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"Christie marks school year's start, signs 6 education bills," Associated Press Wire: New Jersey, September 6, 2016

"No suspension before 3rd grade as Christie signs bills," Press of Atlantic City, September 7, 2016

"Caldwell Christie signs education bills," Star-Ledger, September 8, 2016

"Christie kicks off new school year with education reform bills," NJTV, September 6, 2016

"Christie uses back-to-school bill-signing to draw attention to school funding proposal," NorthJersey.com, September 6, 2016

"Christie: Private schools will get state money for security," nj.com, September 7, 2016

RWH/CL

ASSEMBLY, No. 3405

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MARCH 3, 2016

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Co-Sponsored by:

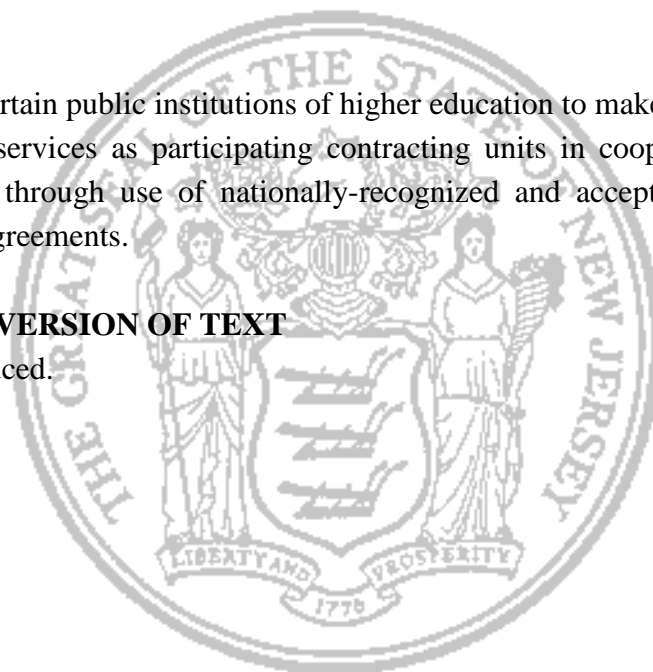
Assemblyman O'Scanlon and Assemblywoman Lampitt

SYNOPSIS

Permits certain public institutions of higher education to make purchases and contract for services as participating contracting units in cooperative pricing systems and through use of nationally-recognized and accepted cooperative purchasing agreements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/1/2016)

1 AN ACT concerning the contracting process at public institutions of
2 higher education, amending P.L.1996, c.16, and supplementing
3 chapter 64, chapter 64A, chapter 64E, and chapter 64M of Title
4 18A of the New Jersey Statutes.

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

8
9 1. (New section) a. A State college or university is authorized
10 to be a participating contracting unit in a cooperative pricing system
11 established pursuant to the laws of this State.

12 b. A State college or university may make purchases and
13 contract for services through the use of a nationally-recognized and
14 accepted cooperative purchasing agreement, including a cooperative
15 purchasing agreement in existence as of the effective date of
16 P.L. , c. (C.) (pending before the Legislature as this bill),
17 in accordance with the provisions of paragraph (3) of subsection b.
18 of section 7 of P.L.1996, c.16 (C.52:34-6.2).

19 c. The State Treasurer may promulgate rules and regulations
20 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
21 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes
22 of this section.

23
24 2. (New section) a. A county college is authorized to be a
25 participating contracting unit in a cooperative pricing system
26 established pursuant to the laws of this State.

27 b. A county college may make purchases and contract for
28 services through the use of a nationally-recognized and accepted
29 cooperative purchasing agreement, including a cooperative
30 purchasing agreement in existence as of the effective date of
31 P.L. , c. (C.) (pending before the Legislature as this bill),
32 in accordance with the provisions of paragraph (3) of subsection b.
33 of section 7 of P.L.1996, c.16 (C.52:34-6.2).

34 c. The State Treasurer may promulgate rules and regulations
35 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
36 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes
37 of this section.

38
39 3. (New section) a. The New Jersey Institute of Technology is
40 authorized to be a participating contracting unit in a cooperative
41 pricing system established pursuant to the laws of this State.

42 b. The university may make purchases and contract for services
43 through the use of a nationally-recognized and accepted cooperative
44 purchasing agreement, including a cooperative purchasing
45 agreement in existence as of the effective date of P.L. ,

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.

1 c. (C.) (pending before the Legislature as this bill), in
2 accordance with the provisions of paragraph (3) of subsection b. of
3 section 7 of P.L.1996, c.16 (C.52:34-6.2).

4 c. The State Treasurer may promulgate rules and regulations
5 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
6 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes
7 of this section.

8
9 4. (New section) a. Rowan University is authorized to be a
10 participating contracting unit in a cooperative pricing system
11 established pursuant to the laws of this State.

12 b. The university may make purchases and contract for services
13 through the use of a nationally-recognized and accepted cooperative
14 purchasing agreement, including a cooperative purchasing
15 agreement in existence as of the effective date of P.L. ,

16 c. (C.) (pending before the Legislature as this bill), in
17 accordance with the provisions of paragraph (3) of subsection b. of
18 section 7 of P.L.1996, c.16 (C.52:34-6.2).

19 c. The State Treasurer may promulgate rules and regulations
20 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
21 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes
22 of this section.

23
24 5. Section 7 of P.L.1996, c.16 (C.52:34-6.2) is amended to read
25 as follows:

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

39 b. (1) The director may elect to purchase goods or services
40 through a contract awarded pursuant to a cooperative purchasing
41 agreement whenever the director determines this to be the most
42 cost-effective method of procurement. Prior to entering into any
43 contract to be awarded or already awarded through a cooperative
44 purchasing agreement, the director shall review and approve the
45 specifications and proposed terms and conditions of the contract.

46 (2) The director may also elect to purchase goods or services
47 through a contract awarded pursuant to a nationally-recognized and
48 accepted cooperative purchasing agreement that has been developed

1 utilizing a competitive bidding process, in which other states
2 participate, whenever the director determines this to be the most
3 cost-effective method of procurement. Prior to entering into any
4 contract to be awarded through a nationally-recognized and
5 accepted cooperative purchasing agreement that has been developed
6 utilizing a competitive bidding process, the director shall review
7 and approve the specifications and proposed terms and conditions
8 of the contract.

9 (3) Notwithstanding any other law to the contrary, any
10 contracting unit authorized to purchase goods, or to contract for
11 services, may make purchases and contract for services through the
12 use of a nationally-recognized and accepted cooperative purchasing
13 agreement that has been developed utilizing a competitive bidding
14 process by another contracting unit within the State of New Jersey,
15 or within any other state, when available. Prior to making
16 purchases or contracting for services, the contracting unit shall
17 determine that the use of the cooperative purchasing agreement
18 shall result in cost savings after all factors, including charges for
19 service, material, and delivery, have been considered.

20 For purposes of this paragraph, "contracting unit" means any
21 county, municipality, special district, school district, fire district,
22 State college or university, public research university, county
23 college, or any board, commission, committee, authority or agency,
24 which is not a State board, commission, committee, authority or
25 agency, and which has administrative jurisdiction over any district,
26 included or operating in whole or in part, within the territorial
27 boundaries of any county or municipality which exercises functions
28 which are appropriate for the exercise by one or more units of local
29 government, and which has statutory power to make purchases and
30 enter into contracts awarded by a contracting agent for the provision
31 or performance of goods or services.

32 c. The director may solicit bids and award contracts on behalf
33 of this State and other jurisdictions which are parties to a
34 cooperative purchasing agreement provided that the agreement
35 specifies that each jurisdiction participating in a contract is solely
36 responsible for the payment of the purchase price and cost of
37 purchases made by it under the terms of any contract awarded
38 pursuant to the agreement.

39 d. The director may promulgate rules and regulations pursuant
40 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
41 1 et seq.), which are necessary to effectuate the purposes of this
42 section.

43 (cf: P.L.2011, c.139, s.1)

44

45 6. This act shall take effect on the first day of the third month
46 next following enactment.

STATEMENT

1

2

3 This bill would permit certain public institutions of higher
4 education to act as participating contracting units in a cooperative
5 pricing system established pursuant to State law. Under section 11
6 of P.L.1971, c.198 (C.40A:11-11), the governing bodies of two or
7 more contracting units may establish a cooperative pricing system.
8 “Contracting units” are currently defined to include counties,
9 municipalities, and certain boards, commissions, committees,
10 authorities, or agencies. A “cooperative pricing system” is a
11 purchasing system in which a lead agency advertises for bids;
12 awards a master contract to the vendor providing for its own needs
13 and for prices to be extended to registered members; and notifies
14 the members of the contract awarded. The registered members then
15 contract directly with the vendor for their own needs, subject to the
16 specifications in the master contract.

17 This bill also authorizes public institutions of higher education to
18 make purchases and contract for services through the use of a
19 nationally-recognized and accepted cooperative purchasing
20 agreement, including cooperative purchasing agreements in
21 existence on the effective date of the bill, in accordance with
22 paragraph (3) of subsection b. of section 7 of P.L.1996, c.16
23 (C.52:34-6.2). This section of law authorizes counties,
24 municipalities, school districts, fire districts, and certain boards and
25 commissions, to make purchases and contract for services through
26 the use of a nationally-recognized and accepted cooperative
27 purchasing agreement that has been developed utilizing a
28 competitive bidding process by another contracting unit within the
29 State or within another state, when available. Prior to making
30 purchases or contracting for services, however, the contracting unit
31 must determine that the use of the cooperative purchasing
32 agreement will result in cost savings after all factors have been
33 considered.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3405

STATE OF NEW JERSEY

DATED: JUNE 20, 2016

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3405.

This bill permits certain public institutions of higher education to act as participating contracting units in a cooperative pricing system established pursuant to State law. Under current law, the governing bodies of two or more contracting units may establish a cooperative pricing system. “Contracting units” are currently defined to include counties, municipalities, and certain boards, commissions, committees, authorities, or agencies. A “cooperative pricing system” is a purchasing system in which a lead agency advertises for bids; awards a master contract to the vendor providing for its own needs and for prices to be extended to registered members; and notifies the members of the contract awarded. The registered members then contract directly with the vendor for their own needs, subject to the specifications in the master contract.

This bill also authorizes public institutions of higher education to make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement, including cooperative purchasing agreements in existence on the effective date of the bill, in accordance with paragraph (3) of subsection b. of section 7 of P.L.1996, c.16 (C.52:34-6.2). This section of law currently authorizes counties, municipalities, school districts, fire districts, and certain boards and commissions, to make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State or within another state, when available. Prior to making purchases or contracting for services, however, the contracting unit must determine that the use of the cooperative purchasing agreement will result in cost savings after all factors have been considered.

FISCAL IMPACT:

This bill has not been certified as requiring a fiscal note.

§1 –
C.18A:64-63.1
§2 –
C.18A:64A-25.11a
§3 –
C.18A:64E-18.1
§4 –
C.18A:64M-9.2
§6 - Note

P.L.2016, CHAPTER 50, *approved September 6, 2016*
Assembly, No. 3405

1 **AN ACT** concerning the contracting process at public institutions of
2 higher education, amending P.L.1996, c.16, and supplementing
3 chapter 64, chapter 64A, chapter 64E, and chapter 64M of Title
4 18A of the New Jersey Statutes.

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

8
9 1. (New section) a. A State college or university is authorized
10 to be a participating contracting unit in a cooperative pricing system
11 established pursuant to the laws of this State.

12 b. A State college or university may make purchases and
13 contract for services through the use of a nationally-recognized and
14 accepted cooperative purchasing agreement, including a cooperative
15 purchasing agreement in existence as of the effective date of
16 P.L. , c. (C.) (pending before the Legislature as this bill),
17 in accordance with the provisions of paragraph (3) of subsection b.
18 of section 7 of P.L.1996, c.16 (C.52:34-6.2).

19 c. The State Treasurer may promulgate rules and regulations
20 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
21 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes
22 of this section.

23
24 2. (New section) a. A county college is authorized to be a
25 participating contracting unit in a cooperative pricing system
26 established pursuant to the laws of this State.

27 b. A county college may make purchases and contract for
28 services through the use of a nationally-recognized and accepted
29 cooperative purchasing agreement, including a cooperative
30 purchasing agreement in existence as of the effective date of
31 P.L. , c. (C.) (pending before the Legislature as this bill),
32 in accordance with the provisions of paragraph (3) of subsection b.
33 of section 7 of P.L.1996, c.16 (C.52:34-6.2).

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.

1 c. The State Treasurer may promulgate rules and regulations
2 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
3 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes
4 of this section.

5
6 3. (New section) a. The New Jersey Institute of Technology is
7 authorized to be a participating contracting unit in a cooperative
8 pricing system established pursuant to the laws of this State.

9 b. The university may make purchases and contract for services
10 through the use of a nationally-recognized and accepted cooperative
11 purchasing agreement, including a cooperative purchasing
12 agreement in existence as of the effective date of P.L. ,

13 c. (C.) (pending before the Legislature as this bill), in
14 accordance with the provisions of paragraph (3) of subsection b. of
15 section 7 of P.L.1996, c.16 (C.52:34-6.2).

16 c. The State Treasurer may promulgate rules and regulations
17 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
18 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes
19 of this section.

20
21 4. (New section) a. Rowan University is authorized to be a
22 participating contracting unit in a cooperative pricing system
23 established pursuant to the laws of this State.

24 b. The university may make purchases and contract for services
25 through the use of a nationally-recognized and accepted cooperative
26 purchasing agreement, including a cooperative purchasing
27 agreement in existence as of the effective date of P.L. ,

28 c. (C.) (pending before the Legislature as this bill), in
29 accordance with the provisions of paragraph (3) of subsection b. of
30 section 7 of P.L.1996, c.16 (C.52:34-6.2).

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

35
36 5. Section 7 of P.L.1996, c.16 (C.52:34-6.2) is amended to read
37 as follows:

38 7. a. Notwithstanding the provisions of any other law to the
39 contrary except the provisions of R.S.30:4-95, and as an alternative
40 to the procedures concerning the awarding of public contracts
41 provided in P.L.1954, c.48 (C.52:34-6 et seq.), the Director of the
42 Division of Purchase and Property in the Department of the
43 Treasury may enter into cooperative purchasing agreements with
44 one or more other states, or political subdivisions thereof, for the
45 purchase of goods and services. A cooperative purchasing
46 agreement shall allow the jurisdictions which are parties thereto to
47 standardize and combine their requirements for the purchase of a
48 particular good or service into a single contract solicitation which

1 shall be competitively bid and awarded by one of the jurisdictions
2 on behalf of jurisdictions participating in the contract.

3 b. (1) The director may elect to purchase goods or services
4 through a contract awarded pursuant to a cooperative purchasing
5 agreement whenever the director determines this to be the most
6 cost-effective method of procurement. Prior to entering into any
7 contract to be awarded or already awarded through a cooperative
8 purchasing agreement, the director shall review and approve the
9 specifications and proposed terms and conditions of the contract.

10 (2) The director may also elect to purchase goods or services
11 through a contract awarded pursuant to a nationally-recognized and
12 accepted cooperative purchasing agreement that has been developed
13 utilizing a competitive bidding process, in which other states
14 participate, whenever the director determines this to be the most
15 cost-effective method of procurement. Prior to entering into any
16 contract to be awarded through a nationally-recognized and
17 accepted cooperative purchasing agreement that has been developed
18 utilizing a competitive bidding process, the director shall review
19 and approve the specifications and proposed terms and conditions
20 of the contract.

21 (3) Notwithstanding any other law to the contrary, any
22 contracting unit authorized to purchase goods, or to contract for
23 services, may make purchases and contract for services through the
24 use of a nationally-recognized and accepted cooperative purchasing
25 agreement that has been developed utilizing a competitive bidding
26 process by another contracting unit within the State of New Jersey,
27 or within any other state, when available. Prior to making
28 purchases or contracting for services, the contracting unit shall
29 determine that the use of the cooperative purchasing agreement
30 shall result in cost savings after all factors, including charges for
31 service, material, and delivery, have been considered.

32 For purposes of this paragraph, "contracting unit" means any
33 county, municipality, special district, school district, fire district,
34 State college or university, public research university, county
35 college, or any board, commission, committee, authority or agency,
36 which is not a State board, commission, committee, authority or
37 agency, and which has administrative jurisdiction over any district,
38 included or operating in whole or in part, within the territorial
39 boundaries of any county or municipality which exercises functions
40 which are appropriate for the exercise by one or more units of local
41 government, and which has statutory power to make purchases and
42 enter into contracts awarded by a contracting agent for the provision
43 or performance of goods or services.

44 c. The director may solicit bids and award contracts on behalf
45 of this State and other jurisdictions which are parties to a
46 cooperative purchasing agreement provided that the agreement
47 specifies that each jurisdiction participating in a contract is solely
48 responsible for the payment of the purchase price and cost of

1 purchases made by it under the terms of any contract awarded
2 pursuant to the agreement.

3 d. The director may promulgate rules and regulations pursuant
4 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
5 1 et seq.), which are necessary to effectuate the purposes of this
6 section.
7 (cf: P.L.2011, c.139, s.1)

8
9 6. This act shall take effect on the first day of the third month
10 next following enactment.

11
12
13 STATEMENT

14
15 This bill would permit certain public institutions of higher
16 education to act as participating contracting units in a cooperative
17 pricing system established pursuant to State law. Under section 11
18 of P.L.1971, c.198 (C.40A:11-11), the governing bodies of two or
19 more contracting units may establish a cooperative pricing system.
20 "Contracting units" are currently defined to include counties,
21 municipalities, and certain boards, commissions, committees,
22 authorities, or agencies. A "cooperative pricing system" is a
23 purchasing system in which a lead agency advertises for bids;
24 awards a master contract to the vendor providing for its own needs
25 and for prices to be extended to registered members; and notifies
26 the members of the contract awarded. The registered members then
27 contract directly with the vendor for their own needs, subject to the
28 specifications in the master contract.

29 This bill also authorizes public institutions of higher education to
30 make purchases and contract for services through the use of a
31 nationally-recognized and accepted cooperative purchasing
32 agreement, including cooperative purchasing agreements in
33 existence on the effective date of the bill, in accordance with
34 paragraph (3) of subsection b. of section 7 of P.L.1996, c.16
35 (C.52:34-6.2). This section of law authorizes counties,
36 municipalities, school districts, fire districts, and certain boards and
37 commissions, to make purchases and contract for services through
38 the use of a nationally-recognized and accepted cooperative
39 purchasing agreement that has been developed utilizing a
40 competitive bidding process by another contracting unit within the
41 State or within another state, when available. Prior to making
42 purchases or contracting for services, however, the contracting unit
43 must determine that the use of the cooperative purchasing
44 agreement will result in cost savings after all factors have been
45 considered.

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Permits certain public institutions of higher education to make purchases and contract for services as participating contracting units in cooperative pricing systems and through use of nationally-recognized and accepted cooperative purchasing agreements.

CHAPTER 50

AN ACT concerning the contracting process at public institutions of higher education, amending P.L.1996, c.16, and supplementing chapter 64, chapter 64A, chapter 64E, and chapter 64M of Title 18A of the New Jersey Statutes.

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

C.18A:64-63.1 State college, university authorized to participate in cooperative pricing system.

1. a. A State college or university is authorized to be a participating contracting unit in a cooperative pricing system established pursuant to the laws of this State.

b. A State college or university may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement, including a cooperative purchasing agreement in existence as of the effective date of P.L.2016, c.50 (C.18A:64-63.1 et al.), in accordance with the provisions of paragraph (3) of subsection b. of section 7 of P.L.1996, c.16 (C.52:34-6.2).

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

C.18A:64A-25.11a County college authorized to participate in cooperative pricing system.

2. a. A county college is authorized to be a participating contracting unit in a cooperative pricing system established pursuant to the laws of this State.

b. A county college may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement, including a cooperative purchasing agreement in existence as of the effective date of P.L.2016, c.50 (C.18A:64-63.1 et al.), in accordance with the provisions of paragraph (3) of subsection b. of section 7 of P.L.1996, c.16 (C.52:34-6.2).

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

C.18A:64E-18.1 New Jersey Institute of Technology authorized to participate in cooperative pricing system.

3. a. The New Jersey Institute of Technology is authorized to be a participating contracting unit in a cooperative pricing system established pursuant to the laws of this State.

b. The university may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement, including a cooperative purchasing agreement in existence as of the effective date of P.L.2016, c.50 (C.18A:64-63.1 et al.), in accordance with the provisions of paragraph (3) of subsection b. of section 7 of P.L.1996, c.16 (C.52:34-6.2).

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

C.18A:64M-9.2 Rowan University authorized to participate in cooperative pricing system.

4. a. Rowan University is authorized to be a participating contracting unit in a cooperative pricing system established pursuant to the laws of this State.

b. The university may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement, including a cooperative purchasing agreement in existence as of the effective date of P.L.2016, c.50 (C.18A:64-63.1 et al.), in accordance with the provisions of paragraph (3) of subsection b. of section 7 of P.L.1996, c.16 (C.52:34-6.2).

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

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

C.52:34-6.2 Cooperative purchasing agreements with other states for purchase of goods, services; rules, regulations.

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

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

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

(3) Notwithstanding any other law to the contrary, any contracting unit authorized to purchase goods, or to contract for services, may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available. Prior to making purchases or contracting for services, the contracting unit shall determine that the use of the cooperative purchasing agreement shall result in cost savings after all factors, including charges for service, material, and delivery, have been considered.

For purposes of this paragraph, "contracting unit" means any county, municipality, special district, school district, fire district, State college or university, public research university, county college, or any board, commission, committee, authority or agency, which is not a State board, commission, committee, authority or agency, and which has administrative

jurisdiction over any district, included or operating in whole or in part, within the territorial boundaries of any county or municipality which exercises functions which are appropriate for the exercise by one or more units of local government, and which has statutory power to make purchases and enter into contracts awarded by a contracting agent for the provision or performance of goods or services.

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

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

6. This act shall take effect on the first day of the third month next following enactment.

Approved September 6, 2016.

SENATE, No. 1822

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED MARCH 7, 2016

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

SYNOPSIS

Permits certain public institutions of higher education to make purchases and contract for services as participating contracting units in cooperative pricing systems and through use of nationally-recognized and accepted cooperative purchasing agreements.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the contracting process at public institutions of
2 higher education, amending P.L.1996, c.16, and supplementing
3 chapter 64, chapter 64A, chapter 64E, and chapter 64M of Title
4 18A of the New Jersey Statutes.

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

8
9 1. (New section) a. A State college or university is authorized
10 to be a participating contracting unit in a cooperative pricing system
11 established pursuant to the laws of this State.

12 b. A State college or university may make purchases and
13 contract for services through the use of a nationally-recognized and
14 accepted cooperative purchasing agreement, including a cooperative
15 purchasing agreement in existence as of the effective date of P.L. ,
16 c. (C.) (pending before the Legislature as this bill), in
17 accordance with the provisions of paragraph (3) of subsection b. of
18 section 7 of P.L.1996, c.16 (C.52:34-6.2).

19 c. The State Treasurer may promulgate rules and regulations
20 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
21 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes
22 of this section.

23
24 2. (New section) a. A county college is authorized to be a
25 participating contracting unit in a cooperative pricing system
26 established pursuant to the laws of this State.

27 b. A county college may make purchases and contract for
28 services through the use of a nationally-recognized and accepted
29 cooperative purchasing agreement, including a cooperative
30 purchasing agreement in existence as of the effective date of P.L. ,
31 c. (C.) (pending before the Legislature as this bill), in
32 accordance with the provisions of paragraph (3) of subsection b. of
33 section 7 of P.L.1996, c.16 (C.52:34-6.2).

34 c. The State Treasurer may promulgate rules and regulations
35 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
36 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes
37 of this section.

38
39 3. (New section) a. The New Jersey Institute of Technology is
40 authorized to be a participating contracting unit in a cooperative
41 pricing system established pursuant to the laws of this State.

42 b. The university may make purchases and contract for services
43 through the use of a nationally-recognized and accepted cooperative
44 purchasing agreement, including a cooperative purchasing
45 agreement in existence as of the effective date of P.L. , c. (C.)

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.

1 (pending before the Legislature as this bill), in accordance with the
2 provisions of paragraph (3) of subsection b. of section 7 of
3 P.L.1996, c.16 (C.52:34-6.2).

4 c. The State Treasurer may promulgate rules and regulations
5 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
6 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes
7 of this section.

8
9 4. (New section) a. Rowan University is authorized to be a
10 participating contracting unit in a cooperative pricing system
11 established pursuant to the laws of this State.

12 b. The university may make purchases and contract for services
13 through the use of a nationally-recognized and accepted cooperative
14 purchasing agreement, including a cooperative purchasing
15 agreement in existence as of the effective date of P.L. , c. (C.)
16 (pending before the Legislature as this bill), in accordance with the
17 provisions of paragraph (3) of subsection b. of section 7 of
18 P.L.1996, c.16 (C.52:34-6.2).

19 c. The State Treasurer may promulgate rules and regulations
20 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
21 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes
22 of this section.

23
24 5. Section 7 of P.L.1996, c.16 (C.52:34-6.2) is amended to read
25 as follows:

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

39 b. (1) The director may elect to purchase goods or services
40 through a contract awarded pursuant to a cooperative purchasing
41 agreement whenever the director determines this to be the most
42 cost-effective method of procurement. Prior to entering into any
43 contract to be awarded or already awarded through a cooperative
44 purchasing agreement, the director shall review and approve the
45 specifications and proposed terms and conditions of the contract.

46 (2) The director may also elect to purchase goods or services
47 through a contract awarded pursuant to a nationally-recognized and
48 accepted cooperative purchasing agreement that has been developed

1 utilizing a competitive bidding process, in which other states
2 participate, whenever the director determines this to be the most
3 cost-effective method of procurement. Prior to entering into any
4 contract to be awarded through a nationally-recognized and
5 accepted cooperative purchasing agreement that has been developed
6 utilizing a competitive bidding process, the director shall review
7 and approve the specifications and proposed terms and conditions
8 of the contract.

9 (3) Notwithstanding any other law to the contrary, any
10 contracting unit authorized to purchase goods, or to contract for
11 services, may make purchases and contract for services through the
12 use of a nationally-recognized and accepted cooperative purchasing
13 agreement that has been developed utilizing a competitive bidding
14 process by another contracting unit within the State of New Jersey,
15 or within any other state, when available. Prior to making
16 purchases or contracting for services, the contracting unit shall
17 determine that the use of the cooperative purchasing agreement
18 shall result in cost savings after all factors, including charges for
19 service, material, and delivery, have been considered.

20 For purposes of this paragraph, "contracting unit" means any
21 county, municipality, special district, school district, fire district,
22 State college or university, public research university, county
23 college, or any board, commission, committee, authority or agency,
24 which is not a State board, commission, committee, authority or
25 agency, and which has administrative jurisdiction over any district,
26 included or operating in whole or in part, within the territorial
27 boundaries of any county or municipality which exercises functions
28 which are appropriate for the exercise by one or more units of local
29 government, and which has statutory power to make purchases and
30 enter into contracts awarded by a contracting agent for the provision
31 or performance of goods or services.

32 c. The director may solicit bids and award contracts on behalf
33 of this State and other jurisdictions which are parties to a
34 cooperative purchasing agreement provided that the agreement
35 specifies that each jurisdiction participating in a contract is solely
36 responsible for the payment of the purchase price and cost of
37 purchases made by it under the terms of any contract awarded
38 pursuant to the agreement.

39 d. The director may promulgate rules and regulations pursuant
40 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
41 1 et seq.), which are necessary to effectuate the purposes of this
42 section.

43 (cf: P.L.2011, c.139, s.1)

44

45 6. This act shall take effect on the first day of the third month
46 next following enactment.

STATEMENT

1

2

3 This bill would permit certain public institutions of higher
4 education to act as participating contracting units in a cooperative
5 pricing system established pursuant to State law. Under section 11
6 of P.L.1971, c.198 (C.40A:11-11), the governing bodies of two or
7 more contracting units may establish a cooperative pricing system.
8 “Contracting units” are currently defined to include counties,
9 municipalities, and certain boards, commissions, committees,
10 authorities, or agencies. A “cooperative pricing system” is a
11 purchasing system in which a lead agency advertises for bids;
12 awards a master contract to the vendor providing for its own needs
13 and for prices to be extended to registered members; and notifies
14 the members of the contract awarded. The registered members then
15 contract directly with the vendor for their own needs, subject to the
16 specifications in the master contract.

17 This bill also authorizes public institutions of higher education to
18 make purchases and contract for services through the use of a
19 nationally-recognized and accepted cooperative purchasing
20 agreement, including cooperative purchasing agreements in
21 existence on the effective date of the bill, in accordance with
22 paragraph (3) of subsection b. of section 7 of P.L.1996, c.16
23 (C.52:34-6.2). This section of law authorizes counties,
24 municipalities, school districts, fire districts, and certain boards and
25 commissions, to make purchases and contract for services through
26 the use of a nationally-recognized and accepted cooperative
27 purchasing agreement that has been developed utilizing a
28 competitive bidding process by another contracting unit within the
29 State or within another state, when available. Prior to making
30 purchases or contracting for services, however, the contracting unit
31 must determine that the use of the cooperative purchasing
32 agreement will result in cost savings after all factors have been
33 considered.

SENATE HIGHER EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1822

STATE OF NEW JERSEY

DATED: JUNE 20, 2016

The Senate Higher Education Committee reports favorably Senate Bill No. 1822.

This bill would permit certain public institutions of higher education to act as participating contracting units in a cooperative pricing system established pursuant to State law. Under section 11 of P.L.1971, c.198 (C.40A:11-11), the governing bodies of two or more contracting units may establish a cooperative pricing system. “Contracting units” are currently defined to include counties, municipalities, and certain boards, commissions, committees, authorities, or agencies. A “cooperative pricing system” is a purchasing system in which a lead agency advertises for bids; awards a master contract to the vendor providing for its own needs and for prices to be extended to registered members; and notifies the members of the contract awarded. The registered members then contract directly with the vendor for their own needs, subject to the specifications in the master contract.

This bill also authorizes public institutions of higher education to make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement, including cooperative purchasing agreements in existence on the effective date of the bill, in accordance with paragraph (3) of subsection b. of section 7 of P.L.1996, c.16 (C.52:34-6.2). This section of law authorizes counties, municipalities, school districts, fire districts, and certain boards and commissions, to make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State or within another state, when available. Prior to making purchases or contracting for services, however, the contracting unit must determine that the use of the cooperative purchasing agreement will result in cost savings after all factors have been considered.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1822

STATE OF NEW JERSEY

DATED: JUNE 23, 2016

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1822.

This bill permits certain public institutions of higher education to act as participating contracting units in a cooperative pricing system established pursuant to State law. Under current law, the governing bodies of two or more contracting units may establish a cooperative pricing system. “Contracting units” are currently defined to include counties, municipalities, and certain boards, commissions, committees, authorities, or agencies. A “cooperative pricing system” is a purchasing system in which a lead agency advertises for bids; awards a master contract to the vendor providing for its own needs and for prices to be extended to registered members; and notifies the members of the contract awarded. The registered members then contract directly with the vendor for their own needs, subject to the specifications in the master contract.

This bill also authorizes public institutions of higher education to make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement, including cooperative purchasing agreements in existence on the effective date of the bill, in accordance with paragraph (3) of subsection b. of section 7 of P.L.1996, c.16 (C.52:34-6.2). This section of law currently authorizes counties, municipalities, school districts, fire districts, and certain boards and commissions, to make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State or within another state, when available. Prior to making purchases or contracting for services, however, the contracting unit must determine that the use of the cooperative purchasing agreement will result in cost savings after all factors have been considered.

FISCAL IMPACT:

This bill has not been certified as requiring a fiscal note.

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Governor Christie Signs Education Reform Legislation

Tuesday, September 06, 2016

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State of New Jersey
OFFICE OF THE GOVERNOR

Governor Takes Action on Seven Bills

Trenton, NJ – As many New Jersey students head back to school today, Governor Christie visited Grover Cleveland Middle School in Caldwell to act upon seven bills focused on improving education in the state.

“Over the last six years, my administration has prided itself on engaging in education reform to make sure our schools are safer, more effective, and facilitating the success of our students,” said Governor Christie. “Providing and ensuring a high quality education for every student in every corner of this state is a firm commitment of mine and it is why I continue to support and bolster education in the Garden State.”

For the last two months, Governor Christie has traveled the state talking about his Fairness Formula, which would change the school funding formula to provide equal funding of \$6,599 per enrolled student, while continuing aid for special needs students and at the same time providing much-needed property tax relief to municipalities.

The Governor’s fiscal year 2017 budget spends more than \$13.3 billion on education, an increase of \$548 million from fiscal 2016, continuing a six-year commitment to providing the highest amount of school aid in New Jersey history.

The state’s high school graduation rate continues to increase. In 2015, the rate was 89.7 percent, up from 88.6 percent in 2014, the fourth straight year that the statewide high school graduation rate increased and the third consecutive year in which it grew by at least a full percentage point.

Other education accomplishments include reforming teacher tenure rules, greatly expanding charter schools, and establishing Renaissance schools under the Urban Hope Act.

The bills the Governor acted on today include measures to enhance school security and early intervention in situations where students exhibit behavioral or learning problems, and that will ensure that substance abuse instruction for students encompasses the latest research and best practices. Governor Christie has also signed two bills focused on higher education, to increase transparency and enable public colleges and universities to save money by engaging in cooperative purchasing agreements. Specifically, the Governor took the following action on the following pending legislation:

BILL SIGNINGS:

S-2081/A-3790 (Ruiz, Turner/Vainieri Huttie, Wimberly) - Limits expulsions and suspensions for students in preschool through grade 2 with certain exceptions; requires early detection and prevention programs for behavioral issues in preschool through grade 2

A-2292/S-372 (Vainieri Huttie, Benson, McKnight, Gusciora, Lampitt, Wimberly/Codey, Allen) - Requires review of Core Curriculum Content Standards to ensure guidance for substance abuse instruction provided to public school students incorporates most recent evidence-based standards and practices

A-2563/S-1753 (Jasey, Singleton, Wimberly, Danielsen/Turner) - Directs institutions of higher education and proprietary degree-granting institutions to provide Higher Education Student Assistance Authority with graduation and transfer rates of State tuition aid grant recipients

A-2566/S-496 (Jasey, Wimberly/Ruiz, Turner) - Establishes Response to Intervention initiative in DOE to support and encourage school districts in implementation of Response to Intervention framework

A-2689/S-754 (Schaer, Prieto, Lagana, Lampitt, Vainleri Huttie, Eustace, S. Kean, Auth, Quijano, Wimberly/Beach, Gordon) - "Secure Schools for All Children Act"; establishes State aid program for security services, equipment, or technology to ensure safe and secure school environment for nonpublic school students

A-3405/S-1822 (Coughlin, Schaer, Jasey, Benson/Sarlo, Cunningham) - Permits certain public institutions of higher education to make purchases and contract for services as participating contracting units in cooperative pricing systems and through use of nationally-recognized and accepted cooperative purchasing agreements


BILL VETOED:

S-86/A-3629 (A.R. Bucco, Sweeney/A.M. Bucco, Rible, Singleton, Caride, Moriarty, Schepisi, Wimberly) – **CONDITIONAL** - Establishes Class Three special law enforcement officers to provide security in public and nonpublic schools and county colleges

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