

P.L. 2021, CHAPTER 77, *approved May 5, 2021*
 Assembly, No. 4461 (*Third Reprint*)

1 AN ACT concerning ²[a State contract] contracts² for the purchase
 2 of COVID-19 related materials by school districts ³and county
 3 colleges²].³

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

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 8 1. a. Notwithstanding any provision of law, rule, or regulation
 9 to the contrary, the ³[Director of the Division of Purchase and
 10 Property in the Department of the Treasury, in consultation with the
 11 Commissioner of]³ ²[the Department of]² ³Department of³
 12 Education]³ shall ³[award a contract or contracts, in accordance
 13 with the provisions of chapter 34 of Title 52 of the Revised
 14 Statutes, and]³ 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.),² for the procurement of COVID-19 related goods and services
 20 ³[, as specified by the commissioner,]³ that aid in meeting the
 21 COVID-19 ³[guidelines issued by the²United States² 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]³.
 25 The ³[director, in consultation with the commissioner,] Department
 26 of Education]³ 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 ³in the Department of the
 31 Treasury]³ 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 ³[Division of Purchase and Property] Department of Education]³
 38 pursuant to the provisions of subsection a. of this section ³[or

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:

¹Assembly AED committee amendments adopted August 10, 2020.

²Assembly AAP committee amendments adopted August 24, 2020.

³Senate floor amendments adopted October 29, 2020.

1 made available through a State-approved cooperative purchasing
2 system of which the board of education is a member²】³.

3 c. ³【The Department of Education shall coordinate the
4 purchase of COVID-19 related goods and services by school
5 districts that seek to purchase the goods and services in accordance
6 with subsection b. of this section.

7 d.】³ As used in this section:

8 “Board of education” means and includes the board of education
9 of any local school district, consolidated school district, regional
10 school district, county vocational school and any other board of
11 education or other similar body, other than the State Board of
12 Education, ³【the ¹【Commission on】 Office of the Secretary of¹
13 Higher Education or the Presidents' Council,】³ established and
14 operating under the provisions of Title 18A of the New Jersey
15 Statutes and having authority to make purchases and to enter into
16 contracts for the provision or performance of goods or services.
17 The term "board of education" also shall include the board of
18 trustees of a charter school established under P.L.1995, c.426
19 (C.18A:36A-1 et seq.) ¹and the board of trustees of a renaissance
20 school established pursuant to P.L.2011, c.176 (C.18A:36C-
21 1 et seq.)¹.

22 “School district” means a local or regional school district
23 established pursuant to chapter 8 or chapter 13 of Title 18A of the
24 New Jersey Statutes, a county special services school district
25 established pursuant to article 8 of chapter 46 of Title 18A of the
26 New Jersey Statutes, a county vocational school district established
27 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
28 Statutes, and a district under full State intervention pursuant to
29 P.L.1987, c.399 (C.18A:7A-34 et al.). ¹The term “school district”
30 shall also include a charter school established under P.L.1995,
31 c.426 (C.18A:36A-1 et seq.) and a renaissance school established
32 pursuant to P.L.2011, c.176 (C.18A:36C-1 et seq.).¹
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34 ³【²2. a. Notwithstanding any provision of law, rule, or
35 regulation to the contrary, the Director of the Division of Purchase
36 and Property, in consultation with the Secretary of Higher
37 Education, shall award a contract or contracts, in accordance with
38 the provisions of chapter 34 of Title 52 of the Revised Statutes, and
39 coordinate with the lead agency of any State-approved cooperative
40 purchasing system that includes one or more county colleges,
41 including those systems established pursuant to the “County
42 College Contracts Law,” P.L.1982, c.189 (C.18A:64A-25.1 et seq.),
43 or the “Local Public Contracts Law,” P.L.1971, c.198 (C.40A:11-
44 1 et seq.), for the procurement of COVID-19 related goods and
45 services, as specified by the secretary, that aid in meeting the
46 COVID-19 guidelines issued by the United States Centers for
47 Disease Control and Prevention. The director, in consultation with

1 the secretary, may make awards to multiple bidders in accordance
2 with section 1 of P.L.1986, c.26 (C.52:34-12.1). Advertised
3 bidding shall not be required to award a contract or contracts to
4 obtain those goods and services necessary to address the public
5 exigency when the Division of Purchase of Property provides
6 preapproval.

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

16 c. The Office of the Secretary of Higher Education shall
17 coordinate the purchase of COVID-19 related goods and services by
18 county colleges that seek to purchase the goods and services in
19 accordance with subsection b. of this section.²³

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21 ²[2.] ³[3.²] 2.³ This act shall take effect immediately and
22 shall expire on July 1, 2022.

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