

[First Reprint]  
SENATE, No. 1636

STATE OF NEW JERSEY

INTRODUCED OCTOBER 28, 1996

By Senators PALAIA and CIESLA

1 AN ACT concerning certain notifications relating to bidding on local  
2 public contracts and 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 23 of P.L.1971, c.198 (C.40A:11-23) is amended to  
8 read as follows:

9 23. <sup>1</sup>a. Advertisements for bids; bids; general requirements. All  
10 advertisements for bids shall be published in a legal newspaper  
11 sufficiently in advance of the date fixed for receiving the bids to  
12 promote competitive bidding, but in no event less than 10 days prior  
13 to such date; except that all advertisements for bids on contracts for  
14 the collection and disposal of municipal solid waste shall be published  
15 in a legal newspaper circulating in the county or municipality, and in  
16 at least one newspaper of general circulation published in the State,  
17 sufficiently in advance of the date fixed for receiving the bids to  
18 promote competitive bidding, but not less than 60 days prior to that  
19 date.

20 <sup>1</sup>b.<sup>1</sup> The advertisement shall designate the manner of submitting  
21 and the method of receiving the bids and the time and place at which  
22 the bids will be received. If the published specifications provide for  
23 receipt of bids by mail, those bids which are mailed to the contracting  
24 unit shall be sealed and shall only be opened for examination at such  
25 time and place as all bids received are unsealed and announced. At  
26 such time and place the contracting agent of the contracting unit shall  
27 publicly receive the bids, and thereupon immediately proceed to unseal  
28 them and publicly announce the contents, which announcement shall  
29 be made in the presence of any parties bidding or their agents, who are  
30 then and there present, and shall also make proper record of the prices  
31 and terms, upon the minutes of the governing body, if the award is to

**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 SCO committee amendments adopted January 14, 1997.

1 be made by the governing body of the contracting unit, or in a book  
2 kept for that purpose, if the award is to be made by other than the  
3 governing body, and in such latter case it shall be reported to the  
4 governing body of the contracting unit for its action thereon, when  
5 such action thereon is required. No bids shall be received after the  
6 time designated in the advertisement.

7 <sup>1</sup>[Except as provided below, notice of revisions or addenda to  
8 advertisements or bid documents relating to bids shall, no later than  
9 five days, Saturdays, Sundays and holidays excepted, prior to the date  
10 for acceptance of bids, be published in a legal newspaper and be made  
11 available by notification in writing by certified mail to any person who  
12 has submitted a bid or who has received a bid package; except that  
13 notice of revisions or addenda to advertisements or bid documents  
14 relating to bids on contracts for the collection and disposal of  
15 municipal solid waste shall be published in a legal newspaper  
16 circulating in the county or municipality, and in at least one newspaper  
17 of general circulation published in the State, no later than five days,  
18 Saturdays, Sundays and holidays excepted, prior to the date for  
19 acceptance of bids.]

20 c.<sup>1</sup> Notice of revisions or addenda to advertisements or bid  
21 documents <sup>1</sup>[relating to construction bids shall be sent to any person  
22 who has submitted a bid or who has received a bid package or who has  
23 filed a notification request with the governing body of the contracting  
24 unit, no later than [five] seven days, Saturdays, Sundays and holidays  
25 excepted, prior to the date for acceptance of bids], be published in a  
26 legal newspaper and be made available by notification in writing by  
27 certified mail to any person who has submitted a bid or who has  
28 received a bid package; except that notice of revisions or addenda to  
29 advertisements or bid documents relating to bids on contracts for the  
30 collection and disposal of municipal solid waste shall be published in  
31 a legal newspaper circulating in the county or municipality, and in at  
32 least one newspaper of general circulation published in the State, no  
33 later than 5 days, Saturdays, Sundays and holidays excepted, prior to  
34 the date for acceptance of bids]. Such notification shall be made in  
35 writing by certified mail, return receipt requested, by facsimile  
36 transmission with return facsimile receipt, or by next day delivery  
37 carrier. Such revisions or addenda to advertisements or bid documents  
38 shall not increase the total cost of the contract.] shall be provided as  
39 follows:

40 1) For all contracts except those for construction work and  
41 municipal solid waste collection and disposal service, notice shall be  
42 published no later than five days, Saturdays, Sundays, and holidays  
43 excepted, prior to the date for acceptance of bids, in an official  
44 newspaper of the contracting unit and be provided to any person who  
45 has submitted a bid or who has received a bid package, in one of the  
46 following ways: i) in writing by certified mail or ii) by certified  
47 facsimile transmission, meaning that the sender's facsimile machine

1 produces a receipt showing date and time of transmission and that the  
2 transmission was successful or iii) by a delivery service that provides  
3 certification of delivery to the sender.

4 2) For all contracts for construction work, notice shall be provided  
5 no later than seven days, Saturday, Sundays, or holidays excepted,  
6 prior to the date for acceptance of bids, to any person who has  
7 submitted a bid or who has received a bid package in any of the  
8 following ways: i) in writing by certified mail or ii) by certified  
9 facsimile transmission, meaning that the sender's facsimile machine  
10 produces a receipt showing date and time of transmission and that the  
11 transmission was successful or iii) by a delivery service that provides  
12 certification of delivery to the sender.

13 3) For municipal solid waste collection and disposal contracts,  
14 notice shall be published in an official newspaper of the contracting  
15 unit and in at least one newspaper of general circulation published in  
16 the State no later than five days, Saturdays, Sundays, and holidays  
17 excepted, prior to the date for acceptance of bids.

18 d.<sup>1</sup> Failure of the contracting unit to advertise for the receipt of  
19 bids or to provide proper notification of revisions or addenda to  
20 advertisements or bid documents related to bids as prescribed by this  
21 section shall prevent the contracting unit from accepting the bids and  
22 require the readvertisement for bids <sup>1</sup>pursuant to subsection a. of this  
23 section. Failure to obtain a receipt when good faith notice is sent or  
24 delivered to the address or telephone facsimile number on file with the  
25 contracting unit shall not be considered failure by the contracting unit  
26 to provide notice<sup>1</sup>.

27 (cf: P.L.1991, c.381, s.50)

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29 2. This act shall take effect on the first day of the fourth month  
30 next following enactment.

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35 Changes notice requirements for revisions or addenda to  
36 advertisements relating to bids or bid documents under "Local Public  
37 Contracts Law."