

CHAPTER 121

AN ACT providing for the modification of contract terms on public contracts between non-profit organizations and State agencies for the inability to perform due to the COVID-19 Public Health Emergency and State of Emergency.

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

1. Notwithstanding the provisions of any law, rule, or regulation to the contrary, when the Division of Purchase and Property in the Department of the Treasury has awarded a contract on behalf of a State agency to a non-profit organization, or a State agency has entered into an agreement or contract pursuant to its delegated purchasing authority or a waiver of advertising with a non-profit organization, or a State agency has entered into an agreement or contract with a third party entity on behalf of a non-profit organization, the division or State agency may, at the request of the non-profit organization, amend the scope of work or terms and conditions if the non-profit organization is unable to fulfill the terms and conditions in the contract due to the COVID-19 Public Health Emergency and State of Emergency declared by the Governor in Executive Order No. 103 and Executive Order 119 of 2020.

COVID-19 Public Health Emergency and State of Emergency amendments shall be permitted if the inability to perform occurred during the period of the COVID-19 Public Health Emergency and State of Emergency or during the six-month period immediately following the end of the COVID-19 Public Health Emergency and State of Emergency.

Non-profit organizations shall submit to the division or appropriate State agency supportive documentation as proof that the failure to fulfill the terms and conditions of a contract or agreement was due to, or that the compliance was impacted by, the COVID-19 Public Health Emergency and State of Emergency declared by the Governor in 2020, in order to receive a waiver of a penalty or to have a modification of the terms and conditions considered by a State agency.

As used in this section, "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 such 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. A county or municipality shall not be deemed an agency or instrumentality of the State.

This act shall not apply to an agreement or contract entered into by the division or a State agency specifically related to the State's efforts to combat the COVID-19 Public Health Emergency and State of Emergency.

2. This act shall take effect immediately and shall expire on the first day of the ninth month following the end of the Public Health Emergency and State of Emergency declared by the Governor in Executive Order No. 103 of 2020.

Approved November 9, 2020.