

ASSEMBLY, No. 2629

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

SYNOPSIS

Concerns job order contracts for public work.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning job order contracts in public work and
2 supplementing P.L.1963, c.150 (C.34:11-56.25 et seq.).
3

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

7 1. For the purposes of this act:

8 "Job order contract" means a competitive bid, indefinite quantity,
9 fixed price, multi-task contract, in which a base contract is awarded
10 with pre-established tasks and prices, specifications and general
11 contract conditions, and contractors are permitted to bid by
12 submitting a coefficient or coefficients for a job order contract
13 based on a unit price book, which contains a list of all tasks that
14 may be performed as part of the work to be performed under the
15 base contract.

16 "Public body" means the State of New Jersey, any of its political
17 subdivisions, any authority created by the Legislature of the State of
18 New Jersey and any instrumentality or agency of the State of New
19 Jersey or of any of its political subdivisions.

20 "Public work" means construction, reconstruction, demolition,
21 alteration, custom fabrication, or repair work, or maintenance work,
22 including painting and decorating, done under contract and paid for
23 in whole or in part out of the funds of a public body, except work
24 performed under a rehabilitation program. "Public work" shall also
25 mean construction, reconstruction, demolition, alteration, custom
26 fabrication, or repair work, done on any property or premises,
27 whether or not the work is paid for from public funds, if, at the time
28 of the entering into of the contract the property or premises is
29 owned by the public body or:

30 (1) Not less than 55% of the property or premises is leased by a
31 public body, or is subject to an agreement to be subsequently leased
32 by the public body; and

33 (2) The portion of the property or premises that is leased or
34 subject to an agreement to be subsequently leased by the public
35 body measures more than 20,000 square feet.
36

37 2. a. Any job order contract for public work shall be subject to
38 the requirements of this act, but job order contracts which are not
39 for public work shall not be subject to the requirements of this act.
40 Every job order contract subject to this act shall be filed with the
41 Department of Labor and Workforce Development and shall have a
42 defined scope of work, which includes:

43 (1) The location of the work, including the county;

44 (2) Identification of trades relevant for the specific scope of
45 work to be performed, including but not limited to: basic trades,
46 including carpenters, laborers and bricklayers; plumbing and gas
47 fitting; steam heating, hot water heating, ventilating and air
48 conditioning apparatus; electrical wiring and standard illuminating

1 fixtures; roofing; welding; ironwork; concrete finishing; or painting
2 and plastering; and

3 (3) A detailed description of the work to be performed under the
4 base contract, a list of the tasks necessary to complete the work to
5 be performed under the base contract, and the trade classifications
6 of the workers, mechanics, and laborers who will perform each of
7 the listed tasks in the base contract.

8 b. The defined scope of work to be performed under the base
9 contract shall not be so overly broad as to prevent the contractor
10 from making an informed bid during the competitive bid process.
11 The contracting entity must limit the work to be performed under
12 the base contract to those pre-established tasks and prices referred
13 to in the general contract conditions.

14 c. The cost of a job order contract may not exceed \$500,000.
15 The duration of a job order contract shall not exceed one year,
16 except that the contract may be renewed for an additional 12
17 months twice, so long as the \$500,000 threshold is not exceeded.
18 The contract may not be subdivided into separate contracts in order
19 to meet the requirements of this act.

20 d. A job order contract and all subcontracts associated with that
21 job order contract shall expressly state that all work performed
22 under the contract shall be subject to the provisions of this act and
23 the provisions of the "New Jersey Prevailing Wage Act," P.L.1963,
24 c.150 (C.34:11-56.25 et seq.).

25 e. If any party to a job order contract seeks a third party
26 consultant to assist, in any manner, with the bidding or
27 implementation of a job order contract, such third party consultant
28 shall be selected pursuant to a competitive bid process.

29

30 3. This act shall take effect immediately and shall apply to all
31 job order contracts solicited or renewed on or after the effective
32 date.

33

34

35

STATEMENT

36

37 This bill sets standards for job order contracts in public work.
38 Under the bill, job order contracts in public work, but not other job
39 order contracts, are subject to the following requirements:

40 1. The job order contract shall be filed with the Department of
41 Labor and Workforce Development and have a defined scope of
42 work, which includes the location of the work, identification of
43 trades relevant for the specific scope of work; and a detailed
44 description of the work to be performed under the base contract, a
45 list of the tasks necessary to complete the work to be performed
46 under the base contract, and the trade classifications of the workers,
47 mechanics, and laborers who will perform each of the listed tasks in
48 the base contract.

1 2. The defined scope of work to be performed under the base
2 contract shall not be so overly broad as to prevent the contractor
3 from making an informed bid during the competitive bid process.
4 The contracting entity must limit the work to be performed under
5 the base contract to those pre-established tasks and prices referred
6 to in the general contract conditions.

7 3. The cost of a job order contract shall be limited to \$500,000
8 and the duration limited to one year, except that the contract may be
9 renewed for an additional 12 months twice, so long as the \$500,000
10 limit is not exceeded. The contract may not be subdivided into
11 separate contracts in order to meet requirements of the bill.

12 4. A job order contract and all subcontracts associated with that
13 job order contract shall expressly state that all work performed
14 under the contract shall be subject to the provisions of the bill and
15 the provisions of the "New Jersey Prevailing Wage Act," P.L.1963,
16 c.150 (C.34:11-56.25 et seq.).

17 5. If any party to a job order contract seeks a third party
18 consultant to assist, in any manner, with the bidding or
19 implementation of a job order contract, the third party consultant
20 shall be selected pursuant to a competitive bid process.

21 The bill defines a "job order contract" as a competitive bid,
22 indefinite quantity, fixed price, multi-task contract, in which a base
23 contract is awarded with pre-established tasks and prices,
24 specifications and general contract conditions, and contractors are
25 permitted to bid by submitting a coefficient or coefficients for a job
26 order contract based on a unit price book, which contains a list of
27 all tasks that may be performed as part of the work to be performed
28 under the base contract.