

January 23, 1969

LEGISLATIVE HISTORY OF R.S. 40:9-3
 (Separate plans for various types of work; bids; contracts.
 Construction)

COPY NO. 1
 See material
 copy 2+3

L. 1915, Chapter 95.

Introduced as Assembly 113 by Mr. Scudder on January 18, 1915. This was passed as originally introduced and had the following statement:

The object of this is to make mandatory, in preparing plans and specifications for construction alteration or repair of public buildings, where same is to cost more than one thousand dollars, to prepare separate plans and specifications for plumbing and gas fitting and kindred work; steam and hot-water heating and ventilating apparatus, steam power plants and kindred work, and electrical work, and to advertise for separate bids on such work. This conforms to existing laws in a number of other states, including New York and Pennsylvania.

L. 1931, Chapter 18

Introduced as Senate 141 by Mr. Yates, on February 2, 1931. The original bill intended to change the 1915 bill by adding the word "all" in the first sentence after "steam power plants and" and adding the phrase "structural steel and ornamental iron work" after the words "electrical work". Later Mr. Yates offered an amendment which struck out the word "all" which he added in the original bill and struck out the phrase "This act shall take effect immediately".

Unanimous consent was given both these amendments. Then Mr. Yates offered another amendment changing "\$1,000" to "\$50,000". This bill became law March 23, 1931. However, this provision was changed almost immediately.

L. 1931, Chapter 364

Introduced as Assembly 119 by Mr. Siracusa, January 26, 1931. The original A-119 was a completely different bill from the one which was later passed and amended a different act. It had a statement of purpose but since its subject matter is not related to the bills which we are dealing with here, it is of no help. The Committee Substitute for A-119, which was adopted April 20, 1931, makes two changes in the previous bill. It changes the amount of "\$50,000" back to "\$1,000", and adds the word "all" in "steam power plants and all work kindred thereto...".

L. 1968, Chapter 121 - A337

Introduced February 8 by Costa [and 8 others].

No statement (copy of all forms of bill and amendments enclosed).

Amended in Assembly.

Amended in Senate.

RSL/PC

CHAPTER 121 LAWS OF N. J. 1968
APPROVED 6-25-68

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 337

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1968

By Assemblymen COSTA, VANDER PLAAT, MORAITES,
CRANE, RUSSO and VOLK

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning counties and municipalities with relation to
public building contracts, and amending section 40:9-3 of the
Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 40:9-3 of the Revised Statutes is amended to read as
2 follows:

3 40:9-3. In preparation of plans and specifications for the erec-
4 tion, alteration or repair of any public building by any political
5 subdivision of this State, when the entire cost of the work will
6 exceed \$1,000.00 in amount, the architect engineer or other person
7 preparing the plans and specifications, shall prepare separate plans
8 and specifications for the plumbing and gas fitting, and all kindred
9 work, and of the steam and hot water heating and ventilating appa-
10 ratus, steam power plants and kindred work, and electrical work,
11 structural steel and ornamental iron work.

12 The board, body or person authorized by law to award contracts
13 for the erection, construction, alteration or repair of any such public
14 building, shall advertise for *and receive*, in the manner provided by
15 law, **[and receive]** (a) separate bids for each of said branches of
16 work, and **[award contracts therefor]** also (b) *bids for all the work*
17 *and materials required to complete the building to be included in a*
18 *single over-all contract, in which case there will be set forth in the*
19 *bid the name or names of*, and evidence of performance security*
20 *from,* all subcontractors to whom the bidder will subcontract the*
21 *furnishing of plumbing and gas fitting, and all kindred work, and*
22 *of the steam and hot water heating and ventilating apparatus,*
23 *steam power plants and kindred work, and electrical work, struc-*

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

24 tural steel and ornamental iron work, each of which subcontractors
24A shall be qualified in accordance with this Title.

25 Contracts shall be awarded to the lowest responsible bidder [for
26 each of such branches respectively.] in the following manner: If
27 the sum total of the amounts bid by the lowest responsible bidder for
28 each branch is less than the amount bid by the lowest responsible
29 bidder for all of the work and materials, the board shall award
30 separate contracts for each of such branches to the lowest respon-
31 sible bidder therefor, but if the sum total of the amount bid by the
32 lowest responsible bidder for each branch is not less than the amount
33 bid by the lowest responsible bidder for all the work and materials,
34 the board shall award a single over-all contract to the lowest respon-
35 sible bidder for all of such work and materials. **[(c) In the event a
36 contract is awarded under (b) above the contractor shall, in addi-
37 tion to providing performance security as required by the board,
38 body or person authorized by law to award such contracts, provide
39 evidence of performance security in his favor from each of his sub-
40 contractors. (d)]** *(c)** In every case in which a contract is
41 awarded under (b) above, all payments required to be made under
42 such contract for work and materials supplied by a subcontractor
43 shall, upon the certification of the contractor of the amount due to
44 the subcontractor, be paid directly to the subcontractor.

1 2. This act shall take effect immediately.

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STATE OF NEW JERSEY

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5 subdivision of this State, when the entire cost of the work will
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7 preparing the plans and specifications, shall prepare separate plans
8 and specifications for the plumbing and gas fitting, and all kindred
9 work, and of the steam and hot water heating and ventilating appa-
10 ratus, steam power plants and kindred work, and electrical work,
11 structural steel and ornamental iron work.

12 The board, body or person authorized by law to award contracts
13 for the erection, construction, alteration or repair of any such public
14 building, shall advertise for *and receive*, in the manner provided by
15 law, **[and receive]** (a) separate bids for each of said branches of
16 work, and **[award contracts therefor]** also (b) *bids for all the work*
17 *and materials required to complete the building to be included in a*
18 *single over-all contract, in which case there will be set forth in the*
19 *bid the name or names of all subcontractors to whom the bidder will*
20 *subcontract the furnishing of plumbing and gas fitting, and all*
21 *kindred work, and of the steam and hot water heating and ventilat-*
22 *ing apparatus, steam power plants and kindred work, and electrical*
23 *work, structural steel and ornamental iron work, each of which*
24 *subcontractors shall be qualified in accordance with this Title.*

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25 *Contracts shall be awarded to the lowest responsible bidder [for*
26 *each of such branches respectively.] in the following manner: If*
27 *the sum total of the amounts bid by the lowest responsible bidder for*
28 *each branch is less than the amount bid by the lowest responsible*
29 *bidder for all of the work and materials, the board shall award*
30 *separate contracts for each of such branches to the lowest respon-*
31 *sible bidder therefor, but if the sum total of the amount bid by the*
32 *lowest responsible bidder for each branch is not less than the amount*
33 *bid by the lowest responsible bidder for all the work and materials,*
34 *the board shall award a single over-all contract to the lowest respon-*
35 *sible bidder for all of such work and materials. (c) In the event a*
36 *contract is awarded under (b) above the contractor shall, in addi-*
37 *tion to providing performance security as required by the board,*
38 *body or person authorized by law to award such contracts, provide*
39 *evidence of performance security in his favor from each of his sub-*
40 *contractors. (d) In every case in which a contract is awarded under*
41 *(b) above, all payments required to be made under such contract*
42 *for work and materials supplied by a subcontractor shall, upon the*
43 *certification of the contractor of the amount due to the subcon-*
44 *tractor, be paid directly to the subcontractor.*

1 2. This act shall take effect immediately.

ASSEMBLY COMMITTEE AMENDMENT TO
ASSEMBLY, No. 337

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STATE OF NEW JERSEY
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ADOPTED APRIL 25, 1968

Amend page 1, section 1, line 19, after "names of", insert ", and evidence of performance security from,".

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 337

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1968

By Assemblymen COSTA, VANDER PLAAT, MORAITES,
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18 *single over-all contract, in which case there will be set forth in the*
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32 lowest responsible bidder for each branch is not less than the amount
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34 the board shall award a single over-all contract to the lowest respon-
35 sible bidder for all of such work and materials. (c) In the event a
36 contract is awarded under (b) above the contractor shall, in addi-
37 tion to providing performance security as required by the board,
38 body or person authorized by law to award such contracts, provide
39 evidence of performance security in his favor from each of his sub-
40 contractors. (d) In every case in which a contract is awarded under
41 (b) above, all payments required to be made under such contract
42 for work and materials supplied by a subcontractor shall, upon the
43 certification of the contractor of the amount due to the subcon-
44 tractor, be paid directly to the subcontractor.

1 2. This act shall take effect immediately.

SENATE COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 337

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED JUNE 24, 1968

Amend page 2, section 1, lines 35 to 40, after "materials." omit subsection "(c)" in its entirety.

Amend page 2, section 1, line 40, after "contractors." omit "(d)" insert "(c)".