ASSEMBLY, No. 845

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
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SYNOPSIS

Requires entities at every level of government to conduct periodic studies of racial and ethnic disparities in public contracting.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT requiring entities at every level of government to conduct periodic studies of racial and ethnic disparities in public contracting and supplementing various parts of the statutory law.

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

1. Notwithstanding the provisions of any other law to the contrary, the Director of the Division of Purchase and Property, the Director of the Division of Property Management and Construction, and the head of any State agency, within six months of the effective date of this act and at five year intervals thereafter, shall conduct a study of racial and ethnic disparity in the awarding of public contracts by that division or State agency during the immediately preceding five-year period. The study shall assess vendor utilization by the division or State agency and determine if there were disparities in procurement related to race and ethnicity. The division or State agency shall prepare a report of its findings within one year of commencing the study which shall be submitted to the Governor and the Legislature and shall be a government record that is accessible to the public pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).

As used in this section, "State agency" means any principal department in the Executive Branch of State government, and any division, board, bureau, office, commission or other instrumentality within or created by such department, and any independent State authority, commission, instrumentality or agency, other than in the Legislative or Judicial Branches of State government, which is authorized by law to award public contracts.

2. Notwithstanding the provisions of any other law to the contrary, every contracting unit, as defined in section 2 of P.L.1971, c.198 (C.40A:11-2), within six months of the effective date of this act and at five year intervals thereafter, shall conduct a study of racial and ethnic disparity in the awarding of public contracts by that contracting unit during the immediately preceding five-year period. The study shall assess vendor utilization by the contracting unit and determine if there were disparities in procurement related to race and ethnicity. The contracting unit shall prepare a report of its findings within one year of commencing the study which shall be submitted to the Governor and the Legislature and shall be a government record that is accessible to the public pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).

3. Notwithstanding the provisions of any other law to the contrary, every board of education, as defined in N.J.S.18A:18A-2, within six months of the effective date of this act and at five year intervals thereafter, shall conduct a study of racial and ethnic

disparity in the awarding of public contracts by that board of education during the immediately preceding five-year period. The study shall assess vendor utilization by the board of education and determine if there were disparities in procurement related to race and ethnicity. The board of education shall prepare a report of its findings within one year of commencing the study which shall be submitted to the Governor and the Legislature and shall be a government record that is accessible to the public pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).

4. Notwithstanding the provisions of any other law to the contrary, every public institution of higher education, within six months of the effective date of this act and at five year intervals thereafter, shall conduct a study of racial and ethnic disparity in the awarding of public contracts by that institution during the immediately preceding five-year period. The study shall assess vendor utilization by the institution and determine if there were disparities in procurement related to race and ethnicity. The institution shall prepare a report of its findings within one year of commencing the study which shall be submitted to the Governor and the Legislature and shall be a government record that is accessible to the public pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).

As used in this section, "public institution of higher education" shall have the meaning assigned to it in N.J.S.18A:62-1.

5. This act shall take effect immediately.

STATEMENT

This bill requires the State, local contracting units, boards of education, and public institutions of higher education, within six months of the effective date of this act and at five year intervals thereafter, to conduct a study of racial and ethnic disparity in the awarding of public contracts by that board of education during the immediately preceding five-year period. These studies will assess vendor utilization by the public entity and determine if there have been disparities in procurement related to race and ethnicity. The public entity will prepare a report of its findings within one year of commencing the study which will be submitted to the Governor and the Legislature and will be a government record that is accessible to the public.