

P.L. 1997, CHAPTER 292, *approved January 8, 1998*  
Senate, No. 1114 (*First Reprint*)

1 AN ACT concerning State college contracts and amending P.L.1986,  
2 c.43.

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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 3 of P.L.1986, c.43 (C.18A:64-54) is amended to read  
8 as follows:

9 3. a. Any purchase, contract or agreement for the performance of  
10 any work or the furnishing or hiring of materials or supplies, the cost  
11 or price of which, together with any sums expended for the  
12 performance of any work or services in connection with the same  
13 project or the furnishing of similar materials or supplies during the  
14 same fiscal year, paid with or out of college funds, does not exceed the  
15 total sum of [~~\$7,500.00~~ <sup>1</sup>[\$25,000] \$17,700<sup>1</sup> or, commencing January  
16 1, [1985] 1997, the amount determined pursuant to subsection b. of  
17 this section, in any fiscal year may be made, negotiated and awarded  
18 by a contracting agent, when so authorized by resolution of the board  
19 of trustees of the State college without public advertising for bids and  
20 bidding therefor.

21 b. Commencing January 1, [1985] 1997 and every two years  
22 thereafter, the Governor, in consultation with the Department of the  
23 Treasury, shall adjust the threshold amount set forth in subsection a.  
24 of this section in direct proportion to the rise or fall of the Consumer  
25 Price Index for all urban consumers in the New York and Northeastern  
26 New Jersey and the Philadelphia areas, as reported by the United  
27 States Department of Labor. The adjustment shall become effective  
28 on July 1 of the year in which it is reported.

29 c. Any purchase, contract or agreement made pursuant to this  
30 section may be awarded for a period of 12 consecutive months,  
31 notwithstanding that the 12-month period does not coincide with the

**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:**

<sup>1</sup> Senate SED committee amendments adopted June 24, 1996.

1 fiscal year.  
2 (cf: P.L.1994, c.48, s.110)

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4 2. Section 4 of P.L.1986, c.43 (C.18A:64-55) is amended to read  
5 as follows:

6 4. Every contract or agreement for the performance of any work  
7 or the furnishing or hiring of any materials or supplies, the cost or the  
8 contract price of which is to be paid with or out of college funds, not  
9 included within the terms of section 3 of this article, shall be made and  
10 awarded only by the State college after public advertising for bids and  
11 bidding therefor, except as provided otherwise in this article or  
12 specifically by any other law. No work, materials or supplies shall be  
13 undertaken, acquired or furnished for a sum exceeding in the  
14 aggregate[\$7,500.00] <sup>1</sup>[\$25,000] \$17,700<sup>1</sup> or, commencing January  
15 1, [1985] 1997, the amount determined pursuant to subsection b. of  
16 section 3 of [this act] P.L.1986, c.43 (C.18A:64-54), except by  
17 written contract or agreement.

18 (cf: P.L.1986, c.43, s.4)

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20 3. Section 6 of P.L.1986, c.43 (C.18A:64-57) is amended to read  
21 as follows:

22 6. Any purchase, contract, or agreement may be made, negotiated  
23 or awarded by a State college without public advertising for bids and  
24 bidding therefor, notwithstanding that the cost or contract price will  
25 exceed[\$7,500.00] <sup>1</sup>[\$25,000] \$17,700<sup>1</sup> or, commencing January 1,  
26 [1985] 1997, the amount determined pursuant to subsection b. of  
27 section 3 of [this act] P.L.1986, c.43 (C.18A:64-54), when an  
28 emergency affecting the health, safety or welfare of occupants of  
29 college property requires the immediate delivery of the materials or  
30 supplies or the performance of the work, if the purchases, contracts or  
31 agreements are awarded or made in the following manner:

32 a. A written requisition for the performance of the work or the  
33 furnishing of materials or supplies, certified by the employee in charge  
34 of the building, facility or equipment where the emergency occurred,  
35 is filed with the contracting agent or his deputy in charge describing  
36 the nature of the emergency, the time of its occurrence, and the need  
37 for invoking this section. The contracting agent, or his deputy in  
38 charge, being satisfied that the emergency exists, is authorized to  
39 award a contract for the work, materials or supplies.

40 b. Upon the furnishing of the work, materials or supplies in  
41 accordance with the terms of the contract or agreement, the contractor  
42 furnishing the work, materials or supplies is entitled to be paid  
43 therefor and the State college is obligated for the payment.

44 c. The board of trustees may prescribe rules and procedures to  
45 implement the requirements of this section.

46 (cf: P.L.1986, c.43, s.6)

1       4. Section 27 of P.L.1986, c.43 (C.18A:64-78) is amended to read  
2 as follows:

3       27. Any college may, by resolution of its board of trustees,  
4 authorize the sale in the following manner of its personal property not  
5 needed for college purposes:

6       a. If the estimated fair value of the property to be sold  
7 exceeds[\$7,500.00] <sup>1</sup>[\$25,000] \$17,700 <sup>1</sup>br, commencing January  
8 1,[1985] 1997, the amount determined pursuant to subsection b. of  
9 section 3 of [this act] P.L.1986, c.43 (C.18A:64-54), in any one sale  
10 and the property does not consist of perishable goods, it shall be sold  
11 at public sale to the highest bidder.

12       b. Notice of the date, time and place of the public sale, together  
13 with a description of the items to be sold and the conditions of sale,  
14 shall be published once in a legal newspaper. Sales shall be held not  
15 less than seven nor more than 14 days after the publication of the  
16 notice thereof.

17       c. Personal property may be sold to the United States, the State of  
18 New Jersey, another college or to any body politic by private sale  
19 without advertising for bids.

20       d. If no bids are received, the property may then be sold at private  
21 sale without further publication or notice thereof but in no event at  
22 less than the estimated fair value; or the State college may, if it so  
23 elects, reoffer the property at public sale. As used herein, "estimated  
24 fair value" means the market value of the property if sold by a willing  
25 seller to a willing buyer less the cost to the college of continuing to  
26 store or maintain the property.

27       e. A State college may reject all bids if it determines a rejection to  
28 be in the public interest. In any case in which the college has rejected  
29 all bids, it may readvertise the personal property for a subsequent  
30 public sale. If it elects to reject all bids at a second public sale pursuant  
31 to this section, it may then sell the personal property without further  
32 publication or notice thereof at private sale, but in no event shall the  
33 negotiated price at the private sale be less than the amount of the  
34 highest bid rejected at the preceding two public sales, nor shall the  
35 terms or conditions of sale be changed or amended.

36       f. If the estimated fair value of the property to be sold does not  
37 exceed[\$7,500.00] <sup>1</sup>[\$25,000] \$17,700<sup>1</sup> or, commencing January 1,  
38 [1985] 1997, the amount determined pursuant to subsection b. of  
39 section 3 of [this act] P.L.1986, c.43 (C.18A:64-54), in any one sale  
40 or the property consists of perishable goods, it may be sold at private  
41 sale without advertising for bids.

42 (cf: P.L.1986, c.43, s.27)

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44       5. This act shall take effect immediately.

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3 Raises state college bidding threshold to \$17,700.