

CHAPTER 23

AN ACT concerning a grant program administered by the Department of Transportation and amending P.L.2022, c.37.

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

1. Section 2 of P.L.2022, c.37 is amended to read as follows:

2. Definitions.

For the purposes of P.L.2022, c.37:

“Commissioner” means the Commissioner of Transportation.

“Department” means the Department of Transportation.

“Eligible contract” means a construction contract awarded by the department based upon bids submitted prior to December 1, 2021.

“Eligible materials” means materials purchased or invoiced in connection with an eligible contract after March 1, 2020 that have realized an increase in the cost of acquisition of such materials in excess of five percent between March 1, 2020 and the time of purchase or invoice.

“SBE” means a contractor or subcontractor which is registered with the State of New Jersey as a small business enterprise.

2. Section 4 of P.L.2022, c.37 is amended to read as follows:

4. Grant Program.

a. The department shall establish a grant program to issue grants to eligible contractors and subcontractors.

b. The department shall establish streamlined procedures for the application process and post such forms, conditions, and requirements on the department’s website as soon as reasonably possible. The application period shall remain open for 90 days after the date of enactment of P.L.2023, c.23. If funds appropriated under P.L.2022, c.37 remain, following the initial application period and eligibility determinations, the department may open the application period for an additional 30 days.

c. The grant program shall provide that grant awards shall be made in the order in which applications are received and approved.

d. If a contractor or subcontractor is determined to be eligible pursuant to P.L.2022, c.37, the department may provide a grant to the contractor or subcontractor for the cost difference paid by the contractor or subcontractor for eligible materials in an amount equal to the increase in the cost of acquisition of those eligible materials.

e. The commissioner may impose any additional conditions or requirements for receipt of a grant as the commissioner deems appropriate.

f. The New Jersey Contractual Liability Act, N.J.S.59:13-1 et seq., shall apply to all applications submitted under P.L.2022, c.37.

3. This act shall take effect immediately and shall apply retroactively to the effective date of P.L.2022, c.37.

Approved March 13, 2023.