

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2359

STATE OF NEW JERSEY
213th LEGISLATURE

ADOPTED NOVEMBER 13, 2008

Sponsored by:

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District 14 (Mercer and Middlesex)

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District 35 (Bergen and Passaic)

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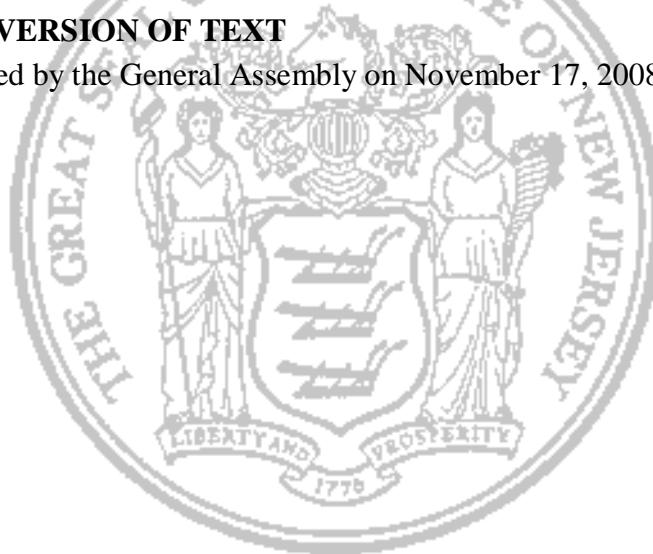
District 34 (Essex and Passaic)

SYNOPSIS

Requires contractors to provide Department of the Treasury with employment information about contracts with public bodies.

CURRENT VERSION OF TEXT

As amended by the General Assembly on November 17, 2008.



(Sponsorship Updated As Of: 11/18/2008)

1 AN ACT concerning certain State contracting requirements and
2 supplementing P.L.1954, c.48 (C.52:34-6 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. For the purposes of this act:

8 "Contract" means any agreement under which a contractor or any
9 subcontractor of the contractor employs one or more workers to
10 perform work or produce goods for, or furnish services to, a public
11 body.

12 "Contractor" means any nongovernmental person, business or
13 other entity which enters into a contract with a public body.

14 "Public body" means the State of New Jersey, any agency or
15 instrumentality of the State or any authority created by the
16 Legislature, including any political subdivision of the State.

17 "Public funds" means any funds expended by a public body,
18 regardless of the source of the funds.

19 "Subcontractor" means any nongovernmental person, business or
20 other entity which is a subcontractor of a contractor in connection
21 with a contract between the contractor and a public body¹, except
22 that, in the case of a contract primarily to furnish services to the
23 public body, "subcontractor" shall not include any subcontractor
24 providing materials or supplies used by the contractor in furnishing
25 the services¹.

26

27 2. Any contractor who enters into a contract with a public body
28 paid from public funds, except for a contract for public work which
29 is subject to the provisions of the "New Jersey Prevailing Wage
30 Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), shall submit to the
31 Director of the Division of Purchase and Property in the Department
32 of the Treasury a report of the following information:

33 a. The total dollar amount of the contract;

34 b. The start date and anticipated end date of the contract;

35 c. A description of the goods or services provided under the
36 contract and any subcontract, in categories which include, but are
37 not limited to, design services, information services, cleaning
38 services, printing services, food services, communications services,
39 office supplies, equipment maintenance supplies and fuel supplies;

40 d. The name and principal office address of the contractor, any
41 parent company of the contractor, and all subcontractors of the
42 contractor engaged directly in producing the goods or services
43 provided under the contract who are not single individuals,

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted November 17, 2008.

1 specifying which are located in other states and which are located
2 outside of the United States; and
3 e. The address of each location where the work is to be
4 performed by the contractor or any subcontractor, with the total
5 number of full-time equivalent positions of individuals engaged
6 directly in producing the goods or services provided under the
7 contract at each location, specifying which locations are in other
8 states and which are outside of the United States, except that in
9 cases where only one individual works in each of one or more
10 locations, the individual full-time equivalent positions may be
11 reported at the principal office address of the contractor or
12 subcontractor. ¹The contractor may report a number of full-time
13 equivalent positions pursuant to this section based on what the share
14 of the contractor's revenues from the contract is of the contractor's
15 total revenues from furnishing the services to all customers, if the
16 portion of the personnel directly involved in furnishing the services
17 under the contract is not clearly distinguishable from personnel
18 furnishing that service to parties not under the contract.¹

19 The information shall be reported by the contractor using the
20 form provided pursuant to regulation adopted by the State
21 Treasurer, not more than 90 days after the end of any State fiscal
22 year during which workers are employed in connection with the
23 contract, ¹beginning with the first fiscal year which commences
24 after the effective date of this act,¹ and shall include the information
25 required pursuant to this section for that State fiscal year, and an
26 estimate of the required information for the following State fiscal
27 year if the work will be continuing into that following fiscal year.
28 The reporting requirements of this section shall apply only to a
29 contractor who has been awarded a contract, shall only apply after
30 the award is made, shall not apply to any person bidding or
31 otherwise seeking a contract prior to an award being made, and
32 shall not apply to employees of the contractor or subcontractor who
33 are not engaged directly in producing the goods or services
34 provided under the contract or to work locations other than those
35 where the production of the goods or services occurs.

36
37 3. The Director of the Division of Purchase and Property in the
38 Department of the Treasury shall:

39 a. Issue an annual report to the Legislature summarizing the
40 information submitted by contractors pursuant to section 2 of this
41 act;

42 b. Provide, for inclusion as part of the State budget request of
43 the Governor, data for each State department and political
44 subdivision, by major funding source, on the amount expended on
45 contracts and the number of full-time equivalent positions of
46 individuals whose employment by, or work with, contractors and
47 subcontractors is supported by public funds, which shall be

1 displayed in the budget request as “privatized filled positions,” with
2 the number of those positions located: in the State; in other States;
3 and outside of the United States; and

4 c. Produce, regularly update and make available to the public,
5 by means including posting on the Internet, a list of all reports
6 submitted by contractors pursuant to section 2 of this act. The
7 reports shall be available to the public on the Internet and at a single
8 location for review and copying at cost.

9
10 4. The State Treasurer, in consultation with the
11 ¹Commissioner of Personnel, the Commissioner of Labor and
12 Workforce Development, and the Commissioner of Community
13 Affairs, shall promulgate rules and regulations pursuant to the
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
15 seq.) as needed to implement the provisions of this act, which shall
16 include rules and regulations regarding the forms on which
17 contractors will provide that information required by this act, and
18 clear explanations of all categories, classifications and information
19 required in the forms.

20
21 5. This act shall take effect immediately.