

P.L. 1997, CHAPTER 408, *approved January 19, 1998*
Assembly, No. 98 (*Second Reprint*)

1 AN ACT concerning local public contracts and amending P.L.1971,
2 c.198.

3

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

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

23 The contracting unit or its contracting agent shall advertise for and
24 receive, in the manner provided by law, either (a) separate bids for
25 each of said branches of work, or (b) bids for all the work and
26 materials required to complete the building to be included in a single
27 overall contract, or (c) both. ²~~[There]~~ In the case of a single bid under
28 (b) or (c), there² will be set forth in the bid the name or names of all
29 subcontractors to whom the bidder will subcontract the furnishing of
30 plumbing and gas fitting, and all kindred work, and of the steam and
31 hot water heating and ventilating apparatus, steam power plants and

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 ASG committee amendments adopted March 11, 1996.

² Senate floor amendments adopted December 1, 1997.

1 kindred work, and electrical work, structural steel and ornamental iron
2 work, each of which subcontractors shall be qualified in accordance
3 with this act. The contracting unit shall require evidence of
4 performance security to be submitted simultaneously with the list of
5 the subcontractors. Evidence of performance security may be supplied
6 by the bidder on behalf of himself and any or all subcontractors, or by
7 each respective subcontractor, or by any combination thereof which
8 results in evidence of performance security equalling, but in no event
9 exceeding, the total amount bid.

10 Whenever a bid sets forth more than one subcontractor for ²[a
11 particular] any of the² specialty trade ²[category] categories (1
12 through (4) specified hereinabove in this section,² the bidder shall
13 submit to the contracting unit a certificate signed by the bidder listing
14 each subcontractor named in the bid for that category. The certificate
15 shall set forth the scope of work for which the subcontractor has
16 submitted a ¹price¹ quote and which the bidder has agreed to award to
17 each subcontractor should the bidder be awarded the contract. The
18 certificate shall be submitted to the contracting unit simultaneously
19 with the list of the subcontractors. ¹[A] The certificate may take the
20 form of a single certificate listing all subcontractors or, alternatively,
21 a¹ separate certificate may be submitted for each subcontractor. If a
22 bidder does not submit a certificate or certificates to the contracting
23 unit, the contracting unit shall award the contract to the next lowest
24 ¹responsible¹ bidder.

25 Contracts shall be awarded to the lowest responsible bidder. In the
26 event that a contract is advertised in accordance with (c) above said
27 contract shall be awarded in the following manner: If the sum total of
28 the amounts bid by the lowest responsible bidder for each branch is
29 less than the amount bid by the lowest responsible bidder for all the
30 work and materials, the contracting unit shall award separate contracts
31 for each of such branches to the lowest responsible bidder therefor,
32 but if the sum total of the amounts bid by the lowest responsible bidder
33 for each branch is not less than the amount bid by the lowest
34 responsible bidder for all the work and materials, the contracting unit
35 shall award a single overall contract to the lowest responsible bidder
36 for all of such work and materials. In every case in which a contract
37 is awarded under (b) above, all payments required to be made under
38 such contract for work and materials supplied by a subcontractor shall,
39 upon the certification of the contractor of the amount due to the
40 subcontractor, be paid directly to the subcontractor.

41 (cf: P.L.1987, c.48, s.1)

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43 2. This act shall take effect ¹[immediately] on the 90th day
44 following enactment¹.

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3 Requires certain public bidders to specify subcontractor's scope of
4 work.