

SENATE, No. 318

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator RONALD L. RICE

District 28 (Essex)

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Requires entities at every level of government to conduct periodic studies of racial and ethnic disparities in public contracting.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** requiring entities at every level of government to conduct
2 periodic studies of racial and ethnic disparities in public
3 contracting and supplementing various parts of the statutory law.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. Notwithstanding the provisions of any other law to the
9 contrary, the Director of the Division of Purchase and Property, the
10 Director of the Division of Property Management and Construction,
11 and the head of any State agency, within six months of the effective
12 date of this act and at five year intervals thereafter, shall conduct a
13 study of racial and ethnic disparity in the awarding of public
14 contracts by that division or State agency during the immediately
15 preceding five-year period. The study shall assess vendor
16 utilization by the division or State agency and determine if there
17 were disparities in procurement related to race and ethnicity. The
18 division or State agency shall prepare a report of its findings within
19 one year of commencing the study which shall be submitted to the
20 Governor and the Legislature and shall be a government record that
21 is accessible to the public pursuant to P.L.1963, c. 73 (C. 47:1A-
22 1 et seq.).

23 As used in this section, "State agency" means any principal
24 department in the Executive Branch of State government, and any
25 division, board, bureau, office, commission or other instrumentality
26 within or created by such department, and any independent State
27 authority, commission, instrumentality or agency, other than in the
28 Legislative or Judicial Branches of State government, which is
29 authorized by law to award public contracts.
30

31 2. Notwithstanding the provisions of any other law to the
32 contrary, every contracting unit, as defined in section 2 of
33 P.L.1971, c.198 (C.40A:11-2), within six months of the effective
34 date of this act and at five year intervals thereafter, shall conduct a
35 study of racial and ethnic disparity in the awarding of public
36 contracts by that contracting unit during the immediately preceding
37 five-year period. The study shall assess vendor utilization by the
38 contracting unit and determine if there were disparities in
39 procurement related to race and ethnicity. The contracting unit
40 shall prepare a report of its findings within one year of commencing
41 the study which shall be submitted to the Governor and the
42 Legislature and shall be a government record that is accessible to
43 the public pursuant to P.L.1963, c. 73 (C. 47:1A-1 et seq.).
44

45 3. Notwithstanding the provisions of any other law to the
46 contrary, every board of education, as defined in N.J.S.18A:18A-2,
47 within six months of the effective date of this act and at five year
48 intervals thereafter, shall conduct a study of racial and ethnic

1 disparity in the awarding of public contracts by that board of
2 education during the immediately preceding five-year period. The
3 study shall assess vendor utilization by the board of education and
4 determine if there were disparities in procurement related to race
5 and ethnicity. The board of education shall prepare a report of its
6 findings within one year of commencing the study which shall be
7 submitted to the Governor and the Legislature and shall be a
8 government record that is accessible to the public pursuant to
9 P.L.1963, c. 73 (C. 47:1A-1 et seq.).

10
11 4. Notwithstanding the provisions of any other law to the
12 contrary, every public institution of higher education, within six
13 months of the effective date of this act and at five year intervals
14 thereafter, shall conduct a study of racial and ethnic disparity in the
15 awarding of public contracts by that institution during the
16 immediately preceding five-year period. The study shall assess
17 vendor utilization by the institution and determine if there were
18 disparities in procurement related to race and ethnicity. The
19 institution shall prepare a report of its findings within one year of
20 commencing the study which shall be submitted to the Governor
21 and the Legislature and shall be a government record that is
22 accessible to the public pursuant to P.L.1963, c. 73 (C. 47:1A-
23 1 et seq.).

24 As used in this section, "public institution of higher education"
25 shall have the meaning assigned to it in N.J.S.18A:62-1.

26
27 5. This act shall take effect immediately.
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30 STATEMENT

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32 This bill requires the State, local contracting units, boards of
33 education, and public institutions of higher education, within six
34 months of the effective date of this act and at five year intervals
35 thereafter, to conduct a study of racial and ethnic disparity in the
36 awarding of public contracts by that board of education during the
37 immediately preceding five-year period. These studies will assess
38 vendor utilization by the public entity and determine if there have
39 been disparities in procurement related to race and ethnicity. The
40 public entity will prepare a report of its findings within one year of
41 commencing the study which will be submitted to the Governor and
42 the Legislature and will be a government record that is accessible to
43 the public.