

52:32-2.1 to 2.3

3/16/88

LEGISLATIVE HISTORY CHECKLIST

NJSA: 52:32-2.1 to 52:32-23

(Public buildings and construction-contract procedures-- revise)

LAWS OF: 1987

CHAPTER: 202

Bill No: A4300

Sponsor(s): Littell and Brown

Date Introduced: June 11, 1987

Committee: Assembly: Labor

Senate: -----

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: June 29, 1987

Senate: June 29, 1987

Date of Approval: July 22, 1987

Following statements are attached if available:

Sponsor statement: Yes Attached: Assembly amendments, adopted 6-25-87 (with statement)

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

[SECOND OFFICIAL COPY REPRINT]

## ASSEMBLY, No. 4300

## STATE OF NEW JERSEY

INTRODUCED JUNE 11, 1987

By Assemblymen LITTELL and BROWN

AN ACT concerning contracts for public buildings and supplementing Title 52 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. The Legislature finds that there are projects for the construc-  
2 tion, renovation or restoration of public buildings a. that require  
3 a unique application of specialized planning, management and oper-  
4 ational strategies, skills and techniques, and b. where the public  
5 exigency requires that they be completed in the most efficient and  
6 timely manner.

1 2. a. The Legislature further finds that there are projects for  
2 the construction, renovation or restoration of public buildings that  
3 must employ construction management personnel, engineers, archi-  
4 tects and contractors whose skills and expertise will identify, dis-  
5 play and protect the historical, architectural, cultural and artistic  
6 significance of those public buildings; **\*\*and\*\*** that buildings of  
7 this nature have the highest priority in being constructed, renovated  
8 and restored in the most timely manner and with the highest  
9 managerial, professional and technical expertise when they house  
10 the seat of the State Government and are to provide for its continu-  
11 ous operation and when **\*[they reflect]\*** *these buildings are* some  
12 of the most architecturally or historically significant of the State's  
13 structures **\*\*[; and]\*\*** **\*\*.** *The Legislature declares* that *the*  
14 State House, *the* State House Annex and **\*[their]\*** ancillary  
14A structures are **\*\*the\*\*** buildings **\*\*[of this nature]\*\*** **\*\*or consti-**  
14B *tute the project which are subject to the provisions of subsection b.*  
14C *of this section* **\*\*.**

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly committee amendments adopted June 18, 1987.

\*\*—Assembly amendments adopted June 25, 1987.

15 b. Notwithstanding the provisions of R. S. 52:32-2 and section  
 16 11 of P. L. 1981, c. 120 (C. 52:18A-78.11) to the contrary, in the  
 17 case of the erection, construction, alteration or repair of **\*\*[a]\*\***  
 18 *\*\*the State House, State House Annex and ancillary structures,*  
 19 *as\*\** public **\*\*[building]\*\*** *\*\*buildings\*\** or *\*\*a\*\** project of the  
 20 New Jersey Building Authority, **\*\*[where]\*\*** *\*\*if\*\** the board, body  
 21 or person authorized by law to award contracts for the work on  
 21A the public building, or the authority for the work on the project,  
 21B finds that such a building or project:

22 (1) requires a unique application of specialized planning, man-  
 23 agement and operational strategies, skills and techniques;

24 (2) *\*requires that\** construction management personnel, engi-  
 25 neers, architects and contractors whose skills and expertise will  
 26 best identify, display and protect the historical, architectural, cul-  
 27 tural and artistic significance of the building or project **\*\*[must]\*\***  
 28 be employed for its planning, design and construction, renovation  
 28A or restoration; and

29 (3) must be completed in the most efficient and timely manner,  
 30 *\*then\** the board, body or person authorized by law to award the  
 31 contracts, or the authority, may (a) by advertising and receiving  
 32 bids in the form of a single contract, multiple branch contracts, or  
 33 both, award the contract to the lowest responsible bidder or bidders,  
 34 as determined by the board, body, person, or authority; or (b) in  
 35 order to further the purposes of this section, by inviting bids for  
 36 the single contract, multiple branch contracts, or both, from among  
 37 a list of qualified bidders, in a manner that will promote full and  
 38 free competition whenever practicable, award the contract or con-  
 39 tracts to that responsible bidder from among the invited bidders  
 40 whose bid *\*,\** conforming to the invitation for bids, will be most  
 41 advantageous to the State, price and other factors considered.

1 3. a. The Legislature further finds that **\*\*[there are]\*\*** *\*\*the*  
 2 *“Correctional Facilities Construction Bond Act of 1987”* provides  
 3 *for\*\** projects for the construction of **\*\*[public buildings]\*\*** *\*\*cor-*  
 4 *rectional facilities\*\** that are required because of a critical public  
 5 need or legal constraint **\*\*[and]\*\*** *\*\*,\*\** with respect to which  
 6 there are similar needs to employ construction management per-  
 7 sonnel, engineers, architects and contractors of special skills and  
 8 expertise; and that *\*\*these projects will provide for\*\** buildings  
 8A **\*\*[of this nature would include institutions to provide]\*\*** for the  
 8B immediate housing or care of their residents or inmates.

9 b. Notwithstanding the provisions of R. S. 52:32-2 and section 11  
 10 of P. L. 1981, c. 120 (C. 52:18A-78.11) to the contrary, in the case  
 11 of the erection or construction of a public building or project of

12 the New Jersey Building Authority, \***[where]**\* *if* the board, body  
 13 or person authorized by law to award contracts for the work on the  
 14 public building, or the authority for the work on the project, finds  
 15 that such building or project:

16 (1) requires a unique application of specialized planning, man-  
 17 agement and operational strategies, skills and techniques; and

18 (2) *requires that* construction management personnel, engi-  
 19 neers, architects and contractors whose skills and expertise will  
 20 ensure the completion of the building or project in the most efficient  
 21 and timely manner \***[must]**\* be employed for its planning, design  
 22 and construction; *then* the board, body or person authorized by  
 23 law to award the contracts, or the authority, may, by advertising  
 24 and receiving bids in the form of a single contract, multiple branch  
 25 contracts, or both, award the contract to the lowest responsible  
 26 bidder or bidders, as determined by the board, body, person, or  
 27 authority. *\*\*There shall be set forth in the bid the name or names*  
 28 *of, and evidence of performance security from, all subcontractors*  
 29 *to whom the bidder will subcontract the furnishing of plumbing*  
 30 *and gas fitting, and all kindred work, and of the steam and hot*  
 31 *water heating and ventilating apparatus, steam power plants and*  
 32 *kindred work, and electrical work, structural steel and ornamental*  
 33 *iron work, each of which subcontractors shall be qualified in accord-*  
 34 *ance with Title 52 of the Revised Statutes.\*\**

1 4. This act shall take effect immediately.

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#### BUILDING AND CONSTRUCTION

Revises the public building and construction contracting pro-  
 cedures.

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**ASSEMBLY, No. 4300**  
**STATE OF NEW JERSEY**

INTRODUCED JUNE 11, 1987

By Assemblymen LITTELL and BROWN

AN ACT concerning contracts for public buildings and supplementing Title 52 of the Revised Statutes.

1 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. The Legislature finds that there are projects for the construc-  
2 tion, renovation or restoration of public buildings a. that require  
3 a unique application of specialized planning, management and oper-  
4 ational strategies, skills and techniques, and b. where the public  
5 exigency requires that they be completed in the most efficient and  
6 timely manner.

1 2. a. The Legislature further finds that there are projects for  
2 the construction, renovation or restoration of public buildings that  
3 must employ construction management personnel, engineers, archi-  
4 tects and contractors whose skills and expertise will identify, dis-  
5 play and protect the historical, architectural, cultural and artistic  
6 significance of those public buildings; that buildings of this nature  
7 have the highest priority in being constructed, renovated and re-  
8 stored in the most timely manner and with the highest managerial,  
9 professional and technical expertise when they house the seat of  
10 the State Government and are to provide for its continuous opera-  
11 tion and when they reflect some of the most architecturally or  
12 historically significant of the State's structures; and that State  
13 House, State House Annex and ancillary structures are buildings  
14 of this nature.

15 b. Notwithstanding the provisions of R. S. 52:32-2 and section  
16 11 of P. L. 1981, c. 120 (C. 52:18A-78.11) to the contrary, in the  
17 case of the erection, construction, alteration or repair of a public  
18 building or project of the New Jersey Building Authority, where  
19 the board, body or person authorized by law to award contracts  
20 for the work on the public building, or the authority for the work  
21 on the project, finds that such a building or project:

22 (1) requires a unique application of specialized planning, man-  
23 agement and operational strategies, skills and techniques;

24 (2) construction management personnel, engineers, architects  
25 and contractors whose skills and expertise will best identify, dis-  
26 play and protect the historical, architectural, cultural and artistic  
27 significance of the building or project must be employed for its  
28 planning, design and construction, renovation or restoration; and

29 (3) must be completed in the most efficient and timely manner,  
30 the board, body or person authorized by law to award the contracts,  
31 or the authority, may (a) by advertising and receiving bids in the  
32 form of a single contract, multiple branch contracts, or both, award  
33 the contract to the lowest responsible bidder or bidders, as deter-  
34 mined by the board, body, person, or authority; or (b) in order to  
35 further the purposes of this section, by inviting bids for the single  
36 contract, multiple branch contracts, or both, from among a list of  
37 qualified bidders, in a manner that will promote full and free com-  
38 petition whenever practicable, award the contract or contracts to  
39 that responsible bidder from among the invited bidders whose bid  
40 conforming to the invitation for bids, will be most advantageous  
41 to the State, price and other factors considered.

1 3. a. The Legislature further finds that there are projects for  
2 the construction of public buildings that are required because of a  
3 critical public need or legal constraint and with respect to which  
4 there are similar needs to employ construction management per-  
5 sonnel, engineers, architects and contractors of special skills and  
6 expertise; and that buildings of this nature would include institu-  
7 tions to provide for the immediate housing or care of their resi-  
8 dents or inmates.

9 b. Notwithstanding the provisions of R. S. 52:32-2 and section 11  
10 of P. L. 1981, c. 120 (C. 52:18A-78.11) to the contrary, in the case  
11 of the erection or construction of a public building or project of  
12 the New Jersey Building Authority, where the board, body or  
13 person authorized by law to award contracts for the work on the  
14 public building, or the authority for the work on the project, finds  
15 that such building or project:

16 (1) requires a unique application of specialized planning, man-  
17 agement and operational strategies, skills and techniques; and

18 (2) construction management personnel, engineers, architects  
19 and contractors whose skills and expertise will ensure the comple-  
20 tion of the building or project in the most efficient and timely  
21 manner must be employed for its planning, design and construction;  
22 the board, body or person authorized by law to award the contracts,  
23 or the authority, may, by advertising and receiving bids in the form  
24 of a single contract, multiple branch contracts, or both, award the  
25 contract to the lowest responsible bidder or bidders, as determined  
26 by the board, body, person, or authority.

1 4. This act shall take effect immediately.

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#### STATEMENT

This bill revises the public building and construction contracting procedures to provide a more efficient and effective method of construction management in those projects which because of their nature require special considerations of planning, skill and operational techniques.

The bill provides that in projects with the complexity of historical restoration aspects and with projects with respect to which critical public needs must be met, there will be better assurances through a revised contracting procedure that completion will be within budgeted amounts and on schedule.

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#### BUILDING AND CONSTRUCTION

Revises the public building and construction contracting procedures.

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ASSEMBLY LABOR COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 4300**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 18, 1987

The Assembly Labor Committee reports favorably, with committee amendments, Assembly Bill No. 4300.

As amended, this bill permits the New Jersey Building Authority to authorize other public agencies to undertake certain kinds of public construction, renovation, and restoration projects, and alters the bidding and contracting provisions of "New Jersey Building Authority Act," P. L. 1981, c. 120 (C. 52:18A-78.1), which established the New Jersey Building Authority and authorized that body to do all things necessary and appropriate to provide office and administrative facilities for the use of State government, including the preparation of plans, specifications, designs and estimates of costs for the construction, reconstruction, rehabilitation, improvement, alteration, or repair of any project and the acquisition, construction, reconstruction, rehabilitation, improvement, alteration or repair of any project. Under the bill, the authority may allow other public agencies to undertake a project on its behalf if the authority determines that the project:

(1) Requires a unique application of specialized planning, management, and operational strategies, skills, and techniques;

(2) Requires the employment of construction management personnel, engineers, architects, and contractors with skills and expertise to identify, display, and protect the architectural, historical, cultural, and artistic significance of a building or project; and

(3) Is required to be completed in the most efficient and timely manner. The bill requires the board, body, person, or authority undertaking the project on behalf of the authority to:

(1) Award the contract to the lowest responsible bidder or bidders as determined by the public agency undertaking the contract after advertising and receiving bids in the form of a single contract, multiple branch contract, or both; or

(2) Award a single contract, multiple branch contract, or both, to the lowest responsible bidder or bidders selected from a list of qualified bidders, provided that the selection is undertaken in manner that will





# OFFICE OF THE GOVERNOR

## NEWS RELEASE

**CN-001**

**Contact:** CARL GOLDEN  
609-292-8956 OR 292-6000 EXT. 207

**TRENTON, N.J. 08625**

**Release:** THUR. JULY 23, 1987

Governor Thomas H. Kean today signed legislation to permit State-chartered mutual savings banks to form mutual savings bank holding companies and to permit savings banks to make commercial loans.

The bill, A-2042, was sponsored by Assemblyman Louis Kosco, R-Bergen.

The effect of the bill is to allow the mutual savings bank holding companies to engage in interstate banking activities when legislation to permit such activities becomes law.

With respect to making commercial loans, the legislation establishes a ceiling of 10 percent of the total assets of a savings bank as the limit for such loans.

Other legislation signed by the Governor include:

S-2306, sponsored by Senator Walter Rand, D-Camden, to appropriate \$350,000 to the Department of Health to support cleft palates programs at four medical centers in the State --- Cooper Medical Center, Camden; St. Barnabas Medical Center, Livingston; Monmouth Medical Center, Long Branch, and St. Peters Medical Center, Jersey City. This legislation was merged with an identical bill, A-3620, sponsored in the Assembly by Assemblymen Anthony M. Villane, R-Monmouth, and Harold Colburn, R-Burlington.

A-4300, sponsored by Assemblyman Robert Littell, R-Sussex, to permit the use of a single prime construction contractor for the State House renovation project as well as for the construction of prisons.

- more -

A-4301, sponsored by Assemblyman Robert Littell, R-Sussex, to permit the New Jersey State Building Authority to delegate the supervision of the State House renovation project to its Chairman, Morton Seigler, and to appropriate \$5 million to initiate the renovation project.

S-2199, sponsored by Senator Edward O'Connor, D-Hudson, to create a temporary, nine-member Advisory Commission on Women Veterans of New Jersey to develop a method to identify, count and locate female veterans in New Jersey and increase their awareness of veterans benefits programs.

S-2339, sponsored by Senator Wayne Dumont, R-Warren, to permit a board of education to designate the chief school administrator to approve line item budget transfers.

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A. 4300

PLR

A 4300

Legis 1987 Counselor's  
Copy

An Act concerning  
contracts for public buildings  
and supplementing Title 52  
of the Revised Statutes.

Prime 1	<i>[Signature]</i>
Prime 2	<i>[Signature]</i>

<p>4300</p> <p>5/11/81</p> <p>MLA</p>
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APPROVED AS TO FORM

OFFICE OF LEGISLATIVE SERVICES

An Act concerning contracts for public buildings and supplementing Title 52 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The Legislature finds that there are projects for the construction, renovation or restoration of public buildings a. that require a unique application of specialized planning, management and operational strategies, skills and techniques, and b. where the public exigency requires that they be completed in the most efficient and timely manner.

2. a. The Legislature further finds that there are projects for the construction, renovation or restoration of public buildings that must employ construction management personnel, engineers, architects and contractors whose skills and expertise will identify, display and protect the historical, architectural, cultural and artistic significance of those public buildings; that buildings of this nature have the highest priority in being constructed, renovated and restored in the most timely manner and with the highest managerial, professional and technical expertise when they house the seat of the State Government and are to provide for its continuous operation and when they reflect some of the most architecturally or historically significant of the State's structures; and that State House, State House Annex and ancillary structures are buildings of this nature.

b. Notwithstanding the provisions of R.S. 52:32-2 and section 11 of P.L. 1981, c. 120 (C. 52:18A-78.11) to the contrary, in the case of the erection, construction, alteration or repair of a public building or project of the New Jersey Building Authority, where the board, body or person authorized by law to award contracts for the work on the public building, or the authority for the work on the project, finds that such a building or project:

(1) requires a unique application of specialized planning, management and operational strategies, skills and techniques;

(2) construction management personnel, engineers, architects and contractors whose skills and expertise will best identify, display and protect the historical, architectural, cultural and artistic significance of the building or project must be employed for its planning, design and construction, renovation or restoration; and

(3) must be completed in the most efficient and timely manner, the board, body or person authorized by law to award the contracts, or the authority, may (a) by advertising and receiving bids in the form of a single contract, multiple branch contracts, or both, award the contract to the lowest responsible bidder or bidders, as determined by the board, body, person, or authority; or (b) in order to further the purposes of this section, by inviting bids for the single contract, multiple branch contracts, or both, from among a list of qualified bidders, in a manner that will promote full and free competition whenever practicable, award the contract or contracts to that responsible bidder from among the invited bidders whose bid conforming to the invitation for bids, will be most advantageous to the State, price and other factors considered.

3. a. The Legislature further finds that there are projects for the construction of public buildings that are required because of a critical public need or legal constraint and with respect to which there are similar needs to employ construction management personnel, engineers, architects and contractors of special skills and expertise; and that buildings of this nature would include institutions to provide for the immediate housing or care of their residents or inmates.

b. Notwithstanding the provisions of R.S. 52:32-2 and section 11 of P.L. 1981, c. 120 (C. 52:18A-78.11) to the contrary, in the case of the erection or construction of a public building or project of the New Jersey Building Authority, where the board, body or person authorized by law to award contracts for the work on the public building, or the authority for the work on the project, finds that such a building or project:

(1) requires a unique application of specialized planning, management and operational strategies, skills and techniques; and

(2) construction management personnel, engineers, architects and contractors whose skills and expertise will ensure the completion of the building or project in the most efficient and timely manner must be employed for its planning, design and construction;

the board, body or person authorized by law to award the contracts, or the authority, may, by advertising and receiving bids in the form of a single contract, multiple branch contracts, or both, award the contract to the lowest responsible bidder or bidders, as determined by the board, body, person, or authority.

4. This act shall take effect immediately.

#### STATEMENT

This bill revises the public building and construction contracting procedures to provide a more efficient and effective method of construction management in those projects which because of their nature require special considerations of planning, skill and operational techniques.

The bill provides that, in projects with the complexity of historical restoration aspects and with projects with respect to which critical public needs must be met, there will be better assurances through a revised contracting procedure that completion will be within budgeted amounts and on schedule.

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#### BUILDING AND CONSTRUCTION

Revises the public building and construction contracting procedures.

**ADOPTED**

DATE 6/18/87

Assembly  
COMMITTEE Amendments  
(Technical)

to

Assembly Bill No. 4300  
(Typed Copy)

**Amend:**

<u>Page</u>	<u>Sec.</u>	<u>Line</u>	
1	2	9	Omit "they reflect" insert "these buildings are"
1	2	10	After "that" insert "the"; After "House," insert "the"
1	2	11	After "and" insert "their"
1	2	15	Omit "where" insert "if"
2	2	20	After "(2)" insert "requires that"
2	2	23	Omit "must"
2	2	25	After "manner," insert "then"
2	2	34	After "bid" insert ","
2	3	11	Omit "where" insert "if"
3	3	16	After "(2)" insert "requires that"
3	3	18	Omit "must"
3	3	19	After "construction;" insert "then"

*OK  
Newf*

27-18-193  
JUN 25 1987

Assembly Amendments  
Proposed by Assemblyman Littell

to

Assembly Bill No. 4300 W/ACA  
adopted  
6/18/87

Sponsored by Assemblyman Littell

Amend:

Page	Sec.	Line	
1	2	6	After ";" insert "and"
1	2	12	Omit "; and" insert ". The Legislature declares" <del>After</del> <del>"that" insert "the"</del>
1	2	13	Omit "their"
1	2	13	After "are" insert "the"
1	2	14	Omit "of this nature" insert "or constitute the project which are subject to the provisions of subsection b. of this section"
1	2	17	Omit "a" insert "the State House, State House Annex and ancillary structures, as"
1	2	18	Omit "building" insert "buildings" After "or" insert "a"
2	3	1	Omit "there are" insert "the "Correctional Facilities Construction Bond Act of 1987" provides for"
2	3	2	Omit "public buildings" insert "correctional facilities"
2	3	3	Omit "and" insert ","
2	3	6	After "that" insert "these projects will provide for"
2	3	6-7	Omit "of this nature would include institutions to provide"
3	3	26	After "or authority." insert "There shall be set forth in the bid the name or names of, and evidence of performance security from, all subcontractors to whom the bidder will subcontract the furnishing of plumbing and gas fitting, and all kindred work, and of the steam and hot water heating and ventilating apparatus, steam power plants and kindred



ASSEMBLY, AMENDMENTS

11/6/81

-2-

work, and electrical work, structural steel and ornamental iron work, each of which subcontractors shall be qualified in accordance with Title 52 of the Revised Statutes."

#### STATEMENT

These amendments clarify the projects to which the revised contracting procedures are applicable.

promote full and free competition whenever practicable and will be most advantageous to the State with regard to costs and other factors.

A second group of projects which the bill permits the New Jersey Building Authority to authorize another public agency to undertake are public projects that are required because of critical public need or legal constraint, including buildings for institutions, such as prisons, that provide immediate housing or care of their residents or inmates. Under the bill, the public agency or person authorized by law to award single contracts, multiple branch contracts, or both, for the erection, construction, alteration, or repair of a public building or project of the New Jersey Building Authority may, after advertising and receiving bids, award the contract to the lowest responsible bidder or bidders as determined by the public agency, person, or authority undertaking the project on behalf of the authority if that agency, person, or authority determines that the project:

- (1) Requires a unique application of specialized planning, management, and operational strategies, skills, and techniques; and
- (2) Requires the employment of construction managers, engineers, architects, and contractors whose skills and expertise will ensure the completion of the building or project in the most efficient and timely manner.

The committee amendments were technical in nature.

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