

[First Reprint]

**SENATE, No. 2469**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED APRIL 12, 2018

**Sponsored by:**

**Senator TROY SINGLETON**

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**District 24 (Morris, Sussex and Warren)**

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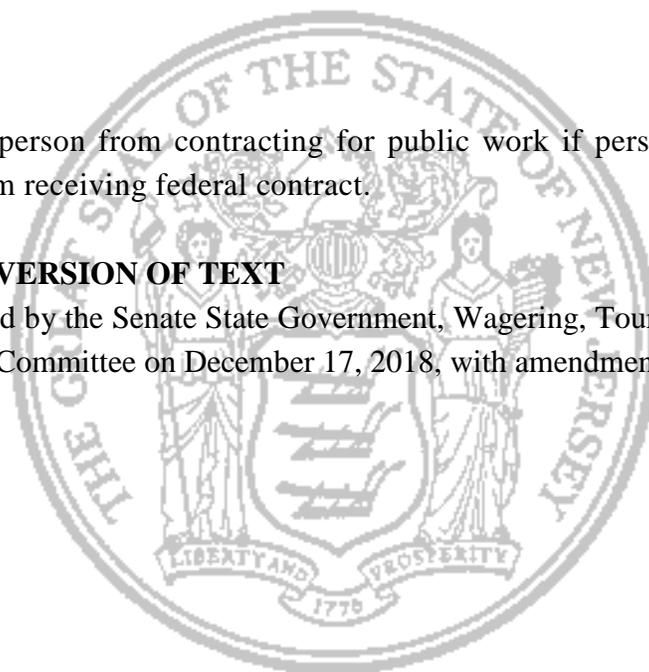
**Assemblymen A.M.Bucco, Verrelli, DeAngelo, Karabinchak, Houghtaling  
and Assemblywoman Murphy**

**SYNOPSIS**

Prohibits person from contracting for public work if person is federally debarred from receiving federal contract.

**CURRENT VERSION OF TEXT**

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on December 17, 2018, with amendments.



**(Sponsorship Updated As Of: 1/14/2020)**

1 AN ACT concerning the debarment of certain persons from  
2 contracting for public work and supplementing chapter 32 of  
3 Title 52 of the Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. a. Any person that is <sup>1</sup>**[barred]** debarred at the federal  
9 level<sup>1</sup> from contracting with a federal government agency shall be  
10 <sup>1</sup>**[barred]** debarred<sup>1</sup> from contracting for any public work in this  
11 State.

12 b. Any affiliate of a person <sup>1</sup>**[barred]** debarred at the federal  
13 level<sup>1</sup> from contracting with a federal government agency shall be  
14 <sup>1</sup>**[barred]** debarred<sup>1</sup> from contracting for any public work in this  
15 State.

16 c. Prior to awarding any contract for public work, a person  
17 shall provide written certification to the contracting agency that  
18 neither the person nor the person's affiliates are <sup>1</sup>**[barred]** debarred  
19 at the federal level<sup>1</sup> from contracting with a federal government  
20 agency. The contracting agency shall not make, negotiate, or award  
21 a contract for public work to any person that does not provide such  
22 written certification as required by this subsection. <sup>1</sup>The contracting  
23 agency shall verify the certification by consulting the federal  
24 System for Award Management, or its successor, prior to awarding  
25 a contract for public work.<sup>1</sup>

26 d. In situations of an emergent nature, a contracting agency  
27 may enter into a contract with a person, provided that the person  
28 agrees to provide the written certification required pursuant to  
29 subsection c. of this section within two weeks of the execution of  
30 the contract. The contracting agency shall not make final payment  
31 to the person until such time as the person provides the written  
32 certification. Failure to pay the person until the written certification  
33 is received shall not be grounds for the agency being liable for  
34 payment.

35 e. As used in this section:

36 "Affiliate" means any entity that (1) directly, indirectly, or  
37 constructively controls another entity, (2) is directly, indirectly, or  
38 constructively controlled by another entity, or (3) is subject to the  
39 control of a common entity. An entity controls another entity if it  
40 owns, directly or individually, more than 50% of the ownership  
41 interest in that entity;

42 "Contracting agency" means the principal departments in the  
43 Executive Branch of the State Government, and any division, board,  
44 bureau, office, commission or other instrumentality within or

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is 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 SSG committee amendments adopted December 17, 2018.

1 created by such department, or any independent State authority,  
2 commission, instrumentality or agency, or any State college or  
3 university, any county college, or any local unit;

4 “Federal government agency” means any federal executive  
5 department, military department, or defense agency, or other agency  
6 or independent establishment of the executive branch of the United  
7 States;

8 “Local unit” means any contracting unit as defined pursuant to  
9 section 2 of P.L.1971, c.198 (C.40A:11-2), any board of education  
10 as defined pursuant to N.J.S.18A:18A-2, a private firm that has  
11 entered into a contract with a public entity for the provision of  
12 water supply services pursuant to P.L.1995, c.101 (C.58:26-19 et  
13 al.), a private firm or public authority that has entered into a  
14 contract with a public entity for the provision of wastewater  
15 treatment service pursuant to P.L.1995, c.216 (C.58:27-19 et al.),  
16 and a duly incorporated nonprofit association that entered into a  
17 contract with the governing body of a city of the first class for the  
18 provision of wastewater treatment services pursuant to P.L.1995,  
19 c.216 (C.58:27-19 et al.);

20 “Person” means any natural person, company, firm, association,  
21 corporation, or other entity;

22 “Public work” means any public building, public highway,  
23 bridge, or other public betterment, work or improvement of a  
24 permanent nature, constructed, reconstructed, repaired or improved  
25 wholly at the expense of the public.

26

27 2. This act shall take effect on the 30th day after the date of  
28 enactment.