

ASSEMBLY ENVIRONMENT AND SOLID WASTE COMMITTEE

STATEMENT TO

with committee amendments

ASSEMBLY, No. 2783

STATE OF NEW JERSEY

DATED: MARCH 15, 2021

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 2783.

This bill, as amended by the committee, would require the Department of Environmental Protection (DEP) to develop, and update as appropriate, guidelines for use by State and local agencies when entering into contracts for the purchase of goods to encourage the maximum purchase of goods made with the highest percentage of recycled material. The bill provides that these guidelines may be based upon, or incorporate by reference, guidelines developed by the United States Environmental Protection Agency, including but not limited to the recommended recovered materials content levels specified in the United States Environmental Protection Agency's Consolidated Recovered Materials Advisory Notice.

The bill requires the Director of the Division of Purchase and Property in the Department of the Treasury, the Director of the Division of Property Management and Construction in the Department of the Treasury, and any State agency having authority to contract for the purchase of goods or services to, after consultation with the Department of Environmental Protection, review and modify all bid and product specifications to ensure that the specifications reflect the guidelines developed, or updated, pursuant to the bill, if applicable and to the extent practical and feasible.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

1) provide that the guidelines to be developed pursuant to the bill may be based upon, or incorporate by reference, guidelines developed by the United States Environmental Protection Agency, including but not limited to the recommended recovered materials content levels specified in the United States Environmental Protection Agency's Consolidated Recovered Materials Advisory Notice;

2) specify that the requirement to review and modify bid and product specifications applies to the Director of the Division of Purchase and Property in the Department of the Treasury, the Director

of the Division of Property Management and Construction in the Department of the Treasury, and any State agency having authority to contract for the purchase of goods or services and provide that bid and product specifications would be modified to the extent practical and feasible; and

3) provide that bill would not apply to bid and product specifications for: (a) any binding contractual obligations for the purchase of goods or services entered into prior to the effective date of the bill; (b) bid packages advertised and made available to the public, or to any competitive and sealed bids received by the State, prior to the effective date of the bill; (c) any amendment, modification, or renewal of a contract, entered into prior to the effective date of the bill, where following the guidelines developed, or updated, pursuant to the bill would delay timely completion of a project or increase the cost of the contract by an unreasonable amount; or (d) a contract by a local contracting unit, or undertaken by the State on behalf of a local contracting unit, if following the guidelines would increase the cost of the contract.