

[Third Reprint]
SENATE, No. 612

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senators INVERSO and LIPMAN

1 AN ACT concerning the purchase of goods and services by the State
2 ¹[and other contracting entities]^{1 2} and other contracting entities²
3 ³[and] ³, supplementing P.L.1954, c.48 (C.52:34-6 et seq.) ¹ [,
4 chapter 34 of Title 52 of the Revised Statutes, P.L.1971, c.198
5 (C.40A:11-1 et seq.), chapter 18A of Title 18A of the New Jersey
6 Statutes, P.L.1986, c.43 (C.18A:64-52 et seq.), and P.L.1982,
7 c.189 (C.18A:64A-25.1 et seq.)]^{1 3}², chapter 34 of Title 52 of the
8 Revised Statutes. and amending³ P.L.1971, c.198, ³[(C.40A:11-1
9 et seq.), chapter 18A of Title 18A of the New Jersey Statutes]
10 P.L.1977, c.114³, P.L.1986, c.43 ³ [(C.18A:64-52 et seq.)]³, and
11 P.L.1982, c.189 ³[(C.18A:64A-25.1 et seq.)²]³.

12
13 **BE IT ENACTED** by the Senate and General Assembly of the State
14 of New Jersey:

15
16 ²1. ³(New section)³ Notwithstanding the provisions of P.L.1954,
17 c.48 (C.52:34-6 et seq.) to the contrary, and as an alternative to the
18 procedures concerning the awarding of public contracts pursuant to
19 that act, the Director of the Division of Purchase and Property in the
20 Department of the Treasury may purchase goods and services, for
21 State agencies and for the entities defined in section 1 of P.L.1959,
22 c.40 (C.52:27B-56.1), from the Federal Supply Schedules of the
23 Federal General Services Administration as permitted by the "Federal
24 Acquisition Streamlining Act of 1994," Pub.L.No.103-355, and
25 regulations adopted pursuant to that law and by the rules and
26 regulations which the director may promulgate pursuant to the
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
28 seq.).²

29
30 ²2. ³(New section)³ Notwithstanding the provisions of any other

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 Senate SBA committee amendments adopted February 15, 1996.

² Senate floor amendments adopted February 26, 1996.

³ Senate floor amendments adopted March 18, 1996.

1 law to the contrary, and as an alternative to the procedures
2 concerning the awarding of public contracts pursuant to the applicable
3 statutes, the State authorities authorized to contract independently
4 under various provisions of State law may, without advertising for
5 bids, or having rejected all bids obtained pursuant to advertising,
6 purchase goods and services from the Federal Supply Schedules of the
7 Federal General Services Administration as permitted by the "Federal
8 Acquisition Streamlining Act of 1994," Pub.L.No.103-355, and
9 regulations adopted pursuant to that law and by the rules and
10 regulations which the authority may adopt.²

11

12 ³[²3. Notwithstanding the provisions of the "Local Public Contracts
13 Law," P.L.1971, c.198 (C.40A:11-1 et seq.), to the contrary, and as
14 an alternative to the procedures concerning the awarding of public
15 contracts pursuant to that act, the governing body may, without
16 advertising for bids, or having rejected all bids obtained pursuant to
17 advertising, purchase goods and services from the Federal Supply
18 Schedules of the Federal General Services Administration as permitted
19 by the "Federal Acquisition Streamlining Act of 1994," Pub.L.No.103-
20 355, and regulations adopted pursuant to that law and by the rules
21 and regulations which the governing body may adopt.²]³

22

23 ³[²4. Notwithstanding the provisions of the "Public School
24 Contracts Law," N.J.S.18A:18A-1 et seq., to the contrary, and as an
25 alternative to the procedures concerning the awarding of public
26 contracts pursuant to that act, the board of education may, without
27 advertising for bids, or having rejected all bids obtained pursuant to
28 advertising, purchase goods and services from the Federal Supply
29 Schedules of the Federal General Services Administration as permitted
30 by the "Federal Acquisition Streamlining Act of 1994," Pub.L.No.103-
31 355, and regulations adopted pursuant to that law and by the rules and
32 regulations which the board of education may adopt.²]³

33

34 ³[²5. Notwithstanding the provisions of the "State College
35 Contracts Law," P.L.1986, c.43 (C.18A:64-52 et seq.), to the
36 contrary, and as an alternative to the procedures concerning the
37 awarding of public contracts pursuant to that act, the board of trustees
38 may, without advertising for bids, or having rejected all bids obtained
39 pursuant to advertising, purchase goods and services from the Federal
40 Supply Schedules of the Federal General Services Administration as
41 permitted by the "Federal Acquisition Streamlining Act of 1994,"
42 Pub.L.No.103-355, and regulations adopted pursuant to that law
43 and by the rules and regulations which the board of trustees may
44 adopt.²]³

1 ³[²6. Notwithstanding the provisions of the "County College
2 Contracts Law," P.L.1982, c.189 (C.18A:64A-25.1 et seq.), to the
3 contrary, and as an alternative to the procedures concerning the
4 awarding of public contracts pursuant to that act, the county college
5 may, without advertising for bids, or having rejected all bids obtained
6 pursuant to advertising, purchase goods and services from the Federal
7 Supply Schedules of the Federal General Services Administration as
8 permitted by the "Federal Acquisition Streamlining Act of 1994,"
9 Pub.L.No.103-355, and regulations adopted pursuant to that law
10 and by the rules and regulations which the county college may
11 adopt.²]³

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

26
27 ¹[2. Notwithstanding the provisions of any other law to the
28 contrary, and as an alternative to the procedures concerning the
29 awarding of public contracts pursuant to the applicable statutes, the
30 State authorities authorized to contract independently under various
31 provisions of State law may, without advertising for bids, or having
32 rejected all bids obtained pursuant to advertising, purchase goods and
33 services from the Federal Supply Schedules of the Federal General
34 Services Administration as permitted by the "Federal Acquisition
35 Streamlining Act of 1994," Pub.L.No.103-355, and regulations
36 adopted pursuant to that law and by the rules and regulations which
37 the authority may adopt.]¹

38
39 ¹[3. Notwithstanding the provisions of the "Local Public Contracts
40 Law," P.L.1971, c.198 (C.40A:11-1 et seq.), to the contrary, and as
41 an alternative to the procedures concerning the awarding of public
42 contracts pursuant to that act, the governing body may, without
43 advertising for bids, or having rejected all bids obtained pursuant to
44 advertising, purchase goods and services from the Federal Supply
45 Schedules of the Federal General Services Administration as permitted

1 by the "Federal Acquisition Streamlining Act of 1994," Pub.L.No.103-
2 355, and regulations adopted pursuant to that law and by the rules and
3 regulations which the governing body may adopt.]]¹

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

15
16 ¹[5. Notwithstanding the provisions of the "State College
17 Contracts Law," P.L.1986, c.43 (C.18A:64-52 et seq.), to the
18 contrary, and as an alternative to the procedures concerning the
19 awarding of public contracts pursuant to that act, the board of trustees
20 may, without advertising for bids, or having rejected all bids obtained
21 pursuant to advertising, purchase goods and services from the Federal
22 Supply Schedules of the Federal General Services Administration as
23 permitted by the "Federal Acquisition Streamlining Act of 1994,"
24 Pub.L.No.103-355, and regulations adopted pursuant to that law and
25 by the rules and regulations which the board of trustees may adopt.]]¹

26
27 ¹[6. Notwithstanding the provisions of the "County College
28 Contracts Law," P.L.1982, c.189 (C.18A:64A-25.1 et seq.), to the
29 contrary, and as an alternative to the procedures concerning the
30 awarding of public contracts pursuant to that act, the county college
31 may, without advertising for bids, or having rejected all bids obtained
32 pursuant to advertising, purchase goods and services from the Federal
33 Supply Schedules of the Federal General Services Administration as
34 permitted by the "Federal Acquisition Streamlining Act of 1994,"
35 Pub.L.No.103-355, and regulations adopted pursuant to that law and
36 by the rules and regulations which the county college may adopt.]]¹

37
38 ³3. Section 12 of P.L.1971, c.198 (C.40A:11-12) is amended to
39 read as follows:

40 12. a. Any contracting unit under this act may without advertising
41 for bids, or having rejected all bids obtained pursuant to advertising
42 therefor, purchase any materials, supplies, goods, services or
43 equipment under any contract or contracts for such materials, supplies,
44 goods, services or equipment entered into on behalf of the State by the
45 Division of Purchase and Property in the Department of the Treasury.

46 b. A contracting unit may also use, without advertising for bids, or

1 having rejected all bids obtained pursuant to advertising, the Federal
2 Supply Schedules of the General Services Administration as permitted
3 by the "Federal Acquisition Streamlining Act of 1994," Pub.L. 103-
4 355, and federal regulations adopted thereunder.

5 c. Whenever a purchase is made, the contracting unit shall place its
6 order with the vendor offering the lowest price, including delivery
7 charges, that best meets the requirements of the contracting unit.
8 Prior to placing such an order, the contracting unit shall document
9 with specificity that the materials, supplies, goods, services or
10 equipment selected best meet the requirements of the contracting unit.³

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

12

13 ³4. Section 1 of P.L.1977, c.114 (C.18A:18A-10) is amended to
14 read as follows:

15 1. a. A board of education, without advertising for bids, or after
16 having rejected all bids obtained pursuant to advertising therefor, may
17 purchase any materials, supplies, goods, services or equipment
18 pursuant to a contract or contracts for such materials, supplies, and
19 goods, services or equipment entered into on behalf of the State by the
20 Division of Purchase and Property.

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

26 c. Whenever a purchase is made, the board of education shall place
27 its order with the vendor offering the lowest price, including delivery
28 charges, that best meets the requirements of the board of education.
29 Prior to placing such an order, the board of education shall document
30 with specificity that the materials, supplies, goods, services or
31 equipment selected best meet the requirements of the board of
32 education.³

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

34

35 ³5. Section 9 of P.L.1986, c.43 (C.18A:64-60) is amended to read
36 as follows:

37 9. a. Any State college, without advertising for bids, or after
38 having rejected all bids obtained pursuant to advertising therefor, may
39 purchase any materials, supplies, goods, services or equipment
40 pursuant to a contract or contracts for those materials, supplies, and
41 goods, services or equipment entered into on behalf of the State by the
42 Division of Purchase and Property.

43 b. A State college may also use, without advertising for bids, or
44 having rejected all bids obtained pursuant to advertising, the Federal
45 Supply Schedules of the General Services Administration as permitted
46 by the "Federal Acquisition Streamlining Act of 1994," Pub.L.103-

1 355, and federal regulations adopted thereunder.

2 c. Whenever a purchase is made, the State college shall place its
 3 order with the vendor offering the lowest price, including delivery
 4 charges, that best meets the requirements of the State college. Prior
 5 to placing such an order, the State college shall document with
 6 specificity that the materials, supplies, goods, services or equipment
 7 selected best meet the requirements of the State college.³

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

9

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

12 9. a. Any county college, without advertising for bids, or after
 13 having rejected all bids obtained pursuant to advertising therefor, may
 14 purchase any materials, supplies, goods, services or equipment
 15 pursuant to a contract or contracts for such materials, supplies ,
 16 goods, services or equipment entered into on behalf of the State by the
 17 Division of Purchase and Property.

18 b. A county college may also use, without advertising for bids, or
 19 having rejected all bids obtained pursuant to advertising, the Federal
 20 Supply Schedules of the General Services Administration as permitted
 21 by the "Federal Acquisition Streamlining Act of 1994," Pub.L.103-
 22 355, and federal regulations adopted thereunder.

23 c. Whenever a purchase is made, the county college shall place its
 24 order with the vendor offering the lowest price, including delivery
 25 charges, that best meets the requirements of the county college. Prior
 26 to placing such an order, the county college shall document with
 27 specificity that the materials, supplies, goods, services or equipment
 28 selected best meet the requirements of the county college.³

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

30

31 ¹[7.] ²[1.1] ^{7.} ² ³(New section)³ a. Notwithstanding the provisions
 32 of any other law to the contrary ² except the provisions of R.S.30:4-
 33 95², and as an alternative to the procedures concerning the awarding
 34 of public contracts provided in P.L.1954, c.48 (C.52:34-6 et seq.), the
 35 Director of the Division of Purchase and Property in the Department
 36 of the Treasury may enter into cooperative purchasing agreements
 37 with one or more other states, or political subdivisions thereof, for the
 38 purchase of goods and services. A cooperative purchasing agreement
 39 shall allow the jurisdictions which are parties thereto to standardize
 40 and combine their requirements for the purchase of a particular good
 41 or service into a single contract solicitation which shall be
 42 competitively bid and awarded by one of the jurisdictions on behalf of
 43 jurisdictions participating in the contract.

44 b. The director may elect to purchase goods or services through a
 45 contract awarded pursuant to a cooperative purchasing agreement
 46 whenever the director determines this to be the most cost- effective

1 method of procurement. Prior to entering into any contract to be
2 awarded through a cooperative purchasing agreement, the director
3 shall review and approve the specifications and proposed terms and
4 conditions of the contract.

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

11 d. The director may promulgate rules and regulations pursuant to
12 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
13 seq.), which are necessary to effectuate the purposes of this section.

14
15 ¹[8.] ²[2.] ¹ §. ² This act shall take effect immediately ². however,
16 sections 1 through 6 shall remain inoperative until promulgation of the
17 federal General Services Administration regulations².

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22 Permits State, authorities, public colleges, local governments and
23 school districts to purchase goods and services through Federal Supply
24 Schedules; permits State to enter into certain cooperative purchasing
25 agreements.