

[Third Reprint]

**ASSEMBLY, No. 4461**

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

INTRODUCED JULY 30, 2020

**Sponsored by:**

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**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, Addiego, Assemblywoman Lopez, Assemblyman Houghtaling and Assemblywoman Timberlake**

**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.

**CURRENT VERSION OF TEXT**

As amended by the Senate on October 29, 2020.

(Sponsorship Updated As Of: 3/1/2021)

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>3</sup>[<sup>2</sup>and county  
 3 colleges<sup>2</sup>]<sup>3</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 <sup>3</sup>[Director of the Division of Purchase and  
 10 Property in the Department of the Treasury, in consultation with the  
 11 Commissioner of ]<sup>3</sup> <sup>2</sup>[the Department of ]<sup>2</sup> <sup>3</sup>Department of<sup>3</sup>  
 12 Education ]<sup>3</sup>, ]<sup>3</sup> shall <sup>3</sup>[award a contract or contracts, in accordance  
 13 with the provisions of chapter 34 of Title 52 of the Revised  
 14 Statutes, <sup>2</sup>and ]<sup>3</sup> coordinate with the lead agency of any State-  
 15 approved cooperative purchasing system that includes one or more  
 16 boards of education, including those systems established pursuant to  
 17 the “Public Schools Contracts Law,” N.J.S.18A:18A-1 et seq., or  
 18 the “Local Public Contracts Law,” P.L.1971, c.198 (C.40A:11-1 et  
 19 seq.).<sup>2</sup> for the procurement of COVID-19 related goods and services  
 20 <sup>3</sup>[, as specified by the commissioner, ]<sup>3</sup> that aid in meeting the  
 21 COVID-19 <sup>3</sup>[guidelines issued by the <sup>2</sup>United States<sup>2</sup> Centers for  
 22 Disease Control and Prevention] health and safety standards  
 23 established by Executive Order No. 175 of 2020, and any other  
 24 health and safety standards deemed necessary by the department<sup>3</sup>.  
 25 The <sup>3</sup>[director, in consultation with the commissioner, ] Department  
 26 of Education<sup>3</sup> may make awards to multiple bidders in accordance  
 27 with section 1 of P.L.1986, c.26 (C.52:34-12.1). Advertised bidding  
 28 shall not be required to award a contract or contracts to obtain those  
 29 goods and services necessary to address the public exigency when  
 30 the Division of Purchase of Property <sup>3</sup>in the Department of the  
 31 Treasury<sup>3</sup> provides preapproval.

32 b. The board of education of a school district, without  
 33 advertising for bids, or after having rejected all bids obtained  
 34 pursuant to advertising therefor, may purchase COVID-19 related  
 35 goods and services, upon adoption of a resolution, through the  
 36 contract or contracts for such goods and services entered into by the  
 37 <sup>3</sup>[Division of Purchase and Property] Department of Education<sup>3</sup>  
 38 pursuant to the provisions of subsection a. of this section <sup>3</sup>[<sup>2</sup>or  
 39 made available through a State-approved cooperative purchasing  
 40 system of which the board of education is a member<sup>2</sup>]<sup>3</sup>.

41 c. <sup>3</sup>[The Department of Education shall coordinate the  
 42 purchase of COVID-19 related goods and services by school

**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.

<sup>3</sup>Senate floor amendments adopted October 29, 2020.

1 districts that seek to purchase the goods and services in accordance  
2 with subsection b. of this section.

3 d.]<sup>3</sup> As used in this section:

4 “Board of education” means and includes the board of education  
5 of any local school district, consolidated school district, regional  
6 school district, county vocational school and any other board of  
7 education or other similar body, other than the State Board of  
8 Education, <sup>3</sup>[the <sup>1</sup>[Commission on] Office of the Secretary of<sup>1</sup>  
9 Higher Education or the Presidents' Council,]<sup>3</sup> established and  
10 operating under the provisions of Title 18A of the New Jersey  
11 Statutes and having authority to make purchases and to enter into  
12 contracts for the provision or performance of goods or services.  
13 The term "board of education" also shall include the board of  
14 trustees of a charter school established under P.L.1995, c.426  
15 (C.18A:36A-1 et seq.) <sup>1</sup>and the board of trustees of a renaissance  
16 school established pursuant to P.L.2011, c.176 (C.18A:36C-  
17 1 et seq.)<sup>1</sup>.

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

29

30 <sup>3</sup>[<sup>2</sup>2. a. Notwithstanding any provision of law, rule, or  
31 regulation to the contrary, the Director of the Division of Purchase  
32 and Property, in consultation with the Secretary of Higher  
33 Education, shall award a contract or contracts, in accordance with  
34 the provisions of chapter 34 of Title 52 of the Revised Statutes, and  
35 coordinate with the lead agency of any State-approved cooperative  
36 purchasing system that includes one or more county colleges,  
37 including those systems established pursuant to the “County  
38 College Contracts Law,” P.L.1982, c.189 (C.18A:64A-25.1 et seq.),  
39 or the “Local Public Contracts Law,” P.L.1971, c.198 (C.40A:11-  
40 1 et seq.), for the procurement of COVID-19 related goods and  
41 services, as specified by the secretary, that aid in meeting the  
42 COVID-19 guidelines issued by the United States Centers for  
43 Disease Control and Prevention. The director, in consultation with  
44 the secretary, may make awards to multiple bidders in accordance  
45 with section 1 of P.L.1986, c.26 (C.52:34-12.1). Advertised  
46 bidding shall not be required to award a contract or contracts to  
47 obtain those goods and services necessary to address the public

1 exigency when the Division of Purchase of Property provides  
2 preapproval.

3 b. The board of trustees of a county college, without  
4 advertising for bids, or after having rejected all bids obtained  
5 pursuant to advertising therefor, may purchase COVID-19 related  
6 goods and services, upon adoption of a resolution, through the  
7 contract or contracts for such goods and services entered into by the  
8 Division of Purchase and Property pursuant to the provisions of  
9 subsection a. of this section or made available through a State-  
10 approved cooperative purchasing system of which the county  
11 college is a member.

12 c. The Office of the Secretary of Higher Education shall  
13 coordinate the purchase of COVID-19 related goods and services by  
14 county colleges that seek to purchase the goods and services in  
15 accordance with subsection b. of this section.<sup>2</sup>]<sup>3</sup>

16  
17 <sup>2</sup>[<sup>2.</sup>]<sup>3</sup>[<sup>3.</sup><sup>2</sup>]2.<sup>3</sup> This act shall take effect immediately and  
18 shall expire on July 1, 2022.