

**STATEMENT TO**  
**ASSEMBLY, No. 1289**

with Assembly Floor Amendments  
(Proposed by Assemblywoman JASEY)

ADOPTED: MAY 24, 2012

These floor amendments would require any plans, specifications, and bid proposal documents for projects that involve the removal of soil from the site, for which the total price exceeds the amount set forth in, or the amount calculated by the Governor pursuant to, section 3 of P.L.1971, c.198 (C.40A:11-3), i.e., the “Local Public Contracts Law,” to disclose any information relative to the soil conditions at the project site, or in the case of historical or suspected contamination at the project site, include a line item allowance or minimum unit price line item for the testing and disposal of the contaminated soil to be removed.

These floor amendments also add a new section that would require a contracting unit to approve a change order to reimburse the contractor for additional costs relative to testing and disposal of the contaminated soil in instances when the soil cannot be disposed of pursuant to the plans, specifications and bid proposal documents for project sites that do not have historical or suspected soil contamination or a line item allowance or minimum unit price line item for testing and disposal of the soil.

Lastly, these floor amendments delete the provisions of the bill that would have: (1) required any plans, specifications, and bid proposal documents for such projects to include a statement provided by a laboratory using sampling methods approved by the Department of Environmental Protection (DEP) specifying the level of contamination of the soil that has been found at the site of the project; and (2) authorized the DEP to adopt rules and regulations that establish criteria under which soil testing would be conducted, and the testing parameters therefor, for projects subject to the provisions of the bill.