

# ASSEMBLY, No. 1056

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**SYNOPSIS**

Revises standards for contracting at State colleges to mirror standards applicable to public research universities; increases bid threshold for all four-year public institutions of higher education to \$100,000.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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1 AN ACT concerning institutions of higher education, revising  
2 various parts of the statutory law, and supplementing chapter 64  
3 of Title 18A of the New Jersey Statutes.

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

7  
8 1. N.J.S.18A:64-6 is amended to read as follows:

9 18A:64-6. The board of trustees of a State college shall have  
10 general supervision over and shall be vested with the conduct of the  
11 college. It shall have the power and duty to:

12 a. Adopt and use a corporate seal;

13 b. Determine the educational curriculum and program of the  
14 college consistent with the programmatic mission of the institution  
15 or approved by the **【Commission on】** Secretary of Higher  
16 Education;

17 c. Determine policies for the organization, administration and  
18 development of the college;

19 d. Study the educational and financial needs of the college;  
20 annually acquaint the Governor and Legislature with the condition  
21 of the college; and prepare and present the annual budget to the  
22 Governor, the Division of Budget and Accounting in the  
23 Department of the Treasury and the Legislature in accordance with  
24 law;

25 e. Disburse all moneys appropriated to the college by the  
26 Legislature and all moneys received from tuition, fees, auxiliary  
27 services and other sources;

28 f. Direct and control expenditures and transfers of funds  
29 appropriated to the college and tuition received by the college, in  
30 accordance with the provisions of the State budget and  
31 appropriation acts of the Legislature, reporting changes and  
32 additions thereto and transfers thereof to the Director of the  
33 Division of Budget and Accounting in the State Department of the  
34 Treasury and as to funds received from other sources, direct and  
35 control expenditures and transfers in accordance with the terms of  
36 any applicable trusts, gifts, bequests, or other special provisions.  
37 All accounts of the college shall be subject to audit by the State at  
38 any time;

39 g. In accordance with the provisions of the State budget and  
40 appropriation acts of the Legislature, appoint and fix the  
41 compensation of a president of the college, who shall be the  
42 executive officer of the college and an ex officio member of the  
43 board of trustees, without vote, and shall serve at the pleasure of the  
44 board of trustees;

45 h. Notwithstanding the provisions of Title **【11, Civil Service,**

**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.

- 1 of the Revised] 11A of the New Jersey Statutes, upon nomination  
2 by the president appoint a treasurer and such deans and other  
3 professional members of the academic, administrative and teaching  
4 staffs as defined in section 13 of P.L.1986, c.42 (C.18A:64-21.2) as  
5 shall be required and fix their compensation and terms of  
6 employment in accordance with salary ranges and policies which  
7 shall prescribe qualifications for various classifications and shall  
8 limit the percentage of the educational staff that may be in any  
9 given classification;
- 10 i. Upon nomination by the president, appoint, remove, promote  
11 and transfer such other officers, agents or employees as may be  
12 required for carrying out the purposes of the college and assign  
13 their duties, determine their salaries and prescribe qualifications for  
14 all positions, all in accordance with the provisions of Title [11,  
15 Civil Service, of the Revised] 11A of the New Jersey Statutes;
- 16 j. Grant diplomas, certificates and degrees;
- 17 k. [Pursuant to the provisions of the "State College Contracts  
18 Law," P.L.1986, c.43 (C.18A:64-52 et seq.) enter into contracts and  
19 agreements for the purchase of lands, buildings, equipment,  
20 materials, supplies and services; enter] Enter into contracts and  
21 agreements with the State or any of its political subdivisions or with  
22 the United States, or with any public body, department or other  
23 agency of the State or the United States or with any individual,  
24 firm, or corporation, which are deemed necessary or advisable by  
25 the board for carrying out the purposes of the college. A contract or  
26 agreement pursuant to this subsection may require a municipality to  
27 undertake obligations and duties to be performed subsequent to the  
28 expiration of the term of office of the elected governing body of  
29 such municipality which initially entered into or approved said  
30 contract or agreement, and the obligations and duties so incurred by  
31 such municipality shall be binding and of full force and effect,  
32 notwithstanding that the term of office of the elected governing  
33 body of such municipality which initially entered into or approved  
34 said contract or agreement, shall have expired;
- 35 l. If necessary, take and condemn land and other property in  
36 the manner provided by the "Eminent Domain Act of 1971,"  
37 P.L.1971, c.361 (C.20:3-1 et seq.), whenever authorized by law to  
38 purchase land or other property;
- 39 m. Adopt, after consultation with the president and faculty,  
40 bylaws and make and promulgate such rules, regulations and orders,  
41 not inconsistent with the provisions of this article, that are  
42 necessary and proper for the administration and operation of the  
43 college and the carrying out of its purposes;
- 44 n. Establish fees for room and board sufficient for the  
45 operation, maintenance, and rental of student housing and food  
46 service facilities;

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- 1 o. Fix and determine tuition rates and other fees to be paid by  
2 students;
- 3 p. Accept from any government or governmental department,  
4 agency or other public or private body or from any other source  
5 grants or contributions of money or property, which the board may  
6 use for or in aid of any of its purposes;
- 7 q. Acquire by gift, purchase, condemnation or otherwise, own,  
8 lease, dispose of, use and operate property, whether real, personal  
9 or mixed, or any interest therein, which is necessary or desirable for  
10 college purposes;
- 11 r. Employ architects to plan buildings; secure bids for the  
12 construction of buildings and for the equipment thereof; make  
13 contracts for the construction of buildings and for equipment; and  
14 supervise the construction of buildings;
- 15 s. Manage and maintain, and provide for the payment of all  
16 charges and expenses in respect to all properties utilized by the  
17 college;
- 18 t. Borrow money for the needs of the college, as deemed  
19 requisite by the board, in such amounts, and for such time and upon  
20 such terms as may be determined by the board, provided that this  
21 borrowing shall not be deemed or construed to create or constitute a  
22 debt, liability, or a loan or pledge of the credit, or be payable out of  
23 property or funds, other than moneys appropriated for that purpose,  
24 of the State;
- 25 u. Authorize any new program, educational department or  
26 school consistent with the institution's programmatic mission or  
27 approved by the **【commission】** Secretary of Higher Education;
- 28 v. (Deleted by amendment, P.L.1994, c.48);
- 29 w. **【Pursuant to the "State College Contracts Law," P.L.1986,**  
30 **c.43 (C.18A:64-52 et seq.), award contracts and agreements for the**  
31 **purchase of goods and services, as distinct from contracts or**  
32 **agreements for the construction of buildings and other**  
33 **improvements, to that responsible bidder whose bid, conforming to**  
34 **the invitation for bids, will be most advantageous to the State**  
35 **college, price and other factors considered; and】** (Deleted by  
36 amendment, P.L. , c. ) (pending before the Legislature as this  
37 bill);
- 38 x. **【Pursuant to the "State College Contracts Law," P.L.1986,**  
39 **c.43 (C.18A:64-52 et seq.), award contracts and agreements for the**  
40 **construction of buildings and other improvements to the lowest**  
41 **responsible bidder, whose bid, conforming to the invitation for bids,**  
42 **will be the most advantageous to the State college】** (Deleted by  
43 amendment, P.L. , c. ) (pending before the Legislature as this  
44 bill);
- 45 y. Adopt standing operating rules and procedures for the  
46 purchase of all equipment, materials, supplies and services;  
47 however, no contract on behalf of the college shall be entered into

1 for the purchase of services, materials, equipment and supplies, for  
2 the performance of any work, or for the hiring of equipment or  
3 vehicles, where the sum to be expended exceeds \$100,000 or the  
4 amount determined by the Governor as provided herein, unless the  
5 college shall first publicly advertise for bids and shall award the  
6 contract to that responsible bidder whose bid, conforming to the  
7 invitation for bids, will be most advantageous to the college, price  
8 and other factors considered. Such advertising shall not be required  
9 in those exceptions created by the board of trustees of the college,  
10 which shall be in substance those exceptions contained in sections 4  
11 and 5 of P.L.1954, c.48 (C.52:34-9 and 10) and section 5 of  
12 P.L.1986, c.43 (C.18A:64-56) or for the supplying of any product or  
13 the rendering of any service by a public utility subject to the  
14 jurisdiction of the Board of Public Utilities of this State and tariffs  
15 and schedules of the charges made, charged, or exacted by the  
16 public utility for any such products to be supplied or services to be  
17 rendered which are filed with the said board. Commencing July 1,  
18 2020 and every two years thereafter, the Governor, in consultation  
19 with the Department of the Treasury, shall adjust the threshold  
20 amount set forth in this subsection in direct proportion to the rise or  
21 fall of the consumer price index for all urban consumers in the New  
22 York City and the Philadelphia areas as reported by the United  
23 States Department of Labor. The Governor shall notify the college  
24 of the adjustment. The adjustment shall become effective on July 1  
25 of the year in which it is reported.

26 This subsection shall not prevent the college from having any  
27 work performed by its own employees, nor shall it apply to repairs,  
28 or to the furnishing of materials, supplies or labor, or the hiring of  
29 equipment or vehicles, when the safety or protection of its or other  
30 public property or the public convenience requires or the exigency  
31 of the college's service will not admit of such advertisement. In  
32 such case, the college shall, by resolution passed by the affirmative  
33 vote of its board of trustees, declare the exigency or emergency to  
34 exist, and set forth in the resolution the nature and approximate  
35 amount to be expended; shall maintain appropriate records as to the  
36 reason for such awards; and shall report regularly to its board of  
37 trustees on all such purchases, the amounts and the reasons therefor;

38 z. Invest certain moneys in such obligations, securities and  
39 other investments as the board shall deem prudent, consistent with  
40 the purposes and provisions of this act and in accordance with State  
41 and federal law, as follows:

42 Investment in not-for-profit corporations or for-profit  
43 corporations organized and operated pursuant to the provisions of  
44 subsection aa. of this section may utilize income realized from the  
45 sale or licensing of intellectual property as well as the reinvestment  
46 of earnings on intellectual property. Investment in not-for-profit  
47 corporations may also utilize income from the operation of clinical  
48 counseling practices of the college and income from overhead grant

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1 fund recovery as permitted by federal law as well as other college  
2 funds except those specified in paragraph 5 of subsection aa. of this  
3 section;

4 aa. (1) Participate as the general partner or as a limited  
5 partner, either directly or through a subsidiary corporation created  
6 by the college, in limited partnerships, general partnerships, or joint  
7 ventures engaged in the development, manufacture, or marketing of  
8 products, technology, scientific information or services and create  
9 or form for-profit or not-for-profit corporations to engage in such  
10 activities; provided that any such participation shall be consistent  
11 with the mission of the college and the board shall have determined  
12 that such participation is prudent;

13 (2) The decision to participate in any activity described in  
14 paragraph (1) of this subsection, including the creation or formation  
15 of for-profit or not-for-profit corporations, shall be articulated in the  
16 minutes of the board of trustees meeting in which the action was  
17 approved;

18 (3) The provisions of P.L.1971, c.182 (C.52:13D-12 et seq.)  
19 shall continue to apply to the college, its employees, and officers;

20 (4) Nothing herein shall be deemed or construed to create or  
21 constitute a debt, liability, or a loan or pledge of the credit or be  
22 payable out of property or funds of the State;

23 (5) Funds directly appropriated to the college from the State or  
24 derived from the college's academic programs shall not be utilized  
25 by the for-profit or not-for-profit corporations organized and  
26 operated pursuant to this subsection in the development,  
27 manufacture, or marketing of products, technology or scientific  
28 information;

29 (6) Employees of any joint venture, subsidiary corporation,  
30 partnership, or other jural entity entered into or owned wholly or in  
31 part by the college shall not be deemed public employees;

32 (7) A joint venture, subsidiary corporation, partnership, or other  
33 jural entity entered into or owned wholly or in part by the college  
34 shall not be deemed an instrumentality of the State of New Jersey;

35 (8) Income realized by the college as a result of participation in  
36 the development, manufacture, or marketing of products,  
37 technology, or scientific information may be invested or reinvested  
38 pursuant to subsection z. of this section or any other provision of  
39 this act or State or federal law or retained by the board for use in  
40 furtherance of any of the purposes of this act or of other applicable  
41 statutes;

42 (9) The board shall annually report to the State Treasurer on the  
43 operation of all joint ventures, subsidiary corporations,  
44 partnerships, or such other jural entities entered into or owned  
45 wholly or in part by the college.

46 (cf: P.L.2005, c.369, s.1)

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- 1       2. Section 2 of P.L.1986, c.43 (C.18A:64-53) is amended to  
2 read as follows:
- 3       2. As used in **【this article】** section 5 of P.L.1986, c.43  
4 (C.18A:64-56), unless the context otherwise indicates:
- 5       a. "Board of trustees" means the board of a State college;
- 6       b. "Contracting agent" means the business officer of the State  
7 college having the power to prepare advertisements, to advertise for  
8 and receive bids, and to make awards for the State college in  
9 connection with the purchases, contracts or agreements permitted  
10 by this article or the officer, committee or employee to whom the  
11 power has been delegated by the State college;
- 12       c. "Contracts" means contracts or agreements for the  
13 performance of work or the furnishing or hiring of services,  
14 materials or supplies, as distinguished from contracts of  
15 employment;
- 16       d. "Legal newspaper" means a newspaper circulating in this  
17 State which has been printed and published in the English language  
18 at least once a week for at least one year continuously;
- 19       e. "Materials" includes goods and property subject to chapter 2  
20 of Title 12A of the New Jersey Statutes, apparatus or any other  
21 tangible thing, except real property or any interest therein;
- 22       f. "Extraordinary unspecifiable services" means services or  
23 products which cannot be reasonably described by written  
24 specifications;
- 25       g. "Professional services" means services rendered or  
26 performed by a person authorized by law to practice a recognized  
27 profession and whose practice is regulated by law and the  
28 performance of which services requires knowledge of an advanced  
29 type in a field of learning acquired by a prolonged formal course of  
30 specialized instruction and study as distinguished from general  
31 academic instruction or apprenticeship and training. Professional  
32 services also means services rendered in the performance of work  
33 that is original and creative in character in a recognized field of  
34 artistic endeavor;
- 35       h. "Project" means any work, undertaking, construction or  
36 alteration;
- 37       i. "Purchases" are transactions, for a valuable consideration,  
38 creating or acquiring an interest in goods, services and property  
39 except real property or any interest therein;
- 40       j. "State college" means an institution of higher education  
41 established pursuant to chapter 64 of Title 18A of the New Jersey  
42 Statutes;
- 43       k. "Work" includes services and any other activity of a tangible  
44 or intangible nature performed or assumed pursuant to a contract or  
45 agreement with a State college;
- 46       l. "Information technology" means telecommunication goods  
47 and services, including, but not limited to, software, hardware and

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1 systems implementation and support for voice, data and video.  
2 (cf: P.L.2005, c.369, s.2)

3

4 3. Section 5 of P.L.1986, c.43 (C.18A:64-56) is amended to  
5 read as follows:

6 5. **【Any】** The standing operating procedures adopted pursuant  
7 to N.J.S.18A:64-6 shall provide that any purchase, contract or  
8 agreement **【of the character described in section 4 of P.L.1986, c.43**  
9 **(C.18A:64-55)】** may be made, negotiated or awarded by the State  
10 college by resolution at a public meeting of its board of trustees  
11 without public advertising for bids or bidding therefor if:

12 a. The subject matter thereof consists of:

13 (1) Professional services; or

14 (2) Extraordinary unspecifiable services and products which  
15 cannot reasonably be described by written specifications, subject,  
16 however, to procedures consistent with open public bidding  
17 whenever possible; or

18 (3) Materials or supplies which are not available from more than  
19 one potential bidder, including without limitation materials or  
20 supplies which are patented or copyrighted; or

21 (4) The doing of any work by employees of the State college; or

22 (5) The printing of all legal notices and legal briefs, records and  
23 appendices to be used in any legal proceeding to which the State  
24 college may be a party and the use of electronic data or media  
25 services, including the internet, for the printing of these legal  
26 notices and legal briefs, records and appendices; or

27 (6) Textbooks, copyrighted materials, student produced  
28 publications and services incidental thereto, library materials  
29 including without limitation books, periodicals, newspapers,  
30 documents, pamphlets, photographs, reproductions, microfilms,  
31 pictorial or graphic works, musical scores, maps, charts, globes,  
32 sound recordings, slides, films, filmstrips, video and magnetic  
33 tapes, other printed or published matter and audiovisual and other  
34 materials of a similar nature, necessary binding or rebinding of  
35 library materials and specialized library services, including  
36 electronic databases and digital formats; or

37 (7) Food supplies and services, including food supplies and  
38 management contracts for student centers, dining rooms and  
39 cafeterias; or

40 (8) The supplying of any product or the rendering of any service  
41 by the public utility which is subject to the jurisdiction of the Board  
42 of Public Utilities, in accordance with tariffs and schedules of  
43 charges made, charged and exacted, filed with that board; or

44 (9) Equipment repair service if in the nature of an extraordinary  
45 unspecifiable service and necessary parts furnished in connection  
46 with the services; or

47 (10) Specialized machinery or equipment of a technical nature  
48 which will not reasonably permit the drawing of specifications, and

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- 1 the procurement thereof without advertising is in the public interest;  
2 or
- 3 (11) Insurance, including the purchase of insurance coverage  
4 and consulting services, which exceptions shall be in accordance  
5 with the requirements for extraordinary unspecifiable services; or
- 6 (12) Publishing of legal notices in newspapers as required by  
7 law and the use of electronic data or media services, including the  
8 internet, for the publication of the legal notices; or
- 9 (13) The acquisition of artifacts or other items of unique  
10 intrinsic, artistic or historic character; or
- 11 (14) The collection of amounts due on student loans, including  
12 without limitation loans guaranteed by or made with funds of the  
13 United States of America, and amounts due on other financial  
14 obligations to the State college, including but not limited to, the  
15 amounts due on tuition and fees and room and board; or
- 16 (15) Professional consulting services; or
- 17 (16) Entertainment, including without limitation theatrical  
18 presentations, band and other concerts, movies and other  
19 audiovisual productions; or
- 20 (17) Contracts employing funds created by student activities  
21 fees charged to students or otherwise raised by students and  
22 expended by student organizations; or
- 23 (18) Printing, including without limitation catalogs, yearbooks  
24 and course announcements and the production and reproduction of  
25 such material in electronic and digital formats, including compact  
26 discs; or
- 27 (19) Information technology; or
- 28 (20) Personnel recruitment and advertising, including without  
29 limitation advertising seeking student enrollment; or
- 30 (21) Educational supplies, books, articles of clothing and other  
31 miscellaneous articles purchased by a State college for resale to  
32 college students and employees; or
- 33 (22) Purchase or rental of graduation caps and gowns and award  
34 certificates or plaques; or
- 35 (23) Items available from vendors at costs below State contract  
36 pricing for the same product or service, which meets or exceeds the  
37 State contract terms or conditions; or
- 38 (24) Management contracts for bookstores, performing arts  
39 centers, residence halls, parking facilities and building operations;  
40 or
- 41 (25) Consulting services involving information technology,  
42 curricular or programmatic review, fund raising, transportation,  
43 safety or security; or
- 44 (26) Construction management services for construction,  
45 alteration or repair of any building or improvement; or
- 46 (27) Purchase or rental of equipment of a technical nature when  
47 the procurement thereof without advertising is necessary in order to

1 assure standardization of equipment and interchangeability of parts  
2 in the public interest.

3 b. It is to be made or entered into with the United States of  
4 America, the State of New Jersey, a county or municipality or any  
5 board, body, or officer, agency or authority or any other state or  
6 subdivision thereof.

7 c. The State college has advertised for bids [pursuant to  
8 section 4 of P.L.1986, c.43 (C.18A:64-55)] on two occasions and  
9 (i) has received no bids on both occasions in response to its  
10 advertisement, or (ii) has rejected the bids on two occasions  
11 because the State college has determined that they are not  
12 reasonable as to price, on the basis of cost estimates prepared for or  
13 by the State college prior to the advertising therefor, or have not  
14 been independently arrived at in open competition, or (iii) on one  
15 occasion no bids were received pursuant to (i) and on one occasion  
16 all bids were rejected pursuant to (ii), in whatever sequence; any  
17 contract or agreement may then be negotiated by a two-thirds  
18 affirmative vote of the authorized membership of the board of  
19 trustees authorizing the contract or agreement; provided that:

20 (1) A reasonable effort is just made by the contracting agent to  
21 determine that the same or equivalent materials or supplies at a cost  
22 which is lower than the negotiated price are not available from any  
23 agency or authority of the United States, the State of New Jersey or  
24 of the county in which the State college is located, or any  
25 municipality in close proximity to the State college;

26 (2) The terms, conditions, restrictions and specifications set  
27 forth in the negotiated contract or agreement are not substantially  
28 different from those which were the subject of competitive bidding  
29 [pursuant to section 4 of this article]; and

30 (3) Any minor amendment or modification of any of the terms,  
31 conditions, restrictions and specifications, which were the subject of  
32 competitive bidding [pursuant to section 4 of P.L.1986, c.43  
33 (C.18A:64-55)], shall be stated in the resolution awarding the  
34 contract or agreement; except that if on the second occasion the  
35 bids received are rejected as unreasonable as to price, the State  
36 college shall notify each responsible bidder submitting bids on the  
37 second occasion of its intention to negotiate and afford each bidder  
38 a reasonable opportunity to negotiate, but the State college shall not  
39 award the contract or agreement unless the negotiated price is lower  
40 than the lowest rejected bid price submitted on the second occasion  
41 by a responsible bidder, is the lowest negotiated price offered by  
42 any reasonable vendor, and is a reasonable price for the work,  
43 materials, supplies or services. Whenever a State college shall  
44 determine that a bid was not arrived at independently in open  
45 competition pursuant to subsection c. (ii) of this section, it shall  
46 thereupon notify the Attorney General of the facts upon which its  
47 determination is based and, when appropriate, it may institute

1 appropriate proceedings in any State or federal court of competent  
2 jurisdiction for a violation of any State or federal antitrust law or  
3 laws relating to the unlawful restraint of trade.

4 (cf: P.L.2005, c.369, s.5)

5

6 4. Section 30 of P.L.1986, c.43 (C.18A:64-81) is amended to  
7 read as follows:

8 30. No action for damages shall lie against the **【Board of Higher**  
9 **Education, the Commission on】** Secretary of Higher Education, the  
10 Presidents' Council, any State official, any State college or its board  
11 of trustees or any of its officers because of any action taken 【by  
12 virtue of the provisions of this article】 in regard to contracts and  
13 agreements for the purchase of lands, buildings, equipment,  
14 materials, supplies and services.

15 (cf: P.L.1994, c.48, s.118)

16

17 5. Section 43 of P.L.2009, c.90 (C.18A:64-85) is amended to  
18 read as follows:

19 43. a. (1) A State college or county college may enter into a  
20 contract with a private entity, subject to subsection f. of this section,  
21 to be referred to as a public-private partnership agreement, that  
22 permits the private entity to assume full financial and administrative  
23 responsibility for the on-campus construction, reconstruction,  
24 repair, alteration, improvement, extension, management, or  
25 operation of a building, structure, or facility of, or for the benefit of,  
26 the institution, provided that the project is financed in whole by the  
27 private entity and that the State or institution of higher education, as  
28 applicable, retains full ownership of the land upon which the project  
29 is completed.

30 (2) A public-private partnership agreement may include an  
31 agreement under which a State or county college leases to a private  
32 entity the operation of a dormitory or other revenue-producing  
33 facility to which the college holds title, in exchange for up-front or  
34 structured financing by the private entity for the construction of  
35 classrooms, laboratories, or other academic buildings. Under the  
36 lease agreement, the college shall continue to hold title to the  
37 facility, and the private entity shall be responsible for the  
38 management, operation, and maintenance of the facility. The  
39 private entity shall receive some or all, as per the agreement, of the  
40 revenue generated by the facility and shall operate the facility in  
41 accordance with college standards. A lease agreement shall not  
42 affect the status or employment rights of college employees who are  
43 assigned to, or provide services to, the leased facility. At the end of  
44 the lease term, subsequent revenue generated by the facility, along  
45 with management, operation, and maintenance responsibility, shall  
46 revert to the college.

47 b. (1) A private entity that assumes financial and  
48 administrative responsibility for a project pursuant to subsection a.

1 of this section shall not be subject to the procurement and  
2 contracting requirements of all statutes applicable to the institution  
3 of higher education at which the project is completed, including, but  
4 not limited to, the ["State College Contracts Law," P.L.1986, c.43  
5 (C.18A:64-52 et seq.), and the] "County College Contracts Law,"  
6 P.L.1982, c.189 (C.18A:64A-25.1 et seq.). For the purposes of  
7 facilitating the financing of a project pursuant to subsection a. of  
8 this section, a public entity may become the owner or lessee of the  
9 project or the lessee of the land, or both, may become the lessee of a  
10 dormitory or other revenue-producing facility to which the college  
11 holds title, may issue indebtedness in accordance with the public  
12 entity's enabling legislation and, notwithstanding any provision of  
13 law to the contrary, shall be empowered to enter into contracts with  
14 a private entity and its affiliates without being subject to the  
15 procurement and contracting requirements of any statute applicable  
16 to the public entity provided that the private entity has been selected  
17 by the institution of higher education pursuant to a solicitation of  
18 proposals or qualifications. For the purposes of this section, a  
19 public entity shall include the New Jersey Economic Development  
20 Authority, and any project undertaken pursuant to subsection a. of  
21 this section of which the authority becomes the owner or lessee, or  
22 which is situated on land of which the authority becomes the lessee,  
23 shall be deemed a "project" under the "New Jersey Economic  
24 Development Authority Act," P.L.1974, c.80 (C.34:1B-1 et seq.).

25 (2) As the carrying out of any project described pursuant to this  
26 section constitutes the performance of an essential public function,  
27 all projects predominantly used in furtherance of the educational  
28 purposes of the institution undertaken pursuant to this section,  
29 provided it is owned by or leased to a public entity, non-profit  
30 business entity, foreign or domestic, or a business entity wholly  
31 owned by such non-profit business entity, shall at all times be  
32 exempt from property taxation and special assessments of the State,  
33 or any municipality, or other political subdivision of the State and,  
34 notwithstanding the provisions of section 15 of P.L.1974, c.80  
35 (C.34:1B-15), section 2 of P.L.1977, c.272 (C.54:4-2.2b), or any  
36 other section of law to the contrary, shall not be required to make  
37 payments in lieu of taxes. The land upon which the project is  
38 located shall also at all times be exempt from property taxation.  
39 Further, the project and land upon which the project is located shall  
40 not be subject to the provisions of section 1 of P.L.1984, c.176  
41 (C.54:4-1.10) regarding the tax liability of private parties  
42 conducting for profit activities on tax exempt land, or section 1 of  
43 P.L.1949, c.177 (C.54:4-2.3) regarding the taxation of leasehold  
44 interests in exempt property that are held by nonexempt parties.

45 c. Each worker employed in the construction, rehabilitation, or  
46 building maintenance services of facilities by a private entity that  
47 has entered into a public-private partnership agreement with a State  
48 or county college pursuant to subsection a. of this section shall be

1 paid not less than the prevailing wage rate for the worker's craft or  
2 trade as determined by the Commissioner of Labor and Workforce  
3 Development pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.)  
4 and P.L.2005, c.379 (C.34:11-56.58 et seq.).

5 d. (1) All construction projects under a public-private  
6 partnership agreement entered into pursuant to this section shall  
7 contain a project labor agreement. The project labor agreement  
8 shall be subject to the provisions of P.L.2002, c.44 (C.52:38-1 et  
9 seq.), and shall be in a manner that to the greatest extent possible  
10 enhances employment opportunities for individuals residing in the  
11 county of the project's location. Further, the general contractor,  
12 construction manager, design-build team, or subcontractor for a  
13 construction project proposed in accordance with this paragraph  
14 shall be registered pursuant to the provisions of P.L.1999, c.238  
15 (C.34:11-56.48 et seq.), and shall be classified by the Division of  
16 Property Management and Construction to perform work on a  
17 public-private partnership higher education project. All  
18 construction projects proposed in accordance with this paragraph  
19 shall be submitted to the New Jersey Economic Development  
20 Authority for its review and approval and, when practicable, are  
21 encouraged to adhere to the Leadership in Energy and  
22 Environmental Design Green Building Rating System as adopted by  
23 the United States Green Building Council.

24 (2) Where no public fund has been established for the financing  
25 of a public improvement, the chief financial officer of the public  
26 owner shall require the private entity for whom the public  
27 improvement is being made to post, or cause to be posted, a bond  
28 guaranteeing prompt payment of moneys due to the contractor, his  
29 or her subcontractors and to all persons furnishing labor or  
30 materials to the contractor or his or her subcontractors in the  
31 prosecution of the work on the public improvement.

32 e. A general contractor, construction manager, design-build  
33 team, or subcontractor shall be registered pursuant to the provisions  
34 of P.L.1999, c.238 (C.34:11-56.48 et seq.), and shall be classified  
35 by the Division of Property Management and Construction to  
36 perform work on a public-private partnership higher education  
37 project.

38 f. (1) On or before August 1, 2015, all projects proposed in  
39 accordance with this section shall be submitted to the New Jersey  
40 Economic Development Authority for the authority's review and  
41 approval; except that in the case of projects proposed in accordance  
42 with paragraph (2) of subsection a. of this section, all projects shall  
43 be submitted on or before August 1, 2016. The projects are  
44 encouraged, when practicable, to adhere to the green building  
45 manual prepared by the Commissioner of Community Affairs  
46 pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6). Any  
47 application that is deemed to be incomplete on August 2, 2015, or  
48 on August 2, 2016 in the case of an application submitted pursuant

1 to paragraph (2) of subsection a. of this section, shall not be eligible  
2 for consideration.

3 (2) (a) In order for an application to be complete and  
4 considered by the authority, the application shall include, but not be  
5 limited to: (i) a public-private partnership agreement between the  
6 State or county college and the private developer; (ii) a full  
7 description of the project, including a description of any agreement  
8 for the lease of a revenue-producing facility related to the project;  
9 (iii) the estimated costs and financial documentation for the project;  
10 (iv) a timetable for completion of the project extending no more  
11 than five years after consideration and approval; and (v) any other  
12 requirements that the authority deems appropriate or necessary.

13 (b) As part of the estimated costs and financial documentation  
14 for the project, the application shall contain a long-range  
15 maintenance plan and shall specify the expenditures that qualify as  
16 an appropriate investment in maintenance. The long-range  
17 maintenance plan shall be approved by the authority pursuant to  
18 regulations promulgated by the authority that reflect national  
19 building maintenance standards and other appropriate building  
20 maintenance benchmarks. All contracts to implement a long-range  
21 maintenance plan pursuant to this paragraph shall contain a project  
22 labor agreement. The project labor agreement shall be subject to  
23 the provisions of P.L.2002, c.44 (C.52:38-1 et seq.), and shall be in  
24 a manner that to the greatest extent possible enhances employment  
25 opportunities for individuals residing in the county of the project's  
26 location.

27 (3) The authority shall review all completed applications, and  
28 request additional information as is needed to make a complete  
29 assessment of the project. No project shall be undertaken until final  
30 approval has been granted by the authority; provided, however, that  
31 the authority shall retain the right to revoke approval if it  
32 determines that the project has deviated from the plan submitted  
33 pursuant to paragraph (2) of this subsection.

34 (4) The authority may promulgate any rules and regulations  
35 necessary to implement this subsection, including provisions for  
36 fees to cover administrative costs.

37 Where no public fund has been established for the financing of a  
38 public improvement, the chief financial officer of the public owner  
39 shall require the private entity for whom the public improvement is  
40 being made to post, or cause to be posted, a bond guaranteeing  
41 prompt payment of moneys due to the contractor, his or her  
42 subcontractors and to all persons furnishing labor or materials to the  
43 contractor or his or her subcontractors in the prosecution of the  
44 work on the public improvement.

45 g. The provisions of P.L.2009, c.136 (C.52:18-42 et al.) shall  
46 not apply to any project carried out pursuant to this section.  
47 (cf: P.L.2013, c.161, s.26)

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- 1       6. Section 7 of P.L.1995, c.400 (C.18A:64E-18) is amended to  
2 read as follows:
- 3       7. The board of trustees of the university shall have general  
4 supervision over and be vested with the conduct, control,  
5 management and administration of the university. It shall have the  
6 authority and responsibility to:
- 7       a. Adopt, use, and modify, as it deems appropriate, its  
8 corporate seal;
- 9       b. Determine the policies for the organization, administration  
10 and development of the university;
- 11       c. Approve the establishment of new educational programs and  
12 the discontinuance of existing educational programs at the  
13 university consistent with the university's programmatic mission as  
14 authorized by the State Board of Higher Education prior to July 1,  
15 1994, or authorized thereafter in accordance with the provisions of  
16 the "Higher Education Restructuring Act of 1994," P.L.1994, c.48  
17 (C.18A:3B-1 et seq.);
- 18       d. Study the educational and financial needs of the university,  
19 annually acquaint the Governor and Legislature with the condition  
20 of the university, and prepare and submit an annual request for  
21 appropriation to the Division of Budget and Accounting in the  
22 Department of the Treasury in accordance with law;
- 23       e. Disburse all moneys appropriated to the university by the  
24 Legislature and thereafter provided the university and disburse all  
25 moneys received from tuition, fees, auxiliary services and other  
26 sources;
- 27       f. Direct and control expenditures and transfers of funds  
28 appropriated and provided by the State through its legislative and  
29 executive branches and as to funds received from other sources,  
30 direct and control expenditures and transfers in accordance with the  
31 terms of any applicable trusts, gifts, bequests, or other special  
32 provisions. The university shall annually report changes and  
33 additions thereto and transfers thereof to the Director of the  
34 Division of Budget and Accounting in the Department of the  
35 Treasury. All accounts of the university shall be subject to audit by  
36 the State at any time;
- 37       g. Appoint and fix the compensation and term of office of a  
38 president of the university, who, as the executive officer of the  
39 university, shall be assigned that authority and delegated those  
40 duties that the board, consistent with law and duly adopted bylaws  
41 of the board, determines are in keeping with the purposes of this act  
42 and in the best interests of the university;
- 43       h. Consistent with the provisions of its budget, this act and any  
44 and all controlling collective bargaining agreements, have the  
45 power, upon nomination or recommendation of the president, to  
46 appoint, remove, promote and transfer all other officers, agents, or  
47 employees which may be required to carry out the provisions of this  
48 act and prescribe qualifications for those positions, and assign

1 requisite duties and determine and fix respective compensation for  
2 those positions in accordance with duly adopted salary program  
3 parameters;

4 i. Subject to provision for impartial binding dispute resolution  
5 through collective bargaining or as provided by university policy  
6 and further subject to and limited by any law to the contrary, have  
7 final authority to determine controversies and disputes concerning  
8 tenure, personnel matters and other issues involving the university  
9 arising under Title 18A of the New Jersey Statutes. Any hearings  
10 conducted by the board pursuant to this section shall conform to the  
11 requirements of the "Administrative Procedure Act," P.L.1968,  
12 c.410 (C.52:14B-1 et seq.). The final administrative decision of the  
13 board, in any action enabled hereunder, is appealable to the  
14 Superior Court, Appellate Division;

15 j. Borrow money for the needs of the university, as deemed  
16 requisite by the board, in such amounts, for such time and upon  
17 such terms as may be determined by the board; provided that no  
18 such borrowing shall be deemed or construed to create or constitute  
19 a debt, liability, or a loan or pledge of the credit, or be payable out  
20 of property or funds, other than moneys appropriated for that  
21 purpose, of the State;

22 k. Purchase, lease, acquire by gifts, condemnation or otherwise,  
23 manage, use, control, encumber and dispose of property, or any  
24 interest therein, whether real, personal or mixed, including, but not  
25 limited to, all buildings and grounds, as necessary or deemed  
26 desirable for university purposes.

27 (1) Employ architects and engineers to plan buildings and other  
28 campus facilities; secure bids for the construction of buildings and  
29 for the equipment thereof; make contracts for the construction of  
30 buildings and for the equipment thereof; and supervise that  
31 construction;

32 (2) Accept from any government or governmental department,  
33 agency or other public or private body or from any other source  
34 grants or contributions of money or property which the board may  
35 use for or in aid of any of its purposes;

36 (3) Adopt standing operating rules and procedures for the  
37 purchase of all properties, whether real, personal or mixed and  
38 including all equipment, materials and supplies and for the purchase  
39 of all services. These rules and procedures shall include public  
40 competitive bidding, where the sum to be expended exceeds  
41 ~~[\$17,700]~~ \$100,000 or the amount determined by the Governor as  
42 provided herein and the awarding of contracts to that responsible  
43 bidder whose bid, conforming to the invitation for bids, will be  
44 most advantageous to the university, price and other factors  
45 considered . This public bidding process shall not be required in  
46 those exceptions created by the board of trustees of the university,  
47 which shall be in substance those exceptions contained in sections 4  
48 and 5 of P.L.1954, c.48 (C.52:34-9 and 10). Neither shall public

1 bidding be required for the supplying of any product or the  
2 rendering of any service by a public utility, subject to the  
3 jurisdiction of the Board of Public Utilities of the State and tariffs  
4 and schedules of the charges, made, charged, or exacted by the  
5 public utility for any products to be supplied or services to be  
6 rendered as are filed with that board. Commencing January 1,  
7 **[1997]** 2020 and every two years thereafter, the Governor, in  
8 consultation with the Department of the Treasury, shall adjust the  
9 threshold amount set forth in this paragraph in direct proportion to  
10 the rise or fall of the consumer price index for all urban consumers  
11 in the New York City and the Philadelphia areas as reported by the  
12 United States Department of Labor. The Governor shall notify the  
13 university of the adjustment. The adjustment shall become  
14 effective on July 1 of the year in which it is reported.

15 This subsection shall not prevent the university from having any  
16 work done by its own employees, nor shall it apply to repairs, or to  
17 the furnishing of materials, supplies or labor or the hiring of  
18 equipment or vehicles, when the safety or protection of its or other  
19 public property or the public convenience requires or the exigency  
20 of the university's service will not admit of such advertisement. In  
21 such case, the university shall ,by resolution passed by an  
22 affirmative vote of its board of trustees, declare the exigency or  
23 emergency to exist, remediate as practicable and maintain  
24 appropriate records as to the reason for such awards, reporting as  
25 soon as practicable thereafter to its board of trustees on all such  
26 purchases, the amounts and the reasons therefor;

27 (4) Manage and maintain, and provide for the payment of all  
28 charges on and expenses in respect of, all properties utilized by the  
29 university;

30 (5) Invest certain moneys in such obligations, securities and  
31 other investments as the board shall deem prudent consistent with  
32 the purpose and provisions of this act and in accordance with State  
33 and federal law, as follows:

34 Investment in not for profit corporations or for profit  
35 corporations organized and operated pursuant to the provisions of  
36 subsection s. of this section may utilize income realized from the  
37 sale or licensing of intellectual property as well as the reinvestment  
38 of earnings on intellectual property. Investment in not for profit  
39 corporations may also utilize income from overhead grant fund  
40 recovery as permitted by federal law as well as other university  
41 funds except those specified in paragraph 4 of subsection s. of this  
42 section;

43 (6) Exercise the right of eminent domain, pursuant to the  
44 provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361  
45 (C.20:3-1 et seq.), to acquire any property or interest therein;

46 1. Fix and determine tuition rates, and other fees to be paid by  
47 students, after reasonable notice and public hearing pursuant to the

1 provisions of the "Higher Education Restructuring Act of 1994,"  
2 P.L.1994, c.48 (C.18A:3B-1 et seq.);

3 m. Grant diplomas, certificates or degrees;

4 n. Enter into contracts and agreements with the State or any of  
5 its political subdivisions or with the United States, or with any  
6 public body, department or other agency of the State or the United  
7 States or with any individual, firm or corporation which are deemed  
8 necessary or advisable by the board for carrying out the provisions  
9 of this act. A contract or agreement pursuant to this subsection may  
10 require a municipality to undertake obligations and duties to be  
11 performed subsequent to the expiration of the term of office of the  
12 elected governing body of the municipality which initially entered  
13 into or approved the contract or agreement, and the obligations and  
14 duties so incurred by the municipality shall be binding and of full  
15 force and effect, notwithstanding that the term of office of the  
16 elected members of the governing body of the municipality which  
17 initially entered into or approved that contract or agreement, shall  
18 have expired.

19 Pursuant to this subsection, the board of trustees may procure  
20 and enter into contracts for any type of insurance and indemnify  
21 against loss or damage to property from any cause, including loss of  
22 use and occupancy, against death or injury of any person, against  
23 employees' liability, against any act of any member, officer,  
24 employee or servant of the university, whether part-time, full-time,  
25 compensated or non-compensated in the performance of the duties  
26 of his office or employment or any other insurable risk. In addition,  
27 the university shall carry its own liability insurance or maintain an  
28 actuarially sound program of self-insurance. Any joint venture,  
29 subsidiary corporation, or partnership or other jural entity entered  
30 into or owned wholly or in part by the university shall maintain  
31 insurance or reserves in such amounts as are determined by an  
32 actuary to be sufficient to meet its actual or accrued claims;

33 o. Adopt bylaws and amend the same as deemed necessary  
34 from time to time and make, promulgate and modify at its pleasure  
35 such rules, regulations and orders, not inconsistent with the  
36 provisions of this act, as are deemed necessary and proper for the  
37 administration and operation of the university and to implement the  
38 provisions of this act;

39 p. Develop an institutional plan and determine the schools,  
40 departments, programs and degree levels to be offered by the  
41 university consistent with that plan and the university's  
42 programmatic mission as authorized by the State Board of Higher  
43 Education prior to July 1, 1994, or authorized thereafter in  
44 accordance with the provisions of the "Higher Education  
45 Restructuring Act of 1994," P.L.1994, c.48 (C.18A:3B-1 et seq.);

46 q. Function as a public employer under the "New Jersey  
47 Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1  
48 et seq.), appointing its chief spokesperson and continuing to

1 conduct all labor negotiations with the participation of the  
2 Governor's Office of Employee Relations;

3 r. Continue to retain independent counsel;

4 s. Participate as the general partner or as a limited partner,  
5 either directly or through a subsidiary corporation created by the  
6 university, in limited partnerships, general partnerships, or joint  
7 ventures engaged in the development, manufacture, or marketing of  
8 products, technology, scientific information or services and create  
9 or form for profit or not for profit corporations to engage in such  
10 activities; provided that any such participation shall be consistent  
11 with the mission of the university and the board shall have  
12 determined that such participation is prudent.

13 (1) The decision to participate in any of the activities described  
14 in this subsection, including the creation or formation of for profit  
15 or not for profit corporations, shall be articulated in the minutes of  
16 the board of trustees meeting in which action was approved. A true  
17 copy of the minutes of that meeting shall be delivered to the  
18 Governor. No such action shall take effect until 30 days, Saturdays,  
19 Sundays and public holidays excepted, after the copy of the minutes  
20 shall have been delivered to the Governor. If, within the 30-day  
21 period, the Governor returns the minutes of the meeting with a veto  
22 of the action taken by the board, the action taken by the board shall  
23 be null and void and of no effect.

24 (2) Any actions taken by the university pursuant to this  
25 subsection shall be in conformity with the university's policy on  
26 conflicts of interest and the provisions of P.L.1971, c.182  
27 (C.52:13D-12 et seq.), which shall apply to the university, its  
28 employees and officers.

29 (3) Nothing herein shall be deemed or construed to create or  
30 constitute a debt, liability, or a loan or pledge of the credit or be  
31 payable out of property or funds of the State.

32 (4) Funds directly appropriated to the university from the State  
33 or derived from the university's academic programs shall not be  
34 utilized by the for profit or not for profit corporations organized and  
35 operated pursuant to this subsection in the development,  
36 manufacture or marketing of products, technology or scientific  
37 information.

38 (5) Employees of any joint venture, subsidiary corporation,  
39 partnership or other jural entity entered into or owned wholly or in  
40 part by the university shall not be deemed public employees.

41 (6) A joint venture, subsidiary corporation, partnership or other  
42 jural entity entered into or owned wholly or in part by the university  
43 shall not be deemed an instrumentality of the State of New Jersey.

44 (7) Income realized by the university as a result of participation  
45 in the development, manufacture or marketing of products,  
46 technology, or scientific information may be invested, reinvested or  
47 retained by the board in accordance with the provisions of this act

1 and any other State or federal law for use in furtherance of any of  
2 the purposes of this act or of other applicable statutes.

3 (8) The board shall include in its annual report to the State  
4 Treasurer, the operation of all joint ventures, subsidiary  
5 corporations, partnerships or other jural entities entered into or  
6 owned wholly or in part by the university;

7 t. Create, operate, or participate in the operation of such  
8 auxiliary organizations as permitted by law which the board deems  
9 prudent and which are in keeping with the educational and public  
10 service mission of the university; and

11 u. Sue and be sued in its own name.

12 (cf: P.L.1995, c.400, s.7)

13

14 7. Section 41 of P.L.2012, c.45 (C.18A:64M-9) is amended to  
15 read as follows:

16 41. The board of trustees of Rowan University shall have the  
17 general supervision over and be vested with the conduct of the  
18 university. It shall have the power and duty, subject to the approval  
19 of the Rowan University-Rutgers Camden Board of Governors  
20 which shall be subject to the limitations set forth in section 34 of  
21 P.L.2012, c.45 (C.18A:64M-38), to:

22 a. Adopt and use a corporate seal;

23 b. Determine the educational curriculum and program of the  
24 university;

25 c. Determine policies for the organization, administration, and  
26 development of the university;

27 d. Study the educational and financial needs of the university,  
28 annually acquaint the Governor and Legislature with the condition  
29 of the university, and prepare and submit an annual request for  
30 appropriation to the Division of Budget and Accounting in the  
31 Department of the Treasury in accordance with law;

32 e. Disburse all moneys appropriated to the university by the  
33 Legislature and all moneys received from tuition, fees, auxiliary  
34 services and other sources;

35 f. Direct and control expenditures and transfers of funds  
36 appropriated to the university in accordance with the provisions of  
37 the State budget and appropriation acts of the Legislature, and, as to  
38 funds received from other sources, direct and control expenditures  
39 and transfers in accordance with the terms of any applicable trusts,  
40 gifts, bequests, or other special provisions, reporting changes and  
41 additions thereto and transfers thereof to the Director of the  
42 Division of Budget and Accounting in the Department of the  
43 Treasury. All accounts of the university shall be subject to audit by  
44 the State at any time;

45 g. In accordance with the provisions of the State budget and  
46 appropriation acts of the Legislature, appoint and fix the  
47 compensation and term of office of a president of the university  
48 who shall be the executive officer of the university and an ex officio

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- 1 member of the board of trustees, without vote, and shall serve at the  
2 pleasure of the board of trustees;
- 3 h. In accordance with the provisions of the State budget and  
4 appropriation acts of the Legislature, appoint, upon nomination of  
5 the president, such deans and other members of the academic,  
6 administrative, and teaching staffs as shall be required and fix their  
7 compensation and terms of employment;
- 8 i. Consistent with the provisions of its budget, this act and any  
9 and all controlling collective bargaining agreements, have the  
10 power, upon nomination or recommendation of the president, to  
11 appoint, remove, promote and transfer all other officers, agents, or  
12 employees which may be required to carry out the provisions of this  
13 act and prescribe qualifications for those positions, and assign  
14 requisite duties and determine and fix respective compensation for  
15 those positions in accordance with duly adopted salary program  
16 parameters;
- 17 j. Grant diplomas, certificates or degrees;
- 18 k. Enter into contracts and agreements with the State or any of  
19 its political subdivisions or with the United States, or with any  
20 public body, department or other agency of the State or the United  
21 States or with any individual, firm or corporation which are deemed  
22 necessary or advisable by the board for carrying out the provisions  
23 of this act. A contract or agreement pursuant to this subsection may  
24 require a municipality to undertake obligations and duties to be  
25 performed subsequent to the expiration of the term of office of the  
26 elected governing body of such municipality which initially entered  
27 into or approved said contract or agreement, and the obligations and  
28 duties so incurred by such municipality shall be binding and of full  
29 force and effect, notwithstanding that the term of office of the  
30 elected governing body of such municipality which initially entered  
31 into or approved said contract or agreement, shall have expired;
- 32 l. Exercise the right of eminent domain, pursuant to the  
33 provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361  
34 (C.20:3-1 et seq.), to acquire any property or interest therein;
- 35 m. Adopt, after consultation with the president and faculty,  
36 bylaws and make and promulgate such rules, regulations, and  
37 orders, not inconsistent with the provisions of this act as are  
38 necessary and proper for the administration and operation of the  
39 university and the carrying out of its purposes;
- 40 n. Establish fees for room and board sufficient for the  
41 operation, maintenance, and rental of student housing and food  
42 services facilities;
- 43 o. Fix and determine tuition rates and other fees to be paid by  
44 students;
- 45 p. Accept from any government or governmental department,  
46 agency or other public or private body or from any other source  
47 grants or contributions of money or property which the board may  
48 use for or in aid of any of its purposes;

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- 1 q. Acquire, by gift, purchase, condemnation or otherwise, own,  
2 lease, dispose of, use and operate property, whether real, personal  
3 or mixed, or any interest therein, which is necessary or desirable for  
4 university purposes;
- 5 r. Employ architects to plan buildings; secure bids for the  
6 construction of buildings and for the equipment thereof; make  
7 contracts for the construction of buildings and for equipment; and  
8 supervise the construction of buildings;
- 9 s. Manage and maintain, and provide for the payment of all  
10 charges on and expenses in respect of, all properties utilized by the  
11 university;
- 12 t. Borrow money and to secure the same by a mortgage on its  
13 property or any part thereof, and to enter into any credit agreement  
14 for the needs of the university and projects of the Rowan  
15 University-Rutgers Camden Board of Governors, as deemed  
16 requisite by the board, in such amounts and for such time and upon  
17 such terms as may be determined by the board, provided that no  
18 such borrowing shall be deemed or construed to create or constitute  
19 a debt, liability, or a loan or pledge of the credit or be payable out  
20 of property or funds, other than moneys appropriated for that  
21 purpose, of the State;
- 22 u. Authorize any new program, educational department or  
23 school consistent with the programmatic mission of the institution  
24 or approved by the Secretary of Higher Education;
- 25 v. Adopt standing operating rules and procedures for the  
26 purchase of all equipment, materials, supplies and services;  
27 however, no contract on behalf of the university shall be entered  
28 into for the purchase of services, materials, equipment and supplies,  
29 for the performance of any work, or for the hiring of equipment or  
30 vehicles, where the sum to be expended exceeds **[\$30,700]**  
31 \$100,000 or the amount determined by the Governor as provided  
32 herein, unless the university shall first publicly advertise for bids  
33 and shall award the contract to that responsible bidder whose bid,  
34 conforming to the invitation for bids, will be most advantageous to  
35 the university, price and other factors considered. Such advertising  
36 shall not be required in those exceptions created by the board of  
37 trustees of the university, which shall be in substance those  
38 exceptions contained in sections 4 and 5 of P.L.1954, c.48  
39 (C.52:34-9 and 10) and section 5 of P.L.1986, c.43 (C.18A:64-56)  
40 or for the supplying of any product or the rendering of any service  
41 by a public utility subject to the jurisdiction of the Board of Public  
42 Utilities of this State and tariffs and schedules of the charges made,  
43 charged, or exacted by the public utility for any such products to be  
44 supplied or services to be rendered are filed with the said board.  
45 Commencing July 1, **[2013]** 2020 and every two years thereafter,  
46 the Governor, in consultation with the Department of the Treasury,  
47 shall adjust the threshold amount set forth in this paragraph in direct  
48 proportion to the rise or fall of the consumer price index for all

1 urban consumers in the New York City and the Philadelphia areas  
2 as reported by the United States Department of Labor. The  
3 Governor shall notify the university of the adjustment. The  
4 adjustment shall become effective on July 1 of the year in which it  
5 is reported.

6 This subsection shall not prevent the university from having any  
7 work performed by its own employees, nor shall it apply to repairs,  
8 or to the furnishing of materials, supplies or labor, or the hiring of  
9 equipment or vehicles, when the safety or protection of its or other  
10 public property or the public convenience requires or the exigency  
11 of the university's service will not admit of such advertisement. In  
12 such case, the university shall, by resolution passed by the  
13 affirmative vote of its board of trustees, declare the exigency or  
14 emergency to exist, and set forth in the resolution the nature and  
15 approximate amount to be expended; shall maintain appropriate  
16 records as to the reason for such awards; and shall report regularly  
17 to its board of trustees on all such purchases, the amounts and the  
18 reasons therefor;

19 w. Invest certain moneys in such obligations, securities and  
20 other investments as the board shall deem prudent, consistent with  
21 the purposes and provisions of this act and in accordance with State  
22 and federal law, as follows:

23 Investment in not-for-profit corporations or for-profit  
24 corporations organized and operated pursuant to the provisions of  
25 subsection x. of this section may utilize income realized from the  
26 sale or licensing of intellectual property as well as the reinvestment  
27 of earnings on intellectual property. Investment in not-for-profit  
28 corporations may also utilize income from the operation of faculty  
29 practice plans of the university and income from overhead grant  
30 fund recovery as permitted by federal law as well as other  
31 university funds except those specified in paragraph 5 of subsection  
32 x. of this section;

33 x. (1) Participate as the general partner or as a limited  
34 partner, either directly or through a subsidiary corporation created  
35 by the university, in limited partnerships, general partnerships, or  
36 joint ventures engaged in the development, manufacture, or  
37 marketing of products, technology, scientific information or health  
38 care services and create or form for-profit or not-for-profit  
39 corporations to engage in such activities; provided that any such  
40 participation shall be consistent with the mission of the university  
41 and the board shall have determined that such participation is  
42 prudent;

43 (2) The decision to participate in any activity described in  
44 paragraph (1) of this subsection, including the creation or formation  
45 of for-profit or not-for-profit corporations, shall be articulated in the  
46 minutes of the board of trustees meeting in which the action was  
47 approved;

- 1 (3) The provisions of P.L.1971, c.182 (C.52:13D-12 et seq.)  
2 shall continue to apply to the university, its employees, and  
3 officers;
- 4 (4) Nothing herein shall be deemed or construed to create or  
5 constitute a debt, liability, or a loan or pledge of the credit or be  
6 payable out of property or funds of the State;
- 7 (5) Funds directly appropriated to the university from the State  
8 or derived from the university's academic programs or derived from  
9 payment for coverage provided by the self insurance fund for claims  
10 accruing prior to the effective date of this act shall not be utilized  
11 by the for-profit or not-for-profit corporations organized and  
12 operated pursuant to this subsection in the development,  
13 manufacture, or marketing of products, technology or scientific  
14 information;
- 15 (6) Employees of any joint venture, subsidiary corporation,  
16 partnership, or other jural entity entered into or owned wholly or in  
17 part by the university shall not be deemed public employees;
- 18 (7) A joint venture, subsidiary corporation, partnership, or other  
19 jural entity entered into or owned wholly or in part by the university  
20 shall not be deemed an instrumentality of the State of New Jersey;
- 21 (8) Income realized by the university as a result of participation  
22 in the development, manufacture, or marketing of products,  
23 technology, or scientific information may be invested or reinvested  
24 pursuant to subsection w. of this section or any other provision of  
25 this act or State or federal law or retained by the board for use in  
26 furtherance of any of the purposes of this act or of other applicable  
27 statutes;
- 28 (9) The board shall annually report to the State Treasurer on the  
29 operation of all joint ventures, subsidiary corporations,  
30 partnerships, or such other jural entities entered into or owned  
31 wholly or in part by the university;
- 32 y. Sue and be sued in its own name;
- 33 z. Retain independent counsel including representation by the  
34 Attorney General in accordance with subsection h. of section 6 of  
35 P.L.1994, c.48 (C.18A:3B-6);
- 36 aa. (1) Procure and enter into contracts for any type of  
37 insurance and indemnify against loss or damage to property from  
38 any cause, including loss of use and occupancy, against death or  
39 injury of any person, against employees' liability, against any act of  
40 any member, officer, employee or servant of the university, whether  
41 part-time, full-time, compensated or non-compensated in the  
42 performance of the duties of his office or employment or any other  
43 insurable risk. In addition, the university shall carry its own liability  
44 insurance or maintain an actuarially sound program of self  
45 insurance. Any joint venture, subsidiary corporation, or partnership  
46 or such other jural entity entered into or owned wholly or in part by  
47 the university shall carry insurance or maintain reserves in such

1 amounts as are determined by an actuary to be sufficient to meet its  
2 actual or accrued claims;

3 (2) Moneys in the fund known as the Self-Insurance Trust Fund  
4 administered by the State Treasurer shall continue to be available to  
5 the university solely to indemnify and defend claims against the  
6 university and its employees, officers and servants but only to the  
7 extent that the university has elected on behalf of itself and its  
8 employees to obtain representation from the Attorney General  
9 pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-  
10 6) and such entity or individuals would have been entitled to  
11 defense and indemnification pursuant to the "New Jersey Tort  
12 Claims Act," N.J.S.59:1-1 et seq., as a State entity or State  
13 employee but for the provision of subsection z. of this section. Any  
14 expenditure of such funds shall be made only in accordance with  
15 the provisions of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et  
16 seq., including but not limited to the provisions of chapters 10, 10A  
17 and 11 of Title 59 of the New Jersey Statutes. Nothing herein shall  
18 be construed to authorize the use of the Self-Insurance Trust Fund  
19 to indemnify or insure in any way, directly or indirectly the  
20 activities of any joint venture, partnership or corporation entered  
21 into or created by the university pursuant to subsection x. of this  
22 section;

23 bb. Create auxiliary organizations subject to the provisions of  
24 P.L.1982, c.16 (C.18A:64-26 et seq.);

25 cc. Adopt a code of ethics that complies with the requirements  
26 of all statutes applicable to the institution, including, but not  
27 limited, to the "Higher Education Restructuring Act of 1994,"  
28 P.L.1994, c.48 (C.18A:3B-1 et al.), the "New Jersey Conflicts of  
29 Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.), regulations of  
30 the State Ethics Commission, and any applicable executive orders;  
31 and

32 dd. Establish a procedure for the confidential, anonymous  
33 submission of employee concerns regarding alleged wrongdoing at  
34 the university.

35 (cf: P.L.2013, c.227, s.2)

36

37 8. Section 9 of P.L.2017, c.178 (C.18A:64N-9) is amended to  
38 read as follows:

39 9. The board of trustees of Montclair State University shall  
40 have the general supervision over and be vested with the conduct of  
41 the university. It shall have the power and duty to:

42 a. Adopt and use a corporate seal;

43 b. Determine the educational curriculum and program of the  
44 university;

45 c. Determine policies for the organization, administration, and  
46 development of the university;

47 d. Study the educational and financial needs of the university,  
48 annually acquaint the Governor and Legislature with the condition

- 1 of the university, and prepare and submit an annual request for  
2 appropriation to the Division of Budget and Accounting in the  
3 Department of the Treasury in accordance with law;
- 4 e. Disburse all moneys appropriated to the university by the  
5 Legislature and all moneys received from tuition, fees, auxiliary  
6 services and other sources;
- 7 f. Direct and control expenditures and transfers of funds  
8 appropriated to the university in accordance with the provisions of  
9 the State budget and appropriation acts of the Legislature, and, as to  
10 funds received from other sources, direct and control expenditures  
11 and transfers in accordance with the terms of any applicable trusts,  
12 gifts, bequests, or other special provisions, reporting changes and  
13 additions thereto and transfers thereof to the Director of the  
14 Division of Budget and Accounting in the Department of the  
15 Treasury. All accounts of the university shall be subject to audit by  
16 the State at any time;
- 17 g. In accordance with the provisions of the State budget and  
18 appropriation acts of the Legislature, appoint and fix the  
19 compensation and term of office of a president of the university  
20 who shall be the executive officer of the university and an ex officio  
21 member of the board of trustees, without vote, and shall serve at the  
22 pleasure of the board of trustees;
- 23 h. In accordance with the provisions of the State budget and  
24 appropriation acts of the Legislature, appoint, upon nomination of  
25 the president, such deans and other members of the academic,  
26 administrative, and teaching staffs as shall be required and fix their  
27 compensation and terms of employment;
- 28 i. Consistent with the provisions of its budget, this act and any  
29 and all controlling collective bargaining agreements, have the  
30 power, upon nomination or recommendation of the president, to  
31 appoint, remove, promote and transfer all other officers, agents, or  
32 employees which may be required to carry out the provisions of this  
33 act and prescribe qualifications for those positions, and assign  
34 requisite duties and determine and fix respective compensation for  
35 those positions in accordance with duly adopted salary program  
36 parameters;
- 37 j. Grant diplomas, certificates or degrees;
- 38 k. Enter into contracts and agreements with the State or any of  
39 its political subdivisions or with the United States, or with any  
40 public body, department or other agency of the State or the United  
41 States or with any individual, firm or corporation which are deemed  
42 necessary or advisable by the board for carrying out the provisions  
43 of this act. A contract or agreement pursuant to this subsection may  
44 require a municipality to undertake obligations and duties to be  
45 performed subsequent to the expiration of the term of office of the  
46 elected governing body of such municipality which initially entered  
47 into or approved said contract or agreement, and the obligations and  
48 duties so incurred by such municipality shall be binding and of full

- 1 force and effect, notwithstanding that the term of office of the  
2 elected governing body of such municipality which initially entered  
3 into or approved said contract or agreement, shall have expired;
- 4 l. Exercise the right of eminent domain, pursuant to the  
5 provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361  
6 (C.20:3-1 et seq.), to acquire any property or interest therein;
- 7 m. Adopt, after consultation with the president and faculty,  
8 bylaws and make and promulgate such rules, regulations, and  
9 orders, not inconsistent with the provisions of this act as are  
10 necessary and proper for the administration and operation of the  
11 university and the carrying out of its purposes;
- 12 n. Establish fees for room and board sufficient for the  
13 operation, maintenance, and rental of student housing and food  
14 services facilities;
- 15 o. Fix and determine tuition rates and other fees to be paid by  
16 students;
- 17 p. Accept from any government or governmental department,  
18 agency or other public or private body or from any other source  
19 grants or contributions of money or property which the board may  
20 use for or in aid of any of its purposes;
- 21 q. Acquire, by gift, purchase, condemnation or otherwise, own,  
22 lease, dispose of, use and operate property, whether real, personal  
23 or mixed, or any interest therein, which is necessary or desirable for  
24 university purposes;
- 25 r. Employ architects to plan buildings; secure bids for the  
26 construction of buildings and for the equipment thereof; make  
27 contracts for the construction of buildings and for equipment; and  
28 supervise the construction of buildings;
- 29 s. Manage and maintain, and provide for the payment of all  
30 charges on and expenses in respect of, all properties utilized by the  
31 university;
- 32 t. Borrow money and to secure the same by a mortgage on its  
33 property or any part thereof, and to enter into any credit agreement  
34 for the needs of the university, as deemed requisite by the board, in  
35 such amounts and for such time and upon such terms as may be  
36 determined by the board, provided that no such borrowing shall be  
37 deemed or construed to create or constitute a debt, liability, or a  
38 loan or pledge of the credit or be payable out of property or funds,  
39 other than moneys appropriated for that purpose, of the State;
- 40 u. Authorize any new program, educational department or  
41 school consistent with the programmatic mission of the institution  
42 or approved by the Secretary of Higher Education;
- 43 v. Adopt standing operating rules and procedures for the  
44 purchase of all equipment, materials, supplies and services;  
45 however, no contract on behalf of the university shall be entered  
46 into for the purchase of services, materials, equipment and supplies,  
47 for the performance of any work, or for the hiring of equipment or  
48 vehicles, where the sum to be expended exceeds **[\$33,000]**

1 \$100,000 or the amount determined by the Governor as provided  
2 herein, unless the university shall first publicly advertise for bids  
3 and shall award the contract to that responsible bidder whose bid,  
4 conforming to the invitation for bids, will be most advantageous to  
5 the university, price and other factors considered. Such advertising  
6 shall not be required in those exceptions created by the board of  
7 trustees of the university, which shall be in substance those  
8 exceptions contained in sections 4 and 5 of P.L.1954, c.48  
9 (C.52:34-9 and 10) and section 5 of P.L.1986, c.43 (C.18A:64-56)  
10 or for the supplying of any product or the rendering of any service  
11 by a public utility subject to the jurisdiction of the Board of Public  
12 Utilities of this State and tariffs and schedules of the charges made,  
13 charged, or exacted by the public utility for any such products to be  
14 supplied or services to be rendered are filed with the said board.  
15 Commencing July 1, **[2017]** 2020 and every two years thereafter,  
16 the Governor, in consultation with the Department of the Treasury,  
17 shall adjust the threshold amount set forth in this paragraph in direct  
18 proportion to the rise or fall of the consumer price index for all  
19 urban consumers in the New York City and the Philadelphia areas  
20 as reported by the United States Department of Labor. The  
21 Governor shall notify the university of the adjustment. The  
22 adjustment shall become effective on July 1 of the year in which it  
23 is reported.

24 This subsection shall not prevent the university from having any  
25 work performed by its own employees, nor shall it apply to repairs,  
26 or to the furnishing of materials, supplies or labor, or the hiring of  
27 equipment or vehicles, when the safety or protection of its or other  
28 public property or the public convenience requires or the exigency  
29 of the university's service will not admit of such advertisement. In  
30 such case, the university shall, by resolution passed by the  
31 affirmative vote of its board of trustees, declare the exigency or  
32 emergency to exist, and set forth in the resolution the nature and  
33 approximate amount to be expended; shall maintain appropriate  
34 records as to the reason for such awards; and shall report regularly  
35 to its board of trustees on all such purchases, the amounts and the  
36 reasons therefor;

37 w. Invest certain moneys in such obligations, securities and  
38 other investments as the board shall deem prudent, consistent with  
39 the purposes and provisions of this act and in accordance with State  
40 and federal law, as follows:

41 Investment in not-for-profit corporations or for-profit  
42 corporations organized and operated pursuant to the provisions of  
43 subsection x. of this section may utilize income realized from the  
44 sale or licensing of intellectual property as well as the reinvestment  
45 of earnings on intellectual property. Investment in not-for-profit  
46 corporations may also utilize income from overhead grant fund  
47 recovery as permitted by federal law as well as other university

1 funds except those specified in paragraph 5 of subsection x. of this  
2 section;

3 x. (1) Participate as the general partner or as a limited  
4 partner, either directly or through a subsidiary corporation created  
5 by the university, in limited partnerships, general partnerships, or  
6 joint ventures engaged in the development, manufacture, or  
7 marketing of products, technology, scientific information or  
8 services and create or form for-profit or not-for-profit corporations  
9 to engage in such activities; provided that any such participation  
10 shall be consistent with the mission of the university and the board  
11 shall have determined that such participation is prudent;

12 (2) The decision to participate in any activity described in  
13 paragraph (1) of this subsection, including the creation or formation  
14 of for-profit or not-for-profit corporations, shall be articulated in the  
15 minutes of the board of trustees meeting in which the action was  
16 approved;

17 (3) The provisions of P.L.1971, c.182 (C.52:13D-12 et seq.)  
18 shall continue to apply to the university, its employees, and  
19 officers;

20 (4) Nothing herein shall be deemed or construed to create or  
21 constitute a debt, liability, or a loan or pledge of the credit or be  
22 payable out of property or funds of the State;

23 (5) Funds directly appropriated to the university from the State  
24 or derived from the university's academic programs shall not be  
25 utilized by the for-profit or not-for-profit corporations organized  
26 and operated pursuant to this subsection in the development,  
27 manufacture, or marketing of products, technology or scientific  
28 information;

29 (6) Employees of any joint venture, subsidiary corporation,  
30 partnership, or other jural entity entered into or owned wholly or in  
31 part by the university shall not be deemed public employees;

32 (7) A joint venture, subsidiary corporation, partnership, or other  
33 jural entity entered into or owned wholly or in part by the university  
34 shall not be deemed an instrumentality of the State of New Jersey;

35 (8) Income realized by the university as a result of participation  
36 in the development, manufacture, or marketing of products,  
37 technology, or scientific information may be invested or reinvested  
38 pursuant to subsection w. of this section or any other provision of  
39 this act or State or federal law or retained by the board for use in  
40 furtherance of any of the purposes of this act or of other applicable  
41 statutes;

42 (9) The board shall annually report to the State Treasurer on the  
43 operation of all joint ventures, subsidiary corporations,  
44 partnerships, or such other jural entities entered into or owned  
45 wholly or in part by the university;

46 y. Sue and be sued in its own name;

- 1 z. Retain independent counsel including representation by the  
2 Attorney General in accordance with subsection h. of section 6 of  
3 P.L.1994, c.48 (C.18A:3B-6);
- 4 aa. (1) Procure and enter into contracts for any type of  
5 insurance and indemnify against loss or damage to property from  
6 any cause, including loss of use and occupancy, against death or  
7 injury of any person, against employees' liability, against any act of  
8 any member, officer, employee or servant of the university, whether  
9 part-time, full-time, compensated or non-compensated in the  
10 performance of the duties of his office or employment or any other  
11 insurable risk. In addition, the university shall carry its own liability  
12 insurance or maintain an actuarially sound program of self  
13 insurance. Any joint venture, subsidiary corporation, or partnership  
14 or such other jural entity entered into or owned wholly or in part by  
15 the university shall carry insurance or maintain reserves in such  
16 amounts as are determined by an actuary to be sufficient to meet its  
17 actual or accrued claims;
- 18 (2) Moneys in the fund known as the Self-Insurance Trust Fund  
19 administered by the State Treasurer shall continue to be available to  
20 the university solely to indemnify and defend claims against the  
21 university and its employees, officers and servants but only to the  
22 extent that the university has elected on behalf of itself and its  
23 employees to obtain representation from the Attorney General  
24 pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-  
25 6) and such entity or individuals would have been entitled to  
26 defense and indemnification pursuant to the "New Jersey Tort  
27 Claims Act," N.J.S.59:1-1 et seq., as a State entity or State  
28 employee but for the provision of subsection z. of this section. Any  
29 expenditure of such funds shall be made only in accordance with  
30 the provisions of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et  
31 seq., including but not limited to the provisions of chapters 10, 10A  
32 and 11 of Title 59 of the New Jersey Statutes. Nothing herein shall  
33 be construed to authorize the use of the Self-Insurance Trust Fund  
34 to indemnify or insure in any way, directly or indirectly the  
35 activities of any joint venture, partnership or corporation entered  
36 into or created by the university pursuant to subsection x. of this  
37 section;
- 38 bb. Create auxiliary organizations subject to the provisions of  
39 P.L.1982, c.16 (C.18A:64-26 et seq.);
- 40 cc. Adopt a code of ethics that complies with the requirements  
41 of all statutes applicable to the institution, including, but not  
42 limited, to the "Higher Education Restructuring Act of 1994,"  
43 P.L.1994, c.48 (C.18A:3B-1 et al.), the "New Jersey Conflicts of  
44 Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.), regulations of  
45 the State Ethics Commission, and any applicable executive orders;  
46 and

1 dd. Establish a procedure for the confidential, anonymous  
2 submission of employee concerns regarding alleged wrongdoing at  
3 the university.

4 (cf: P.L.2017, c.178, s.9)

5  
6 9. Section 60 of P.L.2001, c.137 (C.18A:73-43.4) is amended  
7 to read as follows:

8 60. a. The State Treasurer shall disburse to Thomas Edison  
9 State College the amount of funds appropriated in the direct State  
10 services portion of the annual appropriation for the State Library.  
11 The funds shall be paid to the college in four equal installments  
12 beginning on July 1 of each year. Thomas Edison State College  
13 shall deposit all such funds into separate accounts to be used solely  
14 for State Library purposes.

15 b. The State Treasurer shall disburse to Thomas Edison State  
16 College the amount of funds appropriated in the State aid portion of  
17 the annual appropriation for the State Library. The funds shall be  
18 paid to the college on a drawdown schedule to be prepared by  
19 Thomas Edison State College and approved by the Office of  
20 Management and Budget. Thomas Edison State College shall  
21 deposit all such funds into separate accounts to be used solely for  
22 State Library purposes.

23 c. Each year, Thomas Edison State College shall prepare and  
24 submit to the Office of Management and Budget in the Department  
25 of the Treasury a proposed budget for the operation of the State  
26 Library during the following fiscal year at the same time that  
27 Thomas Edison State College prepares and submits to the Secretary  
28 of State for submission to Office of Management and Budget a  
29 proposed budget for the operation of the college during the  
30 following fiscal year.

31 d. Funds disbursed to Thomas Edison State College for the  
32 operations of the State Library, although maintained in separated  
33 accounts, shall be considered college funds for all purposes related  
34 to purchasing<sup>1</sup>, including for the purposes of the "State College  
35 Contracts Law," P.L.1986, c.43 (C.18A:64-52 et seq.)<sup>1</sup>.

36 e. Thomas Edison State College is authorized to accept  
37 donations on behalf of the State Library and those donated funds  
38 shall be maintained in separate accounts to be used solely for State  
39 Library purposes.

40 f. Thomas Edison State College shall be entitled to use, solely  
41 for State Library purposes, the interest income from any public or  
42 private fund established to support the programs and services of the  
43 State Library to the extent permitted by law and the terms of the  
44 fund.

45 g. Thomas Edison State College shall conduct an independent  
46 financial audit of the State Library accounts each year, including  
47 accounts that receive federal funds, and shall submit copies of the  
48 same to the Department of the Treasury, with the cost of such audits

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1 funded from the direct State services portion of the annual  
2 appropriation for the State Library.

3 h. Thomas Edison State College shall be responsible for the  
4 maintenance of all financial records that involve the operations of  
5 the State Library, including those records that relate to federal  
6 funds.

7 (cf: P.L.2001, c.137, s.60)

8

9 10. Section 3 of P.L.1969, c.104 (C.52:25-16.1) is amended to  
10 read as follows:

11 3. The Director of the Division of Purchase and Property may,  
12 at the director's discretion, include, in any such contract or contracts  
13 on behalf of the State, a provision for the purchase of such  
14 materials, supplies, equipment or services by any local contracting  
15 unit from such contractor or contractors. Such purchase may be  
16 effectuated either as an outright purchase or by installment, lease or  
17 rental, so long as the vendor offers financing at an interest rate that  
18 is equal to or lower than the State line of credit. The local  
19 contracting unit shall have sole responsibility for any payment due  
20 the vendor for any such purchase. All purchases shall be subject to  
21 audit and inspection by the local contracting unit for which made.  
22 The local contracting unit shall file such reports as the Director of  
23 the Division of Purchase and Property may require setting forth the  
24 expenditure on such contracts. For the purposes of this section,  
25 "local contracting unit" means a State college or university  
26 established pursuant to chapter 64 of Title 18A of the New Jersey  
27 Statutes and any public agency subject to the provisions of the  
28 "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et  
29 seq.), the "Public School Contracts Law," N.J.S.18A:18A-1 et seq.,  
30 **【the "State College Contracts Law," P.L.1986, c.43 (C.18A:64-52**  
31 **et seq.),】** or the "County College Contracts Law," P.L.1982, c.189  
32 (C.18A:64A-25.1 et seq.).

33 (cf: P.L.1999, c.440, s.91)

34

35 11. (New section) Notwithstanding any of the provisions of the  
36 "New Jersey Contractual Liability Act" (N.J.S.59:13-1 et seq.) to  
37 the contrary, contract claims and suits against a State college or  
38 university shall be governed by that act.

39

40 12. The following sections are repealed:

41 Sections 1, 3 and 4, 6 through 28, and 33 of P.L.1986, c.43  
42 (C.18A:64-52, C.18A:64-54 and C.18A:64-55, C.18A:64-57  
43 through C.18A:64-79, and C.18A:64-84);

44 Section 2 of P.L.1992, c.61 (C.18A:64-76.1);

45 P.L.2013, c.147 (C.18A:64-76.2 et seq.).

