

ASSEMBLY, No. 4079

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 4, 2018

Sponsored by:

Assemblywoman MILA M. JASEY
District 27 (Essex and Morris)

SYNOPSIS

Revises standards for contracting at State colleges to mirror standards applicable to public research universities; increases bid threshold for all four-year public institutions of higher education to \$100,000.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning institutions of higher education, revising
2 various parts of the statutory law, and supplementing chapter 64
3 of Title 18A of the New Jersey Statutes.

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

7
8 1. N.J.S.18A:64-6 is amended to read as follows:

9 18A:64-6. The board of trustees of a State college shall have
10 general supervision over and shall be vested with the conduct of the
11 college. It shall have the power and duty to:

12 a. Adopt and use a corporate seal;

13 b. Determine the educational curriculum and program of the
14 college consistent with the programmatic mission of the institution
15 or approved by the **[Commission on]** Secretary of Higher
16 Education;

17 c. Determine policies for the organization, administration and
18 development of the college;

19 d. Study the educational and financial needs of the college;
20 annually acquaint the Governor and Legislature with the condition
21 of the college; and prepare and present the annual budget to the
22 Governor, the Division of Budget and Accounting in the
23 Department of the Treasury and the Legislature in accordance with
24 law;

25 e. Disburse all moneys appropriated to the college by the
26 Legislature and all moneys received from tuition, fees, auxiliary
27 services and other sources;

28 f. Direct and control expenditures and transfers of funds
29 appropriated to the college and tuition received by the college, in
30 accordance with the provisions of the State budget and
31 appropriation acts of the Legislature, reporting changes and
32 additions thereto and transfers thereof to the Director of the
33 Division of Budget and Accounting in the State Department of the
34 Treasury and as to funds received from other sources, direct and
35 control expenditures and transfers in accordance with the terms of
36 any applicable trusts, gifts, bequests, or other special provisions.
37 All accounts of the college shall be subject to audit by the State at
38 any time;

39 g. In accordance with the provisions of the State budget and
40 appropriation acts of the Legislature, appoint and fix the
41 compensation of a president of the college, who shall be the
42 executive officer of the college and an ex officio member of the
43 board of trustees, without vote, and shall serve at the pleasure of the
44 board of trustees;

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.

1 h. Notwithstanding the provisions of Title **11**, Civil Service,
2 of the Revised **11A** of the New Jersey Statutes, upon nomination
3 by the president appoint a treasurer and such deans and other
4 professional members of the academic, administrative and teaching
5 staffs as defined in section 13 of P.L.1986, c.42 (C.18A:64-21.2) as
6 shall be required and fix their compensation and terms of
7 employment in accordance with salary ranges and policies which
8 shall prescribe qualifications for various classifications and shall
9 limit the percentage of the educational staff that may be in any
10 given classification;

11 i. Upon nomination by the president, appoint, remove, promote
12 and transfer such other officers, agents or employees as may be
13 required for carrying out the purposes of the college and assign
14 their duties, determine their salaries and prescribe qualifications for
15 all positions, all in accordance with the provisions of Title **11**,
16 Civil Service, of the Revised **11A** of the New Jersey Statutes;

17 j. Grant diplomas, certificates and degrees;

18 k. **Pursuant to the provisions of the "State College Contracts**
19 **Law," P.L.1986, c.43 (C.18A:64-52 et seq.) enter into contracts and**
20 **agreements for the purchase of lands, buildings, equipment,**
21 **materials, supplies and services; enter Enter into contracts and**
22 **agreements with the State or any of its political subdivisions or with**
23 **the United States, or with any public body, department or other**
24 **agency of the State or the United States or with any individual,**
25 **firm, or corporation, which are deemed necessary or advisable by**
26 **the board for carrying out the purposes of the college. A contract or**
27 **agreement pursuant to this subsection may require a municipality to**
28 **undertake obligations and duties to be performed subsequent to the**
29 **expiration of the term of office of the elected governing body of**
30 **such municipality which initially entered into or approved said**
31 **contract or agreement, and the obligations and duties so incurred by**
32 **such municipality shall be binding and of full force and effect,**
33 **notwithstanding that the term of office of the elected governing**
34 **body of such municipality which initially entered into or approved**
35 **said contract or agreement, shall have expired;**

36 l. If necessary, take and condemn land and other property in
37 the manner provided by the "Eminent Domain Act of 1971,"
38 P.L.1971, c.361 (C.20:3-1 et seq.), whenever authorized by law to
39 purchase land or other property;

40 m. Adopt, after consultation with the president and faculty,
41 bylaws and make and promulgate such rules, regulations and orders,
42 not inconsistent with the provisions of this article, that are
43 necessary and proper for the administration and operation of the
44 college and the carrying out of its purposes;

45 n. Establish fees for room and board sufficient for the
46 operation, maintenance, and rental of student housing and food
47 service facilities;

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- 1 o. Fix and determine tuition rates and other fees to be paid by
2 students;
- 3 p. Accept from any government or governmental department,
4 agency or other public or private body or from any other source
5 grants or contributions of money or property, which the board may
6 use for or in aid of any of its purposes;
- 7 q. Acquire by gift, purchase, condemnation or otherwise, own,
8 lease, dispose of, use and operate property, whether real, personal
9 or mixed, or any interest therein, which is necessary or desirable for
10 college purposes;
- 11 r. Employ architects to plan buildings; secure bids for the
12 construction of buildings and for the equipment thereof; make
13 contracts for the construction of buildings and for equipment; and
14 supervise the construction of buildings;
- 15 s. Manage and maintain, and provide for the payment of all
16 charges and expenses in respect to all properties utilized by the
17 college;
- 18 t. Borrow money for the needs of the college, as deemed
19 requisite by the board, in such amounts, and for such time and upon
20 such terms as may be determined by the board, provided that this
21 borrowing shall not be deemed or construed to create or constitute a
22 debt, liability, or a loan or pledge of the credit, or be payable out of
23 property or funds, other than moneys appropriated for that purpose,
24 of the State;
- 25 u. Authorize any new program, educational department or
26 school consistent with the institution's programmatic mission or
27 approved by the **【commission】** Secretary of Higher Education;
- 28 v. (Deleted by amendment, P.L.1994, c.48);
- 29 w. **【Pursuant to the "State College Contracts Law," P.L.1986,**
30 **c.43 (C.18A:64-52 et seq.), award contracts and agreements for the**
31 **purchase of goods and services, as distinct from contracts or**
32 **agreements for the construction of buildings and other**
33 **improvements, to that responsible bidder whose bid, conforming to**
34 **the invitation for bids, will be most advantageous to the State**
35 **college, price and other factors considered; and】** (Deleted by
36 amendment, P.L. , c.) (pending before the Legislature as this
37 bill);
- 38 x. **【Pursuant to the "State College Contracts Law," P.L.1986,**
39 **c.43 (C.18A:64-52 et seq.), award contracts and agreements for the**
40 **construction of buildings and other improvements to the lowest**
41 **responsible bidder, whose bid, conforming to the invitation for bids,**
42 **will be the most advantageous to the State college】** (Deleted by
43 amendment, P.L. , c.) (pending before the Legislature as this
44 bill);
- 45 y. Adopt standing operating rules and procedures for the
46 purchase of all equipment, materials, supplies and services;
47 however, no contract on behalf of the college shall be entered into
48 for the purchase of services, materials, equipment and supplies, for

1 the performance of any work, or for the hiring of equipment or
2 vehicles, where the sum to be expended exceeds \$100,000 or the
3 amount determined by the Governor as provided herein, unless the
4 college shall first publicly advertise for bids and shall award the
5 contract to that responsible bidder whose bid, conforming to the
6 invitation for bids, will be most advantageous to the college, price
7 and other factors considered. Such advertising shall not be required
8 in those exceptions created by the board of trustees of the college,
9 which shall be in substance those exceptions contained in sections 4
10 and 5 of P.L.1954, c.48 (C.52:34-9 and 10) and section 5 of
11 P.L.1986, c.43 (C.18A:64-56) or for the supplying of any product or
12 the rendering of any service by a public utility subject to the
13 jurisdiction of the Board of Public Utilities of this State and tariffs
14 and schedules of the charges made, charged, or exacted by the
15 public utility for any such products to be supplied or services to be
16 rendered which are filed with the said board. Commencing July 1,
17 2020 and every two years thereafter, the Governor, in consultation
18 with the Department of the Treasury, shall adjust the threshold
19 amount set forth in this subsection in direct proportion to the rise or
20 fall of the consumer price index for all urban consumers in the New
21 York City and the Philadelphia areas as reported by the United
22 States Department of Labor. The Governor shall notify the college
23 of the adjustment. The adjustment shall become effective on July 1
24 of the year in which it is reported.

25 This subsection shall not prevent the college from having any
26 work performed by its own employees, nor shall it apply to repairs,
27 or to the furnishing of materials, supplies or labor, or the hiring of
28 equipment or vehicles, when the safety or protection of its or other
29 public property or the public convenience requires or the exigency
30 of the college's service will not admit of such advertisement. In
31 such case, the college shall, by resolution passed by the affirmative
32 vote of its board of trustees, declare the exigency or emergency to
33 exist, and set forth in the resolution the nature and approximate
34 amount to be expended; shall maintain appropriate records as to the
35 reason for such awards; and shall report regularly to its board of
36 trustees on all such purchases, the amounts and the reasons therefor;

37 z. Invest certain moneys in such obligations, securities and
38 other investments as the board shall deem prudent, consistent with
39 the purposes and provisions of this act and in accordance with State
40 and federal law, as follows:

41 Investment in not-for-profit corporations or for-profit
42 corporations organized and operated pursuant to the provisions of
43 subsection aa. of this section may utilize income realized from the
44 sale or licensing of intellectual property as well as the reinvestment
45 of earnings on intellectual property. Investment in not-for-profit
46 corporations may also utilize income from the operation of clinical
47 counseling practices of the college and income from overhead grant
48 fund recovery as permitted by federal law as well as other college

1 funds except those specified in paragraph 5 of subsection aa. of this
2 section;

3 aa. (1) Participate as the general partner or as a limited
4 partner, either directly or through a subsidiary corporation created
5 by the college, in limited partnerships, general partnerships, or joint
6 ventures engaged in the development, manufacture, or marketing of
7 products, technology, scientific information or services and create
8 or form for-profit or not-for-profit corporations to engage in such
9 activities; provided that any such participation shall be consistent
10 with the mission of the college and the board shall have determined
11 that such participation is prudent;

12 (2) The decision to participate in any activity described in
13 paragraph (1) of this subsection, including the creation or formation
14 of for-profit or not-for-profit corporations, shall be articulated in the
15 minutes of the board of trustees meeting in which the action was
16 approved;

17 (3) The provisions of P.L.1971, c.182 (C.52:13D-12 et seq.)
18 shall continue to apply to the college, its employees, and officers;

19 (4) Nothing herein shall be deemed or construed to create or
20 constitute a debt, liability, or a loan or pledge of the credit or be
21 payable out of property or funds of the State;

22 (5) Funds directly appropriated to the college from the State or
23 derived from the college's academic programs shall not be utilized
24 by the for-profit or not-for-profit corporations organized and
25 operated pursuant to this subsection in the development,
26 manufacture, or marketing of products, technology or scientific
27 information;

28 (6) Employees of any joint venture, subsidiary corporation,
29 partnership, or other jural entity entered into or owned wholly or in
30 part by the college shall not be deemed public employees;

31 (7) A joint venture, subsidiary corporation, partnership, or other
32 jural entity entered into or owned wholly or in part by the college
33 shall not be deemed an instrumentality of the State of New Jersey;

34 (8) Income realized by the college as a result of participation in
35 the development, manufacture, or marketing of products,
36 technology, or scientific information may be invested or reinvested
37 pursuant to subsection z. of this section or any other provision of
38 this act or State or federal law or retained by the board for use in
39 furtherance of any of the purposes of this act or of other applicable
40 statutes;

41 (9) The board shall annually report to the State Treasurer on the
42 operation of all joint ventures, subsidiary corporations,
43 partnerships, or such other jural entities entered into or owned
44 wholly or in part by the college.

45 (cf: P.L.2005, c.369, s.1)

46
47 2. Section 2 of P.L.1986, c.43 (C.18A:64-53) is amended to
48 read as follows:

- 1 2. As used in **[this article]** section 5 of P.L.1986, c.43
2 (C.18A:64-56), unless the context otherwise indicates:
- 3 a. "Board of trustees" means the board of a State college;
- 4 b. "Contracting agent" means the business officer of the State
5 college having the power to prepare advertisements, to advertise for
6 and receive bids, and to make awards for the State college in
7 connection with the purchases, contracts or agreements permitted
8 by this article or the officer, committee or employee to whom the
9 power has been delegated by the State college;
- 10 c. "Contracts" means contracts or agreements for the
11 performance of work or the furnishing or hiring of services,
12 materials or supplies, as distinguished from contracts of
13 employment;
- 14 d. "Legal newspaper" means a newspaper circulating in this
15 State which has been printed and published in the English language
16 at least once a week for at least one year continuously;
- 17 e. "Materials" includes goods and property subject to chapter 2
18 of Title 12A of the New Jersey Statutes, apparatus or any other
19 tangible thing, except real property or any interest therein;
- 20 f. "Extraordinary unspecifiable services" means services or
21 products which cannot be reasonably described by written
22 specifications;
- 23 g. "Professional services" means services rendered or
24 performed by a person authorized by law to practice a recognized
25 profession and whose practice is regulated by law and the
26 performance of which services requires knowledge of an advanced
27 type in a field of learning acquired by a prolonged formal course of
28 specialized instruction and study as distinguished from general
29 academic instruction or apprenticeship and training. Professional
30 services also means services rendered in the performance of work
31 that is original and creative in character in a recognized field of
32 artistic endeavor;
- 33 h. "Project" means any work, undertaking, construction or
34 alteration;
- 35 i. "Purchases" are transactions, for a valuable consideration,
36 creating or acquiring an interest in goods, services and property
37 except real property or any interest therein;
- 38 j. "State college" means an institution of higher education
39 established pursuant to chapter 64 of Title 18A of the New Jersey
40 Statutes;
- 41 k. "Work" includes services and any other activity of a tangible
42 or intangible nature performed or assumed pursuant to a contract or
43 agreement with a State college;
- 44 l. "Information technology" means telecommunication goods
45 and services, including, but not limited to, software, hardware and
46 systems implementation and support for voice, data and video.
47 (cf: P.L.2005, c.369, s.2)

1 3. Section 5 of P.L.1986, c.43 (C.18A:64-56) is amended to
2 read as follows:

3 5. **【Any】** The standing operating procedures adopted pursuant
4 to N.J.S.18A:64-6 shall provide that any purchase, contract or
5 agreement **【of the character described in section 4 of P.L.1986, c.43**
6 **(C.18A:64-55)】** may be made, negotiated or awarded by the State
7 college by resolution at a public meeting of its board of trustees
8 without public advertising for bids or bidding therefor if:

9 a. The subject matter thereof consists of:

10 (1) Professional services; or

11 (2) Extraordinary unspecifiable services and products which
12 cannot reasonably be described by written specifications, subject,
13 however, to procedures consistent with open public bidding
14 whenever possible; or

15 (3) Materials or supplies which are not available from more than
16 one potential bidder, including without limitation materials or
17 supplies which are patented or copyrighted; or

18 (4) The doing of any work by employees of the State college; or

19 (5) The printing of all legal notices and legal briefs, records and
20 appendices to be used in any legal proceeding to which the State
21 college may be a party and the use of electronic data or media
22 services, including the internet, for the printing of these legal
23 notices and legal briefs, records and appendices; or

24 (6) Textbooks, copyrighted materials, student produced
25 publications and services incidental thereto, library materials
26 including without limitation books, periodicals, newspapers,
27 documents, pamphlets, photographs, reproductions, microfilms,
28 pictorial or graphic works, musical scores, maps, charts, globes,
29 sound recordings, slides, films, filmstrips, video and magnetic
30 tapes, other printed or published matter and audiovisual and other
31 materials of a similar nature, necessary binding or rebinding of
32 library materials and specialized library services, including
33 electronic databases and digital formats; or

34 (7) Food supplies and services, including food supplies and
35 management contracts for student centers, dining rooms and
36 cafeterias; or

37 (8) The supplying of any product or the rendering of any service
38 by the public utility which is subject to the jurisdiction of the Board
39 of Public Utilities, in accordance with tariffs and schedules of
40 charges made, charged and exacted, filed with that board; or

41 (9) Equipment repair service if in the nature of an extraordinary
42 unspecifiable service and necessary parts furnished in connection
43 with the services; or

44 (10) Specialized machinery or equipment of a technical nature
45 which will not reasonably permit the drawing of specifications, and
46 the procurement thereof without advertising is in the public interest;
47 or

- 1 (11) Insurance, including the purchase of insurance coverage
2 and consulting services, which exceptions shall be in accordance
3 with the requirements for extraordinary unspecifiable services; or
 - 4 (12) Publishing of legal notices in newspapers as required by
5 law and the use of electronic data or media services, including the
6 internet, for the publication of the legal notices; or
 - 7 (13) The acquisition of artifacts or other items of unique
8 intrinsic, artistic or historic character; or
 - 9 (14) The collection of amounts due on student loans, including
10 without limitation loans guaranteed by or made with funds of the
11 United States of America, and amounts due on other financial
12 obligations to the State college, including but not limited to, the
13 amounts due on tuition and fees and room and board; or
 - 14 (15) Professional consulting services; or
 - 15 (16) Entertainment, including without limitation theatrical
16 presentations, band and other concerts, movies and other
17 audiovisual productions; or
 - 18 (17) Contracts employing funds created by student activities
19 fees charged to students or otherwise raised by students and
20 expended by student organizations; or
 - 21 (18) Printing, including without limitation catalogs, yearbooks
22 and course announcements and the production and reproduction of
23 such material in electronic and digital formats, including compact
24 discs; or
 - 25 (19) Information technology; or
 - 26 (20) Personnel recruitment and advertising, including without
27 limitation advertising seeking student enrollment; or
 - 28 (21) Educational supplies, books, articles of clothing and other
29 miscellaneous articles purchased by a State college for resale to
30 college students and employees; or
 - 31 (22) Purchase or rental of graduation caps and gowns and award
32 certificates or plaques; or
 - 33 (23) Items available from vendors at costs below State contract
34 pricing for the same product or service, which meets or exceeds the
35 State contract terms or conditions; or
 - 36 (24) Management contracts for bookstores, performing arts
37 centers, residence halls, parking facilities and building operations;
38 or
 - 39 (25) Consulting services involving information technology,
40 curricular or programmatic review, fund raising, transportation,
41 safety or security; or
 - 42 (26) Construction management services for construction,
43 alteration or repair of any building or improvement; or
 - 44 (27) Purchase or rental of equipment of a technical nature when
45 the procurement thereof without advertising is necessary in order to
46 assure standardization of equipment and interchangeability of parts
47 in the public interest.
- 48 b. It is to be made or entered into with the United States of
49 America, the State of New Jersey, a county or municipality or any

1 board, body, or officer, agency or authority or any other state or
2 subdivision thereof.

3 c. The State college has advertised for bids **【pursuant to**
4 **section 4 of P.L.1986, c.43 (C.18A:64-55)】** on two occasions and
5 (i) has received no bids on both occasions in response to its
6 advertisement, or (ii) has rejected the bids on two occasions
7 because the State college has determined that they are not
8 reasonable as to price, on the basis of cost estimates prepared for or
9 by the State college prior to the advertising therefor, or have not
10 been independently arrived at in open competition, or (iii) on one
11 occasion no bids were received pursuant to (i) and on one occasion
12 all bids were rejected pursuant to (ii), in whatever sequence; any
13 contract or agreement may then be negotiated by a two-thirds
14 affirmative vote of the authorized membership of the board of
15 trustees authorizing the contract or agreement; provided that:

16 (1) A reasonable effort is just made by the contracting agent to
17 determine that the same or equivalent materials or supplies at a cost
18 which is lower than the negotiated price are not available from any
19 agency or authority of the United States, the State of New Jersey or
20 of the county in which the State college is located, or any
21 municipality in close proximity to the State college;

22 (2) The terms, conditions, restrictions and specifications set
23 forth in the negotiated contract or agreement are not substantially
24 different from those which were the subject of competitive bidding
25 **【pursuant to section 4 of this article】**; and

26 (3) Any minor amendment or modification of any of the terms,
27 conditions, restrictions and specifications, which were the subject of
28 competitive bidding **【pursuant to section 4 of P.L.1986, c.43**
29 **(C.18A:64-55)】**, shall be stated in the resolution awarding the
30 contract or agreement; except that if on the second occasion the
31 bids received are rejected as unreasonable as to price, the State
32 college shall notify each responsible bidder submitting bids on the
33 second occasion of its intention to negotiate and afford each bidder
34 a reasonable opportunity to negotiate, but the State college shall not
35 award the contract or agreement unless the negotiated price is lower
36 than the lowest rejected bid price submitted on the second occasion
37 by a responsible bidder, is the lowest negotiated price offered by
38 any reasonable vendor, and is a reasonable price for the work,
39 materials, supplies or services. Whenever a State college shall
40 determine that a bid was not arrived at independently in open
41 competition pursuant to subsection c. (ii) of this section, it shall
42 thereupon notify the Attorney General of the facts upon which its
43 determination is based and, when appropriate, it may institute
44 appropriate proceedings in any State or federal court of competent
45 jurisdiction for a violation of any State or federal antitrust law or
46 laws relating to the unlawful restraint of trade.

47 (cf: P.L.2005, c.369, s.5)

1 4. Section 30 of P.L.1986, c.43 (C.18A:64-81) is amended to
2 read as follows:

3 30. No action for damages shall lie against the **【Board of Higher**
4 **Education, the Commission on】** Secretary of Higher Education, the
5 Presidents' Council, any State official, any State college or its board
6 of trustees or any of its officers because of any action taken **【by**
7 **virtue of the provisions of this article】** in regard to contracts and
8 agreements for the purchase of lands, buildings, equipment,
9 materials, supplies and services.
10 (cf: P.L.1994, c.48, s.118)

11

12 5. Section 43 of P.L.2009, c.90 (C.18A:64-85) is amended to
13 read as follows:

14 43. a. (1) A State college or county college may enter into a
15 contract with a private entity, subject to subsection f. of this section,
16 to be referred to as a public-private partnership agreement, that
17 permits the private entity to assume full financial and administrative
18 responsibility for the on-campus construction, reconstruction,
19 repair, alteration, improvement, extension, management, or
20 operation of a building, structure, or facility of, or for the benefit of,
21 the institution, provided that the project is financed in whole by the
22 private entity and that the State or institution of higher education, as
23 applicable, retains full ownership of the land upon which the project
24 is completed.

25 (2) A public-private partnership agreement may include an
26 agreement under which a State or county college leases to a private
27 entity the operation of a dormitory or other revenue-producing
28 facility to which the college holds title, in exchange for up-front or
29 structured financing by the private entity for the construction of
30 classrooms, laboratories, or other academic buildings. Under the
31 lease agreement, the college shall continue to hold title to the
32 facility, and the private entity shall be responsible for the
33 management, operation, and maintenance of the facility. The
34 private entity shall receive some or all, as per the agreement, of the
35 revenue generated by the facility and shall operate the facility in
36 accordance with college standards. A lease agreement shall not
37 affect the status or employment rights of college employees who are
38 assigned to, or provide services to, the leased facility. At the end of
39 the lease term, subsequent revenue generated by the facility, along
40 with management, operation, and maintenance responsibility, shall
41 revert to the college.

42 b. (1) A private entity that assumes financial and
43 administrative responsibility for a project pursuant to subsection a.
44 of this section shall not be subject to the procurement and
45 contracting requirements of all statutes applicable to the institution
46 of higher education at which the project is completed, including, but
47 not limited to, the **【"State College Contracts Law," P.L.1986, c.43**
48 **(C.18A:64-52 et seq.), and the】** "County College Contracts Law,"

1 P.L.1982, c.189 (C.18A:64A-25.1 et seq.). For the purposes of
2 facilitating the financing of a project pursuant to subsection a. of
3 this section, a public entity may become the owner or lessee of the
4 project or the lessee of the land, or both, may become the lessee of a
5 dormitory or other revenue-producing facility to which the college
6 holds title, may issue indebtedness in accordance with the public
7 entity's enabling legislation and, notwithstanding any provision of
8 law to the contrary, shall be empowered to enter into contracts with
9 a private entity and its affiliates without being subject to the
10 procurement and contracting requirements of any statute applicable
11 to the public entity provided that the private entity has been selected
12 by the institution of higher education pursuant to a solicitation of
13 proposals or qualifications. For the purposes of this section, a
14 public entity shall include the New Jersey Economic Development
15 Authority, and any project undertaken pursuant to subsection a. of
16 this section of which the authority becomes the owner or lessee, or
17 which is situated on land of which the authority becomes the lessee,
18 shall be deemed a "project" under the "New Jersey Economic
19 Development Authority Act," P.L.1974, c.80 (C.34:1B-1 et seq.).

20 (2) As the carrying out of any project described pursuant to this
21 section constitutes the performance of an essential public function,
22 all projects predominantly used in furtherance of the educational
23 purposes of the institution undertaken pursuant to this section,
24 provided it is owned by or leased to a public entity, non-profit
25 business entity, foreign or domestic, or a business entity wholly
26 owned by such non-profit business entity, shall at all times be
27 exempt from property taxation and special assessments of the State,
28 or any municipality, or other political subdivision of the State and,
29 notwithstanding the provisions of section 15 of P.L.1974, c.80
30 (C.34:1B-15), section 2 of P.L.1977, c.272 (C.54:4-2.2b), or any
31 other section of law to the contrary, shall not be required to make
32 payments in lieu of taxes. The land upon which the project is
33 located shall also at all times be exempt from property taxation.
34 Further, the project and land upon which the project is located shall
35 not be subject to the provisions of section 1 of P.L.1984, c.176
36 (C.54:4-1.10) regarding the tax liability of private parties
37 conducting for profit activities on tax exempt land, or section 1 of
38 P.L.1949, c.177 (C.54:4-2.3) regarding the taxation of leasehold
39 interests in exempt property that are held by nonexempt parties.

40 c. Each worker employed in the construction, rehabilitation, or
41 building maintenance services of facilities by a private entity that
42 has entered into a public-private partnership agreement with a State
43 or county college pursuant to subsection a. of this section shall be
44 paid not less than the prevailing wage rate for the worker's craft or
45 trade as determined by the Commissioner of Labor and Workforce
46 Development pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.)
47 and P.L.2005, c.379 (C.34:11-56.58 et seq.).

48 d. (1) All construction projects under a public-private
49 partnership agreement entered into pursuant to this section shall

1 contain a project labor agreement. The project labor agreement
2 shall be subject to the provisions of P.L.2002, c.44 (C.52:38-1 et
3 seq.), and shall be in a manner that to the greatest extent possible
4 enhances employment opportunities for individuals residing in the
5 county of the project's location. Further, the general contractor,
6 construction manager, design-build team, or subcontractor for a
7 construction project proposed in accordance with this paragraph
8 shall be registered pursuant to the provisions of P.L.1999, c.238
9 (C.34:11-56.48 et seq.), and shall be classified by the Division of
10 Property Management and Construction to perform work on a
11 public-private partnership higher education project. All
12 construction projects proposed in accordance with this paragraph
13 shall be submitted to the New Jersey Economic Development
14 Authority for its review and approval and, when practicable, are
15 encouraged to adhere to the Leadership in Energy and
16 Environmental Design Green Building Rating System as adopted by
17 the United States Green Building Council.

18 (2) Where no public fund has been established for the financing
19 of a public improvement, the chief financial officer of the public
20 owner shall require the private entity for whom the public
21 improvement is being made to post, or cause to be posted, a bond
22 guaranteeing prompt payment of moneys due to the contractor, his
23 or her subcontractors and to all persons furnishing labor or
24 materials to the contractor or his or her subcontractors in the
25 prosecution of the work on the public improvement.

26 e. A general contractor, construction manager, design-build
27 team, or subcontractor shall be registered pursuant to the provisions
28 of P.L.1999, c.238 (C.34:11-56.48 et seq.), and shall be classified
29 by the Division of Property Management and Construction to
30 perform work on a public-private partnership higher education
31 project.

32 f. (1) On or before August 1, 2015, all projects proposed in
33 accordance with this section shall be submitted to the New Jersey
34 Economic Development Authority for the authority's review and
35 approval; except that in the case of projects proposed in accordance
36 with paragraph (2) of subsection a. of this section, all projects shall
37 be submitted on or before August 1, 2016. The projects are
38 encouraged, when practicable, to adhere to the green building
39 manual prepared by the Commissioner of Community Affairs
40 pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6). Any
41 application that is deemed to be incomplete on August 2, 2015, or
42 on August 2, 2016 in the case of an application submitted pursuant
43 to paragraph (2) of subsection a. of this section, shall not be eligible
44 for consideration.

45 (2) (a) In order for an application to be complete and
46 considered by the authority, the application shall include, but not be
47 limited to: (i) a public-private partnership agreement between the
48 State or county college and the private developer; (ii) a full
49 description of the project, including a description of any agreement

1 for the lease of a revenue-producing facility related to the project;
2 (iii) the estimated costs and financial documentation for the project;
3 (iv) a timetable for completion of the project extending no more
4 than five years after consideration and approval; and (v) any other
5 requirements that the authority deems appropriate or necessary.

6 (b) As part of the estimated costs and financial documentation
7 for the project, the application shall contain a long-range
8 maintenance plan and shall specify the expenditures that qualify as
9 an appropriate investment in maintenance. The long-range
10 maintenance plan shall be approved by the authority pursuant to
11 regulations promulgated by the authority that reflect national
12 building maintenance standards and other appropriate building
13 maintenance benchmarks. All contracts to implement a long-range
14 maintenance plan pursuant to this paragraph shall contain a project
15 labor agreement. The project labor agreement shall be subject to
16 the provisions of P.L.2002, c.44 (C.52:38-1 et seq.), and shall be in
17 a manner that to the greatest extent possible enhances employment
18 opportunities for individuals residing in the county of the project's
19 location.

20 (3) The authority shall review all completed applications, and
21 request additional information as is needed to make a complete
22 assessment of the project. No project shall be undertaken until final
23 approval has been granted by the authority; provided, however, that
24 the authority shall retain the right to revoke approval if it
25 determines that the project has deviated from the plan submitted
26 pursuant to paragraph (2) of this subsection.

27 (4) The authority may promulgate any rules and regulations
28 necessary to implement this subsection, including provisions for
29 fees to cover administrative costs.

30 Where no public fund has been established for the financing of a
31 public improvement, the chief financial officer of the public owner
32 shall require the private entity for whom the public improvement is
33 being made to post, or cause to be posted, a bond guaranteeing
34 prompt payment of moneys due to the contractor, his or her
35 subcontractors and to all persons furnishing labor or materials to the
36 contractor or his or her subcontractors in the prosecution of the
37 work on the public improvement.

38 g. The provisions of P.L.2009, c.136 (C.52:18-42 et al.) shall
39 not apply to any project carried out pursuant to this section.

40 (cf: P.L.2013, c.161, s.26)

41

42 6. Section 7 of P.L.1995, c.400 (C.18A:64E-18) is amended to
43 read as follows:

44 7. The board of trustees of the university shall have general
45 supervision over and be vested with the conduct, control,
46 management and administration of the university. It shall have the
47 authority and responsibility to:

48 a. Adopt, use, and modify, as it deems appropriate, its
49 corporate seal;

- 1 b. Determine the policies for the organization, administration
2 and development of the university;
- 3 c. Approve the establishment of new educational programs and
4 the discontinuance of existing educational programs at the
5 university consistent with the university's programmatic mission as
6 authorized by the State Board of Higher Education prior to July 1,
7 1994, or authorized thereafter in accordance with the provisions of
8 the "Higher Education Restructuring Act of 1994," P.L.1994, c.48
9 (C.18A:3B-1 et seq.);
- 10 d. Study the educational and financial needs of the university,
11 annually acquaint the Governor and Legislature with the condition
12 of the university, and prepare and submit an annual request for
13 appropriation to the Division of Budget and Accounting in the
14 Department of the Treasury in accordance with law;
- 15 e. Disburse all moneys appropriated to the university by the
16 Legislature and thereafter provided the university and disburse all
17 moneys received from tuition, fees, auxiliary services and other
18 sources;
- 19 f. Direct and control expenditures and transfers of funds
20 appropriated and provided by the State through its legislative and
21 executive branches and as to funds received from other sources,
22 direct and control expenditures and transfers in accordance with the
23 terms of any applicable trusts, gifts, bequests, or other special
24 provisions. The university shall annually report changes and
25 additions thereto and transfers thereof to the Director of the
26 Division of Budget and Accounting in the Department of the
27 Treasury. All accounts of the university shall be subject to audit by
28 the State at any time;
- 29 g. Appoint and fix the compensation and term of office of a
30 president of the university, who, as the executive officer of the
31 university, shall be assigned that authority and delegated those
32 duties that the board, consistent with law and duly adopted bylaws
33 of the board, determines are in keeping with the purposes of this act
34 and in the best interests of the university;
- 35 h. Consistent with the provisions of its budget, this act and any
36 and all controlling collective bargaining agreements, have the
37 power, upon nomination or recommendation of the president, to
38 appoint, remove, promote and transfer all other officers, agents, or
39 employees which may be required to carry out the provisions of this
40 act and prescribe qualifications for those positions, and assign
41 requisite duties and determine and fix respective compensation for
42 those positions in accordance with duly adopted salary program
43 parameters;
- 44 i. Subject to provision for impartial binding dispute resolution
45 through collective bargaining or as provided by university policy
46 and further subject to and limited by any law to the contrary, have
47 final authority to determine controversies and disputes concerning
48 tenure, personnel matters and other issues involving the university
49 arising under Title 18A of the New Jersey Statutes. Any hearings

1 conducted by the board pursuant to this section shall conform to the
2 requirements of the "Administrative Procedure Act," P.L.1968,
3 c.410 (C.52:14B-1 et seq.). The final administrative decision of the
4 board, in any action enabled hereunder, is appealable to the
5 Superior Court, Appellate Division;

6 j. Borrow money for the needs of the university, as deemed
7 requisite by the board, in such amounts, for such time and upon
8 such terms as may be determined by the board; provided that no
9 such borrowing shall be deemed or construed to create or constitute
10 a debt, liability, or a loan or pledge of the credit, or be payable out
11 of property or funds, other than moneys appropriated for that
12 purpose, of the State;

13 k. Purchase, lease, acquire by gifts, condemnation or otherwise,
14 manage, use, control, encumber and dispose of property, or any
15 interest therein, whether real, personal or mixed, including, but not
16 limited to, all buildings and grounds, as necessary or deemed
17 desirable for university purposes.

18 (1) Employ architects and engineers to plan buildings and other
19 campus facilities; secure bids for the construction of buildings and
20 for the equipment thereof; make contracts for the construction of
21 buildings and for the equipment thereof; and supervise that
22 construction;

23 (2) Accept from any government or governmental department,
24 agency or other public or private body or from any other source
25 grants or contributions of money or property which the board may
26 use for or in aid of any of its purposes;

27 (3) Adopt standing operating rules and procedures for the
28 purchase of all properties, whether real, personal or mixed and
29 including all equipment, materials and supplies and for the purchase
30 of all services. These rules and procedures shall include public
31 competitive bidding, where the sum to be expended exceeds
32 ~~[\$17,700]~~ \$100,000 or the amount determined by the Governor as
33 provided herein and the awarding of contracts to that responsible
34 bidder whose bid, conforming to the invitation for bids, will be
35 most advantageous to the university, price and other factors
36 considered . This public bidding process shall not be required in
37 those exceptions created by the board of trustees of the university,
38 which shall be in substance those exceptions contained in sections 4
39 and 5 of P.L.1954, c.48 (C.52:34-9 and 10). Neither shall public
40 bidding be required for the supplying of any product or the
41 rendering of any service by a public utility, subject to the
42 jurisdiction of the Board of Public Utilities of the State and tariffs
43 and schedules of the charges, made, charged, or exacted by the
44 public utility for any products to be supplied or services to be
45 rendered as are filed with that board. Commencing January 1,
46 ~~[1997]~~ 2020 and every two years thereafter, the Governor, in
47 consultation with the Department of the Treasury, shall adjust the
48 threshold amount set forth in this paragraph in direct proportion to
49 the rise or fall of the consumer price index for all urban consumers

1 in the New York City and the Philadelphia areas as reported by the
2 United States Department of Labor. The Governor shall notify the
3 university of the adjustment. The adjustment shall become
4 effective on July 1 of the year in which it is reported.

5 This subsection shall not prevent the university from having any
6 work done by its own employees, nor shall it apply to repairs, or to
7 the furnishing of materials, supplies or labor or the hiring of
8 equipment or vehicles, when the safety or protection of its or other
9 public property or the public convenience requires or the exigency
10 of the university's service will not admit of such advertisement. In
11 such case, the university shall ,by resolution passed by an
12 affirmative vote of its board of trustees, declare the exigency or
13 emergency to exist, remediate as practicable and maintain
14 appropriate records as to the reason for such awards, reporting as
15 soon as practicable thereafter to its board of trustees on all such
16 purchases, the amounts and the reasons therefor;

17 (4) Manage and maintain, and provide for the payment of all
18 charges on and expenses in respect of, all properties utilized by the
19 university;

20 (5) Invest certain moneys in such obligations, securities and
21 other investments as the board shall deem prudent consistent with
22 the purpose and provisions of this act and in accordance with State
23 and federal law, as follows:

24 Investment in not for profit corporations or for profit
25 corporations organized and operated pursuant to the provisions of
26 subsection s. of this section may utilize income realized from the
27 sale or licensing of intellectual property as well as the reinvestment
28 of earnings on intellectual property. Investment in not for profit
29 corporations may also utilize income from overhead grant fund
30 recovery as permitted by federal law as well as other university
31 funds except those specified in paragraph 4 of subsection s. of this
32 section;

33 (6) Exercise the right of eminent domain, pursuant to the
34 provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361
35 (C.20:3-1 et seq.), to acquire any property or interest therein;

36 1. Fix and determine tuition rates, and other fees to be paid by
37 students, after reasonable notice and public hearing pursuant to the
38 provisions of the "Higher Education Restructuring Act of 1994,"
39 P.L.1994, c.48 (C.18A:3B-1 et seq.);

40 m. Grant diplomas, certificates or degrees;

41 n. Enter into contracts and agreements with the State or any of
42 its political subdivisions or with the United States, or with any
43 public body, department or other agency of the State or the United
44 States or with any individual, firm or corporation which are deemed
45 necessary or advisable by the board for carrying out the provisions
46 of this act. A contract or agreement pursuant to this subsection may
47 require a municipality to undertake obligations and duties to be
48 performed subsequent to the expiration of the term of office of the
49 elected governing body of the municipality which initially entered

1 into or approved the contract or agreement, and the obligations and
2 duties so incurred by the municipality shall be binding and of full
3 force and effect, notwithstanding that the term of office of the
4 elected members of the governing body of the municipality which
5 initially entered into or approved that contract or agreement, shall
6 have expired.

7 Pursuant to this subsection, the board of trustees may procure
8 and enter into contracts for any type of insurance and indemnify
9 against loss or damage to property from any cause, including loss of
10 use and occupancy, against death or injury of any person, against
11 employees' liability, against any act of any member, officer,
12 employee or servant of the university, whether part-time, full-time,
13 compensated or non-compensated in the performance of the duties
14 of his office or employment or any other insurable risk. In addition,
15 the university shall carry its own liability insurance or maintain an
16 actuarially sound program of self-insurance. Any joint venture,
17 subsidiary corporation, or partnership or other jural entity entered
18 into or owned wholly or in part by the university shall maintain
19 insurance or reserves in such amounts as are determined by an
20 actuary to be sufficient to meet its actual or accrued claims;

21 o. Adopt bylaws and amend the same as deemed necessary
22 from time to time and make, promulgate and modify at its pleasure
23 such rules, regulations and orders, not inconsistent with the
24 provisions of this act, as are deemed necessary and proper for the
25 administration and operation of the university and to implement the
26 provisions of this act;

27 p. Develop an institutional plan and determine the schools,
28 departments, programs and degree levels to be offered by the
29 university consistent with that plan and the university's
30 programmatic mission as authorized by the State Board of Higher
31 Education prior to July 1, 1994, or authorized thereafter in
32 accordance with the provisions of the "Higher Education
33 Restructuring Act of 1994," P.L.1994, c.48 (C.18A: 3B-1 et seq.);

34 q. Function as a public employer under the "New Jersey
35 Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1
36 et seq.), appointing its chief spokesperson and continuing to
37 conduct all labor negotiations with the participation of the
38 Governor's Office of Employee Relations;

39 r. Continue to retain independent counsel;

40 s. Participate as the general partner or as a limited partner,
41 either directly or through a subsidiary corporation created by the
42 university, in limited partnerships, general partnerships, or joint
43 ventures engaged in the development, manufacture, or marketing of
44 products, technology, scientific information or services and create
45 or form for profit or not for profit corporations to engage in such
46 activities; provided that any such participation shall be consistent
47 with the mission of the university and the board shall have
48 determined that such participation is prudent.

1 (1) The decision to participate in any of the activities described
2 in this subsection, including the creation or formation of for profit
3 or not for profit corporations, shall be articulated in the minutes of
4 the board of trustees meeting in which action was approved. A true
5 copy of the minutes of that meeting shall be delivered to the
6 Governor. No such action shall take effect until 30 days, Saturdays,
7 Sundays and public holidays excepted, after the copy of the minutes
8 shall have been delivered to the Governor. If, within the 30-day
9 period, the Governor returns the minutes of the meeting with a veto
10 of the action taken by the board, the action taken by the board shall
11 be null and void and of no effect.

12 (2) Any actions taken by the university pursuant to this
13 subsection shall be in conformity with the university's policy on
14 conflicts of interest and the provisions of P.L.1971, c.182
15 (C.52:13D-12 et seq.), which shall apply to the university, its
16 employees and officers.

17 (3) Nothing herein shall be deemed or construed to create or
18 constitute a debt, liability, or a loan or pledge of the credit or be
19 payable out of property or funds of the State.

20 (4) Funds directly appropriated to the university from the State
21 or derived from the university's academic programs shall not be
22 utilized by the for profit or not for profit corporations organized and
23 operated pursuant to this subsection in the development,
24 manufacture or marketing of products, technology or scientific
25 information.

26 (5) Employees of any joint venture, subsidiary corporation,
27 partnership or other jural entity entered into or owned wholly or in
28 part by the university shall not be deemed public employees.

29 (6) A joint venture, subsidiary corporation, partnership or other
30 jural entity entered into or owned wholly or in part by the university
31 shall not be deemed an instrumentality of the State of New Jersey.

32 (7) Income realized by the university as a result of participation
33 in the development, manufacture or marketing of products,
34 technology, or scientific information may be invested, reinvested or
35 retained by the board in accordance with the provisions of this act
36 and any other State or federal law for use in furtherance of any of
37 the purposes of this act or of other applicable statutes.

38 (8) The board shall include in its annual report to the State
39 Treasurer, the operation of all joint ventures, subsidiary
40 corporations, partnerships or other jural entities entered into or
41 owned wholly or in part by the university;

42 t. Create, operate, or participate in the operation of such
43 auxiliary organizations as permitted by law which the board deems
44 prudent and which are in keeping with the educational and public
45 service mission of the university; and

46 u. Sue and be sued in its own name.

47 (cf: P.L.1995, c.400, s.7)

1 7. Section 41 of P.L.2012, c.45 (C.18A:64M-9) is amended to
2 read as follows:

3 41. The board of trustees of Rowan University shall have the
4 general supervision over and be vested with the conduct of the
5 university. It shall have the power and duty, subject to the approval
6 of the Rowan University-Rutgers Camden Board of Governors
7 which shall be subject to the limitations set forth in section 34 of
8 P.L.2012, c.45 (C.18A:64M-38), to:

9 a. Adopt and use a corporate seal;

10 b. Determine the educational curriculum and program of the
11 university;

12 c. Determine policies for the organization, administration, and
13 development of the university;

14 d. Study the educational and financial needs of the university,
15 annually acquaint the Governor and Legislature with the condition
16 of the university, and prepare and submit an annual request for
17 appropriation to the Division of Budget and Accounting in the
18 Department of the Treasury in accordance with law;

19 e. Disburse all moneys appropriated to the university by the
20 Legislature and all moneys received from tuition, fees, auxiliary
21 services and other sources;

22 f. Direct and control expenditures and transfers of funds
23 appropriated to the university in accordance with the provisions of
24 the State budget and appropriation acts of the Legislature, and, as to
25 funds received from other sources, direct and control expenditures
26 and transfers in accordance with the terms of any applicable trusts,
27 gifts, bequests, or other special provisions, reporting changes and
28 additions thereto and transfers thereof to the Director of the
29 Division of Budget and Accounting in the Department of the
30 Treasury. All accounts of the university shall be subject to audit by
31 the State at any time;

32 g. In accordance with the provisions of the State budget and
33 appropriation acts of the Legislature, appoint and fix the
34 compensation and term of office of a president of the university
35 who shall be the executive officer of the university and an ex officio
36 member of the board of trustees, without vote, and shall serve at the
37 pleasure of the board of trustees;

38 h. In accordance with the provisions of the State budget and
39 appropriation acts of the Legislature, appoint, upon nomination of
40 the president, such deans and other members of the academic,
41 administrative, and teaching staffs as shall be required and fix their
42 compensation and terms of employment;

43 i. Consistent with the provisions of its budget, this act and any
44 and all controlling collective bargaining agreements, have the
45 power, upon nomination or recommendation of the president, to
46 appoint, remove, promote and transfer all other officers, agents, or
47 employees which may be required to carry out the provisions of this
48 act and prescribe qualifications for those positions, and assign
49 requisite duties and determine and fix respective compensation for

- 1 those positions in accordance with duly adopted salary program
2 parameters;
- 3 j. Grant diplomas, certificates or degrees;
- 4 k. Enter into contracts and agreements with the State or any of
5 its political subdivisions or with the United States, or with any
6 public body, department or other agency of the State or the United
7 States or with any individual, firm or corporation which are deemed
8 necessary or advisable by the board for carrying out the provisions
9 of this act. A contract or agreement pursuant to this subsection may
10 require a municipality to undertake obligations and duties to be
11 performed subsequent to the expiration of the term of office of the
12 elected governing body of such municipality which initially entered
13 into or approved said contract or agreement, and the obligations and
14 duties so incurred by such municipality shall be binding and of full
15 force and effect, notwithstanding that the term of office of the
16 elected governing body of such municipality which initially entered
17 into or approved said contract or agreement, shall have expired;
- 18 l. Exercise the right of eminent domain, pursuant to the
19 provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361
20 (C.20:3-1 et seq.), to acquire any property or interest therein;
- 21 m. Adopt, after consultation with the president and faculty,
22 bylaws and make and promulgate such rules, regulations, and
23 orders, not inconsistent with the provisions of this act as are
24 necessary and proper for the administration and operation of the
25 university and the carrying out of its purposes;
- 26 n. Establish fees for room and board sufficient for the
27 operation, maintenance, and rental of student housing and food
28 services facilities;
- 29 o. Fix and determine tuition rates and other fees to be paid by
30 students;
- 31 p. Accept from any government or governmental department,
32 agency or other public or private body or from any other source
33 grants or contributions of money or property which the board may
34 use for or in aid of any of its purposes;
- 35 q. Acquire, by gift, purchase, condemnation or otherwise, own,
36 lease, dispose of, use and operate property, whether real, personal
37 or mixed, or any interest therein, which is necessary or desirable for
38 university purposes;
- 39 r. Employ architects to plan buildings; secure bids for the
40 construction of buildings and for the equipment thereof; make
41 contracts for the construction of buildings and for equipment; and
42 supervise the construction of buildings;
- 43 s. Manage and maintain, and provide for the payment of all
44 charges on and expenses in respect of, all properties utilized by the
45 university;
- 46 t. Borrow money and to secure the same by a mortgage on its
47 property or any part thereof, and to enter into any credit agreement
48 for the needs of the university and projects of the Rowan
49 University-Rutgers Camden Board of Governors, as deemed

1 requisite by the board, in such amounts and for such time and upon
2 such terms as may be determined by the board, provided that no
3 such borrowing shall be deemed or construed to create or constitute
4 a debt, liability, or a loan or pledge of the credit or be payable out
5 of property or funds, other than moneys appropriated for that
6 purpose, of the State;

7 u. Authorize any new program, educational department or
8 school consistent with the programmatic mission of the institution
9 or approved by the Secretary of Higher Education;

10 v. Adopt standing operating rules and procedures for the
11 purchase of all equipment, materials, supplies and services;
12 however, no contract on behalf of the university shall be entered
13 into for the purchase of services, materials, equipment and supplies,
14 for the performance of any work, or for the hiring of equipment or
15 vehicles, where the sum to be expended exceeds **[\$30,700]**
16 \$100,000 or the amount determined by the Governor as provided
17 herein, unless the university shall first publicly advertise for bids
18 and shall award the contract to that responsible bidder whose bid,
19 conforming to the invitation for bids, will be most advantageous to
20 the university, price and other factors considered. Such advertising
21 shall not be required in those exceptions created by the board of
22 trustees of the university, which shall be in substance those
23 exceptions contained in sections 4 and 5 of P.L.1954, c.48
24 (C.52:34-9 and 10) and section 5 of P.L.1986, c.43 (C.18A:64-56)
25 or for the supplying of any product or the rendering of any service
26 by a public utility subject to the jurisdiction of the Board of Public
27 Utilities of this State and tariffs and schedules of the charges made,
28 charged, or exacted by the public utility for any such products to be
29 supplied or services to be rendered are filed with the said board.
30 Commencing July 1, **[2013]** 2020 and every two years thereafter,
31 the Governor, in consultation with the Department of the Treasury,
32 shall adjust the threshold amount set forth in this paragraph in direct
33 proportion to the rise or fall of the consumer price index for all
34 urban consumers in the New York City and the Philadelphia areas
35 as reported by the United States Department of Labor. The
36 Governor shall notify the university of the adjustment. The
37 adjustment shall become effective on July 1 of the year in which it
38 is reported.

39 This subsection shall not prevent the university from having any
40 work performed by its own employees, nor shall it apply to repairs,
41 or to the furnishing of materials, supplies or labor, or the hiring of
42 equipment or vehicles, when the safety or protection of its or other
43 public property or the public convenience requires or the exigency
44 of the university's service will not admit of such advertisement. In
45 such case, the university shall, by resolution passed by the
46 affirmative vote of its board of trustees, declare the exigency or
47 emergency to exist, and set forth in the resolution the nature and
48 approximate amount to be expended; shall maintain appropriate
49 records as to the reason for such awards; and shall report regularly

1 to its board of trustees on all such purchases, the amounts and the
2 reasons therefor;

3 w. Invest certain moneys in such obligations, securities and
4 other investments as the board shall deem prudent, consistent with
5 the purposes and provisions of this act and in accordance with State
6 and federal law, as follows:

7 Investment in not-for-profit corporations or for-profit
8 corporations organized and operated pursuant to the provisions of
9 subsection x. of this section may utilize income realized from the
10 sale or licensing of intellectual property as well as the reinvestment
11 of earnings on intellectual property. Investment in not-for-profit
12 corporations may also utilize income from the operation of faculty
13 practice plans of the university and income from overhead grant
14 fund recovery as permitted by federal law as well as other
15 university funds except those specified in paragraph 5 of subsection
16 x. of this section;

17 x. (1) Participate as the general partner or as a limited
18 partner, either directly or through a subsidiary corporation created
19 by the university, in limited partnerships, general partnerships, or
20 joint ventures engaged in the development, manufacture, or
21 marketing of products, technology, scientific information or health
22 care services and create or form for-profit or not-for-profit
23 corporations to engage in such activities; provided that any such
24 participation shall be consistent with the mission of the university
25 and the board shall have determined that such participation is
26 prudent;

27 (2) The decision to participate in any activity described in
28 paragraph (1) of this subsection, including the creation or formation
29 of for-profit or not-for-profit corporations, shall be articulated in the
30 minutes of the board of trustees meeting in which the action was
31 approved;

32 (3) The provisions of P.L.1971, c.182 (C.52:13D-12 et seq.)
33 shall continue to apply to the university, its employees, and
34 officers;

35 (4) Nothing herein shall be deemed or construed to create or
36 constitute a debt, liability, or a loan or pledge of the credit or be
37 payable out of property or funds of the State;

38 (5) Funds directly appropriated to the university from the State
39 or derived from the university's academic programs or derived from
40 payment for coverage provided by the self insurance fund for claims
41 accruing prior to the effective date of this act shall not be utilized
42 by the for-profit or not-for-profit corporations organized and
43 operated pursuant to this subsection in the development,
44 manufacture, or marketing of products, technology or scientific
45 information;

46 (6) Employees of any joint venture, subsidiary corporation,
47 partnership, or other jural entity entered into or owned wholly or in
48 part by the university shall not be deemed public employees;

1 (7) A joint venture, subsidiary corporation, partnership, or other
2 jural entity entered into or owned wholly or in part by the university
3 shall not be deemed an instrumentality of the State of New Jersey;

4 (8) Income realized by the university as a result of participation
5 in the development, manufacture, or marketing of products,
6 technology, or scientific information may be invested or reinvested
7 pursuant to subsection w. of this section or any other provision of
8 this act or State or federal law or retained by the board for use in
9 furtherance of any of the purposes of this act or of other applicable
10 statutes;

11 (9) The board shall annually report to the State Treasurer on the
12 operation of all joint ventures, subsidiary corporations,
13 partnerships, or such other jural entities entered into or owned
14 wholly or in part by the university;

15 y. Sue and be sued in its own name;

16 z. Retain independent counsel including representation by the
17 Attorney General in accordance with subsection h. of section 6 of
18 P.L.1994, c.48 (C.18A:3B-6);

19 aa. (1) Procure and enter into contracts for any type of
20 insurance and indemnify against loss or damage to property from
21 any cause, including loss of use and occupancy, against death or
22 injury of any person, against employees' liability, against any act of
23 any member, officer, employee or servant of the university, whether
24 part-time, full-time, compensated or non-compensated in the
25 performance of the duties of his office or employment or any other
26 insurable risk. In addition, the university shall carry its own liability
27 insurance or maintain an actuarially sound program of self
28 insurance. Any joint venture, subsidiary corporation, or partnership
29 or such other jural entity entered into or owned wholly or in part by
30 the university shall carry insurance or maintain reserves in such
31 amounts as are determined by an actuary to be sufficient to meet its
32 actual or accrued claims;

33 (2) Moneys in the fund known as the Self-Insurance Trust Fund
34 administered by the State Treasurer shall continue to be available to
35 the university solely to indemnify and defend claims against the
36 university and its employees, officers and servants but only to the
37 extent that the university has elected on behalf of itself and its
38 employees to obtain representation from the Attorney General
39 pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-
40 6) and such entity or individuals would have been entitled to
41 defense and indemnification pursuant to the "New Jersey Tort
42 Claims Act," N.J.S.59:1-1 et seq., as a State entity or State
43 employee but for the provision of subsection z. of this section. Any
44 expenditure of such funds shall be made only in accordance with
45 the provisions of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et
46 seq., including but not limited to the provisions of chapters 10, 10A
47 and 11 of Title 59 of the New Jersey Statutes. Nothing herein shall
48 be construed to authorize the use of the Self-Insurance Trust Fund
49 to indemnify or insure in any way, directly or indirectly the

- 1 activities of any joint venture, partnership or corporation entered
2 into or created by the university pursuant to subsection x. of this
3 section;
- 4 bb. Create auxiliary organizations subject to the provisions of
5 P.L.1982, c.16 (C.18A:64-26 et seq.);
- 6 cc. Adopt a code of ethics that complies with the requirements
7 of all statutes applicable to the institution, including, but not
8 limited, to the "Higher Education Restructuring Act of 1994,"
9 P.L.1994, c.48 (C.18A:3B-1 et al.), the "New Jersey Conflicts of
10 Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.), regulations of
11 the State Ethics Commission, and any applicable executive orders;
12 and
- 13 dd. Establish a procedure for the confidential, anonymous
14 submission of employee concerns regarding alleged wrongdoing at
15 the university.
16 (cf: P.L.2013, c.227, s.2)
17
- 18 8. Section 9 of P.L.2017, c.178 (C.18A:64N-9) is amended to
19 read as follows:
- 20 9. The board of trustees of Montclair State University shall
21 have the general supervision over and be vested with the conduct of
22 the university. It shall have the power and duty to:
- 23 a. Adopt and use a corporate seal;
- 24 b. Determine the educational curriculum and program of the
25 university;
- 26 c. Determine policies for the organization, administration, and
27 development of the university;
- 28 d. Study the educational and financial needs of the university,
29 annually acquaint the Governor and Legislature with the condition
30 of the university, and prepare and submit an annual request for
31 appropriation to the Division of Budget and Accounting in the
32 Department of the Treasury in accordance with law;
- 33 e. Disburse all moneys appropriated to the university by the
34 Legislature and all moneys received from tuition, fees, auxiliary
35 services and other sources;
- 36 f. Direct and control expenditures and transfers of funds
37 appropriated to the university in accordance with the provisions of
38 the State budget and appropriation acts of the Legislature, and, as to
39 funds received from other sources, direct and control expenditures
40 and transfers in accordance with the terms of any applicable trusts,
41 gifts, bequests, or other special provisions, reporting changes and
42 additions thereto and transfers thereof to the Director of the
43 Division of Budget and Accounting in the Department of the
44 Treasury. All accounts of the university shall be subject to audit by
45 the State at any time;
- 46 g. In accordance with the provisions of the State budget and
47 appropriation acts of the Legislature, appoint and fix the
48 compensation and term of office of a president of the university
49 who shall be the executive officer of the university and an ex officio

- 1 member of the board of trustees, without vote, and shall serve at the
2 pleasure of the board of trustees;
- 3 h. In accordance with the provisions of the State budget and
4 appropriation acts of the Legislature, appoint, upon nomination of
5 the president, such deans and other members of the academic,
6 administrative, and teaching staffs as shall be required and fix their
7 compensation and terms of employment;
- 8 i. Consistent with the provisions of its budget, this act and any
9 and all controlling collective bargaining agreements, have the
10 power, upon nomination or recommendation of the president, to
11 appoint, remove, promote and transfer all other officers, agents, or
12 employees which may be required to carry out the provisions of this
13 act and prescribe qualifications for those positions, and assign
14 requisite duties and determine and fix respective compensation for
15 those positions in accordance with duly adopted salary program
16 parameters;
- 17 j. Grant diplomas, certificates or degrees;
- 18 k. Enter into contracts and agreements with the State or any of
19 its political subdivisions or with the United States, or with any
20 public body, department or other agency of the State or the United
21 States or with any individual, firm or corporation which are deemed
22 necessary or advisable by the board for carrying out the provisions
23 of this act. A contract or agreement pursuant to this subsection may
24 require a municipality to undertake obligations and duties to be
25 performed subsequent to the expiration of the term of office of the
26 elected governing body of such municipality which initially entered
27 into or approved said contract or agreement, and the obligations and
28 duties so incurred by such municipality shall be binding and of full
29 force and effect, notwithstanding that the term of office of the
30 elected governing body of such municipality which initially entered
31 into or approved said contract or agreement, shall have expired;
- 32 l. Exercise the right of eminent domain, pursuant to the
33 provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361
34 (C.20:3-1 et seq.), to acquire any property or interest therein;
- 35 m. Adopt, after consultation with the president and faculty,
36 bylaws and make and promulgate such rules, regulations, and
37 orders, not inconsistent with the provisions of this act as are
38 necessary and proper for the administration and operation of the
39 university and the carrying out of its purposes;
- 40 n. Establish fees for room and board sufficient for the
41 operation, maintenance, and rental of student housing and food
42 services facilities;
- 43 o. Fix and determine tuition rates and other fees to be paid by
44 students;
- 45 p. Accept from any government or governmental department,
46 agency or other public or private body or from any other source
47 grants or contributions of money or property which the board may
48 use for or in aid of any of its purposes;

- 1 q. Acquire, by gift, purchase, condemnation or otherwise, own,
2 lease, dispose of, use and operate property, whether real, personal
3 or mixed, or any interest therein, which is necessary or desirable for
4 university purposes;
- 5 r. Employ architects to plan buildings; secure bids for the
6 construction of buildings and for the equipment thereof; make
7 contracts for the construction of buildings and for equipment; and
8 supervise the construction of buildings;
- 9 s. Manage and maintain, and provide for the payment of all
10 charges on and expenses in respect of, all properties utilized by the
11 university;
- 12 t. Borrow money and to secure the same by a mortgage on its
13 property or any part thereof, and to enter into any credit agreement
14 for the needs of the university, as deemed requisite by the board, in
15 such amounts and for such time and upon such terms as may be
16 determined by the board, provided that no such borrowing shall be
17 deemed or construed to create or constitute a debt, liability, or a
18 loan or pledge of the credit or be payable out of property or funds,
19 other than moneys appropriated for that purpose, of the State;
- 20 u. Authorize any new program, educational department or
21 school consistent with the programmatic mission of the institution
22 or approved by the Secretary of Higher Education;
- 23 v. Adopt standing operating rules and procedures for the
24 purchase of all equipment, materials, supplies and services;
25 however, no contract on behalf of the university shall be entered
26 into for the purchase of services, materials, equipment and supplies,
27 for the performance of any work, or for the hiring of equipment or
28 vehicles, where the sum to be expended exceeds **[\$33,000]**
29 \$100,000 or the amount determined by the Governor as provided
30 herein, unless the university shall first publicly advertise for bids
31 and shall award the contract to that responsible bidder whose bid,
32 conforming to the invitation for bids, will be most advantageous to
33 the university, price and other factors considered. Such advertising
34 shall not be required in those exceptions created by the board of
35 trustees of the university, which shall be in substance those
36 exceptions contained in sections 4 and 5 of P.L.1954, c.48
37 (C.52:34-9 and 10) and section 5 of P.L.1986, c.43 (C.18A:64-56)
38 or for the supplying of any product or the rendering of any service
39 by a public utility subject to the jurisdiction of the Board of Public
40 Utilities of this State and tariffs and schedules of the charges made,
41 charged, or exacted by the public utility for any such products to be
42 supplied or services to be rendered are filed with the said board.
43 Commencing July 1, **[2017]** 2020 and every two years thereafter,
44 the Governor, in consultation with the Department of the Treasury,
45 shall adjust the threshold amount set forth in this paragraph in direct
46 proportion to the rise or fall of the consumer price index for all
47 urban consumers in the New York City and the Philadelphia areas
48 as reported by the United States Department of Labor. The
49 Governor shall notify the university of the adjustment. The

1 adjustment shall become effective on July 1 of the year in which it
2 is reported.

3 This subsection shall not prevent the university from having any
4 work performed by its own employees, nor shall it apply to repairs,
5 or to the furnishing of materials, supplies or labor, or the hiring of
6 equipment or vehicles, when the safety or protection of its or other
7 public property or the public convenience requires or the exigency
8 of the university's service will not admit of such advertisement. In
9 such case, the university shall, by resolution passed by the
10 affirmative vote of its board of trustees, declare the exigency or
11 emergency to exist, and set forth in the resolution the nature and
12 approximate amount to be expended; shall maintain appropriate
13 records as to the reason for such awards; and shall report regularly
14 to its board of trustees on all such purchases, the amounts and the
15 reasons therefor;

16 w. Invest certain moneys in such obligations, securities and
17 other investments as the board shall deem prudent, consistent with
18 the purposes and provisions of this act and in accordance with State
19 and federal law, as follows:

20 Investment in not-for-profit corporations or for-profit
21 corporations organized and operated pursuant to the provisions of
22 subsection x. of this section may utilize income realized from the
23 sale or licensing of intellectual property as well as the reinvestment
24 of earnings on intellectual property. Investment in not-for-profit
25 corporations may also utilize income from overhead grant fund
26 recovery as permitted by federal law as well as other university
27 funds except those specified in paragraph 5 of subsection x. of this
28 section;

29 x. (1) Participate as the general partner or as a limited
30 partner, either directly or through a subsidiary corporation created
31 by the university, in limited partnerships, general partnerships, or
32 joint ventures engaged in the development, manufacture, or
33 marketing of products, technology, scientific information or
34 services and create or form for-profit or not-for-profit corporations
35 to engage in such activities; provided that any such participation
36 shall be consistent with the mission of the university and the board
37 shall have determined that such participation is prudent;

38 (2) The decision to participate in any activity described in
39 paragraph (1) of this subsection, including the creation or formation
40 of for-profit or not-for-profit corporations, shall be articulated in the
41 minutes of the board of trustees meeting in which the action was
42 approved;

43 (3) The provisions of P.L.1971, c.182 (C.52:13D-12 et seq.)
44 shall continue to apply to the university, its employees, and
45 officers;

46 (4) Nothing herein shall be deemed or construed to create or
47 constitute a debt, liability, or a loan or pledge of the credit or be
48 payable out of property or funds of the State;

- 1 (5) Funds directly appropriated to the university from the State
2 or derived from the university's academic programs shall not be
3 utilized by the for-profit or not-for-profit corporations organized
4 and operated pursuant to this subsection in the development,
5 manufacture, or marketing of products, technology or scientific
6 information;
- 7 (6) Employees of any joint venture, subsidiary corporation,
8 partnership, or other jural entity entered into or owned wholly or in
9 part by the university shall not be deemed public employees;
- 10 (7) A joint venture, subsidiary corporation, partnership, or other
11 jural entity entered into or owned wholly or in part by the university
12 shall not be deemed an instrumentality of the State of New Jersey;
- 13 (8) Income realized by the university as a result of participation
14 in the development, manufacture, or marketing of products,
15 technology, or scientific information may be invested or reinvested
16 pursuant to subsection w. of this section or any other provision of
17 this act or State or federal law or retained by the board for use in
18 furtherance of any of the purposes of this act or of other applicable
19 statutes;
- 20 (9) The board shall annually report to the State Treasurer on the
21 operation of all joint ventures, subsidiary corporations,
22 partnerships, or such other jural entities entered into or owned
23 wholly or in part by the university;
- 24 y. Sue and be sued in its own name;
- 25 z. Retain independent counsel including representation by the
26 Attorney General in accordance with subsection h. of section 6 of
27 P.L.1994, c.48 (C.18A:3B-6);
- 28 aa. (1) Procure and enter into contracts for any type of
29 insurance and indemnify against loss or damage to property from
30 any cause, including loss of use and occupancy, against death or
31 injury of any person, against employees' liability, against any act of
32 any member, officer, employee or servant of the university, whether
33 part-time, full-time, compensated or non-compensated in the
34 performance of the duties of his office or employment or any other
35 insurable risk. In addition, the university shall carry its own liability
36 insurance or maintain an actuarially sound program of self
37 insurance. Any joint venture, subsidiary corporation, or partnership
38 or such other jural entity entered into or owned wholly or in part by
39 the university shall carry insurance or maintain reserves in such
40 amounts as are determined by an actuary to be sufficient to meet its
41 actual or accrued claims;
- 42 (2) Moneys in the fund known as the Self-Insurance Trust Fund
43 administered by the State Treasurer shall continue to be available to
44 the university solely to indemnify and defend claims against the
45 university and its employees, officers and servants but only to the
46 extent that the university has elected on behalf of itself and its
47 employees to obtain representation from the Attorney General
48 pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-
49 6) and such entity or individuals would have been entitled to

1 defense and indemnification pursuant to the "New Jersey Tort
2 Claims Act," N.J.S.59:1-1 et seq., as a State entity or State
3 employee but for the provision of subsection z. of this section. Any
4 expenditure of such funds shall be made only in accordance with
5 the provisions of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et
6 seq., including but not limited to the provisions of chapters 10, 10A
7 and 11 of Title 59 of the New Jersey Statutes. Nothing herein shall
8 be construed to authorize the use of the Self-Insurance Trust Fund
9 to indemnify or insure in any way, directly or indirectly the
10 activities of any joint venture, partnership or corporation entered
11 into or created by the university pursuant to subsection x. of this
12 section;

13 bb. Create auxiliary organizations subject to the provisions of
14 P.L.1982, c.16 (C.18A:64-26 et seq.);

15 cc. Adopt a code of ethics that complies with the requirements
16 of all statutes applicable to the institution, including, but not
17 limited, to the "Higher Education Restructuring Act of 1994,"
18 P.L.1994, c.48 (C.18A:3B-1 et al.), the "New Jersey Conflicts of
19 Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.), regulations of
20 the State Ethics Commission, and any applicable executive orders;
21 and

22 dd. Establish a procedure for the confidential, anonymous
23 submission of employee concerns regarding alleged wrongdoing at
24 the university.

25 (cf: P.L.2017, c.178, s.9)

26

27 9. Section 60 of P.L.2001, c.137 (C.18A:73-43.4) is amended
28 to read as follows:

29 60. a. The State Treasurer shall disburse to Thomas Edison
30 State College the amount of funds appropriated in the direct State
31 services portion of the annual appropriation for the State Library.
32 The funds shall be paid to the college in four equal installments
33 beginning on July 1 of each year. Thomas Edison State College
34 shall deposit all such funds into separate accounts to be used solely
35 for State Library purposes.

36 b. The State Treasurer shall disburse to Thomas Edison State
37 College the amount of funds appropriated in the State aid portion of
38 the annual appropriation for the State Library. The funds shall be
39 paid to the college on a drawdown schedule to be prepared by
40 Thomas Edison State College and approved by the Office of
41 Management and Budget. Thomas Edison State College shall
42 deposit all such funds into separate accounts to be used solely for
43 State Library purposes.

44 c. Each year, Thomas Edison State College shall prepare and
45 submit to the Office of Management and Budget in the Department
46 of the Treasury a proposed budget for the operation of the State
47 Library during the following fiscal year at the same time that
48 Thomas Edison State College prepares and submits to the Secretary
49 of State for submission to Office of Management and Budget a

1 proposed budget for the operation of the college during the
2 following fiscal year.

3 d. Funds disbursed to Thomas Edison State College for the
4 operations of the State Library, although maintained in separated
5 accounts, shall be considered college funds for all purposes related
6 to purchasing¹, including for the purposes of the "State College
7 Contracts Law," P.L.1986, c.43 (C.18A:64-52 et seq.)¹.

8 e. Thomas Edison State College is authorized to accept
9 donations on behalf of the State Library and those donated funds
10 shall be maintained in separate accounts to be used solely for State
11 Library purposes.

12 f. Thomas Edison State College shall be entitled to use, solely
13 for State Library purposes, the interest income from any public or
14 private fund established to support the programs and services of the
15 State Library to the extent permitted by law and the terms of the
16 fund.

17 g. Thomas Edison State College shall conduct an independent
18 financial audit of the State Library accounts each year, including
19 accounts that receive federal funds, and shall submit copies of the
20 same to the Department of the Treasury, with the cost of such audits
21 funded from the direct State services portion of the annual
22 appropriation for the State Library.

23 h. Thomas Edison State College shall be responsible for the
24 maintenance of all financial records that involve the operations of
25 the State Library, including those records that relate to federal
26 funds.

27 (cf: P.L.2001, c.137, s.60)

28

29 10. Section 3 of P.L.1969, c.104 (C.52:25-16.1) is amended to
30 read as follows:

31 3. The Director of the Division of Purchase and Property may,
32 at the director's discretion, include, in any such contract or contracts
33 on behalf of the State, a provision for the purchase of such
34 materials, supplies, equipment or services by any local contracting
35 unit from such contractor or contractors. Such purchase may be
36 effectuated either as an outright purchase or by installment, lease or
37 rental, so long as the vendor offers financing at an interest rate that
38 is equal to or lower than the State line of credit. The local
39 contracting unit shall have sole responsibility for any payment due
40 the vendor for any such purchase. All purchases shall be subject to
41 audit and inspection by the local contracting unit for which made.
42 The local contracting unit shall file such reports as the Director of
43 the Division of Purchase and Property may require setting forth the
44 expenditure on such contracts. For the purposes of this section,
45 "local contracting unit" means a State college or university
46 established pursuant to chapter 64 of Title 18A of the New Jersey
47 Statutes and any public agency subject to the provisions of the
48 "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et
49 seq.), the "Public School Contracts Law," N.J.S.18A:18A-1 et seq.,

1 **【**the "State College Contracts Law," P.L.1986, c.43 (C.18A:64-52
2 et seq.),**】** or the "County College Contracts Law," P.L.1982, c.189
3 (C.18A:64A-25.1 et seq.).
4 (cf: P.L.1999, c.440, s.91)
5

6 11. (New section) Notwithstanding any of the provisions of the
7 "New Jersey Contractual Liability Act" (N.J.S.59:13-1 et seq.) to
8 the contrary, contract claims and suits against a State college or
9 university shall be governed by that act.
10

11 12. The following sections are repealed:

12 Sections 1, 3 and 4, 6 through 28, and 33 of P.L.1986, c.43
13 (C.18A:64-52, C.18A:64-54 and C.18A:64-55, C.18A:64-57
14 through C.18A:64-79, and C.18A:64-84);

15 Section 2 of P.L.1992, c.61 (C.18A:64-76.1);

16 P.L.2013, c.147 (C.18A:64-76.2 et seq.).
17

18 13. This act shall take effect on the 60th day after enactment and
19 apply to contracts for which bids are solicited on and after the
20 effective date.
21

22 STATEMENT

23
24 This bill alters the requirements pursuant to which the State
25 colleges and universities purchase goods and services and construct
26 buildings in order to align the requirements governing these
27 institutions of higher education with the contracting standards
28 governing public research universities in the State. The bill will
29 allow the State colleges and universities the ability to follow the
30 more flexible requirements of the contracting process which apply
31 to the public research universities.
32

33 Under current law, the contracting standards for the State
34 colleges and universities are found in the "State College Contracts
35 Law," P.L.1986, c.43 (C.18A:64-52 et seq.). This bill repeals
36 various sections of that law that are inconsistent with the
37 contracting requirements imposed on the public research
38 universities.
39

40 In order to have the contracting provisions for the State colleges
41 and universities mirror the provisions which apply to the public
42 research universities, the bill amends the section of law setting forth
43 the powers and duties of a board of trustees of a State college or
44 university, to grant the board the general power to adopt standing
45 operating rules and procedures for the purchase of all equipment,
46 materials, supplies, and services. The power to adopt standing
47 operating rules and procedures is limited, however, by the
48 requirement that no contract may be entered into for the purchase of
49 services, materials, equipment and supplies, for the performance of
any work, or for the hiring of equipment or vehicles, where the sum

1 to be expended exceeds a specified bid threshold, unless the college
2 or university first publicly advertises for bids and awards the
3 contract to that responsible bidder whose bid, conforming to the
4 invitation for bids, will be most advantageous to the college or
5 university, price and other factors considered. The college or
6 university is permitted to create exceptions to the public advertising
7 requirement, but those exceptions must be in substance those
8 exceptions found currently in the “State College Contracts Law”
9 and sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and 10).

10 The bill also increases the bid threshold for public bidding to
11 \$100,000 for all four-year public institutions of higher education in
12 the State, the State colleges and universities as well as the public
13 research universities.