

[Second Reprint]

**ASSEMBLY, No. 4461**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED JULY 30, 2020

**Sponsored by:**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblywoman Jimenez, Assemblyman Rooney, Assemblywomen Downey, Swain, Assemblymen Tully, Chiaravalloti, Assemblywoman Pinkin, Assemblyman Mejia, Assemblywoman Speight, Senators Pou and Addiego**

**SYNOPSIS**

Requires State to enter into contract and coordinate with certain cooperative purchasing systems for procurement of COVID-19 related goods and services by school districts and county colleges.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on August 24, 2020, with amendments.

**(Sponsorship Updated As Of: 10/29/2020)**

1 AN ACT concerning <sup>2</sup>**[a State contract]** contracts<sup>2</sup> for the purchase  
2 of COVID-19 related materials by school districts <sup>2</sup>and county  
3 colleges<sup>2</sup>.

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

7  
8 1. a. Notwithstanding any provision of law, rule, or regulation  
9 to the contrary, the Director of the Division of Purchase and  
10 Property in the Department of the Treasury, in consultation with the  
11 Commissioner of <sup>2</sup>**[the Department of]**<sup>2</sup> Education, shall award a  
12 contract or contracts, in accordance with the provisions of chapter  
13 34 of Title 52 of the Revised Statutes, <sup>2</sup>and coordinate with the lead  
14 agency of any State-approved cooperative purchasing system that  
15 includes one or more boards of education, including those systems  
16 established pursuant to the “Public Schools Contracts Law,”  
17 N.J.S.18A:18A-1 et seq., or the “Local Public Contracts Law,”  
18 P.L.1971, c.198 (C.40A:11-1 et seq.),<sup>2</sup> for the procurement of  
19 COVID-19 related goods and services, as specified by the  
20 commissioner, that aid in meeting the COVID-19 guidelines issued  
21 by the <sup>2</sup>United States<sup>2</sup> Centers for Disease Control and Prevention.  
22 The director, in consultation with the commissioner, may make  
23 awards to multiple bidders in accordance with section 1 of  
24 P.L.1986, c.26 (C.52:34-12.1). Advertised bidding shall not be  
25 required to award a contract or contracts to obtain those goods and  
26 services necessary to address the public exigency when the Division  
27 of Purchase of Property provides preapproval.

28 b. The board of education of a school district, without  
29 advertising for bids, or after having rejected all bids obtained  
30 pursuant to advertising therefor, may purchase COVID-19 related  
31 goods and services, upon adoption of a resolution, through the  
32 contract or contracts for such goods and services entered into by the  
33 Division of Purchase and Property pursuant to the provisions of  
34 subsection a. of this section <sup>2</sup>or made available through a State-  
35 approved cooperative purchasing system of which the board of  
36 education is a member<sup>2</sup>.

37 c. The Department of Education shall coordinate the purchase  
38 of COVID-19 related goods and services by school districts that  
39 seek to purchase the goods and services in accordance with  
40 subsection b. of this section.

41 d. As used in this section:

42 “Board of education” means and includes the board of education  
43 of any local school district, consolidated school district, regional

**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:

<sup>1</sup>Assembly AED committee amendments adopted August 10, 2020.

<sup>2</sup>Assembly AAP committee amendments adopted August 24, 2020.

1 school district, county vocational school and any other board of  
2 education or other similar body, other than the State Board of  
3 Education, the <sup>1</sup>Commission on Office of the Secretary of  
4 Higher Education or the Presidents' Council, established and  
5 operating under the provisions of Title 18A of the New Jersey  
6 Statutes and having authority to make purchases and to enter into  
7 contracts for the provision or performance of goods or services.  
8 The term "board of education" also shall include the board of  
9 trustees of a charter school established under P.L.1995, c.426  
10 (C.18A:36A-1 et seq.) <sup>1</sup>and the board of trustees of a renaissance  
11 school established pursuant to P.L.2011, c.176 (C.18A:36C-  
12 1 et seq.)<sup>1</sup>.

13 "School district" means a local or regional school district  
14 established pursuant to chapter 8 or chapter 13 of Title 18A of the  
15 New Jersey Statutes, a county special services school district  
16 established pursuant to article 8 of chapter 46 of Title 18A of the  
17 New Jersey Statutes, a county vocational school district established  
18 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey  
19 Statutes, and a district under full State intervention pursuant to  
20 P.L.1987, c.399 (C.18A:7A-34 et al.). <sup>1</sup>The term "school district"  
21 shall also include a charter school established under P.L.1995,  
22 c.426 (C.18A:36A-1 et seq.) and a renaissance school established  
23 pursuant to P.L.2011, c.176 (C.18A:36C-1 et seq.)<sup>1</sup>.  
24

25 <sup>2</sup>2. a. Notwithstanding any provision of law, rule, or regulation  
26 to the contrary, the Director of the Division of Purchase and  
27 Property, in consultation with the Secretary of Higher Education,  
28 shall award a contract or contracts, in accordance with the  
29 provisions of chapter 34 of Title 52 of the Revised Statutes, and  
30 coordinate with the lead agency of any State-approved cooperative  
31 purchasing system that includes one or more county colleges,  
32 including those systems established pursuant to the "County  
33 College Contracts Law," P.L.1982, c.189 (C.18A:64A-25.1 et seq.),  
34 or the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1  
35 et seq.), for the procurement of COVID-19 related goods and  
36 services, as specified by the secretary, that aid in meeting the  
37 COVID-19 guidelines issued by the United States Centers for  
38 Disease Control and Prevention. The director, in consultation with  
39 the secretary, may make awards to multiple bidders in accordance  
40 with section 1 of P.L.1986, c.26 (C.52:34-12.1). Advertised  
41 bidding shall not be required to award a contract or contracts to  
42 obtain those goods and services necessary to address the public  
43 exigency when the Division of Purchase of Property provides  
44 preapproval.

45 b. The board of trustees of a county college, without  
46 advertising for bids, or after having rejected all bids obtained  
47 pursuant to advertising therefor, may purchase COVID-19 related

1 goods and services, upon adoption of a resolution, through the  
2 contract or contracts for such goods and services entered into by the  
3 Division of Purchase and Property pursuant to the provisions of  
4 subsection a. of this section or made available through a State-  
5 approved cooperative purchasing system of which the county  
6 college is a member.

7 c. The Office of the Secretary of Higher Education shall  
8 coordinate the purchase of COVID-19 related goods and services by  
9 county colleges that seek to purchase the goods and services in  
10 accordance with subsection b. of this section.<sup>2</sup>

11

12 <sup>2</sup>[2.] 3.<sup>2</sup> This act shall take effect immediately and shall  
13 expire on July 1, 2022.