

52:34-6.2

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2011 **CHAPTER:** 139

NJSA: 52:34-6.2 (Permits local units to participate in cooperative purchasing agreements)

BILL NO: A2786 (Substituted for S2721)

SPONSOR(S) Greenwald and others

DATE INTRODUCED: May 20, 2010

COMMITTEE: **ASSEMBLY:** Housing and Local Government
 SENATE: Community and Urban Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** February 17, 2011
 SENATE: June 29, 2011

DATE OF APPROVAL: November 7, 2011

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

A2786

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No

S2721

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: No
	SENATE: Yes

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/KR

P.L.2011, CHAPTER 139, *approved November 7, 2011*
Assembly, No. 2786 (*First Reprint*)

1 AN ACT concerning cooperative purchasing agreements and
2 amending P.L.1996, c.16.

3

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

6

7 1. Section 7 of P.L.1996, c.16 (C.52:34-6.2) is amended to read
8 as follows:

9 7. a. Notwithstanding the provisions of any other law to the
10 contrary except the provisions of R.S.30:4-95, and as an alternative
11 to the procedures concerning the awarding of public contracts
12 provided in P.L.1954, c.48 (C.52:34-6 et seq.), the Director of the
13 Division of Purchase and Property in the Department of the
14 Treasury may enter into cooperative purchasing agreements with
15 one or more other states, or political subdivisions thereof, for the
16 purchase of goods and services. A cooperative purchasing
17 agreement shall allow the jurisdictions which are parties thereto to
18 standardize and combine their requirements for the purchase of a
19 particular good or service into a single contract solicitation which
20 shall be competitively bid and awarded by one of the jurisdictions
21 on behalf of jurisdictions participating in the contract.

22 b. (1) The director may elect to purchase goods or services
23 through a contract awarded pursuant to a cooperative purchasing
24 agreement whenever the director determines this to be the most
25 cost-effective method of procurement. Prior to entering into any
26 contract to be awarded or already awarded through a cooperative
27 purchasing agreement, the director shall review and approve the
28 specifications and proposed terms and conditions of the contract.

29 (2) The director may also elect to purchase goods or services
30 through a contract awarded pursuant to a nationally-recognized and
31 accepted cooperative purchasing agreement that has been developed
32 utilizing a competitive bidding process, in which other states
33 participate, whenever the director determines this to be the most
34 cost-effective method of procurement. Prior to entering into any
35 contract to be awarded through a nationally-recognized and
36 accepted cooperative purchasing agreement that has been developed
37 utilizing a competitive bidding process, the director shall review
38 and approve the specifications and proposed terms and conditions
39 of the contract.

40 (3) Notwithstanding any other law to the contrary, any
41 contracting unit authorized to purchase goods, or to contract for

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHO committee amendments adopted February 3, 2011.

1 services, may make purchases and contract for services through the
2 use of a nationally-recognized and accepted cooperative purchasing
3 agreement that has been developed utilizing a competitive bidding
4 process by another contracting unit within the State of New Jersey,
5 or within any other state, when available. Prior to making
6 purchases or contracting for services, the contracting unit shall
7 determine that the use of the cooperative purchasing agreement
8 shall result in cost savings after all factors, including charges for
9 service, material, and delivery, have been considered.

10 For purposes of this paragraph, "contracting unit" means any
11 county, municipality, special district, school district, 'fire district'
12 or any board, commission, committee, authority or agency, which is
13 not a State board, commission, committee, authority or agency, and
14 which has administrative jurisdiction over any district, included or
15 operating in whole or in part, within the territorial boundaries of
16 any county or municipality which exercises functions which are
17 appropriate for the exercise by one or more units of local
18 government, and which has statutory power to make purchases and
19 enter into contracts awarded by a contracting agent for the provision
20 or performance of goods or services.

21 c. The director may solicit bids and award contracts on behalf
22 of this State and other jurisdictions which are parties to a
23 cooperative purchasing agreement provided that the agreement
24 specifies that each jurisdiction participating in a contract is solely
25 responsible for the payment of the purchase price and cost of
26 purchases made by it under the terms of any contract awarded
27 pursuant to the agreement.

28 d. The director may promulgate rules and regulations pursuant
29 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
30 1 et seq.), which are necessary to effectuate the purposes of this
31 section.

32 (cf: P.L.2005, c.336, s.13)

33

34 2. This act shall take effect immediately.

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37

38

39 _____
40 Permits local units to participate in cooperative purchasing
agreements.

ASSEMBLY, No. 2786

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 20, 2010

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Camden)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman ALBERT COUTINHO

District 29 (Essex and Union)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

SYNOPSIS

Permits local units to participate in cooperative purchasing agreements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/22/2010)

1 AN ACT concerning cooperative purchasing agreements and
2 amending P.L.1996, c.16.

3

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

6

7 1. Section 7 of P.L.1996, c.16 (C.52:34-6.2) is amended to read
8 as follows:

9 7. a. Notwithstanding the provisions of any other law to the
10 contrary except the provisions of R.S.30:4-95, and as an alternative
11 to the procedures concerning the awarding of public contracts
12 provided in P.L.1954, c.48 (C.52:34-6 et seq.), the Director of the
13 Division of Purchase and Property in the Department of the
14 Treasury may enter into cooperative purchasing agreements with
15 one or more other states, or political subdivisions thereof, for the
16 purchase of goods and services. A cooperative purchasing
17 agreement shall allow the jurisdictions which are parties thereto to
18 standardize and combine their requirements for the purchase of a
19 particular good or service into a single contract solicitation which
20 shall be competitively bid and awarded by one of the jurisdictions
21 on behalf of jurisdictions participating in the contract.

22 b. (1) The director may elect to purchase goods or services
23 through a contract awarded pursuant to a cooperative purchasing
24 agreement whenever the director determines this to be the most
25 cost-effective method of procurement. Prior to entering into any
26 contract to be awarded or already awarded through a cooperative
27 purchasing agreement, the director shall review and approve the
28 specifications and proposed terms and conditions of the contract.

29 (2) The director may also elect to purchase goods or services
30 through a contract awarded pursuant to a nationally-recognized and
31 accepted cooperative purchasing agreement that has been developed
32 utilizing a competitive bidding process, in which other states
33 participate, whenever the director determines this to be the most
34 cost-effective method of procurement. Prior to entering into any
35 contract to be awarded through a nationally-recognized and
36 accepted cooperative purchasing agreement that has been developed
37 utilizing a competitive bidding process, the director shall review
38 and approve the specifications and proposed terms and conditions
39 of the contract.

40 (3) Notwithstanding any other law to the contrary, any
41 contracting unit authorized to purchase goods, or to contract for
42 services, may make purchases and contract for services through the
43 use of a nationally-recognized and accepted cooperative purchasing
44 agreement that has been developed utilizing a competitive bidding
45 process by another contracting unit within the State of New Jersey,

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Matter underlined thus is new matter.

1 or within any other state, when available. Prior to making
2 purchases or contracting for services, the contracting unit shall
3 determine that the use of the cooperative purchasing agreement
4 shall result in cost savings after all factors, including charges for
5 service, material, and delivery, have been considered.

6 For purposes of this paragraph, "contracting unit" means any
7 county, municipality, special district, school district, or any board,
8 commission, committee, authority or agency, which is not a State
9 board, commission, committee, authority or agency, and which has
10 administrative jurisdiction over any district, included or operating
11 in whole or in part, within the territorial boundaries of any county
12 or municipality which exercises functions which are appropriate for
13 the exercise by one or more units of local government, and which
14 has statutory power to make purchases and enter into contracts
15 awarded by a contracting agent for the provision or performance of
16 goods or services.

17 c. The director may solicit bids and award contracts on behalf
18 of this State and other jurisdictions which are parties to a
19 cooperative purchasing agreement provided that the agreement
20 specifies that each jurisdiction participating in a contract is solely
21 responsible for the payment of the purchase price and cost of
22 purchases made by it under the terms of any contract awarded
23 pursuant to the agreement.

24 d. The director may promulgate rules and regulations pursuant
25 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
26 1 et seq.), which are necessary to effectuate the purposes of this
27 section.

28 (cf: P.L.2005, c.336, s.13)

29

30 2. This act shall take effect immediately.

31

32

33

STATEMENT

34

35 This bill permits local units to be able to participate in
36 competitively solicited contracts previously awarded pursuant to a
37 cooperative purchasing agreement. This will increase the
38 purchasing options of local units, decrease purchasing costs, and
39 reduce administrative expense.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2786

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 3, 2011

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 2786 with committee amendments.

As amended by the committee, Assembly Bill No. 2786 would permit local contracting units to be able to participate in competitively solicited contracts previously awarded pursuant to a cooperative purchasing agreement. This will increase the purchasing options of local units, decrease purchasing costs, and reduce administrative expense.

Committee amendment:

The committee amended the bill to include fire districts in the definition of “contracting unit.”

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2786

STATE OF NEW JERSEY

DATED: JUNE 13, 2011

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 2786 (1R).

This bill would permit local contracting units to be able to participate in competitively solicited contracts previously awarded pursuant to a cooperative purchasing agreement. This will increase the purchasing options of local units, decrease purchasing costs, and reduce administrative expense.

This bill is identical to Senate Bill No. 2721.

SENATE, No. 2721

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 22, 2011

Sponsored by:

Senator JAMES BEACH

District 6 (Camden)

Senator ROBERT M. GORDON

District 38 (Bergen)

Co-Sponsored by:

Senators Greenstein and Stack

SYNOPSIS

Permits local units to participate in cooperative purchasing agreements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/30/2011)

1 AN ACT concerning cooperative purchasing agreements and
2 amending P.L.1996, c.16.

3

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

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8 as follows:

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12 provided in P.L.1954, c.48 (C.52:34-6 et seq.), the Director of the
13 Division of Purchase and Property in the Department of the
14 Treasury may enter into cooperative purchasing agreements with
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19 particular good or service into a single contract solicitation which
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21 on behalf of jurisdictions participating in the contract.

22 b. (1) The director may elect to purchase goods or services
23 through a contract awarded pursuant to a cooperative purchasing
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27 purchasing agreement, the director shall review and approve the
28 specifications and proposed terms and conditions of the contract.

29 (2) The director may also elect to purchase goods or services
30 through a contract awarded pursuant to a nationally-recognized and
31 accepted cooperative purchasing agreement that has been developed
32 utilizing a competitive bidding process, in which other states
33 participate, whenever the director determines this to be the most
34 cost-effective method of procurement. Prior to entering into any
35 contract to be awarded through a nationally-recognized and
36 accepted cooperative purchasing agreement that has been developed
37 utilizing a competitive bidding process, the director shall review
38 and approve the specifications and proposed terms and conditions
39 of the contract.

40 (3) Notwithstanding any other law to the contrary, any
41 contracting unit authorized to purchase goods, or to contract for
42 services, may make purchases and contract for services through the
43 use of a nationally-recognized and accepted cooperative purchasing
44 agreement that has been developed utilizing a competitive bidding

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5 shall result in cost savings after all factors, including charges for
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9 any board, commission, committee, authority or agency, which is
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11 which has administrative jurisdiction over any district, included or
12 operating in whole or in part, within the territorial boundaries of
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27 1 et seq.), which are necessary to effectuate the purposes of this
28 section.

29 (cf: P.L.2005, c.336, s.13)

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31 2. This act shall take effect immediately.

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STATEMENT

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36 This bill would permit local contracting units to be able to
37 participate in competitively solicited contracts previously awarded
38 pursuant to a cooperative purchasing agreement. This will increase
39 the purchasing options of local units, decrease purchasing costs, and
40 reduce administrative expense.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2721

STATE OF NEW JERSEY

DATED: JUNE 13, 2011

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 2721.

This bill would permit local contracting units to be able to participate in competitively solicited contracts previously awarded pursuant to a cooperative purchasing agreement. This will increase the purchasing options of local units, decrease purchasing costs, and reduce administrative expense.

This bill is identical to Assembly Bill No. 2786.