

P.L. 1996, CHAPTER 16, *approved April 11, 1996*
Assembly No. 182 (*Second Reprint*)

1 AN ACT concerning the purchase of goods and services by the State
2 and other contracting entities ²[and] ² supplementing P.L.1954,
3 c.48 (C.52:34-6 et seq.), ²[chapter 34 of Title 52 of the Revised
4 Statutes,] and amending² P.L.1971, c.198 ²[(C.40A:11-1 et seq.),
5 chapter 18A of Title 18A of the New Jersey Statutes] , P.L.1977,
6 c.114², P.L.1986, c.43 ²[(C.18A:64-52 et seq.)]², and P.L.1982,
7 c.189 ²[(C.18A:64A-25.1 et seq.)]².

8
9 **BE IT ENACTED** by the Senate and General Assembly of the State
10 of New Jersey:

11
12 1. (New section) Notwithstanding the provisions of P.L.1954, c.48
13 (C.52:34-6 et seq.) to the contrary, and as an alternative to the
14 procedures concerning the awarding of public contracts pursuant to
15 that act, the Director of the Division of Purchase and Property in the
16 Department of the Treasury may purchase goods and services, for
17 State agencies and for the entities defined in section 1 of P.L.1959,
18 c.40 (C.52:27B-56.1), from the Federal Supply Schedules of the
19 Federal General Services Administration as permitted by the "Federal
20 Acquisition Streamlining Act of 1994," Pub.L.No.103-355, and
21 regulations adopted pursuant to that law and by the rules and
22 regulations which the director may promulgate pursuant to the
23 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
24 seq.).

25
26 2. (New section) Notwithstanding the provisions of any other law
27 to the contrary, and as an alternative to the procedures concerning the
28 awarding of public contracts pursuant to the applicable statutes, the
29 State authorities authorized to contract independently under various
30 provisions of State law may, without advertising for bids, or having
31 rejected all bids obtained pursuant to advertising, purchase goods and
32 services from the Federal Supply Schedules of the Federal General
33 Services Administration as permitted by the "Federal Acquisition
34 Streamlining Act of 1994," Pub.L.No.103-355, and regulations
35 adopted pursuant to that law and by the rules and regulations which
36 the authority may adopt.

37 ²[3. Notwithstanding the provisions of the "Local Public Contracts

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAP committee amendments adopted February 22, 1996.

² Assembly floor amendments adopted February 29, 1996.

1 Law," P.L.1971, c.198 (C.40A:11-1 et seq.), to the contrary, and as
2 an alternative to the procedures concerning the awarding of public
3 contracts pursuant to that act, the governing body may, without
4 advertising for bids, or having rejected all bids obtained pursuant to
5 advertising, purchase goods and services from the Federal Supply
6 Schedules of the Federal General Services Administration as permitted
7 by the "Federal Acquisition Streamlining Act of 1994," Pub.L.No.103-
8 355, and regulations adopted pursuant to that law and by the rules and
9 regulations which the governing body may adopt.]]²

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11 ²[4. Notwithstanding the provisions of the "Public School
12 Contracts Law," N.J.S.18A:18A-1 et seq., to the contrary, and as an
13 alternative to the procedures concerning the awarding of public
14 contracts pursuant to that act, the board of education may, without
15 advertising for bids, or having rejected all bids obtained pursuant to
16 advertising, purchase goods and services from the Federal Supply
17 Schedules of the Federal General Services Administration as permitted
18 by the "Federal Acquisition Streamlining Act of 1994," Pub.L.No.103-
19 355, and regulations adopted pursuant to that law and by the rules and
20 regulations which the board of education may adopt.]]²

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22 ²[5. Notwithstanding the provisions of the "State College
23 Contracts Law," P.L.1986, c.43 (C.18A:64-52 et seq.), to the
24 contrary, and as an alternative to the procedures concerning the
25 awarding of public contracts pursuant to that act, the board of trustees
26 may, without advertising for bids, or having rejected all bids obtained
27 pursuant to advertising, purchase goods and services from the Federal
28 Supply Schedules of the Federal General Services Administration as
29 permitted by the "Federal Acquisition Streamlining Act of 1994,"
30 Pub.L.No.103-355, and regulations adopted pursuant to that law and
31 by the rules and regulations which the board of trustees may adopt.]]²

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33 ²[6. Notwithstanding the provisions of the "County College
34 Contracts Law," P.L.1982, c.189 (C.18A:64A-25.1 et seq.), to the
35 contrary, and as an alternative to the procedures concerning the
36 awarding of public contracts pursuant to that act, the county college
37 may, without advertising for bids, or having rejected all bids obtained
38 pursuant to advertising, purchase goods and services from the Federal
39 Supply Schedules of the Federal General Services Administration as
40 permitted by the "Federal Acquisition Streamlining Act of 1994,"
41 Pub.L.No.103-355, and regulations adopted pursuant to that law and
42 by the rules and regulations which the county college may adopt.]]²

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44 ²3. Section 12 of P.L.1971, c.198 (C.40A:11-12) is amended to
45 read as follows:

46 12. a. Any contracting unit under this act may without advertising

1 for bids, or having rejected all bids obtained pursuant to advertising
2 therefor, purchase any materials, supplies, goods, services or
3 equipment under any contract or contracts for such materials, supplies,
4 goods, services or equipment entered into on behalf of the State by the
5 Division of Purchase and Property in the Department of the Treasury.

6 b. A contracting unit may also use, without advertising for bids, or
7 having rejected all bids obtained pursuant to advertising, the Federal
8 Supply Schedules of the General Services Administration as permitted
9 by the "Federal Acquisition Streamlining Act of 1994," Pub.L. 103-
10 355, and federal regulations adopted thereunder.

11 c. Whenever a purchase is made, the contracting unit shall place its
12 order with the vendor offering the lowest price, including delivery
13 charges, that best meets the requirements of the contracting unit.
14 Prior to placing such an order, the contracting unit shall document
15 with specificity that the materials, supplies, goods, services or
16 equipment selected best meet the requirements of the contracting
17 unit.²

18 (cf: P.L.1971, c.198, s.12)

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20 ^{24.} Section 1 of P.L.1977, c.114 (C.18A:18A-10) is amended to
21 read as follows:

22 1. a. A board of education, without advertising for bids, or after
23 having rejected all bids obtained pursuant to advertising therefor, may
24 purchase any materials, supplies, goods, services or equipment
25 pursuant to a contract or contracts for such materials, supplies,
26 goods, services or equipment entered into on behalf of the State by the
27 Division of Purchase and Property.

28 b. A board of education may also use, without advertising for bids,
29 or having rejected all bids obtained pursuant to advertising, the
30 Federal Supply Schedules of the General Services Administration as
31 permitted by the "Federal Acquisition Streamlining Act of 1994,"
32 Pub.L. 103-355, and federal regulations adopted thereunder.

33 c. Whenever a purchase is made, the board of education shall place
34 its order with the vendor offering the lowest price, including delivery
35 charges, that best meets the requirements of the board of education.
36 Prior to placing such an order, the board of education shall document
37 with specificity that the materials, supplies, goods, services or
38 equipment selected best meet the requirements of the board of
39 education.²

40 (cf: P.L.1977, c.114, s.1)

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42 ^{25.} Section 9 of P.L.1986, c.43 (C.18A:64-60) is amended to read
43 as follows:

44 9. a. Any State college, without advertising for bids, or after
45 having rejected all bids obtained pursuant to advertising therefor, may
46 purchase any materials, supplies, goods, services or equipment

1 pursuant to a contract or contracts for those materials, supplies,
 2 goods, services or equipment entered into on behalf of the State by the
 3 Division of Purchase and Property.

4 b. A State college may also use, without advertising for bids, or
 5 having rejected all bids obtained pursuant to advertising, the Federal
 6 Supply Schedules of the General Services Administration as permitted
 7 by the "Federal Acquisition Streamlining Act of 1994," Pub.L. 103-
 8 355, and federal regulations adopted thereunder.

9 c. Whenever a purchase is made, the State college shall place its
 10 order with the vendor offering the lowest price, including delivery
 11 charges, that best meets the requirements of the State college. Prior
 12 to placing such an order, the State college shall document with
 13 specificity that the materials, supplies, goods, services or equipment
 14 selected best meet the requirements of the State college.²

15 (cf: P.L.1986, c.43, s.9)

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17 ²6. Section 9 of P.L.1982, c.189 (C.18A:64A-25.9) is amended to
 18 read as follows:

19 9. a. Any county college, without advertising for bids, or after
 20 having rejected all bids obtained pursuant to advertising therefor, may
 21 purchase any materials, supplies, goods, services or equipment
 22 pursuant to a contract or contracts for such materials, supplies,
 23 goods, services or equipment entered into on behalf of the State by the
 24 Division of Purchase and Property.

25 b. A county college may also use, without advertising for bids, or
 26 having rejected all bids obtained pursuant to advertising, the Federal
 27 Supply Schedules of the General Services Administration as permitted
 28 by the "Federal Acquisition Streamlining Act of 1994," Pub.L. 103-
 29 355, and federal regulations adopted thereunder.

30 c. Whenever a purchase is made, the county college shall place its
 31 order with the vendor offering the lowest price, including delivery
 32 charges, that best meets the requirements of the county college. Prior
 33 to placing such an order, the county college shall document with
 34 specificity that the materials, supplies, goods, services or equipment
 35 selected best meet the requirements of the county college.²

36 (cf: P.L.1982, c.189, s.9)

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38 7. ²(New section)² a. Notwithstanding the provisions of any other
 39 law to the contrary ²except the provisions of R.S.30:4-95², and as an
 40 alternative to the procedures concerning the awarding of public
 41 contracts provided in P.L.1954, c.48 (C.52:34-6 et seq.), the Director
 42 of the Division of Purchase and Property in the Department of the
 43 Treasury may enter into cooperative purchasing agreements with one
 44 or more other states, or political subdivisions thereof, for the purchase
 45 of goods and services. A cooperative purchasing agreement shall
 46 allow the jurisdictions which are parties thereto to standardize and

1 combine their requirements for the purchase of a particular good or
2 service into a single contract solicitation which shall be competitively
3 bid and awarded by one of the jurisdictions on behalf of jurisdictions
4 participating in the contract.

5 b. The director may elect to purchase goods or services through a
6 contract awarded pursuant to a cooperative purchasing agreement
7 whenever the director determines this to be the most cost- effective
8 method of procurement. Prior to entering into any contract to be
9 awarded through a cooperative purchasing agreement, the director
10 shall review and approve the specifications and proposed terms and
11 conditions of the contract.

12 c. The director may solicit bids and award contracts on behalf of
13 this State and other jurisdictions which are parties to a cooperative
14 purchasing agreement provided that the agreement specifies that each
15 jurisdiction participating in a contract is solely responsible for the
16 payment of the purchase price and cost of purchases made by it under
17 the terms of any contract awarded pursuant to the agreement.

18 d. The director may promulgate rules and regulations pursuant to
19 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
20 seq.), which are necessary to effectuate the purposes of this section.
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22 8. This act shall take effect immediately ¹, ~~however, sections 1~~
23 ~~through 6 shall remain inoperative until promulgation of the federal~~
24 ~~General Services Administration regulations~~¹ .
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30 Permits State, authorities, public colleges, local governments, and
31 school districts to purchase goods and services through Federal Supply
32 Schedules, and permits State to enter into certain cooperative
purchasing agreements.