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RWH 2/28/08

P.L. 2006, CHAPTER 9, *approved April 11, 2006*
Assembly, No. 1957 (*First Reprint*)

1 AN ACT concerning local public contracts and amending P.L.1999,
2 c.39.

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

6
7 1. Section 1 of P.L.1999, c.39 (C.40A:11-23.1) is amended to
8 read as follows:

9 1. All plans, specifications and bid proposal documents for the
10 erection, alteration, or repair of a building, structure, facility or
11 other improvement to real property, the total price of which exceeds
12 the amount set forth in, or the amount calculated by the Governor
13 pursuant to, section 3 of P.L.1971, c.198 (C.40A:11-3), shall
14 include:

15 a. a document for the bidder to acknowledge the bidder's receipt
16 of any notice or revisions or addenda to the advertisement or bid
17 documents; and

18 b. a form listing those documentary and informational forms,
19 certifications, and other documents that the contracting agent
20 requires each bidder to submit with the bid. The form shall list each
21 of the items to be submitted with the bid proposal and a place for
22 the bidder to indicate, by initialing each entry, that the bidder has
23 included those required items with the completed bid proposal.
24 Each bidder shall complete this form and submit it with the bid
25 proposal in addition to those documentary and informational forms,
26 certifications, and other documents that are listed on the form~~].~~;
27 and

28 c. a statement indicating whether uniformed **['police]** law
29 enforcement¹ officers **['**, municipal police officers, or other
30 specified traffic control personnel¹ will be required for **['the**
31 duration of¹ the project. The statement shall include a line item
32 allowance, which shall be a good faith effort on the part of the
33 contracting unit, to reasonably estimate the total cost of traffic
34 control personnel, vehicles, equipment, administrative, or any other
35 costs associated with additional traffic control requirements
36 required by the contracting unit, or any other public entity affected
37 by the project, above and beyond the bidder's traffic control
38 personnel, vehicles, equipment, and administrative costs. ¹The
39 individuals responsible for the assignment of uniformed law
40 enforcement officers for any municipalities affected by a project
41 shall be required to determine where traffic safety control is needed
42 for a project, and calculate the number and placement of all
43 necessary personnel, equipment, and the costs associated with these,
44 including hourly rates, and submit this information to the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHO committee amendments adopted February 23, 2006.

1 contracting unit.

2 The contracting unit shall not be responsible for additional traffic
3 control costs beyond the number of working days specified in the
4 construction contract in accordance with section 17 of P.L.1971, c.
5 198 (C.40A:11-17), when such a delay is caused by the contractor
6 and liquidated damages have been assessed.¹

7 The statement prescribed under this subsection shall not be
8 required if the contracting unit will provide for the direct payment
9 of uniformed ¹ [police] law enforcement ¹ officers ¹ [, municipal
10 police officers, or other specified traffic control personnel] ¹ and
11 any additional costs directly associated with the provision of those
12 officers ¹ [or personnel] ¹ .

13 (cf: P.L.1999, c.39, s.1)

14

15 2. This act shall take effect immediately.

16

17

18

19

20 Requires bid proposal documents to include traffic safety
21 requirements.

ASSEMBLY, No. 1957

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblywoman LINDA STENDER

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

Assemblyman Chivukula

SYNOPSIS

Requires bid proposal documents to include traffic safety requirements.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning local public contracts and amending P.L.1999,
2 c.39.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
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13 pursuant to, section 3 of P.L.1971, c.198 (C.40A:11-3), shall
14 include:

15 a. a document for the bidder to acknowledge the bidder's
16 receipt of any notice or revisions or addenda to the advertisement or
17 bid documents; and

18 b. a form listing those documentary and informational forms,
19 certifications, and other documents that the contracting agent
20 requires each bidder to submit with the bid. The form shall list each
21 of the items to be submitted with the bid proposal and a place for
22 the bidder to indicate, by initialing each entry, that the bidder has
23 included those required items with the completed bid proposal.
24 Each bidder shall complete this form and submit it with the bid
25 proposal in addition to those documentary and informational forms,
26 certifications, and other documents that are listed on the form[.];
27 and

28 c. a statement indicating whether uniformed police officers,
29 municipal police officers, or other specified traffic control
30 personnel will be required for the duration of the project. The
31 statement shall include a line item allowance, which shall be a good
32 faith effort on the part of the contracting unit, to reasonably
33 estimate the total cost of traffic control personnel, vehicles,
34 equipment, administrative, or any other costs associated with
35 additional traffic control requirements required by the contracting
36 unit, or any other public entity affected by the project, above and
37 beyond the bidder's traffic control personnel, vehicles, equipment,
38 and administrative costs.

39 The statement prescribed under this subsection shall not be
40 required if the contracting unit will provide for the direct payment
41 of uniformed police officers, municipal police officers, or other
42 specified traffic control personnel and any additional costs directly
43 associated with the provision of those officers or personnel.

44 (cf: P.L.1999, c.39, s.1)

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 2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill amends the "Local Public Contracts Law," P.L.1971,
7 c.198 (C.40A:11-1 et seq.) to require all plans, specifications and
8 bid proposal documents for the erection, alteration, or repair of a
9 building, structure, facility or other improvement to real property,
10 the total price of which exceeds the amount set forth in, or the
11 amount calculated by the Governor pursuant to, section 3 of
12 P.L.1971, c.198 (C.40A:11-3) to include a statement indicating
13 whether uniformed police officers, municipal police officers, or
14 other specified traffic control personnel will be required for the
15 duration of the project, except where the contracting unit will
16 provide for the direct payment of uniformed police officers,
17 municipal police officers, or other specified traffic control
18 personnel and any additional costs directly associated with the
19 provision of those officers or personnel.

20 The statement is to include a line item allowance, which shall be
21 a good faith effort on the part of the contracting unit, to reasonably
22 estimate the total cost of traffic control personnel, vehicles,
23 equipment, administrative, or any other costs associated with
24 additional traffic control requirements required by the contracting
25 unit, or any other public entity affected by the project, above and
26 beyond the bidder's traffic control personnel, vehicles, equipment,
27 and administrative costs.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1957

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2006

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 1957 with committee amendments.

This bill, as amended by the committee, amends the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) to require all plans, specifications and bid proposal documents for the erection, alteration, or repair of a building, structure, facility, or other improvement to real property, the total price of which exceeds the amount set forth in, or the amount calculated by the Governor pursuant to, section 3 of P.L.1971, c.198 (C.40A:11-3) to include a statement indicating whether uniformed law enforcement will be required for the project, except when the contracting unit will provide for the direct payment of uniformed law enforcement officers and any additional costs directly associated with the provision of those officers or personnel.

The statement is to include a line item allowance, which shall be a good faith effort on the part of the contracting unit, to reasonably estimate the total cost of traffic control personnel, vehicles, equipment, administrative, or any other costs associated with additional traffic control requirements required by the contracting unit, or any other public entity affected by the project, above and beyond the bidder's traffic control personnel, vehicles, equipment, and administrative costs. The individuals responsible for the assignment of uniformed law enforcement officers for any municipalities affected by a project shall be required to determine where traffic safety control is needed for a project, and calculate the number and placement of all necessary personnel, equipment, and the costs associated with these, including hourly rates, and submit this information to the contracting unit.

Committee amendments

The committee amended the bill to change the term, "uniformed traffic control personnel" to "uniformed law enforcement officers." In addition, the committee added a provision to clarify that a contracting unit is not responsible for additional traffic control costs

beyond the number of working days specified in the construction contract in accordance with section 17 of P.L.1971, c.198 (C.40A:11-17), when such a delay is caused by the contractor and liquidated damages have been assessed.

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE, No. 641

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Senator JOHN A. GIRGENTI

District 35 (Bergen and Passaic)

Senator ANTHONY R. BUCCO

District 25 (Morris)

SYNOPSIS

Requires bid proposal documents to include traffic safety requirements.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



S641 GIRGENTI, BUCCO

2

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28 c. a statement indicating whether uniformed police officers,
29 municipal police officers, or other specified traffic control
30 personnel will be required for the duration of the project. The
31 statement shall include a line item allowance, which shall be a good
32 faith effort on the part of the contracting unit, to reasonably
33 estimate the total cost of traffic control personnel, vehicles,
34 equipment, administrative, or any other costs associated with
35 additional traffic control requirements required by the contracting
36 unit, or any other public entity affected by the project, above and
37 beyond the bidder's traffic control personnel, vehicles, equipment,
38 and administrative costs.

39 The statement prescribed under this subsection shall not be
40 required if the contracting unit will provide for the direct payment
41 of uniformed police officers, municipal police officers, or other
42 specified traffic control personnel and any additional costs directly
43 associated with the provision of those officers or personnel.

44 (cf: P.L.1999, c.39, s.1)

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 2. This act shall take effect immediately.

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STATEMENT

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6 This bill amends the "Local Public Contracts Law," P.L.1971,
7 c.198 (C.40A:11-1 et seq.) to require all plans, specifications and
8 bid proposal documents for the erection, alteration, or repair of a
9 building, structure, facility or other improvement to real property,
10 the total price of which exceeds the amount set forth in, or the
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12 P.L.1971, c.198 (C.40A:11-3) to include a statement indicating
13 whether uniformed police officers, municipal police officers, or
14 other specified traffic control personnel will be required for the
15 duration of the project, except where the contracting unit will
16 provide for the direct payment of uniformed police officers,
17 municipal police officers, or other specified traffic control
18 personnel and any additional costs directly associated with the
19 provision of those officers or personnel.

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21 a good faith effort on the part of the contracting unit, to reasonably
22 estimate the total cost of traffic control personnel, vehicles,
23 equipment, administrative, or any other costs associated with
24 additional traffic control requirements required by the contracting
25 unit, or any other public entity affected by the project, above and
26 beyond the bidder's traffic control personnel, vehicles, equipment,
27 and administrative costs.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 641

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 2, 2006

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 641.

This bill, as amended by the committee, amends the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) to require all plans, specifications and bid proposal documents for the erection, alteration, or repair of a building, structure, facility, or other improvement to real property, the total price of which exceeds the amount set forth in, or the amount calculated by the Governor pursuant to, section 3 of P.L.1971, c.198 (C.40A:11-3) to include a statement indicating whether uniformed law enforcement will be required for the project, except when the contracting unit will provide for the direct payment of uniformed law enforcement officers and any additional costs directly associated with the provision of those officers or personnel.

The statement is to include a line item allowance, which shall be a good faith effort on the part of the contracting unit, to reasonably estimate the total cost of traffic control personnel, vehicles, equipment, administrative, or any other costs associated with additional traffic control requirements required by the contracting unit, or any other public entity affected by the project, above and beyond the bidder's traffic control personnel, vehicles, equipment, and administrative costs. The individuals responsible for the assignment of uniformed law enforcement officers for any municipalities affected by a project shall be required to determine where traffic safety control is needed for a project, and calculate the number and placement of all necessary personnel, equipment, and the costs associated with these, including hourly rates, and submit this information to the contracting unit.

The committee amended the bill to change the term "uniformed police officers, municipal police officers, or other specified traffic control personnel" to "uniformed law enforcement officers." In addition, the committee added a provision to clarify that a contracting unit is not responsible for additional traffic control costs beyond the

number of working days specified in the construction contract in accordance with section 17 of P.L.1971, c.198 (C.40A:11-17), when such a delay is caused by the contractor and liquidated damages have been assessed.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 1957 (1R).

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.