

# SENATE STATE GOVERNMENT, WAGERING, TOURISM & HISTORIC PRESERVATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 2451**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JULY 22, 2020

The Senate State Government, Wagering, Tourism and Historic Preservation Committee reports favorably and with committee amendments Senate Bill No. 2451.

As amended by the committee, this bill permits a modification of the scope of work or the terms and conditions of contract between non-profit organizations and State agencies for the failure to perform due to the COVID-19.

Under the bill, as amended, a modification of the scope of work or terms and conditions due to the COVID-19 emergencies would be permitted when the Division of Purchase and Property in the Department of the Treasury has awarded a contract on behalf of a State agency to a non-profit organization, or a State agency has entered into an agreement or contract pursuant to its delegated purchasing authority or a waiver of advertising with a non-profit organization, or a State agency has entered into an agreement or contract with a third party entity on behalf of a non-profit organization.

The inability to perform on the contract or agreement must have occurred during the emergencies or during the six-month period immediately following the end of the emergencies. The bill would not apply to an agreement or contract entered into by the division or a State agency specifically related to the State's efforts to combat the COVID-19 Public Health Emergency and State of Emergency.

As amended, Senate Bill No. 2451 (1R) is identical to Assembly Bill No. 3996 (2R) of 2020-2021.

#### COMMITTEE AMENDMENTS

The amendments revise the types of contracts and agreements available for modification of the scope of work or terms and conditions due to failure to perform due to the COVID-19 pandemic.

Under these amendments, a modification of the scope of work or terms and conditions due to the COVID-19 emergencies would be permitted when the Division of Purchase and Property in the Department of the Treasury has awarded a contract on behalf of a State

agency to a non-profit organization, or a State agency has entered into an agreement or contract pursuant to its delegated purchasing authority or a waiver of advertising with a non-profit organization, or a State agency has entered into an agreement or contract with a third party entity on behalf of a non-profit organization.

The inability to perform on the contract or agreement must have occurred during the emergencies or during the six-month period immediately following the end of the emergencies. The bill would not apply to an agreement or contract entered into by the division or a State agency specifically related to the State's efforts to combat the COVID-19 Public Health Emergency and State of Emergency.