

ASSEMBLY, No. 1878

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

By Assemblyman O'TOOLE

1 AN ACT concerning masonry bids on multiple prime contracts and
2 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 16 of P.L.1971, c.198 (C.40A:11-16) is amended to
8 read as follows:

9 16. Separate plans for various types of work; bids; contracts. In the
10 preparation of plans and specifications for the erection, alteration or
11 repair of any public building by any contracting unit, when the entire
12 cost of the work will exceed the amount set forth in, or the amount
13 calculated by the Governor pursuant to, section 3 of P.L.1971, c. 198
14 (C.40A:11-3), the architect, engineer or other person preparing the
15 plans and specifications may prepare separate plans and specifications
16 for

17 (1) The plumbing and gas fitting and all kindred work;

18 (2) Steam power plants, steam and hot water heating and
19 ventilating apparatus and all kindred work;

20 (3) Electrical work;

21 (4) Structural steel and ornamental iron work; [and]

22 (5) Masonry work; and

23 (6) All other work required for the completion of the project .

24 The contracting unit or its contracting agent shall advertise for and
25 receive, in the manner provided by law, either (a) separate bids for
26 each of said branches of work, or (b) bids for all the work and
27 materials required to complete the building to be included in a single
28 overall contract, or (c) both. There will be set forth in the bid the
29 name or names of all subcontractors to whom the bidder will
30 subcontract the furnishing of plumbing and gas fitting, and all kindred
31 work, and of the steam and hot water heating and ventilating
32 apparatus, steam power plants and kindred work, and electrical work,
33 structural steel and ornamental iron work, and masonry work, each of
34 which subcontractors shall be qualified in accordance with this act.

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 The contracting unit shall require evidence of performance security to
2 be submitted simultaneously with the list of the subcontractors.
3 Evidence of performance security may be supplied by the bidder on
4 behalf of himself and any or all subcontractors, or by each respective
5 subcontractor, or by any combination thereof which results in evidence
6 of performance security equalling, but in no event exceeding, the total
7 amount bid.

8 Contracts shall be awarded to the lowest responsible bidder. In the
9 event that a contract is advertised in accordance with (c) above said
10 contract shall be awarded in the following manner: If the sum total of
11 the amounts bid by the lowest responsible bidder for each branch is
12 less than the amount bid by the lowest responsible bidder for all the
13 work and materials, the contracting unit shall award separate contracts
14 for each of such branches to the lowest responsible bidder therefor,
15 but if the sum total of the amounts bid by the lowest responsible bidder
16 for each branch is not less than the amount bid by the lowest
17 responsible bidder for all the work and materials, the contracting unit
18 shall award a single overall contract to the lowest responsible bidder
19 for all of such work and materials. In every case in which a contract
20 is awarded under (b) above, all payments required to be made under
21 such contract for work and materials supplied by a subcontractor shall,
22 upon the certification of the contractor of the amount due to the
23 subcontractor, be paid directly to the subcontractor.
24 (cf: P.L.1987, c.48, s.1)

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26 2. This act shall take effect immediately.

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STATEMENT

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31 This bill would permit masonry contractors to bid on local multiple
32 prime construction projects as a prime contractor. The intent of the
33 bill is to effect cost savings to local governments by eliminating the
34 mark-up that would be paid to a general contractor if the masonry
35 work was performed as a subcontract.

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40 Permits masonry contractors to bid as prime contractors on local
41 government multiple construction projects.