

[First Reprint]

ASSEMBLY, No. 1180

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Allows public libraries, boards of education, and local governments to dispose of certain personal property without advertising for bids.

CURRENT VERSION OF TEXT

As reported by the Assembly State and Local Government Committee on December 9, 2021, with amendments.



(Sponsorship Updated As Of: 12/2/2021)

1 AN ACT concerning the disposal of certain ¹**【public library materials**
 2 and amending P.L.1968, c.227**】** personal property by public
 3 libraries, boards of education, and local governments, and
 4 amending various parts of the statutory law¹.

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

8
 9 1. Section 1 of P.L.1968, c.227 (C.40:33-8.1) is amended to
 10 read as follows:

11 40:33-8.1. The county library commission of any county or the
 12 board of trustees of any regional library established by 2 or more
 13 counties may, within the limits of funds appropriated or otherwise
 14 made available to the commission or board, purchase the following
 15 without advertising for bids therefor: (1) library materials including
 16 books, periodicals, newspapers, documents, pamphlets,
 17 photographs, reproductions, microforms, pictorial or graphic works,
 18 musical scores, maps, charts, globes, sound recordings, slides,
 19 films, filmstrips, video and magnetic tapes, other printed or
 20 published matter, and audiovisual and other materials of a similar
 21 nature; (2) necessary binding or rebinding of library materials; and
 22 (3) specialized library services.

23 The county library commission or the board of trustees may
 24 dispose of the following without advertising for bids therefor:
 25 library materials including books, periodicals, newspapers,
 26 documents, pamphlets, photographs, reproductions, microforms,
 27 pictorial or graphic works, musical scores, maps, charts, globes,
 28 sound recordings, slides, films, filmstrips, video and magnetic
 29 tapes, other printed or published matter, and audiovisual and other
 30 materials of a similar nature.

31 (cf: P.L.1968, c.227, s.1)

32

33 2. Section 2 of P.L.1968, c.227 (C.40:54-12.1) is amended to
 34 read as follows:

35 40:54-12.1 The board of trustees of the free public library of any
 36 municipality or of a joint free public library may, within the limits
 37 of funds appropriated or otherwise made available to the board,
 38 purchase the following without advertising for bids therefor: (1)
 39 library materials including books, periodicals, newspapers,
 40 documents, pamphlets, photographs, reproductions, microforms,
 41 pictorial or graphic works, musical scores, maps, charts, globes,
 42 sound recordings, slides, films, filmstrips, video and magnetic
 43 tapes, other printed or published matter, and audiovisual and other
 44 materials of a similar nature; (2) necessary binding or rebinding of
 45 library materials; and (3) specialized library services.

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ASL committee amendments adopted December 9, 2021.

1 The board of trustees may dispose of the following without
2 advertising for bids therefor: library materials including books,
3 periodicals, newspapers, documents, pamphlets, photographs,
4 reproductions, microforms, pictorial or graphic works, musical
5 scores, maps, charts, globes, sound recordings, slides, films,
6 filmstrips, video and magnetic tapes, other printed or published
7 matter, and audiovisual and other materials of a similar nature.
8 (cf: P.L.1968, c.227, s.2)

9
10 ¹3. N.J.S.18A:18A-45 is amended to read as follows:

11 18A:18A-45. Manner and method of sale. Any board of education
12 may, by resolution and by sealed bid or public auction, authorize the
13 sale of its personal property not needed for school purposes.

14 a. If the estimated fair value of the property to be sold exceeds [15
15 percent of] the bid threshold in any one sale and it is neither livestock
16 nor perishable goods, it shall be sold at public sale to the highest
17 bidder.

18 b. Notice of the date, time and place of the public sale, together
19 with a description of the items to be sold and the conditions of sale,
20 shall be published once in an official newspaper. Such sale shall be
21 held not less than seven nor more than 14 days after the publication of
22 the notice thereof.

23 c. Personal property may be sold to the United States, the State of
24 New Jersey, another board of education, any body politic, any foreign
25 nation which has diplomatic relations with the United States, or any
26 governmental unit in these United States by private sale without
27 advertising for bids.

28 d. If no bids are received the property may then be sold at private
29 sale without further publication or notice thereof, but in no event at
30 less than the estimated fair value; or the board of education may if it so
31 elect, reoffer the property at public sale. As used herein, "estimated
32 fair value" means the market value of the property between a willing
33 seller and a willing buyer less the cost to the board of education to
34 continue storage or maintenance of any personal property not needed
35 for school purposes to be sold pursuant to this section.

36 e. A board of education may reject all bids if it determines such
37 rejection to be in the public interest. In any case in which the board of
38 education has rejected all bids, it may readvertise such personal
39 property for a subsequent public sale. If it elects to reject all bids at a
40 second public sale, pursuant to this section, it may then sell such
41 personal property without further publication or notice thereof at
42 private sale, provided that in no event shall the negotiated price at
43 private sale be less than the highest price of any bid rejected at the
44 preceding two public sales and provided further that in no event shall
45 the terms or conditions of sale be changed or amended.

1 f. (1) If the estimated fair value of the property to be sold is no
2 less than 15 percent of the bid threshold, but no greater than the bid
3 threshold, the board of education may, by resolution, authorize the
4 property to be sold at private sale so long as the purchasing agent
5 solicits at least two competitive offers to purchase the property, if it is
6 practicable to solicit competitive offers. The property shall be sold to
7 the party with the highest offer. The purchasing agent shall retain the
8 record of the offer solicitation and shall include a copy of the record
9 with the sale documentation. If the purchasing agent determines that it
10 is impracticable to solicit at least two competitive offers, the
11 determination and reasoning in support of the purchasing agent's
12 decision shall be memorialized in writing.

13 (2) If the estimated fair value of the property to be sold does not
14 exceed 15 percent of the applicable bid threshold **【established**
15 **pursuant to subsection a. of this section】** in any one sale or is either
16 livestock or perishable goods, **【it】** the board of education may, by
17 resolution, authorize the property to be sold at private sale without
18 advertising for bids or the solicitation of competitive offers, or
19 authorize donation of the property to the United States, the State of
20 New Jersey, another board of education, any body politic, any foreign
21 nation which has diplomatic relations with the United States, any
22 governmental unit in the United States, or a non-profit corporation so
23 long as the property is not used for a political, partisan, sectarian,
24 denominational, or religious purpose. The board of education may not
25 donate property used to provide federal or State nonpublic services to
26 nonpublic schools receiving services from the board of education.

27 g. Notwithstanding the provisions of this section, by resolution of
28 the board of education, a purchasing agent may include the sale of
29 personal property no longer needed for school purposes as part of
30 specifications to offset the price of a new purchase.¹

31 (cf: P.L.1999, c.440, s.80)

32
33 ¹4. Section 36 of P.L.1971, c.198 (C.40A:11-36) is amended to
34 read as follows:

35 36. Any contracting unit by resolution of its governing body may
36 authorize by sealed bid or public auction the sale of its personal
37 property not needed for public use.

38 (1) If the estimated fair value of the property to be sold exceeds
39 **【15 percent of】** the bid threshold in any one sale and it is neither
40 livestock nor perishable goods, it shall be sold at public sale to the
41 highest bidder.

42 (2) The contracting unit need not advertise for bids when it makes
43 any such sale to the United States, the State of New Jersey, another
44 contracting unit, any body politic to which it contributes tax raised
45 funds, any foreign nation which has diplomatic relations with the
46 United States, or any governmental unit in the United States.

1 (3) Notice of the date, time and place of the public sale together
2 with a description of the items to be sold and the conditions of sale
3 shall be published in an official newspaper. Such sale shall be held not
4 less than seven nor more than 14 days after the latest publication of the
5 notice thereof.

6 (4) If no bids are received the property may then be sold at private
7 sale without further publication or notice thereof, but in no event at
8 less than the estimated fair value; or the contracting unit may if it so
9 elects reoffer the property at public sale. As used herein, "estimated
10 fair value" means the market value of the property between a willing
11 seller and a willing buyer less the cost to the contracting unit to
12 continue storage or maintenance of any personal property not needed
13 for public use to be sold pursuant to this section.

14 (5) A contracting unit may reject all bids if it determines such
15 rejection to be in the public interest. In any case in which the
16 contracting unit has rejected all bids, it may readvertise such personal
17 property for a subsequent public sale. If it elects to reject all bids at a
18 second public sale, pursuant to this section, it may then sell such
19 personal property without further publication or notice thereof at
20 private sale, provided that in no event shall the negotiated price at
21 private sale be less than the highest price of any bid rejected at the
22 preceding two public sales and provided further that in no event shall
23 the terms or conditions of sale be changed or amended.

24 (6) (a) If the estimated fair value of the property to be sold is no
25 less than 15 percent of the bid threshold, but no greater than the bid
26 threshold, the governing body may, by resolution, authorize the
27 property to be sold at private sale so long as the contracting agent
28 solicits at least two competitive offers to purchase the property, if it is
29 practicable to solicit competitive offers. The property shall be sold to
30 the party with the highest offer. The contracting agent shall retain the
31 record of the offer solicitation and shall include a copy of the record
32 with the sale documentation. If the contracting agent determines that it
33 is impracticable to solicit at least two competitive offers, the
34 determination and reasoning in support of the purchasing agent's
35 decision shall be memorialized in writing.

36 (b) If the estimated fair value of the property to be sold does not
37 exceed 15 percent of the applicable bid threshold in any one sale or is
38 either livestock or perishable goods, [it] the governing body may, by
39 resolution, authorize the property to be sold at private sale without
40 advertising for bids or soliciting competitive offers, or authorize
41 donation of the property to the United States, the State of New Jersey,
42 another contracting unit, any body politic to which it contributes tax
43 raised funds, any foreign nation which has diplomatic relations with
44 the United States, any governmental unit in the United States, or a
45 non-profit corporation so long as the property is not used for a
46 political, partisan, sectarian, denominational, or religious purpose.

1 (7) Notwithstanding the provisions of this section, by resolution of
2 the governing body, a contracting agent may include the sale of
3 personal property no longer needed for public use as part of
4 specifications to offset the price of a new purchase.¹
5 (cf: P.L.1999, c.440, s.39)

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7 ¹**[3.] 5.**¹ This act shall take effect immediately.