entered in any contracts pursuant to *N.J.A.C. 19:30-4.2(a)*".

NOTES:

Chapter Notes



NEW JERSEY ADMINISTRATIVE CODE
Copyright (c) 2010 by the New Jersey Office of Administrative Law

*** THIS FILE INCLUDES ALL REGULATIONS ADOPTED AND PUBLISHED THROUGH THE ***
*** NEW JERSEY REGISTER, VOL. 42, NO. 23, DECEMBER 6, 2010 ***

TITLE 19. OTHER AGENCIES
NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
CHAPTER 30. ADMINISTRATIVE RULES
SUBCHAPTER 4. PAYMENT OF PREVAILING WAGES IN AUTHORITY PROJECTS

N.J.A.C. 19:30-4.4 (2010)

§ 19:30-4.4 Contract provisions required

(a) All construction contracts in the amount of \$ 2,000 or more shall require that:

1. Prime contractors maintain and submit certified payroll records to the Authority; or
2. Contractors and subcontractors:

i. Permit the Authority, or its designated agent, complete access to payroll records and other records for purposes of determining compliance with the provisions of this subchapter; and

ii. Keep accurate records showing the name, craft or trade, and actual hourly rate of wages paid to each worker employed in connection with the performance of the contract and to preserve such records for two years from the date of payment.

HISTORY:

Amended by R.1990 d.411, effective August 20, 1990.

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

Stylistic change. Section recodified from 3.4.

Amended by R.2010 d.285, effective December 6, 2010.

See: 42 *N.J.R.* 2019(a), 42 *N.J.R.* 2969(a).

Rewrote the section.

NOTES:

Chapter Notes



NEW JERSEY ADMINISTRATIVE CODE
Copyright (c) 2010 by the New Jersey Office of Administrative Law

*** THIS FILE INCLUDES ALL REGULATIONS ADOPTED AND PUBLISHED THROUGH THE ***
*** NEW JERSEY REGISTER, VOL. 42, NO. 23, DECEMBER 6, 2010 ***

TITLE 19. OTHER AGENCIES
NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
CHAPTER 30. ADMINISTRATIVE RULES
SUBCHAPTER 4. PAYMENT OF PREVAILING WAGES IN AUTHORITY PROJECTS

N.J.A.C. 19:30-4.5 (2010)

§ 19:30-4.5 Violation

A violation of the provisions of this subchapter shall be deemed a violation of *N.J.S.A. 34:11-56.25* et seq. and *N.J.A.C. 12:60-5.1*, and the Internal Process Management unit in the EDA shall refer the determination of violation proceeding to the Authority unit that administers the Authority financial assistance to determine if the commitment to, or offer of, Authority financial assistance should be withdrawn, terminated and/or repaid.

HISTORY:

Repeal and New Rule R.1990 d.411, effective August 20, 1990.

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

Section 3.5, Executive Director to enforce compliance, was repealed and recodified from 4.5.

Amended by R.2010 d.285, effective December 6, 2010.

See: *42 N.J.R. 2019(a)*, *42 N.J.R. 2969(a)*.

Rewrote the section.

NOTES:

Chapter Notes



NEW JERSEY ADMINISTRATIVE CODE
Copyright (c) 2010 by the New Jersey Office of Administrative Law

*** THIS FILE INCLUDES ALL REGULATIONS ADOPTED AND PUBLISHED THROUGH THE ***
*** NEW JERSEY REGISTER, VOL. 42, NO. 23, DECEMBER 6, 2010 ***

TITLE 19. OTHER AGENCIES
NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
CHAPTER 30. ADMINISTRATIVE RULES
SUBCHAPTER 4. PAYMENT OF PREVAILING WAGES IN AUTHORITY PROJECTS

N.J.A.C. 19:30-4.6 (2010)

§ 19:30-4.6 (Reserved)

HISTORY:

Repealed by R.1990 d.411, effective August 20, 1990.

See: 22 *New Jersey Register* 1537(a), 22 *New Jersey Register* 2532(a).

Section was 3.6, Effective date.

NOTES:

Chapter Notes