

18A:7G-41.1
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2009 **CHAPTER:** 225

NJSA: 18A:7G-41.1 (Prohibits SDA from restricting the ability of certain firms or persons from competing for contracts in more than one Division of Property Management and Construction classification or prequalification category)

BILL NO: S3092 (Substituted for A4248)

SPONSOR(S) Sweeney and Others

DATE INTRODUCED: November 23, 2009

COMMITTEE: **ASSEMBLY:** Education

SENATE: Education

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 11, 2010

SENATE: January 11, 2010

DATE OF APPROVAL: January 16, 2010

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

S3092

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: No

A4248

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH

[First Reprint]

SENATE, No. 3092

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator BILL BARONI

District 14 (Mercer and Middlesex)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman SCOTT T. RUMANA

District 40 (Bergen, Essex and Passaic)

Co-Sponsored by:

Senator Whelan and Assemblywoman Greenstein

SYNOPSIS

Prohibits SDA from restricting the ability of certain firms or persons from competing for contracts in more than one Division of Property Management and Construction classification or prequalification category.

CURRENT VERSION OF TEXT

As reported by the Assembly Education Committee on January 4, 2010, with amendments.

(Sponsorship Updated As Of: 1/12/2010)

1 AN ACT concerning the construction of school facilities projects
2 and supplementing P.L.2000, c.72 (C.18A:7G-1 et al.).

3

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

6

7 1. a. As used in this section **[,]**:

8 “affiliate” means any firm or person having an overt or covert
9 relationship such that any one of them directly or indirectly controls
10 or has power to control another;¹

11 “firm” or “person” means any natural person, association,
12 company, contractor, corporation, joint stock company, limited
13 liability company, partnership, sole proprietorship, or other business
14 entity, including their assignees, lessees, receivers, or trustees.

15 b. The New Jersey Schools Development Authority shall not
16 restrict the ability of a firm or person that holds a valid
17 classification or a valid prequalification, as applicable, issued by the
18 Division of Property Management and Construction in the
19 Department of the Treasury from competing for contracts or other
20 work in any of the construction categories or trades or specific
21 professional disciplines for which the firm or person holds a
22 classification or prequalification.

23 Nothing in this section shall be construed to prohibit the
24 development authority from requiring the prequalification of a firm
25 or person by the development authority in accordance with the
26 provisions of section 59 of P.L.2000, c.72 (C.18A:7G-33).

27 ¹c. Notwithstanding any provision of subsection b. of this
28 section to the contrary, a firm or person or an affiliate thereof shall
29 not serve as a general contractor or as a subcontractor or as a
30 subconsultant on an authority project for which the firm or person
31 serves as the construction manager.¹

32

33 2. This act shall take effect immediately.

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 AED committee amendments adopted January 4, 2010.

SENATE, No. 3092

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator BILL BARONI

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senator Whelan

SYNOPSIS

Prohibits SDA from restricting the ability of certain firms or persons from competing for contracts in more than one Division of Property Management and Construction classification or prequalification category.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/11/2009)

1 AN ACT concerning the construction of school facilities projects
2 and supplementing P.L.2000, c.72 (C.18A:7G-1 et al.).
3

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

7 1. a. As used in this section, “firm” or “person” means any
8 natural person, association, company, contractor, corporation, joint
9 stock company, limited liability company, partnership, sole
10 proprietorship, or other business entity, including their assignees,
11 lessees, receivers, or trustees.

12 b. The New Jersey Schools Development Authority shall not
13 restrict the ability of a firm or person that holds a valid
14 classification or a valid prequalification, as applicable, issued by the
15 Division of Property Management and Construction in the
16 Department of the Treasury from competing for contracts or other
17 work in any of the construction categories or trades or specific
18 professional disciplines for which the firm or person holds a
19 classification or prequalification.

20 Nothing in this section shall be construed to prohibit the
21 development authority from requiring the prequalification of a firm
22 or person by the development authority in accordance with the
23 provisions of section 59 of P.L.2000, c.72 (C.18A:7G-33).
24

25 2. This act shall take effect immediately.
26
27

28 STATEMENT
29

30 This bill provides that the New Jersey Schools Development
31 Authority may not restrict the ability of a firm or person that holds a
32 valid classification or a valid prequalification issued by the Division
33 of Property Management and Construction (DPMC) in the
34 Department of the Treasury from competing for contracts or other
35 work in any of the construction categories or trades or specific
36 professional disciplines for which the firm or person holds a
37 classification or prequalification.

38 The bill would reverse the current policy of the development
39 authority that requires a firm or person that has been qualified by
40 the DPMC in the areas of construction management and general
41 construction to choose to compete for development authority
42 contracts or work in only one of those areas. The bill would also
43 clarify that a subcontractor who has a valid DPMC classification in
44 more than one trade may perform work for the development
45 authority in any of the trades for which a classification is held.

46 This bill will provide more numerous opportunities to the many
47 businesses that are qualified to perform services in more than one
48 area. The bill will increase the pool of bidders on development

S3092 SWEENEY, BARONI

3

- 1 authority projects and therefore competition, which will serve to
- 2 decrease school facility project costs and provide savings for
- 3 taxpayers.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 3092

STATE OF NEW JERSEY

DATED: DECEMBER 7, 2009

The Senate Education Committee favorably reports Senate Bill No. 3092.

This bill provides that the New Jersey Schools Development Authority may not restrict the ability of a firm or person that holds a valid classification or a valid prequalification issued by the Division of Property Management and Construction (DPMC) in the Department of the Treasury from competing for contracts or other work in any of the construction categories or trades or specific professional disciplines for which the firm or person holds a classification or prequalification.

The bill would reverse the current policy of the development authority that requires a firm or person that has been qualified by the DPMC in the areas of construction management and general construction to choose to compete for development authority contracts or work in only one of those areas. The bill would also clarify that a subcontractor who has a valid DPMC classification in more than one trade may perform work for the development authority in any of the trades for which a classification is held.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 3092

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 4, 2010

The Assembly Education Committee favorably reports Senate Bill No. 3092 with committee amendments.

As amended by committee, this bill provides that the New Jersey Schools Development Authority may not restrict the ability of a firm or person that holds a valid classification or a valid prequalification issued by the Division of Property Management and Construction (DPMC) in the Department of the Treasury from competing for contracts or other work in any of the construction categories or trades or specific professional disciplines for which the firm or person holds a classification or prequalification. The bill specifies however, that a firm or person or an affiliate thereof may not serve as a general contractor or as a subcontractor or as a subconsultant on an authority project for which the firm or person serves as the construction manager.

The bill would reverse the current policy of the development authority that requires a firm or person that has been qualified by the DPMC in the areas of construction management and general construction to choose to compete for development authority contracts or work in only one of those areas. The bill would also clarify that a subcontractor who has a valid DPMC classification in more than one trade may perform work for the development authority in any of the trades for which a classification is held.

The committee amended the bill to provide that a firm or person or an affiliate thereof may not serve as a general contractor or as a subcontractor or as a subconsultant on an authority project for which the firm or person serves as the construction manager.

As reported by committee, this bill is identical to Assembly Bill No. 4248 with committee amendments, which also was reported by the committee on this same date.

ASSEMBLY, No. 4248

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 30, 2009

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Prohibits SDA from restricting the ability of certain firms or persons from competing for contracts in more than one Division of Property Management and Construction classification or prequalification category.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/5/2010)

1 AN ACT concerning the construction of school facilities projects
2 and supplementing P.L.2000, c.72 (C.18A:7G-1 et al.).
3

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

7 1. a. As used in this section, “firm” or “person” means any
8 natural person, association, company, contractor, corporation, joint
9 stock company, limited liability company, partnership, sole
10 proprietorship, or other business entity, including their assignees,
11 lessees, receivers, or trustees.

12 b. The New Jersey Schools Development Authority shall not
13 restrict the ability of a firm or person that holds a valid
14 classification or a valid prequalification, as applicable, issued by the
15 Division of Property Management and Construction in the
16 Department of the Treasury from competing for contracts or other
17 work in any of the construction categories or trades or specific
18 professional disciplines for which the firm or person holds a
19 classification or prequalification.

20 Nothing in this section shall be construed to prohibit the
21 development authority from requiring the prequalification of a firm
22 or person by the development authority in accordance with the
23 provisions of section 59 of P.L.2000, c.72 (C.18A:7G-33).
24

25 2. This act shall take effect immediately.
26
27

28 STATEMENT
29

30 This bill provides that the New Jersey Schools Development
31 Authority may not restrict the ability of a firm or person that holds a
32 valid classification or a valid prequalification issued by the Division
33 of Property Management and Construction (DPMC) in the
34 Department of the Treasury from competing for contracts or other
35 work in any of the construction categories or trades or specific
36 professional disciplines for which the firm or person holds a
37 classification or prequalification.

38 The bill would reverse the current policy of the development
39 authority that requires a firm or person that has been qualified by
40 the DPMC in the areas of construction management and general
41 construction to choose to compete for development authority
42 contracts or work in only one of those areas. The bill would also
43 clarify that a subcontractor who has a valid DPMC classification in
44 more than one trade may perform work for the development
45 authority in any of the trades for which a classification is held.

46 This bill will provide more numerous opportunities to the many
47 businesses that are qualified to perform services in more than one
48 area. The bill will increase the pool of bidders on development

- 1 authority projects and therefore competition, which will serve to
- 2 decrease school facility project costs and provide savings for
- 3 taxpayers.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4248

\with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 4, 2010

The Assembly Education Committee reports favorably Assembly Bill No. 4248 with committee amendments.

As amended by committee, this bill provides that the New Jersey Schools Development Authority may not restrict the ability of a firm or person that holds a valid classification or a valid prequalification issued by the Division of Property Management and Construction (DPMC) in the Department of the Treasury from competing for contracts or other work in any of the construction categories or trades or specific professional disciplines for which the firm or person holds a classification or prequalification. The bill specifies however, that a firm or person or an affiliate thereof may not serve as a general contractor or as a subcontractor or as a subconsultant on an authority project for which the firm or person serves as the construction manager.

The bill would reverse the current policy of the development authority that requires a firm or person that has been qualified by the DPMC in the areas of construction management and general construction to choose to compete for development authority contracts or work in only one of those areas. The bill would also clarify that a subcontractor who has a valid DPMC classification in more than one trade may perform work for the development authority in any of the trades for which a classification is held.

The committee amended the bill to provide that a firm or person or an affiliate thereof may not serve as a general contractor or as a subcontractor or as a subconsultant on an authority project for which the firm or person serves as the construction manager.

As reported by committee, this bill is identical to Senate Bill No. 3092 with committee amendments, which also was reported by the committee on this same date.