

**SENATE, No. 1939**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED FEBRUARY 25, 2020

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**SYNOPSIS**

Aligns contracting standards of Stockton University for its Atlantic City campus with those governing State public research universities.

**CURRENT VERSION OF TEXT**

As introduced.



1   **AN ACT** concerning State college contracting and supplementing  
2       chapter 64 of Title 18A of the New Jersey Statutes.

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

6  
7       1. Notwithstanding the provisions of any law to the contrary,  
8       the board of trustees of a four-year public institution of higher  
9       education with a campus in a municipality in which casino gaming  
10      has been legalized shall have the power and duty to adopt standing  
11      operating rules and procedures only for that campus for the  
12      purchase of all equipment, materials, supplies and services pursuant  
13      to this section. No contract entered into pursuant to this section  
14      shall be entered into for the purchase of services, materials,  
15      equipment and supplies, for the performance of any work, or for the  
16      hiring of equipment or vehicles, where the sum to be expended  
17      exceeds \$33,300 or the amount determined by the Governor as  
18      provided herein, unless the institution shall first publicly advertise  
19      for bids and shall award the contract to that responsible bidder  
20      whose bid, conforming to the invitation for bids, will be most  
21      advantageous to the institution, price and other factors considered.  
22      Such advertising shall not be required in those exceptions created  
23      by the board of trustees of the institution, which shall be in  
24      substance those exceptions contained in sections 4 and 5 of  
25      P.L.1954, c.48 (C.52:34-9 and 10) and section 5 of P.L.1986, c.43  
26      (C.18A:64-56) or for the supplying of any product or the rendering  
27      of any service by a public utility subject to the jurisdiction of the  
28      Board of Public Utilities of this State and tariffs and schedules of  
29      the charges made, charged, or exacted by the public utility for any  
30      such products to be supplied or services to be rendered are filed  
31      with the said board. Commencing July 1, 2019 and every two years  
32      thereafter, the Governor, in consultation with the Department of the  
33      Treasury, shall adjust the threshold amount set forth in this section  
34      in direct proportion to the rise or fall of the consumer price index  
35      for all urban consumers in the New York City and the Philadelphia  
36      areas as reported by the United States Department of Labor. The  
37      Governor shall notify the institution of the adjustment. The  
38      adjustment shall become effective on July 1 of the year in which it  
39      is reported.

40      This section of law shall not prevent the institution from having  
41      any work performed by its own employees, nor shall it apply to  
42      repairs, or to the furnishing of materials, supplies or labor, or the  
43      hiring of equipment or vehicles, when the safety or protection of its  
44      or other public property or the public convenience requires or the  
45      exigency of the institution's service will not admit of such  
46      advertisement. In such case, the institution shall, by resolution  
47      passed by the affirmative vote of its board of trustees, declare the  
48      exigency or emergency to exist, and set forth in the resolution the

1 nature and approximate amount to be expended; shall maintain  
2 appropriate records as to the reason for such awards; and shall  
3 report regularly to its board of trustees on all such purchases, the  
4 amounts and the reasons therefor.

5  
6 2. Notwithstanding the provisions of any law to the contrary, a  
7 four-year public institution of higher education with a campus in a  
8 municipality in which casino gaming has been legalized shall not be  
9 subject to subsections w. or x. of N.J.S.18A:64-6, sections 3 and 4,  
10 6 through 28, and 33 of P.L.1986, c.43 (C.18A:64-54, C.18A:64-55,  
11 C.18A:64-57 through C.18A:64-79, and C.18A:64-84), section 2 of  
12 P.L.1992, c.61 (C.18A:64-76.1), and P.L.2013, c.147 (C.18A:64-  
13 76.2 et seq.) for the purchase of all equipment, materials, supplies,  
14 and services for that campus.

15  
16 3. This act shall take effect immediately.

#### 17 18 19 STATEMENT

20  
21 This bill alters the requirements pursuant to which Stockton  
22 University would purchase goods and services and construct  
23 buildings on its Atlantic City campus in order to align those  
24 requirements with the contracting standards governing the State's  
25 public research universities. The bill would allow Stockton  
26 University the ability to follow the more flexible requirements of  
27 the contracting process which apply to the public research  
28 universities in the case of the university's Atlantic City campus.

29 Under current law, the contracting standards for the State  
30 colleges and universities, including Stockton University, are found  
31 in the "State College Contracts Law," P.L.1986, c.43 (C.18A:64-52  
32 et seq.). This bill provides that various sections of that law which  
33 are inconsistent with the contracting requirements imposed on the  
34 public research universities would no longer apply to Stockton  
35 University for contracting on the Atlantic City campus.

36 This bill grants the board of trustees of Stockton University the  
37 power and duty to adopt standing operating rules and procedures for  
38 the purchase of all equipment, materials, supplies, and services for  
39 the Atlantic City campus. The power to adopt standing operating  
40 rules and procedures is limited, however, by the requirement that no  
41 contract may be entered into for the purchase of services, materials,  
42 equipment and supplies, for the performance of any work, or for the  
43 hiring of equipment or vehicles, where the sum to be expended  
44 exceeds a specified bid threshold, unless the university first  
45 publicly advertises for bids and awards the contract to that  
46 responsible bidder whose bid, conforming to the invitation for bids,  
47 will be most advantageous to the university, price and other factors  
48 considered. The university is permitted to create exceptions to the

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1 public advertising requirement, but those exceptions must be in  
2 substance those exceptions found currently in the “State College  
3 Contracts Law” and sections 4 and 5 of P.L.1954, c.48 (C.52:34-9  
4 and 10).