

5:10-21.1 to 5:10-21.6

LEGISLATIVE HISTORY CHECKLIST

NJSA 5:10-21.1 to 5:10-21.6 (Sports & Exposition Authority--procedure for purchases)

LAWS 1981 CHAPTER 447

Bill No. A3730

Sponsor(s) Codev

Date Introduced Nov. 23, 1981

Committee: Assembly State Govt., Federal & Interstate Relations & Veterans Affairs

Senate " " " " " " " " "

Amended during passage Yes No

Date of Passage: Assembly Dec. 7, 1981

Senate Jan. 7, 1982

Date of approval Jan. 9, 1982

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto Message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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6/22/81

NOV 1982

CHAPTER 447 LAWS OF N. J. 1981
APPROVED 1-9-82

ASSEMBLY, No. 3730

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 23, 1981

By Assemblyman CODEY

Referred to Committee on State Government, Federal and
Interstate Relations and Veterans Affairs

AN ACT concerning purchases, contracts, and agreements by the
New Jersey Sports and Exposition Authority, supplementing
P. L. 1971, c. 137 (C. 5:10-1 et seq.), and repealing section 21 of
P. L. 1971, c. 137 (C. 5:10-21).

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

1 1. All purchases, contracts, or agreements where the cost or con-
2 tract price exceeds the sum of \$4,500.00 shall, except as otherwise
3 provided in this act, be made, negotiated, or awarded only after
4 public advertisement for bids therefor and shall be awarded to that
5 responsible bidder whose bid, conforming to the invitation for bids,
6 is most advantageous to the authority, in its judgment, upon con-
7 sideration of price and other factors. Any bid may be rejected when
8 the authority determines that it is in the public interest to do so.

9 Any purchase, contract, or agreement where the cost or contract
10 price is \$4,500.00 or less may be made, negotiated, or awarded by
11 the authority without advertising and in any manner which the
12 authority, in its judgment, deems necessary to serve its unique
13 interests and purposes and which promotes, whenever practicable,
14 full and free competition by the acceptance of quotations or pro-
15 posals or by the use of other suitable methods.

1 2. Any purchase, contract, or agreement where the cost or con-
2 tract price exceeds \$4,500.00 may be made, negotiated, or awarded
3 by the authority without advertisement for bids when the subject
4 matter is that described in section 3 of this act or when the
5 purchase, contract, or agreement is made, negotiated, or awarded
6 under the circumstances described in section 4 of this act. In any
7 such instance, the authority may make, negotiate, or award the
8 purchase, contract, or agreement in any manner which the authority
9 deems necessary to serve its unique interests and purposes and

10 which promotes, whenever practicable, full and free competition by
11 the acceptance of quotations or proposals or by the use of other
12 suitable methods.

1 3. Any purchase, contract, or agreement may be made, nego-
2 tiated, or awarded pursuant to section 2 of this act when the subject
3 matter consists of:

4 a. Services which are professional or technical in nature or
5 services which are original and creative in character in a recognized
6 field of artistic endeavor;

7 b. Items which are perishable or subsistence supplies;

8 c. Items which are specialized equipment or specialized machin-
9 ery necessary to the conduct of authority business;

10 d. Items or services supplied by a public utility subject to the
11 jurisdiction of the Board of Public Utilities and tariffs and sched-
12 ules of the charges made, charged or exacted by the public utility
13 for those items or services are filed with the board;

14 e. Items which are styled or seasonal wearing apparel;

15 f. Items or services which, in order to compete successfully with
16 other sports and entertainment facilities, the authority deems
17 necessary to provide quality athletic contests, horse racing, or other
18 spectator sporting events and trade shows, expositions, concerts,
19 and other public events. These items and services shall include but
20 not be limited to: food concessions; playing surfaces for football,
21 soccer, tennis, or other athletic contests; indoor foot racing tracks;
22 ice making and resurfacing equipment and services; matrix and
23 scoreboard systems; ticket printing and ticket selling services;
24 materials, supplies, equipment and services for preparation and
25 maintenance of horse racing or horse showing surfaces; horse race
26 starting gates and equipment; program printing; pari-mutuel com-
27 puter or totalisator equipment or services; horse racing teletimer
28 equipment or services; horse racing photo finish equipment or ser-
29 vices; and items or services which are part of or related to promo-
30 tional or advertising efforts;

31 g. The lease of such office space, office machinery, specialized
32 equipment, buildings or real property as may be required for the
33 conduct of authority business; or

34 h. The sale or licensing of advertising rights.

1 4. Any purchase, contract, or agreement may be made, nego-
2 tiated, or awarded pursuant to section 2 of this act when:

3 a. Standardization of equipment and interchangeability of parts
4 is in the public interest;

5 b. Only one source of supply or service is available;

6 c. The safety or protection of the authority's or other public
7 property require;

8 d. The exigency of the authority's service will not admit of
9 advertisement;

10 e. More favorable terms can be obtained from a primary source
11 of supply of an item or service;

12 f. Bid prices, after advertising, are not reasonable or have not
13 been independently arrived at in open competition; but no nego-
14 tiated purchase, contract, or agreement may be entered into under
15 this subsection after the rejection of all bids received unless (1)
16 notification of the intention to negotiate and reasonable oppor-
17 tunity to negotiate is given to each responsible bidder; (2) the
18 negotiated price is lower than the lowest rejected bid price of a
19 responsible bidder; and (3) the negotiated price is the lowest
20 negotiated price offered by any responsible contractor;

21 g. The purchase is to be made from, or the contract is to be
22 made with, the federal or any state government or agency or
23 political subdivision thereof; or

24 h. Purchases made through or by the Director of the Division of
25 Purchase and Property pursuant to section 1 of P. L. 1959, c. 40
26 (C. 52:27B-56.1).

1 5. In any case where the authority shall make, negotiate, or
2 award a purchase, contract, or agreement without public advertise-
3 ment pursuant to section 2 of this act, the authority shall, by
4 resolution passed by the affirmative vote of a majority of its mem-
5 bers, specify the subject matter or circumstances set forth in
6 sections 3 and 4 of this act which permit the authority to take such
7 action.

1 6. Nothing herein shall prevent the authority from having any
2 work done by its own employees.

1 7. Section 21 of P. L. 1971, c. 137 (C. 5:10-21) is repealed.

1 8. This act shall take effect immediately.

STATEMENT

This bill gives greater flexibility to the New Jersey Sports and Exposition Authority with respect to advertising for bids on purchases, contracts, and agreements. It supplements the "New Jersey Sports and Exposition Authority Law," P. L. 1971, c. 137 (C. 5:10-1 et seq.) so that the requirements therein concerning the authority's contracts parallel the requirements applicable to State contracts. Other provisions are added to address the unique interests and needs of the authority. The present section of law covering the authority's contracts is repealed.

A3730 (1981)

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

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STATEMENT TO
ASSEMBLY, No. 3730

STATE OF NEW JERSEY

DATED: NOVEMBER 23, 1981

This bill requires the New Jersey Sports and Exposition Authority to advertise for bids when purchases, contracts, or agreements exceed \$4,500. At present, the threshold applicable to the Sports Authority for such advertisement is \$2,500.

The bill allows exemptions from this requirement in the case of certain subject matter (noted in section 3) and certain circumstances (noted in section 4). Those exemptions parallel those applicable to State contracts, with, however, some provisions which address the unique interests and needs of the authority. At present, the authority has very few exemptions from the requirement for advertising for bids, a situation which has caused the authority difficulties in trying to compete in the sports and entertainment business.

The present section of law concerning the authority's contracts is repealed.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

JANUARY 13, 1982

FOR FURTHER INFORMATION:

Dave DeMaio - Bob Dowd

Governor Brendan Byrne has signed the following bills:

S-3391, sponsored by Senator Steven Perskie (D-Atlantic), appropriating \$9,635,000 from the Beaches and Harbor Bond Fund for State projects and State matching grants to local governments. The State and local projects financed by the grants will include research, planning, acquisition, development and restoration of beaches and the construction, maintenance of beach protection and restoration facilities.

S-3542, sponsored by Senator James Caldieri (D-Hudson), empowers Jersey City to impose a local parking tax to help the City close a projected one million dollar budget shortfall. The authorization is similar to one granted to the City of Newark, which has enacted local parking and payroll taxes.

A-3062, sponsored by Assemblyman Robert Hollenbeck (D-Bergen), consolidates three landlord registration requirement laws. Without changing the intent of current State law, the new legislation simplifies present procedures and avoids unnecessary duplication.

A-3730, sponsored by Assemblyman Richard Codey (D-Essex), exempts the New Jersey Sports and Exposition Authority (The Meadowlands Sports Complex) from certain State bidding requirement felt to unnecessarily hamper their operations. Contracts for up to \$4,500 are now exempt from bid advertisement and competitive bidding. Contracts over \$4,500 are only exempt from bid advertisement and competitive bidding when they are for artistic services, professional and technical services, specialized equipment and items unique to the operations of the Sports Authority's facilities.

A-2041, sponsored by Assemblyman Thomas Paterniti (D-Middlesex), permits a person who is part of a group health insurance contract or holds an individual group certificate issued by Blue Cross/Blue Shield or other such medical service organization to retain his group coverage in the case of total disability, and retain his benefits at the same level enjoyed while employed.

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