

## LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 52:34-12 State contracts--agenda & revisions to advertisements--bid documents)

**LAWS OF:** 1986

**CHAPTER 72**

**BILL NO:** S701

**Sponsor(s):** Van Wagner

**Date Introduced:** Pre-filed

**Committee: Assembly:** State Government

**Senate:** State Government, Federal & Interstate Relations & Veterans Affairs

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

**Date of Passage:** **Assembly:** June 30, 1986  
**Senate:** January 27, 1986

**Date of Approval:** August 5, 1986

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee statement:** **Assembly** Yes  
**Senate** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on Signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

72  
86  
8-5-86

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**SENATE, No. 701**

**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator VAN WAGNER

AN ACT concerning State contracts and amending P. L. 1954, c. 48.

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

1 1. Section 7 of P. L. 1954, c. 48 (C. 52:34-12) is amended to read  
2 as follows:

3 7. Whenever advertising is required: (a) specifications and in-  
4 vitations for bids shall permit such full and free competition as  
5 is consistent with the procurement of supplies and services neces-  
6 sary to meet the requirements of the using agency and shall,  
7 wherever practicable, include such factors as life-cycle costs, sliding  
8 percentage preference scales, or other similar analysis as shall be  
9 deemed effective by the Director of the Division of Purchase and  
10 Property; (b) the advertisement for bids shall be in such news-  
11 paper or newspapers selected by the State Treasurer as will best  
12 give notice thereof to bidders and shall be sufficiently in advance  
13 of the purchase or contract to promote competitive bidding;  
14 (c) the advertisement shall designate the time and place when and  
15 where sealed proposals shall be received and publicly opened and  
16 read, the amount of the cash or certified check, if any, which must  
17 accompany each bid, and such other terms as the State Treasurer  
18 may deem proper; (d) *notice of revisions or addenda to advertise-*  
19 *ments or bid documents relating to bids shall be published in a*  
20 *\*[legal]\* newspaper \*or newspapers as selected by the State*  
21 *Treasurer to best give notice to bidders\* and \*made available to*  
22 *any person who has submitted a bid by notification in writing by*  
23 *certified mail]\* \*sent to the prospective bidder\* no later than five*

**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:

\*—Senate committee amendments adopted January 23, 1986.

24 *days, Saturdays, Sundays and holidays excepted, prior to the \***[date***  
25 *for acceptance of bids]\* \*bid due date\**; (e) *failure to advertise*  
25A *for the receipt of bids or to provide proper notification of revisions*  
25B *or addenda to advertisements or bid documents related to bids as*  
26 *prescribed by subsection (d) of this section shall prevent the ac-*  
27 *ceptance of bids and require the readvertisement for bids; (f)*  
28 *award shall be made with reasonable promptness by written notice*  
29 *to that responsible bidder whose bid, conforming to the invitation*  
30 *for bids, will be most advantageous to the State, price and other*  
31 *factors considered. Any or all bids may be rejected when the State*  
32 *Treasurer or the Director of the Division of Purchase and Property*  
33 *determines that it is in the public interest so to do.*

1 2. This act shall take effect on the 30th day after enactment.

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STATE GOVERNMENT—GENERAL

Requires notice be provided of any revisions or addenda to advertisements related to bills on State contracts.

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23 *the date for acceptance of bids; (e) failure to advertise for the*  
24 *receipt of bids or to provide proper notification of revisions or*  
25 *addenda to advertisements or bid documents related to bids as*  
26 *prescribed by subsection (d) of this section shall prevent the ac-*  
27 *ceptance of bids and require the readvertisement for bids; (f)*  
28 *award shall be made with reasonable promptness by written notice*  
29 *to that responsible bidder whose bid, conforming to the invitation*  
30 *for bids, will be most advantageous to the State, price and other*  
31 *factors considered. Any or all bids may be rejected when the State*  
32 *Treasurer or the Director of the Division of Purchase and Property*  
33 *determines that it is in the public interest so to do.*

1 2. This act shall take effect on the 30th day after enactment.

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#### STATEMENT

This bill amends existing law to require that notice be provided of any revisions or addenda to advertisements or other bid documents related to bids on State contracts. This bill further provides that the notification of revisions or addenda shall be made in writing and sent by certified mail to any person who has submitted a bid at least five days—Saturdays, Sundays and holidays excepted—prior to the date fixed for the submission of bids, that notice of such revisions and addenda must be published in a legal newspaper and that failure to advertise properly or to provide proper notification of revisions or addenda to advertisements shall prevent the acceptance of any bids and require the readvertisement for bids.

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S 701 (1986)

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

**SENATE, No. 701**

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**STATE OF NEW JERSEY**

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DATED: MAY 22, 1986

The Assembly State Government Committee reports favorably Senate Bill No. 701 OCR.

This bill requires that notice of revisions or addenda to advertisements or bid documents relating to bids must be published and must be sent to prospective bidders. Failure to advertise for the receipt of bids or to provide proper notification of revisions or addenda to advertisements or bid documents will prevent the acceptance of bids and require the readvertisement for bids.

SENATE STATE GOVERNMENT, FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS AFFAIRS  
COMMITTEE

STATEMENT TO

**SENATE, No. 701**

with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: JANUARY 23, 1986

The Senate State Government Committee reports Senate Bill No. 701 with amendments.

This bill amends existing law by adding two provisions to the statute concerning the advertising of bids on State contracts. It provides that whenever advertising is required:

1. Notice of revisions or addenda to advertisements or bid documents relating to bids shall be published in a newspaper or newspapers as selected by the State Treasurer to best give notice to bidders and sent to the prospective bidder no later than five days (Saturdays, Sundays and holidays excluded) prior to the bid due date; and

2. Failure to advertise for the receipt of bids or to provide proper notification of revisions or addenda to advertisements or bid documents shall prevent the acceptance of bids and shall require their readvertisement.

The attached amendments to the bill clarify the notice of revision provisions by conforming newspaper notice requirements to previous provisions and by correcting language concerning the mailing of notices.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.