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P.L. 2005, CHAPTER 367, *approved January 12, 2006*
Assembly, No. 1860 (*Second Reprint*)

1 **AN ACT** concerning State contracts for the purchase of goods and
2 services involving wood and paper products, and supplementing
3 Title 52 of the Revised Statutes.

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

7
8 1. a. Notwithstanding the provisions of any other law to the
9 contrary, the Director of the Division of Purchase and Property in the
10 Department of the Treasury, the Director of the Division of Property
11 Management and Construction in the Department of the Treasury, or
12 any State agency having authority to contract for the purchase of
13 goods or services, shall whenever possible give preference to wood or
14 paper products derived from sustainably managed forests or
15 procurement systems when entering into or renewing a contract for the
16 purchase of such goods or related services. ¹Any preference provided
17 pursuant to this subsection may not supersede any preference given to
18 recycled paper and paper products pursuant to P.L.1987, c. 102
19 (C.13:1E-99.11 et seq.).¹

20 In preparing the specifications for any contract for the purchase of
21 goods and services² [, including but not limited to a contract for the
22 construction, improvement, or maintenance of any public work,]² the
23 Director of the Division of Purchase and Property, the Director of the
24 Division of Property Management and Construction, or any State
25 agency having authority to contract for the purchase of goods or
26 services shall include in the invitation to bid, where relevant, a
27 statement that any response to the invitation that proposes or calls for
28 the use of wood or paper products derived from sustainably managed
29 forests or procurement systems shall receive preference ¹whenever
30 possible¹.

31 b. The provisions of subsection a. of this section shall not apply:

32 (1) To any binding contractual obligations for the purchase of
33 goods or services entered into prior to the effective date of this act;

34 (2) To bid packages advertised and made available to the public, or
35 to any competitive and sealed bids received by the State, prior to the
36 effective date of this act; or

37 (3) To any amendment, modification, or renewal of a contract,
38 which contract was entered into prior to the effective date of this act

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AEN committee amendments adopted March 4, 2004.

² Senate SEN committee amendments adopted June 16, 2005 .

1 where the application would delay timely completion of a project or
2 involve an increase in the total moneys to be paid by the State under
3 that contract.

4 c. For the purposes of this act, "derived from sustainably managed
5 forests or procurement systems" means the source of the ¹wood or
6 paper¹ product is a forest or system for procuring wood or paper
7 products that is certified by an independent third party using one or
8 more of the following certification programs ¹or standards¹:

9 (1) The ¹[sustainable forestry initiative/American forest and paper
10 association] Sustainable Forestry Initiative program¹;

11 (2) The American ¹[tree farm systems/American forest foundation]
12 Forest Foundation American Tree Farm System program¹;

13 (3) The ¹[Canadian standards associations] sustainable forest
14 management system standards ¹of the Canadian Standards
15 Association¹;

16 (4) The ¹[forest stewardship council] Forest Stewardship Council
17 certification program¹;

18 (5) The Pan-European forest certification ¹system¹;

19 (6) The Finnish ¹[forest certification system] Forest Certification
20 System¹;

21 (7) The United Kingdom ¹[woodlands assurance scheme]
22 Woodland Assurance Standard¹;

23 (8) ¹The¹ International ¹[standards organization] Organization for
24 Standardization¹ (ISO) standard 14001; or

25 (9) Any other certification program ¹or standard¹ that the State
26 Treasurer or the ¹[Department] Commissioner¹ of Environmental
27 Protection determines ¹[is qualified to designate] may be used to
28 certify¹ that wood or paper products are derived from sustainably
29 managed forests or procurement systems.

30

31 2. ¹a.¹ The State Treasurer, in consultation with the ¹[Department]
32 Commissioner¹ of Environmental Protection, shall establish any
33 procedures or conduct any review necessary to determine that wood
34 or paper products are derived from sustainably managed forests or
35 procurement systems for the purposes of implementing the provisions
36 of section 1 of this act and ensuring proper compliance with the
37 requirements therein.

38 ¹b. The State Treasurer, in conjunction with the Commissioner of
39 Environmental Protection, may adopt, pursuant to the "Administrative
40 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and
41 regulations necessary to implement the provisions of this act.¹

42

43 ¹[3. a. The Director of the Division of Purchase and Property and
44 the Director of the Division of Property Management and Construction
45 may adopt, pursuant to the "Administrative Procedure Act," P.L.1968,

1 c.410 (C.52:14B-1 et seq.), any rules and regulations necessary to
2 implement the provisions of this act.

3 b. The State Treasurer, in conjunction with the Department of
4 Environmental Protection, shall adopt, pursuant to the "Administrative
5 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and
6 regulations necessary to implement the provisions of this act.]¹

7

8 ¹[4.] 3.¹ This act shall take effect immediately.

9

10

11

12

13 Provides preference in State contracts for wood and paper products
14 derived from sustainably managed forests or procurement systems
15 whenever possible.

ASSEMBLY, No. 1860

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED JANUARY 22, 2004

Sponsored by:

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Assemblyman ROBERT GORDON

District 38 (Bergen)

Assemblywoman JOAN VOSS

District 38 (Bergen)

Co-Sponsored by:

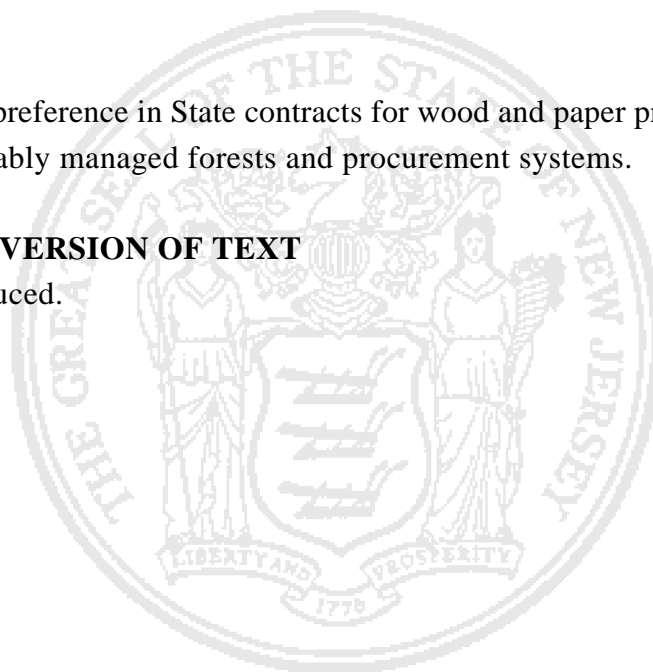
**Assemblymen Manzo, Eagler, Assemblywoman Greenstein, Assemblymen
Connors and Conaway**

SYNOPSIS

Requires preference in State contracts for wood and paper products derived from sustainably managed forests and procurement systems.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/25/2005)

1 AN ACT concerning State contracts for the purchase of goods and
2 services involving wood and paper products, and supplementing
3 Title 52 of the Revised Statutes.

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

7
8 1. a. Notwithstanding the provisions of any other law to the
9 contrary, the Director of the Division of Purchase and Property in the
10 Department of the Treasury, the Director of the Division of Property
11 Management and Construction in the Department of the Treasury, or
12 any State agency having authority to contract for the purchase of
13 goods or services, shall whenever possible give preference to wood or
14 paper products derived from sustainably managed forests or
15 procurement systems when entering into or renewing a contract for the
16 purchase of such goods or related services.

17 In preparing the specifications for any contract for the purchase of
18 goods and services, including but not limited to a contract for the
19 construction, improvement, or maintenance of any public work, the
20 Director of the Division of Purchase and Property, the Director of the
21 Division of Property Management and Construction, or any State
22 agency having authority to contract for the purchase of goods or
23 services shall include in the invitation to bid, where relevant, a
24 statement that any response to the invitation that proposes or calls for
25 the use of wood or paper products derived from sustainably managed
26 forests or procurement systems shall receive preference.

27 b. The provisions of subsection a. of this section shall not apply:

28 (1) To any binding contractual obligations for the purchase of
29 goods or services entered into prior to the effective date of this act;

30 (2) To bid packages advertised and made available to the public,
31 or to any competitive and sealed bids received by the State, prior to
32 the effective date of this act; or

33 (3) To any amendment, modification, or renewal of a contract,
34 which contract was entered into prior to the effective date of this act
35 where the application would delay timely completion of a project or
36 involve an increase in the total moneys to be paid by the State under
37 that contract.

38 c. For the purposes of this act, "derived from sustainably managed
39 forests or procurement systems" means the source of the product is a
40 forest or system for procuring wood or paper products that is certified
41 by an independent third party using one or more of the following
42 certification programs:

43 (1) The sustainable forestry initiative/American forest and paper
44 association;

45 (2) The American tree farm systems/American forest foundation;

46 (3) The Canadian standards associations sustainable forest

1 management system standards;
2 (4) The forest stewardship council;
3 (5) The Pan-European forest certification;
4 (6) The Finnish forest certification system;
5 (7) The United Kingdom woodlands assurance scheme;
6 (8) International standards organization (ISO) standard 14001; or
7 (9) Any other certification program that the State Treasurer or the
8 Department of Environmental Protection determines is qualified to
9 designate wood or paper products are derived from sustainably
10 managed forests or procurement systems.

11

12 2. The State Treasurer, in consultation with the Department of
13 Environmental Protection, shall establish any procedures or conduct
14 any review necessary to determine that wood or paper products are
15 derived from sustainably managed forests or procurement systems for
16 the purposes of implementing the provisions of section 1 of this act
17 and ensuring proper compliance with the requirements therein.

18

19 3. a. The Director of the Division of Purchase and Property and
20 the Director of the Division of Property Management and Construction
21 may adopt, pursuant to the "Administrative Procedure Act," P.L.1968,
22 c.410 (C.52:14B-1 et seq.), any rules and regulations necessary to
23 implement the provisions of this act.

24 b. The State Treasurer, in conjunction with the Department of
25 Environmental Protection, shall adopt, pursuant to the "Administrative
26 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and
27 regulations necessary to implement the provisions of this act.

28

29 4. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill requires the Director of the Division of Purchase and
35 Property in the Department of the Treasury, the Director of the
36 Division of Property Management and Construction in the Department
37 of the Treasury, or any State agency having authority to contract for
38 the purchase of goods or services, to whenever possible give
39 preference to wood or paper products derived from sustainably
40 managed forests or procurement systems when entering into or
41 renewing a contract for the purchase of such goods or related services.

42 The bill defines "derived from sustainably managed forests or
43 procurement systems" as the source of the product is a forest or
44 system for procuring wood or paper products that is certified by an
45 independent third party using one or more of the following
46 certification programs:

- 1 (1) The sustainable forestry initiative/American forest and paper
2 association;
 - 3 (2) The American tree farm systems/American forest foundation;
 - 4 (3) The Canadian standards associations sustainable forest
5 management system standards;
 - 6 (4) The forest stewardship council;
 - 7 (5) The Pan-European forest certification;
 - 8 (6) The Finnish forest certification system;
 - 9 (7) The United Kingdom woodlands assurance scheme;
 - 10 (8) International standards organization (ISO) standard 14001; or
 - 11 (9) Any other certification program that the State Treasurer or the
12 Department of Environmental Protection determines is qualified to
13 designate wood or paper products are derived from sustainably
14 managed forests or procurement systems.
- 15 The bill also directs the State Treasurer, in consultation with the
16 Department of Environmental Protection, to establish any procedures
17 or conduct any review necessary to determine that wood or paper
18 products are derived from sustainably managed forests or procurement
19 systems, and to adopt any regulations necessary to implement the act.
20 Finally, the Director of the Division of Purchase and Property and the
21 Director of the Division of Property Management and Construction are
22 authorized to adopt regulations for the same purpose.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1860

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 4, 2004

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No. 1860 with committee amendments.

This bill, as amended, requires the Director of the Division of Purchase and Property in the Department of the Treasury, the Director of the Division of Property Management and Construction in the Department of the Treasury, or any State agency having authority to contract for the purchase of goods or services, to whenever possible give preference to wood or paper products derived from sustainably managed forests or procurement systems when entering into or renewing a contract for the purchase of such goods or related services. The bill, as amended, also provides that this preference would not supersede any preference given to recycled paper and paper products under P.L.1987, c.102 (C.13:1E-99.11 et seq.).

The bill, as amended, defines "derived from sustainably managed forests or procurement systems" as the source of the wood or paper product is a forest or system for procuring wood or paper products that is certified by an independent third party using one or more of the following certification programs or standards:

- (1) The Sustainable Forestry Initiative program;
- (2) The American Forest Foundation American Tree Farm System program;
- (3) The sustainable forest management system standards of the Canadian Standards Association;
- (4) The Forest Stewardship Council certification program;
- (5) The Pan-European forest certification system;
- (6) The Finnish Forest Certification System;
- (7) The United Kingdom Woodland Assurance Standard;
- (8) The International Organization for Standardization (ISO) standard 14001; or
- (9) Any other certification program or standard that the State Treasurer or the Commissioner of Environmental Protection determines may be used to certify wood or paper products are derived from sustainably managed forests or procurement systems.

The bill also requires the State Treasurer, in consultation with the Commissioner of Environmental Protection, to establish any procedures or conduct any review necessary to determine that wood or paper products are derived from sustainably managed forests or procurement systems. Finally, the bill authorizes, but does not require, the State Treasurer, in consultation with the Commissioner of Environmental Protection, to adopt any other rules and regulations necessary for the implementation of the act.

COMMITTEE AMENDMENTS

Committee amendments to the bill:

- 1) correct and clarify the names of the specific certification programs and standards identified in the bill;
- 2) clarify the provisions requiring and authorizing the State Treasurer to adopt rules and regulations;
- 3) provide that any preference provided under the bill would not supersede any preference given to recycled paper or paper products under P.L.1987, c.102 (C.13:1E-99.11 et seq.); and
- 4) make technical corrections to the bill.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1860

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 16, 2005

The Senate Environment Committee reports favorably Assembly Bill No. 1860 (1R) with committee amendments.

Assembly Bill No. 1860 (1R) requires the Director of the Division of Purchase and Property in the Department of the Treasury, the Director of the Division of Property Management and Construction in the Department of the Treasury, or any State agency having authority to contract for the purchase of goods or services, to whenever possible give preference to wood or paper products derived from sustainably managed forests or procurement systems when entering into or renewing a contract for the purchase of such goods or related services. The bill also provides that this preference would not supersede any preference given to recycled paper and paper products under P.L.1987, c.102 (C.13:1E-99.11 et seq.).

The bill defines "derived from sustainably managed forests or procurement systems" as the source of the wood or paper product is a forest or system for procuring wood or paper products that is certified by an independent third party using one or more of the following certification programs or standards:

- (1) The Sustainable Forestry Initiative program;
- (2) The American Forest Foundation American Tree Farm System program;
- (3) The sustainable forest management system standards of the Canadian Standards Association;
- (4) The Forest Stewardship Council certification program;
- (5) The Pan-European forest certification system;
- (6) The Finnish Forest Certification System;
- (7) The United Kingdom Woodland Assurance Standard;
- (8) The International Organization for Standardization (ISO) standard 14001; or
- (9) Any other certification program or standard that the State Treasurer or the Commissioner of Environmental Protection determines may be used to certify wood or paper products are derived from sustainably managed forests or procurement systems.

The bill also requires the State Treasurer, in consultation with the Commissioner of Environmental Protection, to establish any procedures or conduct any review necessary to determine that wood or paper products are derived from sustainably managed forests or procurement systems. Finally, the bill authorizes, but does not require, the State Treasurer, in consultation with the Commissioner of Environmental Protection, to adopt any other rules and regulations necessary for the implementation of the act.

The committee amendments remove the language which references contracts for the construction, improvement, or maintenance of any public work to maintain the procurement process used by the Department of Transportation.

As amended, Assembly Bill No. 1860 (1R) is identical to Senate Bill No. 1860 (1R).

SENATE, No. 1860

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED OCTOBER 4, 2004

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Provides preference in State contracts for wood and paper products derived from sustainably managed forests or procurement systems whenever possible.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning State contracts for the purchase of goods and
2 services involving wood and paper products, and supplementing
3 Title 52 of the Revised Statutes.

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

7
8 1. a. Notwithstanding the provisions of any other law to the
9 contrary, the Director of the Division of Purchase and Property in the
10 Department of the Treasury, the Director of the Division of Property
11 Management and Construction in the Department of the Treasury, or
12 any State agency having authority to contract for the purchase of
13 goods or services, shall whenever possible give preference to wood or
14 paper products derived from sustainably managed forests or
15 procurement systems when entering into or renewing a contract for the
16 purchase of such goods or related services. Any preference provided
17 pursuant to this subsection may not supersede any preference given to
18 recycled paper and paper products pursuant to P.L.1987, c. 102
19 (C.13:1E-99.11 et seq.).

20 In preparing the specifications for any contract for the purchase of
21 goods and services, including but not limited to a contract for the
22 construction, improvement, or maintenance of any public work, the
23 Director of the Division of Purchase and Property, the Director of the
24 Division of Property Management and Construction, or any State
25 agency having authority to contract for the purchase of goods or
26 services shall include in the invitation to bid, where relevant, a
27 statement that any response to the invitation that proposes or calls for
28 the use of wood or paper products derived from sustainably managed
29 forests or procurement systems shall receive preference whenever
30 possible.

31 b. The provisions of subsection a. of this section shall not apply:

32 (1) To any binding contractual obligations for the purchase of
33 goods or services entered into prior to the effective date of this act;

34 (2) To bid packages advertised and made available to the public, or
35 to any competitive and sealed bids received by the State, prior to the
36 effective date of this act; or

37 (3) To any amendment, modification, or renewal of a contract,
38 which contract was entered into prior to the effective date of this act
39 where the application would delay timely completion of a project or
40 involve an increase in the total moneys to be paid by the State under
41 that contract.

42 c. For the purposes of this act, "derived from sustainably managed
43 forests or procurement systems" means the source of the wood or
44 paper product is a forest or system for procuring wood or paper
45 products that is certified by an independent third party using one or
46 more of the following certification programs or standards:

- 1 (1) The Sustainable Forestry Initiative program;
 - 2 (2) The American Forest Foundation American Tree Farm System
3 program;
 - 4 (3) The sustainable forest management system standards of the
5 Canadian Standards Association;
 - 6 (4) The Forest Stewardship Council certification program;
 - 7 (5) The Pan-European forest certification system;
 - 8 (6) The Finnish Forest Certification System;
 - 9 (7) The United Kingdom Woodland Assurance Standard;
 - 10 (8) The International Organization for Standardization (ISO)
11 standard 14001; or
 - 12 (9) Any other certification program or standard that the State
13 Treasurer or the Commissioner of Environmental Protection
14 determines may be used to certify that wood or paper products are
15 derived from sustainably managed forests or procurement systems.
16
- 17 2. a. The State Treasurer, in consultation with the Commissioner
18 of Environmental Protection, shall establish any procedures or conduct
19 any review necessary to determine that wood or paper products are
20 derived from sustainably managed forests or procurement systems for
21 the purposes of implementing the provisions of section 1 of this act
22 and ensuring proper compliance with the requirements therein.
 - 23 b. The State Treasurer, in conjunction with the Commissioner of
24 Environmental Protection, may adopt, pursuant to the "Administrative
25 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and
26 regulations necessary to implement the provisions of this act.
27
- 28 3. This act shall take effect immediately.
29
30

31 STATEMENT
32

33 This bill requires the Director of the Division of Purchase and
34 Property in the Department of the Treasury, the Director of the
35 Division of Property Management and Construction in the Department
36 of the Treasury, or any State agency having authority to contract for
37 the purchase of goods or services, to whenever possible give
38 preference to wood or paper products derived from sustainably
39 managed forests or procurement systems when entering into or
40 renewing a contract for the purchase of such goods or related services.
41 The bill also provides that this preference would not supersede any
42 preference given to recycled paper and paper products under
43 P.L.1987, c.102 (C.13:1E-99.11 et seq.).

44 The bill defines "derived from sustainably managed forests or
45 procurement systems" as the source of the wood or paper product is
46 a forest or system for procuring wood or paper products that is

1 certified by an independent third party using one or more of the
2 following certification programs or standards:

3 (1) The Sustainable Forestry Initiative program;

4 (2) The American Forest Foundation American Tree Farm System
5 program;

6 (3) The sustainable forest management system standards of the
7 Canadian Standards Association;

8 (4) The Forest Stewardship Council certification program;

9 (5) The Pan-European forest certification system;

10 (6) The Finnish Forest Certification System;

11 (7) The United Kingdom Woodland Assurance Standard;

12 (8) The International Organization for Standardization (ISO)
13 standard 14001; or

14 (9) Any other certification program or standard that the State
15 Treasurer or the Commissioner of Environmental Protection
16 determines may be used to certify wood or paper products are derived
17 from sustainably managed forests or procurement systems.

18 The bill also requires the State Treasurer, in consultation with the
19 Commissioner of Environmental Protection, to establish any
20 procedures or conduct any review necessary to determine that wood
21 or paper products are derived from sustainably managed forests or
22 procurement systems. Finally, the bill authorizes, but does not require,
23 the State Treasurer, in consultation with the Commissioner of
24 Environmental Protection, to adopt any other rules and regulations
25 necessary for the implementation of the act.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1860

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 16, 2005

The Senate Environment Committee reports favorably Senate Bill No. 1860 with committee amendments.

As amended, Senate Bill No. 1860 requires the Director of the Division of Purchase and Property in the Department of the Treasury, the Director of the Division of Property Management and Construction in the Department of the Treasury, or any State agency having authority to contract for the purchase of goods or services, to whenever possible give preference to wood or paper products derived from sustainably managed forests or procurement systems when entering into or renewing a contract for the purchase of such goods or related services. The bill also provides that this preference would not supersede any preference given to recycled paper and paper products under P.L.1987, c.102 (C.13:1E-99.11 et seq.).

The bill defines "derived from sustainably managed forests or procurement systems" as the source of the wood or paper product is a forest or system for procuring wood or paper products that is certified by an independent third party using one or more of the following certification programs or standards:

- (1) The Sustainable Forestry Initiative program;
- (2) The American Forest Foundation American Tree Farm System program;
- (3) The sustainable forest management system standards of the Canadian Standards Association;
- (4) The Forest Stewardship Council certification program;
- (5) The Pan-European forest certification system;
- (6) The Finnish Forest Certification System;
- (7) The United Kingdom Woodland Assurance Standard;
- (8) The International Organization for Standardization (ISO) standard 14001; or
- (9) Any other certification program or standard that the State Treasurer or the Commissioner of Environmental Protection determines may be used to certify wood or paper products are derived from sustainably managed forests or procurement systems.

The bill also requires the State Treasurer, in consultation with the Commissioner of Environmental Protection, to establish any

procedures or conduct any review necessary to determine that wood or paper products are derived from sustainably managed forests or procurement systems. Finally, the bill authorizes, but does not require, the State Treasurer, in consultation with the Commissioner of Environmental Protection, to adopt any other rules and regulations necessary for the implementation of the act.

The committee amendments remove the language which references contracts for the construction, improvement, or maintenance of any public work to maintain the procurement process used by the Department of Transportation.

As amended, Senate Bill No. 1860 is identical to Assembly Bill No. 1860 (2R).