

ASSEMBLY, No. 2695

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman JOHN ARMATO

District 2 (Atlantic)

SYNOPSIS

Aligns contracting standards of Stockton University for its Atlantic City campus with those governing State public research universities.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning State college contracting and supplementing
2 chapter 64 of Title 18A of the New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Notwithstanding the provisions of any law to the contrary,
8 the board of trustees of a four-year public institution of higher
9 education with a campus in a municipality in which casino gaming
10 has been legalized shall have the power and duty to adopt standing
11 operating rules and procedures only for that campus for the
12 purchase of all equipment, materials, supplies and services pursuant
13 to this section. No contract entered into pursuant to this section
14 shall be entered into for the purchase of services, materials,
15 equipment and supplies, for the performance of any work, or for the
16 hiring of equipment or vehicles, where the sum to be expended
17 exceeds \$33,300 or the amount determined by the Governor as
18 provided herein, unless the institution shall first publicly advertise
19 for bids and shall award the contract to that responsible bidder
20 whose bid, conforming to the invitation for bids, will be most
21 advantageous to the institution, price and other factors considered.
22 Such advertising shall not be required in those exceptions created
23 by the board of trustees of the institution, which shall be in
24 substance those exceptions contained in sections 4 and 5 of
25 P.L.1954, c.48 (C.52:34-9 and 10) and section 5 of P.L.1986, c.43
26 (C.18A:64-56) or for the supplying of any product or the rendering
27 of any service by a public utility subject to the jurisdiction of the
28 Board of Public Utilities of this State and tariffs and schedules of
29 the charges made, charged, or exacted by the public utility for any
30 such products to be supplied or services to be rendered as are filed
31 with the said board. Commencing July 1, 2019 and every two years
32 thereafter, the Governor, in consultation with the Department of the
33 Treasury, shall adjust the threshold amount set forth in this section
34 in direct proportion to the rise or fall of the consumer price index
35 for all urban consumers in the New York City and the Philadelphia
36 areas as reported by the United States Department of Labor. The
37 Governor shall notify the institution of the adjustment. The
38 adjustment shall become effective on July 1 of the year in which it
39 is reported.

40 This section of law shall not prevent the institution from having
41 any work performed by its own employees, nor shall it apply to
42 repairs, or to the furnishing of materials, supplies or labor, or the
43 hiring of equipment or vehicles, when the safety or protection of its
44 or other public property or the public convenience requires or the
45 exigency of the institution's service will not admit of such
46 advertisement. In such case, the institution shall, by resolution
47 passed by the affirmative vote of its board of trustees, declare the
48 exigency or emergency to exist, and set forth in the resolution the

1 nature and approximate amount to be expended; shall maintain
2 appropriate records as to the reason for such awards; and shall
3 report regularly to its board of trustees on all such purchases, the
4 amounts and the reasons therefor.

5
6 2. Notwithstanding the provisions of any law to the contrary, a
7 four-year public institution of higher education with a campus in a
8 municipality in which casino gaming has been legalized shall not be
9 subject to subsections w. or x. of N.J.S.18A:64-6, sections 3 and 4,
10 6 through 28, and 33 of P.L.1986, c.43 (C.18A:64-54, C.18A:64-55,
11 C.18A:64-57 through C.18A:64-79, and C.18A:64-84), section 2 of
12 P.L.1992, c.61 (C.18A:64-76.1), and P.L.2013, c.147 (C.18A:64-
13 76.2 et seq.) for the purchase of all equipment, materials, supplies,
14 and services for that campus.

15
16 3. This act shall take effect immediately.

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19 STATEMENT

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21 This bill alters the requirements pursuant to which Stockton
22 University would purchase goods and services and construct
23 buildings on its Atlantic City campus in order to align those
24 requirements with the contracting standards governing the State's
25 public research universities. The bill would allow Stockton
26 University the ability to follow the more flexible requirements of
27 the contracting process which apply to the public research
28 universities in the case of the university's Atlantic City campus.

29 Under current law, the contracting standards for the State
30 colleges and universities, including Stockton University, are found
31 in the "State College Contracts Law," P.L.1986, c.43 (C.18A:64-52
32 et seq.). This bill provides that various sections of that law which
33 are inconsistent with the contracting requirements imposed on the
34 public research universities would no longer apply to Stockton
35 University for contracting on the Atlantic City campus.

36 This bill grants the board of trustees of Stockton University the
37 power and duty to adopt standing operating rules and procedures for
38 the purchase of all equipment, materials, supplies, and services for
39 the Atlantic City campus. The power to adopt standing operating
40 rules and procedures is limited, however, by the requirement that no
41 contract may be entered into for the purchase of services, materials,
42 equipment and supplies, for the performance of any work, or for the
43 hiring of equipment or vehicles, where the sum to be expended
44 exceeds a specified bid threshold, unless the university first
45 publicly advertises for bids and awards the contract to that
46 responsible bidder whose bid, conforming to the invitation for bids,
47 will be most advantageous to the university, price and other factors
48 considered. The university is permitted to create exceptions to the

1 public advertising requirement, but those exceptions must be in
2 substance those exceptions found currently in the “State College
3 Contracts Law” and sections 4 and 5 of P.L.1954, c.48 (C.52:34-9
4 and 10).