

ASSEMBLY, No. 4701

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED SEPTEMBER 21, 2020

Sponsored by:

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman BRIAN BERGEN

District 25 (Morris and Somerset)

SYNOPSIS

Permits notices of revisions or addenda to advertisements or bid documents to be provided via email.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/21/2020)

1 AN ACT concerning notices of revisions or addenda to
2 advertisements or bid documents and amending P.L.1971, c.198.

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

6
7 1. Section 23 of P.L.1971, c.198 (C.40A:11-23) is amended to
8 read as follows:

9 23. a. All advertisements for bids shall be published in an
10 official newspaper of the contracting unit sufficiently in advance of
11 the date fixed for receiving the bids to promote competitive
12 bidding, but in no event less than 10 days prior to such date; except
13 that all advertisements for bids on contracts for the collection and
14 disposal of municipal solid waste shall be published in an official
15 newspaper of the contracting unit circulating in the county or
16 municipality, and in at least one newspaper of general circulation
17 published in the State, sufficiently in advance of the date fixed for
18 receiving the bids to promote competitive bidding, but not less than
19 60 days prior to that date. For all contracts, the date fixed for
20 receiving the bids shall not fall on a Monday, or any day directly
21 following a State or federal holiday.

22 b. The advertisement shall designate the manner of submitting
23 and the method of receiving the bids and the time and place at
24 which the bids will be received. If the published specifications
25 provide for receipt of bids by mail, those bids which are mailed to
26 the contracting unit shall be sealed and shall only be opened for
27 examination at such time and place as all bids received are unsealed
28 and announced. At such time and place the contracting agent of the
29 contracting unit shall publicly receive the bids, and thereupon
30 immediately proceed to unseal them and publicly announce the
31 contents, which announcement shall be made in the presence of any
32 parties bidding or their agents, who are then and there present, and
33 shall also make proper record of the prices and terms, upon the
34 minutes of the governing body, if the award is to be made by the
35 governing body of the contracting unit, or in a book kept for that
36 purpose, if the award is to be made by other than the governing
37 body, and in such latter case it shall be reported to the governing
38 body of the contracting unit for its action thereon, when such action
39 thereon is required. No bids shall be received after the time
40 designated in the advertisement.

41 c. Notice of revisions or addenda to advertisements or bid
42 documents shall be provided as follows:

43 1) For all contracts except those for construction work and
44 municipal solid waste collection and disposal service, notice shall
45 be published no later than seven days, Saturdays, Sundays, and
46 holidays excepted, prior to the date for acceptance of bids, in an

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.

1 official newspaper of the contracting unit and be provided to any
2 person who has submitted a bid or who has received a bid package,
3 in one of the following ways: i) in writing by certified mail **【or】**;
4 ii) by certified facsimile transmission, meaning that the sender's
5 facsimile machine produces a receipt showing date and time of
6 transmission and that the transmission was successful **【or】**; iii) by a
7 delivery service that provides certification of delivery to the sender;
8 or iv) by electronic mail with confirmation of delivery.

9 2) For all contracts for construction work, notice shall be
10 provided no later than seven days, Saturdays, Sundays, or holidays
11 excepted, prior to the date for acceptance of bids, to any person who
12 has submitted a bid or who has received a bid package in any of the
13 following ways: i) in writing by certified mail **【or】**; ii) by certified
14 facsimile transmission, meaning that the sender's facsimile machine
15 produces a receipt showing date and time of transmission and that
16 the transmission was successful **【or】**; iii) by a delivery service that
17 provides certification of delivery to the sender; or iv) by electronic
18 mail with confirmation of delivery.

19 3) For municipal solid waste collection and disposal contracts,
20 notice shall be published in an official newspaper of the contracting
21 unit and in at least one newspaper of general circulation published
22 in the State no later than seven days, Saturdays, Sundays, and
23 holidays excepted, prior to the date for acceptance of bids.

24 d. Failure of the contracting unit to advertise for the receipt of
25 bids or to provide proper notification of revisions or addenda to
26 advertisements or bid documents related to bids as prescribed by
27 this section shall prevent the contracting unit from accepting the
28 bids and require the readvertisement for bids pursuant to subsection
29 a. of this section. Failure to obtain a receipt when good faith notice
30 is sent or delivered to the address or telephone facsimile number on
31 file with the contracting unit shall not be considered failure by the
32 contracting unit to provide notice.

33 (cf: P.L.2007, c.4, s.1)

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35 2. This act shall take effect immediately.
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38 STATEMENT

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40 This bill would amend the "Local Public Contracts Law,"
41 P.L.1971, c.198 (C.40A:11-1 et seq.) to permit local contracting
42 units to provide notices of revisions or addenda to advertisements or
43 bid documents to any person who has submitted a bid, or who has
44 received a bid package, by electronic mail with confirmation of
45 delivery. Currently, with the exception of contracts for municipal
46 solid waste collection and disposal, these notices are required to be
47 provided in writing by certified mail; by certified facsimile
48 transmission; or by a delivery service that provides certification of
49 delivery to the sender.