

ASSEMBLY, No. 4256

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 15, 2020

Sponsored by:

Assemblyman EDWARD H. THOMSON

District 30 (Monmouth and Ocean)

Assemblywoman AURA K. DUNN

District 25 (Morris and Somerset)

SYNOPSIS

Requires State to purchase personal protective equipment from in-State companies.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the purchase of personal protective equipment
2 by the State and supplementing chapter 32 of Title 52 of the
3 Revised Statutes.

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

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8 1. Notwithstanding the provisions of any law, rule, or regulation
9 to the contrary, whenever the Director of the Division of Property
10 Management and Construction, the Director of the Division of
11 Purchase and Property, or the head of any State agency shall consider
12 bids on any contract for the purchase of personal protective
13 equipment that is publicly advertised for bids, the director or the head
14 of a State agency shall award the contract to the responsible bidder
15 that has its principal place of business in the State and whose bid,
16 conforming to the invitation for bids, will be most advantageous to
17 the State, price and other factors considered.

18 If no bidder having its principal place of business in this State has
19 submitted a bid, the contract shall be awarded to the responsible
20 bidder whose bid, conforming to the invitation for bids, will be most
21 advantageous to the State, price and other factors considered.

22 Any specifications for the provision or performance of goods or
23 services under this section shall be drafted in a manner to encourage
24 free, open, and competitive bidding.

25 Any specification which knowingly excludes prospective bidders
26 by reason of the impossibility of performance, bidding, or
27 qualifications by any but one bidder shall be null and void and of no
28 effect.

29 Nothing in this act shall be construed to limit the State and State
30 agencies from purchasing personal protective equipment during
31 periods of public exigency, pursuant to section 5 of P.L.1954, c.48
32 (C.52:34-10).

33 As used in this section:

34 “State agency” means any principal department in the Executive
35 Branch of State government, and any division, board, bureau, office,
36 commission, or other instrumentality within or created by such
37 department, and any independent State authority, commission,
38 instrumentality, or agency, other than in the Legislative or Judicial
39 Branches of State government, which is authorized by law to award
40 public contracts.

41 “Personal protective equipment” means protective clothing,
42 helmets, goggles, masks, or other garments or equipment designed to
43 protect the wearer's body from injury or infection.

44 The State Treasurer shall adopt such rules and regulations,
45 pursuant to the “Administrative Procedure Act, P.L.1968, c.410
46 (C.52:14B-1 et seq.), as may be necessary to implement the
47 provisions of this section.

1 2. This act shall take effect immediately.

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STATEMENT

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6 Personal protective equipment (PPE) is protective clothing,
7 helmets, goggles, masks, or other garments or equipment designed to
8 protect the wearer's body from injury or infection. The State has had
9 to increase its purchase of PPE during the public health emergency
10 and state of emergency due to the COVID-19 pandemic. PPE has
11 been critical for medical and emergency services workers during the
12 COVID-19 pandemic. Other essential workers, such as grocery store
13 employees and warehouse workers, have also benefitted from the use
14 of PPE.

15 This bill requires the State to purchase PPE from in-State
16 companies. If no responsible and advantageous bidder having its
17 principal place of business in this State has submitted a bid for a
18 contract, the contract will be awarded to the out-of-State bidder that
19 would be most advantageous to the State, price and other factors
20 considered. This bill would not require PPE to be purchased from
21 in-State companies during public emergencies when the immediate
22 delivery of supplies is necessary.