

SENATE, No. 350

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Provides purchasing preference to local and environmentally responsible businesses in awarding of State contracts.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning certain environmentally responsible businesses
2 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:*

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7 1. a. Notwithstanding any other provision of State law, or any
8 rule or regulation adopted pursuant thereto, to the contrary, the
9 Director of the Division of Purchase and Property in the Department
10 of the Treasury, the Director of the Division of Property
11 Management and Construction in the Department of the Treasury,
12 or any State agency having authority to contract for the purchase of
13 goods and services, shall wherever possible give preference to
14 goods and services provided by a green company designated
15 pursuant to subsection b. of this section.

16 In preparing the specifications for any contract for the purchase
17 of goods and services, the Director of the Division of Purchase and
18 Property, the Director of the Division of Property Management and
19 Construction, or any other State agency having authority to contract
20 for the purchase of goods or services shall include in the invitation
21 to bid, where relevant, a statement that any response to the
22 invitation that proposes or calls for the use of goods or services
23 provided by a green company designated pursuant to subsection b.
24 of this section shall receive preference wherever possible over other
25 comparable bids.

26 Any preference provided pursuant to this subsection may not
27 supersede any preference given to recycled paper and paper
28 products pursuant to P.L.1987, c.102 (C.13:1E-99.11 et seq.) or
29 other preferences, provided pursuant to other provisions of law, for
30 goods or services with significant environmental benefit, as
31 determined by the Commissioner of Environmental Protection.

32 b. The Commissioner of Environmental Protection, in
33 consultation with the State Treasurer, shall designate a business,
34 company, or corporation as a green company if the business,
35 company, or corporation:

36 (1) manufactures products, or provides services, that are
37 environmentally responsible and known to be green or sustainable
38 products or services;

39 (2) uses practices and follows policies that are environmentally
40 responsible and known to be green or sustainable practices and
41 policies; and

42 (3) is located in the State, or within 50 miles of the State.

43 A green company shall also mean a business, company, or
44 corporation that, pursuant to a purchasing contract with the State,
45 would be selling goods to the State that are manufactured by a
46 green company designated pursuant to this subsection.

1 Prior to designating a business, company, or corporation as a
2 green company, the Commissioner of Environmental Protection
3 shall consider raw materials acquisition, production, manufacturing,
4 packaging, distribution, reuse, maintenance, operation, and disposal
5 practices, as applicable, of the business, company, or corporation.

6 A green company may include, at the discretion of the
7 Commissioner of Environmental Protection in consultation with the
8 State Treasurer, a business, company, or corporation designated as
9 environmentally responsible pursuant to subsection a. of section 1
10 of P.L.2009, c.316 (C.13:1D-148).

11 c. The provisions of subsection a. of this section shall not
12 apply:

13 (1) to any binding contractual obligations for the purchase of
14 goods or services entered into prior to the effective date of this act;

15 (2) to bid packages advertised and made available to the public,
16 or to any competitive and sealed bids received by the State, prior to
17 the effective date of this act;

18 (3) to any amendment, modification, or renewal of a contract,
19 which contract was entered into prior to the effective date of this act
20 where the application would delay timely completion of a project or
21 involve an increase in the total moneys to be paid by the State under
22 that contract; or

23 (4) to a contract for the design, construction, improvement, or
24 maintenance of any public work.

25 d. The State Treasurer, in consultation with the Commissioner
26 of Environmental Protection, shall establish a procedure for
27 resolving any dispute that may arise from the awarding of a public
28 contract by the State pursuant to subsections a. and c. of this
29 section.

30 e. As used in this act:

31 “Green or sustainable practices or policies” means those
32 practices or policies, as appropriate, which contribute to an
33 improved environment and result in sound environmental practices
34 and important environmental benefits to the State, and include:
35 energy conservation, energy efficient or renewable energy
36 techniques, increased recycling or use of recycled materials and
37 products, air pollution or emissions reduction, solid waste
38 reduction, water conservation, or other related practices and
39 techniques that make significant improvements to protecting the
40 environment or conserving resources.

41 “Green or sustainable products or services” means those products
42 or services, as appropriate, which contribute to an improved
43 environment and support State environmental and energy goals and
44 result in important environmental benefits to the State, and include:
45 energy conservation, energy efficient or renewable energy
46 technologies or services related thereto, recycled products and

1 materials, recycling services, products or services to reduce air
2 pollution, greenhouse gas emissions, solid waste, or water usage,
3 and other related products and services. “Green or sustainable
4 products or services” may also include products or services related
5 to a high performance green building, as defined pursuant to section
6 1 of P.L.2007, c.269 (C.52:32-5.3).

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8 2. This act shall take effect immediately.

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11 STATEMENT

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13 This bill would provide any local and environmentally
14 responsible business that is designated as a “green company,” a
15 preference in the awarding of State contracts wherever possible.

16 Under the bill, the Commissioner of Environmental Protection,
17 in consultation with the State Treasurer, would designate a
18 business, company, or corporation as a green company if the
19 business, company, or corporation:

20 1) manufactures products, or provides services, that are
21 environmentally responsible and known to be green or sustainable
22 products or services;

23 2) uses practices and follows policies that are environmentally
24 responsible and known to be green or sustainable practices and
25 policies; and

26 3) is located in the State, or within 50 miles of the State.

27 A green company also includes a business, company, or
28 corporation that, pursuant to a purchasing contract with the State,
29 would be selling goods to the State that are manufactured by a
30 designated green company.

31 At the discretion of the Commissioner of Environmental
32 Protection in consultation with the State Treasurer, a green
33 company may also include a business, company, or corporation
34 designated as environmentally responsible pursuant to
35 N.J.S.A.13:1D-148.

36 The bill requires the Director of the Division of Purchase and
37 Property in the Department of the Treasury, the Director of the
38 Division of Property Management and Construction in the
39 Department of the Treasury, or any other State agency having
40 authority to contract for the purchase of goods or services, to give
41 preference, wherever possible, to goods and services provided by a
42 green company when entering into or renewing a contract for the
43 purchase of goods or services. The bill further provides that any
44 preference given to a green company would not supersede the
45 preference given to recycled paper and paper products under
46 N.J.S.A.13:1E-99.11 et seq., or other preferences, provided under

1 existing law, for products or services with significant environmental
2 benefit, as determined by the Commissioner of Environmental
3 Protection.

4 The bill specifies that the preference provided under the bill
5 would not apply to:

6 1) any binding contractual obligations for the purchase of
7 goods or services entered into prior to the date the bill becomes law;

8 2) bid packages advertised and made available to the public, or
9 to any competitive and sealed bids received by the State, prior to
10 the date the bill becomes law;

11 3) to any amendment, modification, or renewal of a contract,
12 that was entered into prior to the date this bill became law, where
13 the application would delay timely completion of a project or
14 involve an increase in the total moneys to be paid by the State under
15 that contract; and

16 4) to a contract for the design, construction, improvement, or
17 maintenance of any public work.

18 Finally, the bill directs the State Treasurer, in consultation with
19 the Commissioner of Environmental Protection, to establish a
20 procedure for resolving any dispute that may arise from the
21 awarding of a public contract by the State pursuant to the provisions
22 of this bill.

23 This bill would further support State policies to “go green” by
24 providing a purchasing preference to companies known to be
25 environmentally responsible and selling products, providing
26 services, or using practices or policies that further this purpose.