

SENATE, No. 304

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator RONALD L. RICE

District 28 (Essex)

SYNOPSIS

Requires State agencies and local government units to report certain information concerning bids on public contracts by minority- and women-owned business enterprises; prohibits discrimination against such enterprises.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning bidding on public contracts by certain
2 businesses and supplementing Title 52 of the Revised Statutes.

3

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

6

7 1. a. For each full State fiscal year commencing after the
8 effective date of P.L. , c. (pending before the Legislature as this
9 bill), a State agency or local government unit having authority to
10 contract for the purchase of goods or services shall examine the
11 opportunity of qualified minority- and women-owned business
12 enterprises to bid on any contract awarded by that agency or unit.
13 Each such agency and unit shall collect and submit, by July 31 of
14 each year, to the Division of Revenue in the Department of the
15 Treasury, the Division of Local Government Services in the
16 Department of Community Affairs, or the Department of Education,
17 as appropriate, a report detailing the findings of the examination,
18 which shall include:

19 (1) the total number of the agency's or unit's contracts and the
20 dollar value thereof;

21 (2) the total number of the agency's or unit's contracts in which
22 qualified minority- and women-owned business enterprises
23 submitted a bid and the dollar value thereof;

24 (3) the total number of qualified minority- and women-owned
25 business enterprises that submitted a bid on each contract awarded
26 by the agency or unit;

27 (4) the total number of the agency's or unit's contracts that were
28 awarded to qualified minority- and women-owned business
29 enterprises and the dollar value thereof; and

30 (5) the total number of the agency's or unit's contracts, and the
31 dollar value thereof, for which qualified minority- and women-
32 owned business enterprises submitted the lowest bid but were not
33 awarded the contract, the reason therefor, and the business to which
34 the contract was awarded.

35 b. The Director of the Division of Revenue in the Department
36 of the Treasury, the Director of the Division of Local Government
37 Services in the Department of Community Affairs, and the
38 Commissioner of the Department of Education, as appropriate, shall
39 submit, by September 30 of each year, to the Governor, and the
40 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-
41 19.1), a report detailing, both in the aggregate and categorized by ag
42 ency or unit, the information included in the reports submitted purs
43 uant to subsection a. of this section.

44 c. Each State agency or local government unit having authority
45 to contract for the purchase of goods or services shall give due
46 consideration to any qualified minority- and women-owned
47 business enterprises that bids on a contract awarded by the State
48 agency or local government unit. No such State agency or local

1 government unit shall discriminate against qualified minority- and
2 women-owned business enterprises in the awarding of any contract.

3 d. For the purposes of this section:

4 “State agency” means any agency in the Executive Branch of the
5 State government, including, but not limited to, any department,
6 board, bureau, commission, division, office, council, or
7 instrumentality thereof, or independent agency, public authority or
8 public benefit corporation, and any State college or public
9 institution of higher education;

10 “Local government unit” means any government entity subject to
11 the requirements of the “Local Public Contracts Law,”
12 P.L.1971, c.198 (C.40A:11-1 et seq.), the “Public School Contracts
13 Law,” N.J.S.18A:18A-1 et seq., or the “County College Contracts
14 Law,” P.L.1982, c.189 (C.18A:64A-25.1 et seq.);

15 “Qualified minority-owned business enterprise” means a
16 business which is independently owned and operated, which has its
17 principal place of business in this State, which is qualified pursuant
18 to N.J.S.18A:18A-27, section 25 of P.L.1971, c.198 (C.40A:11-
19 25), or any similar law or regulation applicable to a State agency co
20 ntract, as appropriate, and which is:

21 (1) A sole proprietorship, owned and controlled by a person who
22 is a minority;

23 (2) A partnership or joint venture owned and controlled by
24 persons who are minorities in which at least 51 percent of the
25 ownership interest is held by persons who are minorities and the
26 management and daily business operations of which are controlled
27 by one or more of the persons who are minorities who own it; or

28 (3) A corporation or other entity whose management and daily
29 business operations are controlled by one or more persons who are
30 minorities who own it, and which is at least 51 percent owned by
31 one or more persons who are minorities, or if stock is issued, at
32 least 51 percent of the stock is owned by one or more persons who
33 are minorities; and

34 “Qualified women-owned business enterprise” means a business
35 which is independently owned and operated, which has its principal
36 place of business in this State, which is qualified pursuant to
37 N.J.S.18A:18A-27, section 25 of P.L.1971, c.198 (C.40A:11-25), or
38 any similar law or regulation applicable to a State agency contract,
39 as appropriate, and which is:

40 (1) A sole proprietorship, owned and controlled by a woman;

41 (2) A partnership or joint venture owned and controlled by
42 women in which at least 51 percent of the ownership interest is held
43 by women and the management and daily business operations of
44 which are controlled by one or more of the women who own it; or

45 (3) A corporation or other entity whose management and daily
46 business operations are controlled by one or more women who own
47 it, and which is at least 51 percent owned by one or more women, or

1 if stock is issued, at least 51 percent of the stock is owned by one or
2 more women.

3 e. The State Treasurer, the Director of the Department of
4 Community Affairs, and the President of the New Jersey State
5 Board of Education may adopt regulations pursuant to the
6 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
7 seq.), as are necessary to administer the provisions of this section.
8

9 2. This act shall take effect immediately.
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12 STATEMENT 13

14 This bill requires State agencies and local government units to
15 report certain information concerning bids on public contracts
16 submitted by minority- and women-owned business enterprises and
17 prohibits discrimination in contracting against such enterprises by
18 State agencies and local government units.

19 Every State agency or local government unit having contracting
20 authority is to examine the opportunity of qualified minority- and
21 women-owned business enterprises to bid on any contract awarded
22 by that agency or unit. Those agencies and units are to issue a report
23 detailing the findings of the examination, which must include: (1)
24 the total number of the agency’s or unit’s contracts and the dollar
25 value thereof; (2) the total number of the agency’s or unit’s
26 contracts in which qualified minority- and women-owned business
27 enterprises submitted a bid and the dollar value thereof; (3) the total
28 number of qualified minority- and women-owned business
29 enterprises that submitted a bid on each contract awarded by the
30 agency or unit; (4) the total number of the agency’s or unit’s
31 contracts that were awarded to qualified minority- and women-
32 owned business enterprises and the dollar value thereof; and (5) the
33 total number of the agency’s or unit’s contracts, and the dollar value
34 thereof, for which qualified minority- and women-owned business
35 enterprises submitted the lowest bid but were not awarded the
36 contract, the reason therefor, and the business to which the contract
37 was awarded. These agencies and units must give due consideration
38 to any qualified minority- and women-owned business enterprises
39 bidding on a public contract, and may not discriminate against those
40 businesses in the awarding of any contract.

41 The Director of the Division of Revenue, the Director of the
42 Division of Local Government Services in the Department of
43 Community Affairs, and the Commissioner of the Department of
44 Education are to submit to the Governor and the Legislature a report
45 detailing the information included in the reports by State agencies
46 and local government units submitted pursuant to this bill.