SYNOPSIS
Requires use of goods made in the United States for public contracts; requires disclosures by businesses that receive public contracts or development assistance.

CURRENT VERSION OF TEXT
As reported by the Assembly Budget Committee on December 11, 2014, with amendments.
AN ACT concerning the use of goods made in the United States for public contracts, requiring the disclosure of certain information by certain businesses, revising various parts of the statutory law, and supplementing Title 18A of the New Jersey Statutes and Title 52 of the Revised Statutes.

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

1. N.J.S.18A:18A-20 is amended to read as follows:

18A:18A-20. American goods and products to be used where possible.

a. Each board of education shall provide, in the specifications for all contracts above the applicable bid threshold for purchases or work, including public work contracts, for which it will pay any part of the cost, or work which by contract it will ultimately own and maintain, that only manufactured and farm products of the United States, wherever available in reasonable quantity, be purchased or be used in such work.

b. The provisions of subsection a. of this section may be waived, pursuant to the procedures provided in this subsection, in any case or category of cases in which the board of education entering into the contract finds that:

(1) Manufactured or farm products of the United States are not available in reasonable quantity; or

(2) The cost of buying manufactured or farm products of the United States is unreasonable. There is a presumption of unreasonableness for manufactured or farm products of the United States that cost more than 20% above the fair market value for such products.

At least 15 days before issuing a waiver under this subsection, the board of education shall provide to the public a notice summarizing the reason for the proposed waiver, and an opportunity for public comment to the board on the proposed waiver. The notice shall be posted prominently on the public Internet website of the board of education, provided to the Department of the Treasury for prominent posting on the website of the department, and provided by electronic means by the board and the department to any person, firm, or corporation that makes a written or electronic request for notification. If, after public notice and an opportunity for public comment required by this subsection, the board of education determines to issue a waiver, the board of education shall provide a detailed justification for the waiver that

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

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
1 Senate floor amendments adopted June 13, 2014.
2 Assembly ABU committee amendments adopted December 11, 2014.
shall be provided to the Department of the Treasury and posted prominently on the public Internet websites of the department and the board of education and provided by electronic means by the board of education and the department to any person, firm, or corporation that has made a written or electronic request to receive notice of waiver actions. The justification shall include responses to any public comments received pursuant to this subsection, and be published before the waiver takes effect. The board of education shall work with other affected contracting boards of education and State agencies to create a plan to ensure the domestic supply of the relevant products will be available in the future.

Each contract awarded by a board of education on or after the effective date of P.L. (pending before the Legislature as this bill) shall contain the contractor's certification that procured products provided pursuant to the contract or a subcontract shall be manufactured or farm products of the United States. Each certification shall be made available to the public by prominent posting on websites of the board of education and the Department of the Treasury, and provided by electronic means by the board of education and the department to any person, firm, or corporation that has made a written or electronic request to receive notice of the certifications.

c. If a contractor is awarded a contract subject to the provisions of this section and is determined by the Department of the Treasury upon investigation by the department, to have knowingly used or supplied procured products that were not manufactured in or farm products of the United States in violation of the provisions of a contract subject to the provisions of this section, then:

(1) The contractor shall be barred from obtaining any contract with any board of education or other public body, including the State or any State agency, or public institution of higher education, for a period of three years after the violation is discovered by the board of education determination by the department;

(2) The board of education may void the contract; and

(3) The board of education may recover damages in a civil action in an amount two times any cost incurred by the board as a result of the violation.

d. The provisions of this section requiring the purchase and use of products manufactured in products of the United States shall not apply:

(1) At any time to replacement parts or components for, or modifications of, equipment or systems provided under a
contract approved prior to the effective date of P.L. , c. (C. )

(2) At any time to replacement parts or components for , or modifications of, any equipment or systems for which a waiver was provided under the provisions of this section;

(3) To information technology, telecommunications, electronic, digital, computing, or other sophisticated technology articles, materials or supplies that are generally imported into the United States fully assembled, or to parts and components for the assembly of such equipment and articles in the United States;

(4) To any product approved or legally marketed under the Federal Food, Drug and Cosmetic Act (Title 21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (Title 42 U.S.C. 262); or

(5) To satellite and cable television and broadband communication services.

e. For the purposes of this section:

“Applicable bid threshold” means the dollar amount above which a board of education is required to advertise for and receive sealed bids in accordance with procedures set forth pursuant to law;

“Manufactured products of the United States” means, in the case of assembled articles, material or supplies, components, subcomponents, parts, and equipment used in manufacturing, that all final assembly, processing, packaging, testing and any other process that adds value, quality, or reliability occurs in the United States;

“Product” means a product that has been:

(1) Processed into a specific form and shape; or

(2) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials;

“Products of the United States” means:

(1) In the case of a manufactured product that is comprised predominantly of iron or steel, all manufacturing processes of the product, from the initial melting through the application of coatings, occurred in the United States; and

(2) In the case of a manufactured product that is not comprised predominantly of iron or steel:

(a) The product has been mined, produced or manufactured in the United States; and

(b) The cost of the product’s components mined, produced or manufactured in the United States exceeds 50 percent of the cost of all of its components; and

"Public work” means any public building, public highway, bridge, or other public betterment, work or improvement of a
permanent nature, constructed, reconstructed, repaired or improved
at the expense of the public.
(cf: P.L.1999, c.440, s.66)

2. Section 18 of P.L.1971, c.198 (C.40A:11-18) is amended to
read as follows:
18. a. Each [local] contracting unit shall provide, in the
specifications for all contracts [above the applicable bid threshold]
for purchases, or county or municipal work, including public work
contracts, or for work for which it will pay any part of the cost, or
work which by contract or ordinance it will ultimately own and
maintain, that only manufactured and farm products of the United
States, wherever available [in reasonable quantity], be purchased or
used in such work.

b. The provisions of subsection a. of this section may be
waived, pursuant to the procedures provided in this subsection, in
any case or category of cases in which the [contracting] unit
entering into the contract finds that [manufactured]:

(1) Manufactured or farm [products of the United States are not
available [in reasonable quantity]; or
(2) The cost of buying manufactured or farm products of the
United States is unreasonable. There is a presumption of
unreasonableness for manufactured or farm products of the United
States that cost more than 20% above the fair market value for such
products.

At least [30] 15 days before issuing a waiver under this
subsection, the [contracting] unit shall provide to the public
a notice summarizing the reason for the proposed waiver, and an
opportunity for public comment [to the contracting unit] on the
proposed waiver. The notice shall be posted prominently on the
public Internet website of the [contracting] unit, provided
to the Department of the Treasury for prominent posting on the
website of the department, and provided by electronic means [by
the contracting unit and the department] to any person, firm, or
corporation that makes a written or electronic request for
notification. If, after public notice and an opportunity for public
comment required by this subsection, the [contracting] unit
determines to issue a waiver, the [contracting] unit shall
provide a detailed justification for the waiver that shall be
[provided to the Department of the Treasury and posted
prominently on the public Internet websites of the
department and the [contracting] unit] and provided by
electronic means [by the contracting unit and the department] to
any person, firm, or corporation that has made a written or
electronic request to receive notice of waiver actions. The
justification shall include responses to any public comments
received pursuant to this subsection; and be published before the
waiver takes effect. 1] The local unit shall work with other affected
contracting local units, and other State agencies to create a plan to
ensure the domestic supply of the relevant products will be
available in the future.1

Each contract awarded by a contracting unit on or after the
effective date of P.L. , c. (C. ) (pending before the Legislature
as this bill) shall contain the contractor’s certification that procured
products provided pursuant to the contract or a subcontract shall be
manufactured or farm products of the United States. Each
certification shall be made available to the public by prominent
posting on websites of the contracting unit and the Department of
the Treasury, and provided by electronic means by the contracting
unit and the department to any person, firm, or corporation that has
made a written or electronic request to receive notice of the
certifications.2

c. If a contractor 2 is awarded a contract subject to the
provisions of this section and is determined by the Department of
the Treasury, upon investigation by the department, to have2
knowingly 2[u]es 2or [s]upplies 2procured 2products that 2[f]are 2were 2not manufactured 1[in] 2or farm products
of2 the United States in violation of the provisions of a contract
subject to the provisions of this section, then:

(1) The contractor shall be barred 2by the department2 from
obtaining any contract with any 1[local] contracting4 unit or other
public body, including the State or any State agency or public
institution of higher education, for a period of three years after the
2[violation is discovered by the]2 1[local] 2[contracting] 1[unit] 2determination by the department2;

(2) The 1[local] contracting4 unit may void the contract; and

(3) The 1[local] contracting4 unit may recover damages in a
civil action in an amount 1[three] two times any cost incurred by
the 1[local] contracting4 unit as a result of the violation.

d. The provisions of this section requiring the purchase and use
of 1[products]1 manufactured 1[in] products of1 the United States
shall not apply1:

(1) At any time1 to replacement parts or components for 1, or
modifications of1 equipment 1or systems1 provided under a
contract approved prior to the effective date of P.L. , c. (C. )
(pending before the Legislature as this bill) 1[or] 2[;]

(2) At any time1 to replacement parts or components for 1, or
modifications of1 any equipment 1or systems1 for which a waiver
was provided under the provisions of this section 1[; or] 2[;]

(3) To information technology, telecommunications, electronic,
digital, computing, or other sophisticated technology articles,
materials or supplies that are generally imported into the United
States fully assembled ², or to parts and components for the
assembly of such equipment and articles in the United States ²;

(4) To any product approved or legally marketed under the
Federal Food, Drug and Cosmetic Act (Title 21 U.S.C. ²s. ² 301 et
seq.) or section 351 of the Public Health Service Act (Title 42
U.S.C. ²s. ² 262); or

(5) To satellite ² and cable ² television and broadband
communication services ¹;  

For the purposes of this section:

“Applicable bid threshold” means the dollar amount above
which a contracting unit is required to advertise for and receive
sealed bids in accordance with procedures set forth pursuant to
law: ¹

“Manufactured ¹[products of the United States” means, in the
case of assembled articles, material or supplies, components,
subcomponents, parts, and equipment used in manufacturing, that
all final assembly, processing, packaging, testing and any other
process that adds value, quality, or reliability occurs in the United
States;] product” means a product that has been:

(1) Processed into a specific form and shape; or
(2) Combined with other raw material to create a material that
has different properties than the properties of the individual raw
materials;

“Products of the United States” means:

(1) In the case of a manufactured product that is comprised
predominantly of iron or steel, all manufacturing processes of the
product, from the initial melting through the application of coatings,
occurred in the United States; and

(2) In the case of a manufactured product that is not comprised
predominantly of iron or steel:

(a) The product has been mined, produced or manufactured in
the United States; and

(b) The cost of the product’s components mined, produced or
manufactured in the United States exceeds 50 percent of the cost of
all of its components;¹ and

“Public work” means any public building, public highway,
bridge, or other public betterment, work or improvement of a
permanent nature, constructed, reconstructed, repaired or improved
at the expense of the public.
(cf: P.L.1982, c.107, s.1)

3. (New section) a. A State agency shall make provisions in
the specifications for all contracts ¹above the applicable bid
threshold¹ that include or necessitate the procurement of articles,
materials, goods, equipment, or supplies, including contracts for
public works, for which the State pays any part of the cost, that only
products 'that are' manufactured 'in' or farm products 'of' the
United States, be used to fulfill those contracts.

b. Products 'that are' manufactured 'in' or farm products 'of'
the United States shall be specified and purchased unless the State
agency provides a waiver because it determines that any of the
following apply:

(1) The products are not manufactured 'in' or farm
products 'of' the United States 'in reasonably' available 'in
reasonable' quantities; or

(2) The cost of buying 'products' manufactured 'in' or farm
products 'of' the United States is unreasonable. There is a
presumption of unreasonableness for 'products' manufactured
'in' or farm products 'of' the United States that cost '25%' more
than 20% above the fair market value for such products.

Any waiver proposed under this section shall be made public,
reported to the relevant State agencies, and posted publicly for a 30-
day comment period. If, after public notice and an opportunity for
public comment, it is decided to issue the waiver, the waiver, with
detailed justification including responses to any public comments,
shall, before the waiver takes effect, be posted prominently on a
public Internet website and made available upon request. The State
generated such a waiver shall work with other State
agencies to create a plan to ensure the domestic supply of the
relevant products will be available in the future.

At least 15 days before issuing a waiver under this subsection,
the State agency shall provide to the public a notice summarizing
the reason for the proposed waiver, and an opportunity for public
comment to the State agency on the proposed waiver. The notice
shall be posted prominently on the public Internet website of the
State agency, provided to the Department of the Treasury for
prominent posting on the website of the department, and provided
by electronic means by the State agency and the department to any
person, firm, or corporation that makes a written or electronic
request for notification. If, after public notice and an opportunity
for public comment required by this subsection, the State agency
determines to issue a waiver, the State agency shall provide a
detailed justification for the waiver. The justification shall be
provided to the Department of the Treasury and posted prominently
on the public Internet websites of the department and the State
agency, and provided by electronic means by the State agency and
the department to any person, firm, or corporation that has made a
written or electronic request to receive notice of waiver actions.
The justification shall include responses to any public comments
received pursuant to this subsection; and be published before the
waiver takes effect.
c. Each contract awarded by a State agency on or after the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill), shall contain the contractor’s certification that procured products provided pursuant to the contract or a subcontract shall be manufactured \(1 \text{ in }\) or farm products of\(1 \text{ in }\) the United States. Each certification shall be made available to the public by prominent posting on websites of the State agency and the Department of the Treasury, and provided by electronic means by the State agency and the department to any person, firm, or corporation that has made a written or electronic request to receive notice of the certifications.\(^2\)

d. If a contractor is awarded a contract subject to the provisions of this section and \(2\) is determined by the Department of the Treasury, upon investigation by the department, to have\(2\) knowingly [supplies] used or supplied\(2\) procured products under that contract that \(2\) [are] were\(2\) not manufactured \(1 \text{ in }\) or farm products of\(1 \text{ in }\) the United States in violation of the provisions of this section, then:

(1) The contractor shall be barred \(2\) by the department\(2\) from obtaining any contract with any State agency or other public body, including a political subdivision or public institution of higher education, for a period of three years after the \(2\) [violation is discovered by the State agency] determination by the department\(2\);

(2) The State agency may void the contract; and

(3) The State agency may recover damages in a civil action in an amount \(1 \text{ [three] two }\) times any cost to the State or the State agency caused by the violation or by any measures needed to achieve compliance with the requirements of this section.

e. The provisions of this section requiring the purchase and use of \(1 \text{ [products] }\) manufactured \(1 \text{ in }\) \(1 \text{ [products of] }\) the United States shall not apply\(1\):

(1) At any time\(1\) to replacement parts or components for \(1 \text{ or modifications of }\) equipment \(1 \text{ or systems }\) provided under a contract approved prior to the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill) \(1 \text{ [or] }\);

(2) At any time\(1\) to replacement parts or components for \(1 \text{ or modifications of }\) any equipment \(1 \text{ or systems }\) for which a waiver was provided under the provisions of this section \(2\);

(3) To information technology, telecommunications, electronic, digital, computing, or other sophisticated technology articles, materials or supplies that are generally imported into the United States fully assembled \(2\), or to parts and components for the assembly of such equipment and articles in the United States\(2\);

(4) To any product approved or legally marketed under the Federal Food, Drug and Cosmetic Act (Title 21 U.S.C. \(2\) s. 301 et seq.) or section 351 of the Public Health Service Act (Title 42 U.S.C. \(2\) s. 262); or
(5) To satellite and cable television and broadband communication services.

f. As used in this section:

"Applicable bid threshold" means the dollar amount above which a State agency is required to advertise for and receive sealed bids in accordance with procedures set forth pursuant to law.

"Manufactured in the United States" means, in the case of assembled articles, material or supplies, components, subcomponents, parts, and equipment used in manufacturing, that all final assembly, processing, packaging, testing and any other process that adds value, quality, or reliability occurs in the United States.

"Product" means a product that has been:

1. Processed into a specific form and shape; or
2. Combined with other raw material to create a material that has different properties than the properties of the individual raw materials;

"Products of the United States" means:

1. In the case of a manufactured product that is comprised predominantly of iron or steel, all manufacturing processes of the product, from the initial melting through the application of coatings, occurred in the United States; and
2. In the case of a manufactured product that is not comprised predominantly of iron or steel:
   a. The product has been mined, produced or manufactured in the United States; and
   b. The cost of the product’s components mined, produced or manufactured in the United States exceeds 50 percent of the cost of all of its components;

"Public work" means any public building, public highway, bridge, or other public betterment, work or improvement of a permanent nature, constructed, reconstructed, repaired or improved at the expense of the public; and

"State agency" means any of the principal departments in the Executive Branch of the State Government, and any division, board, bureau, office, commission or other instrumentality within or created by that department, the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch, and any independent State authority, commission, instrumentality or agency, but not a county, municipality or other political subdivision of the State.

4. (New section) a. A public institution of higher education shall make provisions in the specifications for all contracts of the institution above the applicable bid threshold that include or necessitate the procurement of articles, materials, goods,
equipment, or supplies, including contracts for public works, for which the institution pays any part of the cost, that only such products that are manufactured in or farm products of the United States be used to fulfill those contracts.

b. Products that are manufactured in or farm products of the United States shall be specified and purchased unless the public institution of higher education provides a waiver because it determines that any of the following apply:

1. The products are not manufactured in or farm products of the United States reasonably available in reasonable quantities; or

2. The cost of buying products manufactured in or farm products of the United States is unreasonable. There is a presumption of unreasonableness for products manufactured in or farm products of the United States that cost 25% more than 20% above the fair market value for such products.

Any waiver proposed under this section shall be made public, reported to the relevant State agencies, and posted publicly for a 30-day comment period. If, after public notice and an opportunity for public comment, it is decided to issue the waiver, the waiver, with detailed justification including responses to any public comments, shall, before the waiver takes effect, be posted prominently on a public Internet website and made available upon request. The public institution of higher education granted such a waiver shall work with other public institutions of higher education and State agencies to create a plan to ensure the domestic supply of the relevant products will be available in the future.

At least 15 days before issuing a waiver under this subsection, the public institution of higher education shall provide to the public a notice summarizing the reason for the proposed waiver, and an opportunity for public comment to the public institution of higher education on the proposed waiver. The notice shall be posted prominently on the public Internet website of the public institution of higher education, provided to the Department of the Treasury for prominent posting on the website of the department, and provided by electronic means by the State agency and the department to any person, firm, or corporation that makes a written or electronic request for notification. If, after public notice and an opportunity for public comment required by this subsection, the public institution of higher education determines to issue a waiver, the public institution of higher education shall provide a detailed justification for the waiver. The justification shall be provided to the Department of the Treasury and posted prominently on the public Internet websites of the department and the public institution of higher education, and provided by electronic means by the public institution of higher education and the department to any person,
firm, or corporation that has made a written or electronic request to
receive notice of waiver actions. The justification shall include
responses to any public comments received pursuant to this
subsection; and be published before the waiver takes effect.\(^2\)

c. Each contract awarded by a public institution of higher
education on or after the effective date of P.L. , c. (C. )
(pending before the Legislature as this bill) shall contain the
contractor’s certification that procured products provided pursuant
to the contract or a subcontract shall be manufactured \(\textit{in} \) or farm
products of the United States. \(^2\) Each certification shall be made
available to the public by prominent posting on websites of the
public institution of higher education and the Department of the
Treasury, and provided by electronic means by the public institution
of higher education and the department to any person, firm, or
corporation that has made a written or electronic request to receive
notice of the certifications. \(^2\)

d. If a contractor is awarded a contract subject to the provisions
of this section and \(^2\) is determined by the Department of the
Treasury, upon investigation by the department, to have \(^2\) knowingly
\(\text{supplies} \) used or supplied \(^2\) procured products under that contract
that \(\text{are} \) were \(^2\) not manufactured \(\text{in} \) or farm products of the
United States in violation of the provisions of this section, then:

1. The contractor shall be barred \(^2\) by the department \(^2\) from
obtaining any contract with a public institution of higher education,
or any other public body, including the State or any agency or
political subdivision of the State, for a period of three years after
the \(\text{violation} \) is discovered by the public institution of higher
education \(\text{determination} \) by the department \(^2\);  

2. The public institution of higher education may void the
contract; and

3. The public institution of higher education may recover
damages in a civil action in an amount \(\text{three} \) \(\text{two} \) times any cost
to the institution caused by the violation or by any measures needed
to achieve compliance with the requirements of this section.

\(^*\) The provisions of this section requiring the purchase and use
of \(\text{products} \) manufactured \(\text{in} \) products of the United States
shall not apply:\(^1\)

1. At any time \(^1\) to replacement parts or components for \(^1\) or
modifications of \(^1\) equipment \(^1\) or systems \(^1\) provided under a
contract approved prior to the effective date of P.L. , c. (C. )
(pending before the Legislature as this bill) \(\text{or} \);  

2. At any time \(^1\) to replacement parts or components for \(^1\) or
modifications of \(^1\) any equipment \(^1\) or systems \(^1\) for which a waiver
was provided under the provisions of this section \(^1\);  

3. To information technology, telecommunications, electronic,
digital, computing, or other sophisticated technology articles,
materials or supplies that are generally imported into the United States fully assembled, or to parts and components for the assembly of such equipment and articles in the United States;

(4) To any product approved or legally marketed under the Federal Food, Drug and Cosmetic Act (Title 21 U.S.C. § 301 et seq.) or section 351 of the Public Health Service Act (Title 42 U.S.C. § 262); or

(5) To satellite television and broadband communication services.

f. As used in this section:

"Applicable bid threshold" means the dollar amount above which a public institution of higher education is required to advertise for and receive sealed bids in accordance with procedures set forth pursuant to law;

"Manufactured in the United States" means, in the case of assembled articles, material or supplies, components, subcomponents, parts, and equipment used in manufacturing, that all final assembly, processing, packaging, testing and any other process that adds value, quality, or reliability occurs in the United States;

"Product" means a product that has been:

(1) Processed into a specific form and shape; or

(2) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials;

"Products of the United States" means:

(1) In the case of a manufactured product that is comprised predominantly of iron or steel, all manufacturing processes of the product, from the initial melting through the application of coatings, occurred in the United States; and

(2) In the case of a manufactured product that is not comprised predominantly of iron or steel:

(a) The product has been mined, produced or manufactured in the United States; and

(b) The cost of the product’s components mined, produced or manufactured in the United States exceeds 50 percent of the cost of all of its components;

"Public institution of higher education" shall have the meaning as set forth in N.J.S.18A:72A-3; and

"Public work" means any public building, public highway, bridge, or other public betterment, work or improvement of a permanent nature, constructed, reconstructed, repaired or improved at the expense of the public.

5. (New section) a. The Legislature finds that there is widespread concern that public contracts and economic development assistance financed by the taxpayers of the State are
being given to companies that send work outside of the United States. Business, labor, and government leaders recognize the need for an objective and thorough study of the extent to which public contracts and projects financed by taxpayers are being performed outside the United States, and the impact of this practice on the State’s economy. Therefore, the Legislature finds it necessary to:

(1) Require bidders for public contracts and applicants for development assistance to disclose where the contract or project will be performed;

(2) Compile this data and make it available for public review and comment; and

(3) Study the impact on the State’s economy of taxpayer-financed contracts and projects being performed outside the United States.

b. Each vendor submitting a bid or contract to provide services and all development assistance applicants shall certify where the services covered by the bid, contract, or development assistance will be performed. Each vendor with a contract, each subcontractor, and each recipient of development assistance, in effect on the effective date of P.L., c. (pending before the Legislature as this bill), notwithstanding any other requirements that have been imposed, shall certify where the services covered by the bid, contract, or development assistance are being performed; and disclose the name and headquarters location of its parent company.

c. The joint legislative task force, established under subsection e. of this section, shall create and maintain a comprehensive database of contract awards and development assistance provided by all State agencies public bodies that includes, but is not limited to, the information included in certifications submitted pursuant to this section, and the information included in certifications and waivers submitted or issued pursuant to N.J.S.18A:18A-20, section 18 of P.L.1971, c.198 (C.40A:11-18), section 3 of P.L. , c. (now pending before the Legislature as this bill), and section 4 of P.L. , c. (now pending before the Legislature as this bill).

d. The State shall conduct, based on information in the database established pursuant to subsection b. of this section a study that includes, but need not be limited to, an evaluation of the following:

(1) The extent to which current public contracts, and any subcontracts under such contracts and economic development assistance, are being awarded for work performed, in whole or in part, outside of the United States and products and materials necessary in connection with the contracts and economic development assistance.
development assistance are obtained, in whole or in part outside of the United States;

(2) The extent to which the performance of public contracts and economic development assistance in whole or in part in other countries results in the creation or loss of family-wage or other jobs in the State;

(3) The extent to which public contracts and economic development assistance being performed in whole or in part in other countries results in the creation or loss of family-wage or other jobs in the State’s business climate, its employers, and its workers remain competitive globally;

(4) The extent to which public contracts performed awarded for work at locations outside the United States involve a risk of unauthorized use or disclosure of personal information, as well as a review of applicable State and federal laws regarding the privacy of personal information;

(5) The economic costs and benefits of awarding public contracts, and any subcontracts under such contracts and economic development assistance, to New Jersey companies;

(6) The applicability of international trade agreements and federal law to State procurement policies;

(7) The extent to which legislative authority over State procurement is adequately protected, including the ability of State agencies to adequately supervise the performance of contracts when all or a portion of the work is performed in a country other than the United States; and

(8) The reason New Jersey businesses choose to locate operations outside the United States.

d. The study shall be conducted by a joint task force of two members of the General Assembly to be appointed by the Speaker of the General Assembly; two members of the General Assembly to be appointed by the General Assembly Minority Leader; two members of the Senate to be appointed by the Senate Majority Leader; and two members of the Senate to be appointed by the Senate Minority Leader.

e. The joint task force shall consult with and be advised and monitored by an advisory committee consisting of seven members: three members representing labor, appointed jointly by the President of the Senate and the Speaker of the General Assembly, from a list of names recommended by a Statewide organization representing a cross-section of organized labor in the State; three members representing business, one of whom shall represent small business, appointed jointly by the President of the Senate and the Speaker of the General Assembly, from a list of
names recommended by a Statewide organization of employers representing a cross-section of employers of the State, and one member representing the public appointed jointly by the President of the Senate and the Speaker of the General Assembly.

The information maintained in the comprehensive database outlined above shall be made available online to the Legislature and the public.

The findings and recommendations of the joint task force shall be reported in writing annually to the Legislature, with the first report to be submitted within 14 months following the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill). In addition to filing each report with the Legislature, the joint task force shall make each report available to the public on the Legislature’s Internet homepage.

As used in this section:
“Parent company” means any person, association, corporation, joint venture, partnership, or other entity that owns or controls 50 percent or more of a recipient corporation;
“Development assistance” means any form of public assistance, including tax expenditures, made for the purpose of stimulating economic development of a corporation, industry, geographic jurisdiction, or any other sector of the State’s economy, including, but not limited to, industrial development bonds, training grants, loans, loan guarantees, enterprise zones, empowerment zones, tax increment financing, fee waivers, land price subsidies, infrastructure whose principal beneficiary is a single business or defined group of businesses at the time it is built or improved, matching funds, tax abatements, tax credits, and tax discounts of every kind, including corporate franchise, personal income, sales and compensating use, raw materials, real property, job creation, individual investment, excise, utility, inventory, accelerated depreciation, and research and development tax credits and discounts;
"Public body” means the State and its agencies and instrumentalities or any public institution of higher education, county, municipality, school district, authority or other political subdivision of the State; and
“Public contract” means a contract between a public body and a private entity for the private entity to provide goods or services, including public work.

6. The following sections are repealed:
R.S.52:32-1; and
R.S.52:33-1 through R.S.52:33-4 [are repealed].

7. This act shall take effect immediately.