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**REPORTS:** No

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RWH 3/26/08

P.L. 2007, CHAPTER 4, *approved January 17, 2007*  
Assembly, No. 2527

1 AN ACT concerning the due date of bids for local public contracts  
2 and public school contracts and amending P.L.1971, c.198 and  
3 N.J.S.18A:18A-21.

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

7  
8 1. Section 23 of P.L.1971, c.198 (C.40A:11-23) is amended to  
9 read as follows:

10 23. a. All advertisements for bids shall be published in an  
11 official newspaper of the contracting unit sufficiently in advance of  
12 the date fixed for receiving the bids to promote competitive  
13 bidding, but in no event less than 10 days prior to such date; except  
14 that all advertisements for bids on contracts for the collection and  
15 disposal of municipal solid waste shall be published in an official  
16 newspaper of the contracting unit circulating in the county or  
17 municipality, and in at least one newspaper of general circulation  
18 published in the State, sufficiently in advance of the date fixed for  
19 receiving the bids to promote competitive bidding, but not less than  
20 60 days prior to that date. For all contracts, the date fixed for  
21 receiving the bids shall not fall on a Monday, or any day directly  
22 following a State or federal holiday.

23 b. The advertisement shall designate the manner of submitting  
24 and the method of receiving the bids and the time and place at  
25 which the bids will be received. If the published specifications  
26 provide for receipt of bids by mail, those bids which are mailed to  
27 the contracting unit shall be sealed and shall only be opened for  
28 examination at such time and place as all bids received are unsealed  
29 and announced. At such time and place the contracting agent of the  
30 contracting unit shall publicly receive the bids, and thereupon  
31 immediately proceed to unseal them and publicly announce the  
32 contents, which announcement shall be made in the presence of any  
33 parties bidding or their agents, who are then and there present, and  
34 shall also make proper record of the prices and terms, upon the  
35 minutes of the governing body, if the award is to be made by the  
36 governing body of the contracting unit, or in a book kept for that  
37 purpose, if the award is to be made by other than the governing  
38 body, and in such latter case it shall be reported to the governing  
39 body of the contracting unit for its action thereon, when such action  
40 thereon is required. No bids shall be received after the time  
41 designated in the advertisement.

42 c. Notice of revisions or addenda to advertisements or bid  
43 documents shall be provided as follows:

44 1) For all contracts except those for construction work and  
45 municipal solid waste collection and disposal service, notice shall

**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 be published no later than seven days, Saturdays, Sundays, and  
2 holidays excepted, prior to the date for acceptance of bids, in an  
3 official newspaper of the contracting unit and be provided to any  
4 person who has submitted a bid or who has received a bid package,  
5 in one of the following ways: i) in writing by certified mail or ii)  
6 by certified facsimile transmission, meaning that the sender's  
7 facsimile machine produces a receipt showing date and time of  
8 transmission and that the transmission was successful or iii) by a  
9 delivery service that provides certification of delivery to the sender.

10 2) For all contracts for construction work, notice shall be  
11 provided no later than seven days, Saturdays, Sundays, or holidays  
12 excepted, prior to the date for acceptance of bids, to any person who  
13 has submitted a bid or who has received a bid package in any of the  
14 following ways: i) in writing by certified mail or ii) by certified  
15 facsimile transmission, meaning that the sender's facsimile machine  
16 produces a receipt showing date and time of transmission and that  
17 the transmission was successful or iii) by a delivery service that  
18 provides certification of delivery to the sender.

19 3) For municipal solid waste collection and disposal contracts,  
20 notice shall be published in an official newspaper of the contracting  
21 unit and in at least one newspaper of general circulation published  
22 in the State no later than seven days, Saturdays, Sundays, and  
23 holidays excepted, prior to the date for acceptance of bids.

24 d. Failure of the contracting unit to advertise for the receipt of  
25 bids or to provide proper notification of revisions or addenda to  
26 advertisements or bid documents related to bids as prescribed by  
27 this section shall prevent the contracting unit from accepting the  
28 bids and require the readvertisement for bids pursuant to subsection  
29 a. of this section. Failure to obtain a receipt when good faith notice  
30 is sent or delivered to the address or telephone facsimile number on  
31 file with the contracting unit shall not be considered failure by the  
32 contracting unit to provide notice.

33 (cf: P.L.2005, c.191, s.5)

34

35 2. N.J.S.18A:18A-21 is amended to read as follows:

36 18A:18A-21. a. Except as provided in section 5 of P.L.1985,  
37 c.490 (C.18A:18A-55), all advertisements for bids shall be  
38 published in an official newspaper sufficiently in advance of the  
39 date fixed for receiving the bids to promote competitive bidding,  
40 but in no event less than 10 days prior to such date. For all  
41 contracts, the date fixed for receiving the bids shall not fall on a  
42 Monday, or any day directly following a State or federal holiday.

43 b. The advertisement shall designate the manner of submitting  
44 and of receiving the bids and the time and place at which the bids  
45 will be received. If the published specifications provide for receipt  
46 of bids by mail, those bids which are mailed to the board of  
47 education shall be sealed and shall be opened only for examination  
48 at such time and place as all bids received are unsealed and

1 announced. At such time and place the purchasing agent of the  
2 board of education shall publicly receive the bids and thereupon  
3 immediately proceed to unseal them and publicly announce the  
4 contents, which announcement shall be made in the presence of any  
5 parties bidding or their agents who are then and there present. A  
6 proper record of the prices and terms shall be made in the minutes  
7 of the board. No bids shall be received after the time designated in  
8 the advertisement.

9 c. Notice of revisions or addenda to advertisements or bid  
10 documents shall be provided as follows:

11 (1) For all contracts except those for construction work, notice  
12 shall be published no later than seven days, Saturdays, Sundays, and  
13 holidays excepted, prior to the date for acceptance of bids, in an  
14 official newspaper of the board of education and be provided to any  
15 person who has submitted a bid or who has received a bid package,  
16 in one of the following ways: (a) in writing by certified mail or (b)  
17 by certified facsimile transmission, meaning that the sender's  
18 facsimile machine produces a receipt showing date and time of  
19 transmission and that the transmission was successful or (c) by a  
20 delivery service that provides certification of delivery to the sender.

21 (2) For all contracts for construction work, notice shall be  
22 provided no later than seven days, Saturdays, Sundays, or holidays  
23 excepted, prior to the date for acceptance of bids, to any person who  
24 has submitted a bid or who has received a bid package in any of the  
25 following ways: i) in writing by certified mail or ii) by certified  
26 facsimile transmission, meaning that the sender's facsimile machine  
27 produces a receipt showing date and time of transmission and that  
28 the transmission was successful or iii) by a delivery service that  
29 provides certification of delivery to the sender.

30 d. Failure of the board of education to advertise for the receipt  
31 of bids or to provide proper notification of revisions or addenda to  
32 advertisements or bid documents related to bids as prescribed by  
33 this section shall prevent the board of education from accepting the  
34 bids and require the readvertisement for bids pursuant to subsection  
35 a. of this section. Failure to obtain a receipt when good faith notice  
36 is sent or delivered to the address or telephone facsimile number on  
37 file with the board of education shall not be considered failure by  
38 the board of education to provide notice.

39 (cf: P.L.2005, c.191, s.1)

40  
41 3. This act shall take effect immediately.

#### 42 43 STATEMENT

44  
45 This bill would amend the provisions of the "Local Public  
46 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) and the  
47 "Public School Contracts Law," N.J.S.18A:18A-1 et seq.,  
48 concerning the requirements for bidding on public contracts and

1 public school contracts, to prohibit the date fixed for receiving the  
2 bids to fall on a Monday, or any day directly following a State or  
3 federal holiday.

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8 Prohibits bids for local public contracts and public school  
9 contracts from falling on certain days.

# ASSEMBLY, No. 2527

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 9, 2006

**Sponsored by:**

**Assemblyman FREDERICK SCALERA**

**District 36 (Bergen, Essex and Passaic)**

**Assemblyman JAMES W. HOLZAPFEL**

**District 10 (Monmouth and Ocean)**

**Assemblyman CHARLES T. EPPS, JR.**

**District 31 (Hudson)**

**Co-Sponsored by:**

**Senators Girgenti and Turner**

**SYNOPSIS**

Prohibits bids for local public contracts and public school contracts from falling on certain days.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/5/2006)**

1 AN ACT concerning the due date of bids for local public contracts  
2 and public school contracts and amending P.L.1971, c.198 and  
3 N.J.S.18A:18A-21.

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

7  
8 1. Section 23 of P.L.1971, c.198 (C.40A:11-23) is amended to  
9 read as follows:

10 23. a. All advertisements for bids shall be published in an  
11 official newspaper of the contracting unit sufficiently in advance of  
12 the date fixed for receiving the bids to promote competitive  
13 bidding, but in no event less than 10 days prior to such date; except  
14 that all advertisements for bids on contracts for the collection and  
15 disposal of municipal solid waste shall be published in an official  
16 newspaper of the contracting unit circulating in the county or  
17 municipality, and in at least one newspaper of general circulation  
18 published in the State, sufficiently in advance of the date fixed for  
19 receiving the bids to promote competitive bidding, but not less than  
20 60 days prior to that date. For all contracts, the date fixed for  
21 receiving the bids shall not fall on a Monday, or any day directly  
22 following a State or federal holiday.

23 b. The advertisement shall designate the manner of submitting  
24 and the method of receiving the bids and the time and place at  
25 which the bids will be received. If the published specifications  
26 provide for receipt of bids by mail, those bids which are mailed to  
27 the contracting unit shall be sealed and shall only be opened for  
28 examination at such time and place as all bids received are unsealed  
29 and announced. At such time and place the contracting agent of the  
30 contracting unit shall publicly receive the bids, and thereupon  
31 immediately proceed to unseal them and publicly announce the  
32 contents, which announcement shall be made in the presence of any  
33 parties bidding or their agents, who are then and there present, and  
34 shall also make proper record of the prices and terms, upon the  
35 minutes of the governing body, if the award is to be made by the  
36 governing body of the contracting unit, or in a book kept for that  
37 purpose, if the award is to be made by other than the governing  
38 body, and in such latter case it shall be reported to the governing  
39 body of the contracting unit for its action thereon, when such action  
40 thereon is required. No bids shall be received after the time  
41 designated in the advertisement.

42 c. Notice of revisions or addenda to advertisements or bid  
43 documents shall be provided as follows:

44 1) For all contracts except those for construction work and  
45 municipal solid waste collection and disposal service, notice shall

**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.**

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2 holidays excepted, prior to the date for acceptance of bids, in an  
3 official newspaper of the contracting unit and be provided to any  
4 person who has submitted a bid or who has received a bid package,  
5 in one of the following ways: i) in writing by certified mail or ii)  
6 by certified facsimile transmission, meaning that the sender's  
7 facsimile machine produces a receipt showing date and time of  
8 transmission and that the transmission was successful or iii) by a  
9 delivery service that provides certification of delivery to the sender.

10 2) For all contracts for construction work, notice shall be  
11 provided no later than seven days, Saturdays, Sundays, or holidays  
12 excepted, prior to the date for acceptance of bids, to any person who  
13 has submitted a bid or who has received a bid package in any of the  
14 following ways: i) in writing by certified mail or ii) by certified  
15 facsimile transmission, meaning that the sender's facsimile machine  
16 produces a receipt showing date and time of transmission and that  
17 the transmission was successful or iii) by a delivery service that  
18 provides certification of delivery to the sender.

19 3) For municipal solid waste collection and disposal contracts,  
20 notice shall be published in an official newspaper of the contracting  
21 unit and in at least one newspaper of general circulation published  
22 in the State no later than seven days, Saturdays, Sundays, and  
23 holidays excepted, prior to the date for acceptance of bids.

24 d. Failure of the contracting unit to advertise for the receipt of  
25 bids or to provide proper notification of revisions or addenda to  
26 advertisements or bid documents related to bids as prescribed by  
27 this section shall prevent the contracting unit from accepting the  
28 bids and require the readvertisement for bids pursuant to subsection  
29 a. of this section. Failure to obtain a receipt when good faith notice  
30 is sent or delivered to the address or telephone facsimile number on  
31 file with the contracting unit shall not be considered failure by the  
32 contracting unit to provide notice.

33 (cf: P.L.2005, c.191, s.5)

34

35 2. N.J.S.18A:18A-21 is amended to read as follows:

36 18A:18A-21. a. Except as provided in section 5 of P.L.1985,  
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40 but in no event less than 10 days prior to such date. For all  
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42 Monday, or any day directly following a State or federal holiday.

43 b. The advertisement shall designate the manner of submitting  
44 and of receiving the bids and the time and place at which the bids  
45 will be received. If the published specifications provide for receipt  
46 of bids by mail, those bids which are mailed to the board of  
47 education shall be sealed and shall be opened only for examination  
48 at such time and place as all bids received are unsealed and

1 announced. At such time and place the purchasing agent of the  
2 board of education shall publicly receive the bids and thereupon  
3 immediately proceed to unseal them and publicly announce the  
4 contents, which announcement shall be made in the presence of any  
5 parties bidding or their agents who are then and there present. A  
6 proper record of the prices and terms shall be made in the minutes  
7 of the board. No bids shall be received after the time designated in  
8 the advertisement.

9 c. Notice of revisions or addenda to advertisements or bid  
10 documents shall be provided as follows:

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19 transmission and that the transmission was successful or (c) by a  
20 delivery service that provides certification of delivery to the sender.

21 (2) For all contracts for construction work, notice shall be  
22 provided no later than seven days, Saturdays, Sundays, or holidays  
23 excepted, prior to the date for acceptance of bids, to any person who  
24 has submitted a bid or who has received a bid package in any of the  
25 following ways: i) in writing by certified mail or ii) by certified  
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28 the transmission was successful or iii) by a delivery service that  
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36 is sent or delivered to the address or telephone facsimile number on  
37 file with the board of education shall not be considered failure by  
38 the board of education to provide notice.

39 (cf: P.L.2005, c.191, s.1)

40

41 3. This act shall take effect immediately.

42

43

#### STATEMENT

44

45 This bill would amend the provisions of the "Local Public  
46 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) and the  
47 "Public School Contracts Law," N.J.S.18A:18A-1 et seq.,  
48 concerning the requirements for bidding on public contracts and

**A2527 SCALERA, HOLZAPFEL**

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- 1 public school contracts, to prohibit the date fixed for receiving the
- 2 bids to fall on a Monday, or any day directly following a State or
- 3 federal holiday.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2527**

**STATE OF NEW JERSEY**

DATED: MAY 11, 2006

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 2527.

This bill would amend the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) and the "Public School Contracts Law," N.J.S.18A:18A-1 et seq., concerning the requirements for bidding on public contracts and public school contracts, to prohibit the date fixed for receiving the bids to fall on a Monday, or any day directly following a State or federal holiday.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2527**

**STATE OF NEW JERSEY**

DATED: OCTOBER 16, 2006

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 2527.

This bill would amend the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) and the "Public School Contracts Law," N.J.S.18A:18A-1 et seq., concerning the requirements for bidding on public contracts and public school contracts, to prohibit the date fixed for receiving the bids to fall on a Monday, or any day directly following a State or federal holiday.

# SENATE, No. 638

## 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 SHIRLEY K. TURNER**

**District 15 (Mercer)**

**Co-Sponsored by:**

**Senator Sarlo**

**SYNOPSIS**

Prohibits bids for local public contracts and public school contracts from falling on certain days.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 9/26/2006)**

1 AN ACT concerning the due date of bids for local public contracts  
2 and public school contracts and amending P.L.1971, c.198 and  
3 N.J.S.18A:18A-21.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
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8 1. Section 23 of P.L.1971, c.198 (C.40A:11-23) is amended to  
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15 disposal of municipal solid waste shall be published in an official  
16 newspaper of the contracting unit circulating in the county or  
17 municipality, and in at least one newspaper of general circulation  
18 published in the State, sufficiently in advance of the date fixed for  
19 receiving the bids to promote competitive bidding, but not less than  
20 60 days prior to that date. For all contracts, the date fixed for  
21 receiving the bids shall not fall on a Monday, or any day directly  
22 following a State or federal holiday.

23 b. The advertisement shall designate the manner of submitting  
24 and the method of receiving the bids and the time and place at  
25 which the bids will be received. If the published specifications  
26 provide for receipt of bids by mail, those bids which are mailed to  
27 the contracting unit shall be sealed and shall only be opened for  
28 examination at such time and place as all bids received are unsealed  
29 and announced. At such time and place the contracting agent of the  
30 contracting unit shall publicly receive the bids, and thereupon  
31 immediately proceed to unseal them and publicly announce the  
32 contents, which announcement shall be made in the presence of any  
33 parties bidding or their agents, who are then and there present, and  
34 shall also make proper record of the prices and terms, upon the  
35 minutes of the governing body, if the award is to be made by the  
36 governing body of the contracting unit, or in a book kept for that  
37 purpose, if the award is to be made by other than the governing  
38 body, and in such latter case it shall be reported to the governing  
39 body of the contracting unit for its action thereon, when such action  
40 thereon is required. No bids shall be received after the time  
41 designated in the advertisement.

42 c. Notice of revisions or addenda to advertisements or bid  
43 documents shall be provided as follows:

44 1) For all contracts except those for construction work and  
45 municipal solid waste collection and disposal service, notice shall

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**Matter underlined thus is new matter.**

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8 transmission and that the transmission was successful or iii) by a  
9 delivery service that provides certification of delivery to the sender.

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17 the transmission was successful or iii) by a delivery service that  
18 provides certification of delivery to the sender.

19 3) For municipal solid waste collection and disposal contracts,  
20 notice shall be published in an official newspaper of the contracting  
21 unit and in at least one newspaper of general circulation published  
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23 holidays excepted, prior to the date for acceptance of bids.

24 d. Failure of the contracting unit to advertise for the receipt of  
25 bids or to provide proper notification of revisions or addenda to  
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28 bids and require the readvertisement for bids pursuant to subsection  
29 a. of this section. Failure to obtain a receipt when good faith notice  
30 is sent or delivered to the address or telephone facsimile number on  
31 file with the contracting unit shall not be considered failure by the  
32 contracting unit to provide notice.

33 (cf: P.L.1999, c.440, s.31)

34

35 2. N.J.S.18A:18A-21 is amended to read as follows:

36 18A:18A-21. a. Except as provided in section 5 of P.L.1985,  
37 c.490 (C.18A:18A-55), all advertisements for bids shall be  
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40 but in no event less than 10 days prior to such date. For all  
41 contracts, the date fixed for receiving the bids shall not fall on a  
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48 at such time and place as all bids received are unsealed and

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11 (1) For all contracts except those for construction work, notice  
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14 official newspaper of the board of education and be provided to any  
15 person who has submitted a bid or who has received a bid package,  
16 in one of the following ways: (a) in writing by certified mail or (b)  
17 by certified facsimile transmission, meaning that the sender's  
18 facsimile machine produces a receipt showing date and time of  
19 transmission and that the transmission was successful or (c) by a  
20 delivery service that provides certification of delivery to the sender.

21 (2) For all contracts for construction work, notice shall be  
22 provided no later than seven days, Saturdays, Sundays, or holidays  
23 excepted, prior to the date for acceptance of bids, to any person who  
24 has submitted a bid or who has received a bid package in any of the  
25 following ways: i) in writing by certified mail or ii) by certified  
26 facsimile transmission, meaning that the sender's facsimile machine  
27 produces a receipt showing date and time of transmission and that  
28 the transmission was successful or iii) by a delivery service that  
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30 d. Failure of the board of education to advertise for the receipt  
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33 this section shall prevent the board of education from accepting the  
34 bids and require the readvertisement for bids pursuant to subsection  
35 a. of this section. Failure to obtain a receipt when good faith notice  
36 is sent or delivered to the address or telephone facsimile number on  
37 file with the board of education shall not be considered failure by  
38 the board of education to provide notice.

39 (cf: P.L.1999, c.440, s.67)

40

41 3. This act shall take effect immediately.

42

43

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STATEMENT

45

46 This bill would amend the provisions of the "Local Public  
47 Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) and the  
48 "Public School Contracts Law," N.J.S.18A:18A-1 et seq.,

**S638 GIRGENTI, TURNER**

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- 1 concerning the requirements for bidding on public contracts and
- 2 public school contracts, to prohibit the date fixed for receiving the
- 3 bids to fall on a Monday, or any day directly following a State or
- 4 federal holiday.

# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### **SENATE, No. 638**

# **STATE OF NEW JERSEY**

DATED: OCTOBER 16, 2006

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 638.

This bill would amend the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) and the "Public School Contracts Law," N.J.S.18A:18A-1 et seq., concerning the requirements for bidding on public contracts and public school contracts, to prohibit the date fixed for receiving the bids to fall on a Monday, or any day directly following a State or federal holiday.

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.