

# ASSEMBLY, No. 1218

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## STATE OF NEW JERSEY

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Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman AUGUSTINE

1   **AN ACT** concerning certain municipal bid advertisement requirements  
2       and amending P.L.1971, c.198.

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

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7       1. Section 23 of P.L.1971, c.198 (C.40A:11-23) is amended to  
8       read as follows:

9           23. Advertisements for bids; bids; general requirements. All  
10          advertisements for bids shall be published in a legal newspaper  
11          sufficiently in advance of the date fixed for receiving the bids to  
12          promote competitive bidding, but in no event less than 10 days prior  
13          to such date; except that all advertisements for bids on contracts for  
14          the collection and disposal of municipal solid waste and recyclables  
15          shall be published in a legal newspaper circulating in the county or  
16          municipality, and in at least one newspaper of general circulation  
17          published in the State, sufficiently in advance of the date fixed for  
18          receiving the bids to promote competitive bidding, but not less than  
19          [60] 30 days prior to that date.

20          The advertisement shall designate the manner of submitting and the  
21          method of receiving the bids and the time and place at which the bids  
22          will be received. If the published specifications provide for receipt of  
23          bids by mail, those bids which are mailed to the contracting unit shall  
24          be sealed and shall only be opened for examination at such time and  
25          place as all bids received are unsealed and announced. At such time  
26          and place the contracting agent of the contracting unit shall publicly  
27          receive the bids, and thereupon immediately proceed to unseal them  
28          and publicly announce the contents, which announcement shall be  
29          made in the presence of any parties bidding or their agents, who are  
30          then and there present, and shall also make proper record of the prices  
31          and terms, upon the minutes of the governing body, if the award is to  
32          be made by the governing body of the contracting unit, or in a book

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

Matter underlined thus is new matter.

1   kept for that purpose, if the award is to be made by other than the  
2   governing body, and in such latter case it shall be reported to the  
3   governing body of the contracting unit for its action thereon, when  
4   such action thereon is required. No bids shall be received after the  
5   time designated in the advertisement.

6 Notice of revisions or addenda to advertisements or bid documents  
7 relating to bids shall, no later than five days, Saturdays, Sundays and  
8 holidays excepted, prior to the date for acceptance of bids, be  
9 published in a legal newspaper and be made available by notification  
10 in writing by certified mail to any person who has submitted a bid or  
11 who has received a bid package; except that notice of revisions or  
12 addenda to advertisements or bid documents relating to bids on  
13 contracts for the collection and disposal of municipal solid waste shall  
14 be published in a legal newspaper circulating in the county or  
15 municipality, and in at least one newspaper of general circulation  
16 published in the State, no later than 5 days, Saturdays, Sundays and  
17 holidays excepted, prior to the date for acceptance of bids.

Failure of the contracting unit to advertise for the receipt of bids or to provide proper notification of revisions or addenda to advertisements or bid documents related to bids as prescribed by this section shall prevent the contracting unit from accepting the bids and require the readvertisement for bids.

23 (cf: P.L.1991, c.381, s.50)

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25        2. This act shall take effect immediately.

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## STATEMENT

30 This bill would require municipalities to publish notices to bid for  
31 solid waste and recyclable materials collection and disposal at least 30  
32 days prior to the date fixed for receiving such bids. The sponsor  
33 believes that the current 60-day notice to bid period is excessive and  
34 unduly burdensome on municipalities and that a 30-day period would  
35 be more reasonable. The bill specifically amends section 23 of  
36 P.L.1971, c.198 (C.40A:11-23) to set forth the collection and disposal  
37 of recyclables as contracts to which the 30-day notice to bid  
38 requirement would apply.

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43 Requires publication of 30-day notice to bid by municipalities for solid  
44 waste and recyclable collection contracts.