

ASSEMBLY TRANSPORTATION AND INDEPENDENT
AUTHORITIES COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1285

with committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 24, 2020

The Assembly Transportation and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 1285.

As amended and reported, this bill, known as the “Design-Build Construction Services Procurement Act,” sets forth the procedures for the awarding of design-build contracts for State and local contracting units.

In order to enter into a design-build contract, a contracting unit is required to demonstrate why the design-build approach better meets the contracting unit’s needs than the traditional public procurement method. When proceeding with a design-build contract, the contracting unit is required to get guidance from a registered design professional, develop performance criteria and a scope of work statement, establish evaluation factors for proposals, solicit proposals from design-builders, and utilize a technical review committee. On the basis of the proposal, the technical review committee is to select the most highly qualified design-builders and request those design-builders to submit a second proposal and sealed bid, which is then evaluated by the technical review committee. The contracting unit separately evaluates the submissions and awards the contract in accordance with the bill.

The bill outlines all requirements for solicitations for design-build contracts, the requirements for design-build teams and the submission of proposals, and the procedures for awarding of a contract.

All design-build construction projects entered into under the bill are required to comply with the “New Jersey Prevailing Wage Act” and are encouraged to adhere to the Leadership in Energy and Environmental Design Green Building Rating System.

The bill requires the State to compile and make public all proceedings, records, contracts, and other public records relating to procurement transactions authorized under the bill.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As amended and reported, the bill

includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to include definitions for the terms “contracting unit,” “local contracting unit,” and “State contracting unit.” The amendments also remove a provision that specifically references requirements for employee apprenticeship programs and replaces that provision with one that requires all prospective design-builders to comply with all applicable laws, including the New Jersey State Prevailing Wage Act, the Public Works Contractor Registration Act, and the Construction Industry Independent Contractor Act.

The amendments also change the title of the bill to reflect that the bill applies to both State and local contracting units by supplementing Title 52 of the Revised Statutes instead of Title 40A of the New Jersey Statutes.