

52:35-8

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1999 **CHAPTER:** 197

NJSA: 52:35-8 (State contracts—bidders—qualifications)

BILL NO: S651 (Substituted for A2472)

SPONSOR(S): Bassano

DATE INTRODUCED: February 23, 1998

COMMITTEE: **ASSEMBLY:** ---

SENATE: State Government, Banking and Financial Institutions

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 14, 1999

SENATE: March 22, 1999

DATE OF APPROVAL: September 8, 1999

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: 1st Reprint
(Amendments during passage denoted by superscript numbers)

S651

SPONSORS STATEMENT: (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A2472

SPONSORS STATEMENT: (Begins on page 2 of original bill) [Yes](#)
Bill and Sponsors Statement identical to S651

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 1999, CHAPTER 197, *approved September 8, 1999*
Senate, No. 651 (*First Reprint*)

1 **AN ACT** concerning the qualifications of bidders on State public works
2 contracts and amending R.S.52:35-8.

3

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

6

7 1. R.S.52:35-8 is amended to read as follows:

8 52:35-8. No person shall be qualified to bid on any contract, who
9 shall not have submitted a statement as required by **[section]**
10 **R.S.52:35-2** **[of this Title]** within a period of **[7]** ¹**[12]** 18¹ months
11 preceding the date of opening of bids for such contract.

12 (cf: P.L.1959, c.94, s.1)

13

14 2. This act shall take effect immediately.

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19 Provides bidders on State public works contracts must have
20 demonstrated qualifications within preceding 18 months.

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:

¹ Senate SGB committee amendments adopted February 25, 1999.

SENATE, No. 651

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED FEBRUARY 23, 1998

Sponsored by:

Senator C. LOUIS BASSANO

District 21 (Essex and Union)

SYNOPSIS

Provides bidders on State public works contracts must have demonstrated qualifications within preceding 12 months.

CURRENT VERSION OF TEXT

As introduced.



S651 BASSANO

2

1 AN ACT concerning the qualifications of bidders on State public works
2 contracts and amending R.S.52:35-8.

3

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

6

7 1. R.S.52:35-8 is amended to read as follows:

8 52:35-8. No person shall be qualified to bid on any contract, who
9 shall not have submitted a statement as required by **[section]** R.S.
10 52:35-2 **[of this Title]** within a period of **[7]** 12 months preceding the
11 date of opening of bids for such contract.

12 (cf: P.L.1959, c.94, s.1)

13

14 2. This act shall take effect immediately.

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STATEMENT

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19 This bill would provide that in order to be eligible to bid on a State
20 public works contract a bidder must have submitted a statement of
21 qualifications within the preceding 12 months. Existing law requires
22 a bidder to have documented the bidder's qualifications within the
23 preceding seven months. Allowing bidders to file statements at less
24 frequent intervals would reduce the administrative burden on the
25 Division of Building and Construction which currently processes
26 4,000 applications annually even though its staff has been reduced.
27 This would enable the division to conduct a more thorough review of
28 information submitted and to refine evaluation criteria to include
29 measures of past performance. In addition to State agencies, all
30 school districts and many local units rely on the division's qualification
31 and classification of bidders.

32 The bill would also make it easier for bidders to comply with
33 qualification requirements. Many bidders have been periodically
34 unable to bid on State construction contracts because financial
35 information, such as year-end statements, was not available by the
36 current deadline for requalifying. Extending the period of time during
37 which a bidder is qualified may make more bidders available to bid on
38 each contract and lower bidders' costs. This, in turn, could result in
39 lower bids which would benefit the State.

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.

SENATE STATE GOVERNMENT, BANKING AND
FINANCIAL INSTITUTIONS COMMITTEE

STATEMENT TO

SENATE, No. 651

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 1999

The Senate State Government, Banking and Financial Institutions Committee reports favorably and with committee amendments Senate, No. 651.

This bill provides that in order to be eligible to bid on a State public works contract a bidder must have submitted a statement of qualifications within the preceding 18 months, rather than within the preceding 7 months as provided by existing law.

Allowing bidders to file statements at less frequent intervals will reduce the administrative burden on the Division of Building and Construction which currently processes 4,000 applications annually. The division could conduct a more thorough review of information submitted and would be able to refine evaluation criteria to include measures of past performance. In addition to State agencies, all school districts and many units of local government rely on the division's qualification and classification of bidders.

The bill would also make it easier for bidders to comply with qualification requirements. Many bidders have been periodically unable to bid on State construction contracts because financial information, such as year-end statements, was not available by the current deadline for requalifying. Extending the period of time during which a bidder is qualified may make more bidders available to bid on each contract and lower bidders' costs. This, in turn, could result in lower bids which would benefit the State.

The committee amended the bill to require a bidder for a State public works contract to have submitted a statement of qualifications within the preceding 18 months, rather than within the preceding 12 months as originally specified in the bill, in order to conform it to the provisions of Assembly, No. 2472 (1R). As amended, the bill is the same as Assembly, No. 2472 (1R).

ASSEMBLY, No. 2472

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED OCTOBER 5, 1998

Sponsored by:

Assemblyman GERALD J. LUONGO

District 4 (Camden and Gloucester)

SYNOPSIS

Provides bidders on State public works contracts must have demonstrated qualifications within preceding 12 months.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the qualifications of bidders on State public works
2 contracts and amending R.S.52:35-8.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.52:35-8 is amended to read as follows:

8 52:35-8. No person shall be qualified to bid on any contract, who
9 shall not have submitted a statement as required by **[section]** R.S.
10 52:35-2 **[of this Title]** within a period of **[7]** 12 months preceding the
11 date of opening of bids for such contract.

12 (cf: P.L.1959, c.94, s.1)

13

14 2. This act shall take effect immediately.

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STATEMENT

18

19 This bill would provide that in order to be eligible to bid on a State
20 public works contract a bidder must have submitted a statement of
21 qualifications within the preceding 12 months. Existing law requires
22 a bidder to have documented the bidder's qualifications within the
23 preceding seven months. Allowing bidders to file statements at less
24 frequent intervals would reduce the administrative burden on the
25 Division of Property Management and Construction which currently
26 processes approximately 4,000 applications annually even though its
27 staff has been reduced. This would enable the division to conduct a
28 more thorough review of information submitted and to refine
29 evaluation criteria to include measures of past performance. In
30 addition to State agencies, all school districts and many local units rely
31 on the division's qualification and classification of bidders.

32 The bill would also make it easier for bidders to comply with
33 qualification requirements. Many bidders have been periodically
34 unable to bid on State construction contracts because financial
35 information, such as year-end statements, was not available by the
36 current deadline for requalifying. Extending the period of time during
37 which a bidder is qualified may make more bidders available to bid on
38 each contract and lower bidders' costs. This, in turn, could result in
39 lower bids which would benefit the State.

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

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ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2472

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 11, 1999

The Assembly State Government Committee reports favorably and with committee amendments Assembly, No. 2472.

This bill provides that to be eligible to bid on a State public works contract a bidder must have submitted a statement of qualifications within the preceding 18 months. Existing law requires a bidder to have documented the bidder's qualifications within the preceding seven months. Allowing bidders to file statements at less frequent intervals would reduce the administrative burden on the Division of Property Management and Construction which currently processes approximately 4,000 applications annually. This could enable the division to conduct a more thorough review of the information submitted to it and to refine evaluation criteria to include measures of past performance. In addition to State agencies, all school districts and many local units rely on the division's qualification and classification of bidders.

The bill would also make it easier for bidders to comply with qualification requirements. Many bidders have been periodically unable to bid on State construction contracts because financial information, such as year-end statements, were not available by the current deadline for requalifying. Extending the period of time during which a bidder is qualified may make more bidders available to bid on each contract and lower bidders' costs. This, in turn, could result in lower bids which would benefit the State.

The committee amended the bill to require a bidder for a State public works contract to have submitted a statement of qualifications within the preceding 18 months instead of the preceding 12 months, as provided for in the original version of the bill.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Gene Herman
609-777-2600

RELEASE: September 8, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

S-651, sponsored by Senator C. Louis Bassano (R-Essex/Union) and Assembly Member Gerald J. Luongo (R-Camden/Gloucester), provides that bidders on state public work contracts must demonstrate their qualifications 18 months prior to the opening of the bid. Under previous law, anyone who submitted a bid for state and school district public work contracts was required to document their qualifications seven months prior to the opening of a bid. The required documentation includes financial information, a description of the contractor's physical plant and equipment, and relevant work experience. The bill is intended to eliminate duplicative information.

S-1373, amends the Large Site Landfill Reclamation and Improvement Law by expanding the list of gross receipt items for which franchise assessment fees may be levied or collected by a municipality that has created a landfill reclamation improvement district. A franchise assessment is defined as a gross receipts assessment on sales of all tangible property sold by a business in the district, excluding any sales and use tax, or on all rental receipts from the rental of commercial property in the district. The bill expands the list of gross receipt items to include parking, hotel rooms located within a district, admission charges for sporting events, amusements or other forms of entertainment, such as theatrical, operatic or musical performances, and recreational activities.

All fees permitted by the original law and the bill are assessed by and at the discretion of the municipality on activities that occur within the landfill reclamation improvement district. The bill was sponsored by Senator Raymond J. Lesniak (D-Union) and Assembly Members Joseph Suliga (D-Union) and Richard H. Bagger (R-Middlesex/Morris/Somerset/Union).