

# ASSEMBLY, No. 877

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**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 utilization  
16 by the division or State agency and determine if there were  
17 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  
22 (C.47:1A-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  
23 (C.47:1A-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.

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27 5. This act shall take effect immediately.

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#### 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.