

(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 ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RH/CL

P.L. 2021, CHAPTER 77, *approved May 5, 2021*
 Assembly, No. 4461 (*Third Reprint*)

1 AN ACT concerning ²[a State contract] contracts² for the purchase
 2 of COVID-19 related materials by school districts ³and county
 3 colleges²].³

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

7
 8 1. a. Notwithstanding any provision of law, rule, or regulation
 9 to the contrary, the ³Director of the Division of Purchase and
 10 Property in the Department of the Treasury, in consultation with the
 11 Commissioner of]³ ²the Department of]² ³Department of
 12 Education ³,]³ shall ³award a contract or contracts, in accordance
 13 with the provisions of chapter 34 of Title 52 of the Revised
 14 Statutes, ²and]³ coordinate with the lead agency of any State-
 15 approved cooperative purchasing system that includes one or more
 16 boards of education, including those systems established pursuant to
 17 the “Public Schools Contracts Law,” N.J.S.18A:18A-1 et seq., or
 18 the “Local Public Contracts Law,” P.L.1971, c.198 (C.40A:11-1 et
 19 seq.),² for the procurement of COVID-19 related goods and services
 20 ³, as specified by the commissioner,]³ that aid in meeting the
 21 COVID-19 ³guidelines issued by the ²United States² Centers for
 22 Disease Control and Prevention] health and safety standards
 23 established by Executive Order No. 175 of 2020, and any other
 24 health and safety standards deemed necessary by the department³.
 25 The ³director, in consultation with the commissioner,] Department
 26 of Education³ may make awards to multiple bidders in accordance
 27 with section 1 of P.L.1986, c.26 (C.52:34-12.1). Advertised bidding
 28 shall not be required to award a contract or contracts to obtain those
 29 goods and services necessary to address the public exigency when
 30 the Division of Purchase of Property ³in the Department of the
 31 Treasury³ provides preapproval.

32 b. The board of education of a school district, without
 33 advertising for bids, or after having rejected all bids obtained
 34 pursuant to advertising therefor, may purchase COVID-19 related
 35 goods and services, upon adoption of a resolution, through the
 36 contract or contracts for such goods and services entered into by the
 37 ³Division of Purchase and Property] Department of Education³
 38 pursuant to the provisions of subsection a. of this section ³or

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 August 10, 2020.

²Assembly AAP committee amendments adopted August 24, 2020.

³Senate floor amendments adopted October 29, 2020.

1 made available through a State-approved cooperative purchasing
2 system of which the board of education is a member²】³.

3 c. ³【The Department of Education shall coordinate the
4 purchase of COVID-19 related goods and services by school
5 districts that seek to purchase the goods and services in accordance
6 with subsection b. of this section.

7 d.】³ As used in this section:

8 “Board of education” means and includes the board of education
9 of any local school district, consolidated school district, regional
10 school district, county vocational school and any other board of
11 education or other similar body, other than the State Board of
12 Education, ³【the ¹【Commission on】 Office of the Secretary of¹
13 Higher Education or the Presidents' Council,】³ established and
14 operating under the provisions of Title 18A of the New Jersey
15 Statutes and having authority to make purchases and to enter into
16 contracts for the provision or performance of goods or services.
17 The term "board of education" also shall include the board of
18 trustees of a charter school established under P.L.1995, c.426
19 (C.18A:36A-1 et seq.) ¹and the board of trustees of a renaissance
20 school established pursuant to P.L.2011, c.176 (C.18A:36C-
21 1 et seq.)¹.

22 “School district” means a local or regional school district
23 established pursuant to chapter 8 or chapter 13 of Title 18A of the
24 New Jersey Statutes, a county special services school district
25 established pursuant to article 8 of chapter 46 of Title 18A of the
26 New Jersey Statutes, a county vocational school district established
27 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
28 Statutes, and a district under full State intervention pursuant to
29 P.L.1987, c.399 (C.18A:7A-34 et al.). ¹The term “school district”
30 shall also include a charter school established under P.L.1995,
31 c.426 (C.18A:36A-1 et seq.) and a renaissance school established
32 pursuant to P.L.2011, c.176 (C.18A:36C-1 et seq.).¹
33

34 ³【². a. Notwithstanding any provision of law, rule, or
35 regulation to the contrary, the Director of the Division of Purchase
36 and Property, in consultation with the Secretary of Higher
37 Education, shall award a contract or contracts, in accordance with
38 the provisions of chapter 34 of Title 52 of the Revised Statutes, and
39 coordinate with the lead agency of any State-approved cooperative
40 purchasing system that includes one or more county colleges,
41 including those systems established pursuant to the “County
42 College Contracts Law,” P.L.1982, c.189 (C.18A:64A-25.1 et seq.),
43 or the “Local Public Contracts Law,” P.L.1971, c.198 (C.40A:11-
44 1 et seq.), for the procurement of COVID-19 related goods and
45 services, as specified by the secretary, that aid in meeting the
46 COVID-19 guidelines issued by the United States Centers for
47 Disease Control and Prevention. The director, in consultation with

1 the secretary, may make awards to multiple bidders in accordance
2 with section 1 of P.L.1986, c.26 (C.52:34-12.1). Advertised
3 bidding shall not be required to award a contract or contracts to
4 obtain those goods and services necessary to address the public
5 exigency when the Division of Purchase of Property provides
6 preapproval.

7 b. The board of trustees of a county college, without
8 advertising for bids, or after having rejected all bids obtained
9 pursuant to advertising therefor, may purchase COVID-19 related
10 goods and services, upon adoption of a resolution, through the
11 contract or contracts for such goods and services entered into by the
12 Division of Purchase and Property pursuant to the provisions of
13 subsection a. of this section or made available through a State-
14 approved cooperative purchasing system of which the county
15 college is a member.

16 c. The Office of the Secretary of Higher Education shall
17 coordinate the purchase of COVID-19 related goods and services by
18 county colleges that seek to purchase the goods and services in
19 accordance with subsection b. of this section.²³

20

21 ²[2.] ³[3.] 2.³ This act shall take effect immediately and
22 shall expire on July 1, 2022.

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27 _____
28 Requires State to enter into contract and coordinate with certain
29 cooperative purchasing systems for procurement of COVID-19
related goods and services by school districts.

ASSEMBLY, No. 4461

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JULY 30, 2020

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

SYNOPSIS

Requires State to enter into contract for COVID-19 related goods and services for purchase by school districts.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/10/2020)

A4461 LAMPITT, JASEY

2

1 AN ACT concerning a State contract for the purchase of COVID-19
2 related materials by school districts.

3

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

6

7 1. a. Notwithstanding any provision of law, rule, or regulation
8 to the contrary, the Director of the Division of Purchase and
9 Property in the Department of the Treasury, in consultation with the
10 Commissioner of the Department of Education, shall award a
11 contract or contracts, in accordance with the provisions of chapter
12 34 of Title 52 of the Revised Statutes, for the procurement of
13 COVID-19 related goods and services, as specified by the
14 commissioner, that aid in meeting the COVID-19 guidelines issued
15 by the Centers for Disease Control and Prevention. The director, in
16 consultation with the commissioner, may make awards to multiple
17 bidders in accordance with section 1 of P.L.1986, c.26 (C.52:34-
18 12.1). Advertised bidding shall not be required to award a contract
19 or contracts to obtain those goods and services necessary to address
20 the public exigency when the Division of Purchase of Property
21 provides preapproval.

22 b. The board of education of a school district, without
23 advertising for bids, or after having rejected all bids obtained
24 pursuant to advertising therefor, may purchase COVID-19 related
25 goods and services, upon adoption of a resolution, through the
26 contract or contracts for such goods and services entered into by the
27 Division of Purchase and Property pursuant to the provisions of
28 subsection a. of this section.

29 c. The Department of Education shall coordinate the purchase
30 of COVID-19 related goods and services by school districts that
31 seek to purchase the goods and services in accordance with
32 subsection b. of this section.

33 d. As used in this section:

34 "Board of education" means and includes the board of education
35 of any local school district, consolidated school district, regional
36 school district, county vocational school and any other board of
37 education or other similar body, other than the State Board of
38 Education, the Commission on Higher Education or the Presidents'
39 Council, established and operating under the provisions of Title
40 18A of the New Jersey Statutes and having authority to make
41 purchases and to enter into contracts for the provision or
42 performance of goods or services. The term "board of education"
43 also shall include the board of trustees of a charter school
44 established under P.L.1995, c.426 (C.18A:36A-1 et seq.).

45 "School district" means a local or regional school district
46 established pursuant to chapter 8 or chapter 13 of Title 18A of the
47 New Jersey Statutes, a county special services school district
48 established pursuant to article 8 of chapter 46 of Title 18A of the

1 New Jersey Statutes, a county vocational school district established
2 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
3 Statutes, and a district under full State intervention pursuant to
4 P.L.1987, c.399 (C.18A:7A-34 et al.).

5

6 2. This act shall take effect immediately and shall expire on
7 July 1, 2022.

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STATEMENT

11

12 This bill requires the State to award a contract for the purchase
13 COVID-19 related goods and services by school districts. The
14 goods and services would include medical supplies and devices,
15 among other things. The State would not be limited to awarding
16 contracts to one bidder. If it is deemed advantageous, the State may
17 award contracts to more than one bidder to fill the necessary
18 demand for COVID-19 related goods and services.

19 School districts throughout the State would then be permitted to
20 purchase the goods and services under the contract. Under the bill,
21 the Commissioner of the Department of Education would be
22 required to coordinate the purchase of goods and services by the
23 school districts.

24 This bill would expire on July 1, 2022.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4461

with committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 10, 2020

The Assembly Education Committee reports favorably Assembly Bill No. 4461 with committee amendments.

As amended, this bill requires the State to award a contract for the purchase of COVID-19 related goods and services by school districts, charter schools, and renaissance schools. The goods and services would include medical supplies and devices, among other goods and services as specified by the Commissioner of Education, that aid in meeting the COVID-19 guidelines issued by the Centers for Disease Control and Prevention. The State may award contracts to more than one bidder to fill the necessary demand for COVID-19 related goods and services.

School districts, charter schools, and renaissance schools throughout the State would then be permitted to purchase the goods and services under the contract. Under the bill, the Commissioner of Education would be required to coordinate the purchase of goods and services by the school districts, charter schools, and renaissance schools.

This bill would expire on July 1, 2022.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- clarify that charter schools and renaissance schools are included in the bill's definitions of "board of education" and "school district"; and
- make a technical correction by eliminating the reference to "Commission on Higher Education" and inserting reference to the "Office of the Secretary of Higher Education."

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4461

with committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 24, 2020

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4461 (1R), with committee amendments.

As amended, this bill requires the State to enter into contracts and coordinate with certain cooperative purchasing systems to assist public schools (i.e., school districts, charter schools, and renaissance schools) and county colleges in the purchase of COVID-19 related goods and services.

Under the bill, the Director of the Division of Purchase and Property in the Department of the Treasury, in consultation with the Commissioner of Education and the Secretary of Higher Education, would be required to award contracts for the procurement of COVID-19 related goods and services by public schools and county colleges. The bill also requires the director to coordinate with the lead agency of any State-approved cooperative purchasing system that includes a public school or county college to provide for the procurement of COVID-19 related goods and services. The bill permits the State to award contracts to more than one bidder.

Additionally, the bill permits public schools and county colleges to purchase COVID-19 related goods and services, without advertising for bids, through any contract that is (1) entered into by the Division of Purchase and Property, or (2) made available through a State-approved cooperative purchasing system of which the school or college is a member. The bill also requires the Department of Education and the Office of the Secretary of Higher Education to coordinate the purchase of COVID-19 related goods and services by public schools and county colleges, respectively.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- require the Director of the Division of Purchase and Property to coordinate with the lead agency of any State-approved cooperative purchasing system that includes one or more public schools to provide for the procurement of COVID-19 related goods and services;

- authorize public schools to purchase COVID-19 related goods and services using any contract that is made available through a State-approved cooperative purchasing system of which the school is a member;
- require the director to award a contract or contracts, and coordinate with the lead agency of any State-approved cooperative purchasing system that includes one or more county colleges, to provide for the procurement of COVID-19 related goods and services by county colleges;
- authorize county colleges to purchase COVID-19 related goods and services through any contract that is entered into by the Division of Purchase and Property or made available through a State-approved cooperative purchasing system of which the college is a member; and
- require the Office of the Secretary of Higher Education to coordinate the purchase of COVID-19 related goods and services by county colleges under the bill.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 4461

STATE OF NEW JERSEY

DATED: OCTOBER 22, 2020

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 4461 (2R).

This bill requires the State to enter into contracts and coordinate with certain cooperative purchasing systems to assist public schools (i.e., school districts, charter schools, and renaissance schools) and county colleges in the purchase of COVID-19 related goods and services.

Under the bill, the Director of the Division of Purchase and Property in the Department of the Treasury, in consultation with the Commissioner of Education and the Secretary of Higher Education, would be required to award contracts for the procurement of COVID-19 related goods and services by public schools and county colleges. The bill also requires the director to coordinate with the lead agency of any State-approved cooperative purchasing system that includes a public school or county college to provide for the procurement of COVID-19 related goods and services. The bill permits the State to award contracts to more than one bidder.

Additionally, the bill permits public schools and county colleges to purchase COVID-19 related goods and services, without advertising for bids, through any contract that is (1) entered into by the Division of Purchase and Property, or (2) made available through a State-approved cooperative purchasing system of which the school or college is a member. The bill also requires the Department of Education and the Office of the Secretary of Higher Education to coordinate the purchase of COVID-19 related goods and services by public schools and county colleges, respectively.

As reported by the committee, Assembly Bill No. 4461 (2R) is identical to Senate Bill No. 2698 (1R), which also was reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds the cost for the State to enter into contracts for the purchase of COVID-19 related materials that school districts and county colleges may purchase, but are not required to purchase under this bill, to be indeterminate at this time.

The OLS cannot make an estimate because it does not have information regarding the readiness and needs of each of the 584 school districts, 88 charter schools, three renaissance schools, or 18 public community colleges in New Jersey; the amount each has already spent on COVID-19 preparation and if these preparations meet guidelines established by the Centers for Disease Control and Prevention (CDC); the amount of CARES Act funding each district was allocated for Person Protection Equipment (PPE); and the amount spent to date, or additional needs for other COVID-19 materials, supplies, or staffing.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 4461

with Senate Floor Amendments
(Proposed by Senator RUIZ)

ADOPTED: OCTOBER 29, 2020

The amendments require the Department of Education to implement the provisions of the bill, including coordination with cooperative purchasing systems and entering into contracts for COVID-19 related goods and services. The amendments also require that the goods and services purchased meet the health and safety standards established by the Governor in Executive Order No. 175 of 2020 and any other health and safety standards deemed necessary by the department, rather than the guidelines issued by the United States Centers for Disease Control and Prevention.

The amendments also remove county colleges from the cooperative purchasing systems established pursuant to this bill.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 4461

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: SEPTEMBER 1, 2020

SUMMARY

- Synopsis:** Requires State to enter into contract and coordinate with certain cooperative purchasing systems for procurement of COVID-19 related goods and services by school districts and county colleges.
- Type of Impact:** State expenditure increase. Potential local expenditure increases.
- Agencies Affected:** Division of Purchase and Property in the Department of the Treasury; Department of Education; Office of the Secretary of Higher Education; local boards of education.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	
Local Cost Increase		Indeterminate	

- The Office of Legislative Services (OLS) finds the cost for the State to enter into contracts for the purchase of COVID-19 related materials that school districts and county colleges may purchase, but are not required to purchase under this bill, to be indeterminate at this time.
- The OLS cannot make an estimate because it does not have information regarding the readiness and needs of each of the 584 school districts, 88 charter schools, 3 renaissance schools, or 18 public community colleges in New Jersey; the amount each has already spent on COVID-19 preparation and if these preparations meet guidelines established by the Centers for Disease Control and Prevention (CDC); the amount of CARES Act funding each district was allocated for Person Protection Equipment (PPE); and the amount spent to date, or additional needs for other COVID-19 materials, supplies, or staffing.

BILL DESCRIPTION

This bill requires the State to enter into contracts and coordinate with certain cooperative purchasing systems to assist public schools (i.e., school districts, charter schools, and renaissance schools) and county colleges in the purchase of COVID-19 related goods and services.

Under the bill, the Director of the Division of Purchase and Property in the Department of the Treasury, in consultation with the Commissioner of Education and the Secretary of Higher Education, would be required to award contracts for the procurement of COVID-19 related goods and services by public schools and county colleges. The bill also requires the director to coordinate with the lead agency of any State-approved cooperative purchasing system that includes a public school or county college to provide for the procurement of COVID-19 related goods and services. The bill permits the State to award contracts to more than one bidder.

Additionally, the bill permits public schools and county colleges to purchase COVID-19 related goods and services, without advertising for bids, through any contract that is (1) entered into by the Division of Purchase and Property, or (2) made available through a State-approved cooperative purchasing system of which the school or college is a member. The bill also requires the Department of Education and the Office of the Secretary of Higher Education to coordinate the purchase of COVID-19 related goods and services by public schools and county colleges, respectively.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds the cost for the State to enter into contracts for the purchase of COVID-19 related materials that school districts and county colleges may purchase, but are not required to purchase under this bill, to be indeterminate at this time. There are approximately 584 school districts, 88 charter schools, 3 renaissance schools, and 18 public community colleges in New Jersey of different sizes and structure including the number of students, school buildings, staff members, and school buses. The OLS cannot make an estimate because it does not have information regarding the readiness and needs of each school district, school, or community college; the amount each has already spent on COVID-19 preparation and if these preparations meet federal guidelines; the amount of CARES Act funding each school district, school, or community college was allocated for Person Protection Equipment (PPE); and the amount spent to date, or additional needs for other COVID-19 materials, supplies, or staffing. Media reports indicate that New Jersey schools were awarded \$310 million in May in CARES Act funding, but no information was provided regarding the requirements of how the money was to be spent.

The bill requires that the COVID-19 related materials meet the guidelines issued by the CDC. The following link provides a CDC Readiness and Planning Tool to Prevent the Spread of COVID-19 in K-12 Schools. It provides a checklist of policies and procedures, facilities and supplies, education and training and other information to help school districts identify actions to take to prepare for in-person instruction.

<https://www.cdc.gov/coronavirus/2019-ncov/downloads/community/School-Admin-K12-readiness-and-planning-tool.pdf>

Section: State Government

*Analyst: Kimberly M. Clemmensen
Lead Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 2698

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JULY 16, 2020

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Requires State to enter into contract for COVID-19 related goods and services for purchase by school districts.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/20/2020)

1 AN ACT concerning a State contract for the purchase of COVID-19
2 related materials by school districts.

3

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

6

7 1. a. Notwithstanding any provision of law, rule, or regulation
8 to the contrary, the Director of the Division of Purchase and Property
9 in the Department of the Treasury, in consultation with the
10 Commissioner of the Department of Education, shall award a
11 contract or contracts, in accordance with the provisions of chapter 34
12 of Title 52 of the Revised Statutes, for the procurement of COVID-
13 19 related goods and services, as specified by the commissioner, that
14 aid in meeting the COVID-19 guidelines issued by the Centers for
15 Disease Control and Prevention. The director, in consultation with
16 the commissioner, may make awards to multiple bidders in
17 accordance with section 1 of P.L.1986, c.26 (C.52:34-12.1).
18 Advertised bidding shall not be required to award a contract or
19 contracts to obtain those goods and services necessary to address the
20 public exigency when the Division of Purchase of Property provides
21 preapproval.

22 b. The board of education of a school district, without
23 advertising for bids, or after having rejected all bids obtained
24 pursuant to advertising therefor, may purchase COVID-19 related
25 goods and services, upon adoption of a resolution, through the
26 contract or contracts for such goods and services entered into by the
27 Division of Purchase and Property pursuant to the provisions of
28 subsection a. of this section.

29 c. The Department of Education shall coordinate the purchase of
30 COVID-19 related goods and services by school districts that seek to
31 purchase the goods and services in accordance with subsection b. of
32 this section.

33 d. As used in this section:

34 “Board of education” means and includes the board of education
35 of any local school district, consolidated school district, regional
36 school district, county vocational school and any other board of
37 education or other similar body, other than the State Board of
38 Education, the Commission on Higher Education or the Presidents'
39 Council, established and operating under the provisions of Title 18A
40 of the New Jersey Statutes and having authority to make purchases
41 and to enter into contracts for the provision or performance of goods
42 or services. The term "board of education" also shall include the
43 board of trustees of a charter school established under
44 P.L.1995, c.426 (C.18A:36A-1 et seq.).

45 “School district” means a local or regional school district
46 established pursuant to chapter 8 or chapter 13 of Title 18A of the
47 New Jersey Statutes, a county special services school district
48 established pursuant to article 8 of chapter 46 of Title 18A of the New

1 Jersey Statutes, a county vocational school district established
2 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
3 Statutes, and a district under full State intervention pursuant to
4 P.L.1987, c.399 (C.18A:7A-34 et al.).

5

6 2. This act shall take effect immediately and shall expire on July
7 1, 2022.

8

9

10 STATEMENT

11

12 This bill requires the State to award a contract for the purchase
13 COVID-19 related goods and services by school districts. The goods
14 and services would include medical supplies and devices, among
15 other things. The State would not be limited to awarding contracts
16 to one bidder. If it is deemed advantageous, the State may award
17 contracts to more than one bidder to fill the necessary demand for
18 COVID-19 related goods and services.

19 School districts throughout the State would then be permitted to
20 purchase the goods and services under the contract. Under the bill,
21 the Commissioner of the Department of Education would be required
22 to coordinate the purchase of goods and services by the school
23 districts.

24 This bill would expire on July 1, 2022.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 2698

with committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 20, 2020

The Senate Education Committee favorably reports Senate Bill No. 2698 with committee amendments.

As amended, this bill requires the State to enter into contracts and coordinate with certain cooperative purchasing systems to assist public schools (i.e., school districts, charter schools, and renaissance schools) and county colleges in the purchase of COVID-19 related goods and services.

Under the bill, the Director of the Division of Purchase and Property in the Department of the Treasury, in consultation with the Commissioner of Education and the Secretary of Higher Education, would be required to award contracts for the procurement of COVID-19 related goods and services by public schools and county colleges. The bill also requires the director to coordinate with the lead agency of any State-approved cooperative purchasing system that includes a public school or county college to provide for the procurement of COVID-19 related goods and services. The bill permits the State to award contracts to more than one bidder.

Additionally, the bill permits public schools and county colleges to purchase COVID-19 related goods and services, without advertising for bids, through any contract that is (1) entered into by the Division of Purchase and Property, or (2) made available through a State-approved cooperative purchasing system of which the school or college is a member. The bill also requires the Department of Education and the Office of the Secretary of Higher Education to coordinate the purchase of COVID-19 related goods and services by public schools and county colleges, respectively.

The committee amended the bill to:

(1) clarify that charter schools and renaissance schools are included in the bill's definition of "board of education" and "school district";

(2) require the director to coordinate with the lead agency of any State-approved cooperative purchasing system that includes one or more public schools to provide for the procurement of COVID-19 related goods and services;

(3) authorize public schools to purchase COVID-19 related goods and services using any contract that is made available through a State-

approved cooperative purchasing system of which the school is a member;

(4) require the director to award a contract or contracts, and coordinate with the lead agency of any State-approved cooperative purchasing system that includes one or more county colleges, to provide for the procurement of COVID-19 related goods and services by county colleges;

(5) authorize county colleges to purchase COVID-19 related goods and services through any contract that is entered into by the division or made available through a State-approved cooperative purchasing system of which the college is a member; and

(6) require the Office of the Secretary of Higher Education to coordinate the purchase of COVID-19 related goods and services by county colleges under the bill.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2698

STATE OF NEW JERSEY

DATED: OCTOBER 22, 2020

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2698 (1R).

This bill requires the State to enter into contracts and coordinate with certain cooperative purchasing systems to assist public schools (i.e., school districts, charter schools, and renaissance schools) and county colleges in the purchase of COVID-19 related goods and services.

Under the bill, the Director of the Division of Purchase and Property in the Department of the Treasury, in consultation with the Commissioner of Education and the Secretary of Higher Education, would be required to award contracts for the procurement of COVID-19 related goods and services by public schools and county colleges. The bill also requires the director to coordinate with the lead agency of any State-approved cooperative purchasing system that includes a public school or county college to provide for the procurement of COVID-19 related goods and services. The bill permits the State to award contracts to more than one bidder.

Additionally, the bill permits public schools and county colleges to purchase COVID-19 related goods and services, without advertising for bids, through any contract that is (1) entered into by the Division of Purchase and Property, or (2) made available through a State-approved cooperative purchasing system of which the school or college is a member. The bill also requires the Department of Education and the Office of the Secretary of Higher Education to coordinate the purchase of COVID-19 related goods and services by public schools and county colleges, respectively.

As reported by the committee, Senate Bill No. 2698 (1R) is identical to Assembly Bill No. 4461 (2R), which also was reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds the cost for the State to enter into contracts for the purchase of COVID-19 related materials that school districts and county colleges may purchase, but are not required to purchase under this bill, to be indeterminate at this time.

The OLS cannot make an estimate because it does not have information regarding the readiness and needs of each of the 584 school districts, 88 charter schools, three renaissance schools, or 18 public community colleges in New Jersey; the amount each has already spent on COVID-19 preparation and if these preparations meet guidelines established by the Centers for Disease Control and Prevention (CDC); the amount of CARES Act funding each district was allocated for Person Protection Equipment (PPE); and the amount spent to date, or additional needs for other COVID-19 materials, supplies, or staffing.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2698

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: OCTOBER 19, 2020

SUMMARY

- Synopsis:** Requires State to enter into contract and coordinate with certain cooperative purchasing systems for procurement of COVID-19 related goods and services by school districts and county colleges.
- Type of Impact:** State expenditure increase. Potential local expenditure increases.
- Agencies Affected:** Division of Purchase and Property in the Department of the Treasury; Department of Education; Office of the Secretary of Higher Education; local boards of education.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	
Local Cost Increase		Indeterminate	

- The Office of Legislative Services (OLS) finds the cost for the State to enter into contracts for the purchase of COVID-19 related materials that school districts and county colleges may purchase, but are not required to purchase under this bill, to be indeterminate at this time.
- The OLS cannot make an estimate because it does not have information regarding the readiness and needs of each of the 584 school districts, 88 charter schools, three renaissance schools, or 18 public community colleges in New Jersey; the amount each has already spent on COVID-19 preparation and if these preparations meet guidelines established by the Centers for Disease Control and Prevention (CDC); the amount of CARES Act funding each district was allocated for Person Protection Equipment (PPE); and the amount spent to date, or additional needs for other COVID-19 materials, supplies, or staffing.

BILL DESCRIPTION

This bill requires the State to enter into contracts and coordinate with certain cooperative purchasing systems to assist public schools (i.e., school districts, charter schools, and renaissance schools) and county colleges in the purchase of COVID-19 related goods and services.

Under the bill, the Director of the Division of Purchase and Property in the Department of the Treasury, in consultation with the Commissioner of Education and the Secretary of Higher Education, would be required to award contracts for the procurement of COVID-19 related goods and services by public schools and county colleges. The bill also requires the director to coordinate with the lead agency of any State-approved cooperative purchasing system that includes a public school or county college to provide for the procurement of COVID-19 related goods and services. The bill permits the State to award contracts to more than one bidder.

Additionally, the bill permits public schools and county colleges to purchase COVID-19 related goods and services, without advertising for bids, through any contract that is (1) entered into by the Division of Purchase and Property, or (2) made available through a State-approved cooperative purchasing system of which the school or college is a member. The bill also requires the Department of Education and the Office of the Secretary of Higher Education to coordinate the purchase of COVID-19 related goods and services by public schools and county colleges, respectively.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds the cost for the State to enter into contracts for the purchase of COVID-19 related materials that school districts and county colleges may purchase, but are not required to purchase under this bill, to be indeterminate at this time. There are approximately 584 school districts, 88 charter schools, three renaissance schools, and 18 public community colleges in New Jersey of different sizes and structure including the number of students, school buildings, staff members, and school buses. The OLS cannot make an estimate because it does not have information regarding the readiness and needs of each school district, school, or community college; the amount each has already spent on COVID-19 preparation and if these preparations meet federal guidelines; the amount of CARES Act funding each school district, school, or community college was allocated for Person Protection Equipment (PPE); and the amount spent to date, or additional needs for other COVID-19 materials, supplies, or staffing. Media reports indicate that New Jersey schools were awarded \$310 million in May in CARES Act funding, but no information was provided regarding the requirements of how the money was to be spent.

The bill requires that the COVID-19 related materials meet the guidelines issued by the CDC. The following link provides a CDC Readiness and Planning Tool to Prevent the Spread of COVID-19 in K-12 Schools. It provides a checklist of policies and procedures, facilities and supplies, education and training and other information to help school districts identify actions to take to prepare for in-person instruction.

<https://www.cdc.gov/coronavirus/2019-ncov/downloads/community/School-Admin-K12-readiness-and-planning-tool.pdf>

Section: State Government

*Analyst: Kimberly M. Clemmensen
Lead Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

05/5/2021

TRENTON – Today, Governor Murphy signed the following bills into law:

A-1070/S-2892 (Jasey, Benson/Pou, T. Kean) – Requires Secretary of Higher Education to develop guidance for institutions of higher education to identify cultural barriers in recruitment and retention of underrepresented students for science, technology, engineering and mathematics (STEM) programs

A-4461/S-2698 (Lampitt, Jasey, Quijano/Ruiz, Turner) – Requires State to enter into contract and coordinate with certain cooperative purchasing systems for procurement of COVID-19 related goods and services by school districts

A-4788/S-3044 (Pintor Marin/Ruiz) – Requires transfer of certain escheated civil forfeiture funds from Unclaimed Personal Property Trust Fund to General Fund for appropriation to county prosecutors' offices

Governor Murphy conditionally vetoed the following bills:

ACS for A-4803 and 4811/SCS for S-2991 and 3117 (Sumter, Karabinchak, DeCroce, Spearman, Zwicker/Greenstein, Oroho, Addiego, Pou) – **CONDITIONAL** - Concerns approval process for personal protective equipment and State stockpiles of personal protective equipment

[Copy of Statement](#)

A-1229/S-2161 (Schaer, Mosquera, Tucker, Lampitt, Vainieri Huttie, Quijano, Wimberly, Pintor Marin, Jasey/Turner, Singleton) – **CONDITIONAL** - Requires DCA to make information on homeless prevention programs and services available on its Internet website

[Copy of Statement](#)

Governor Murphy absolute vetoed the following bill:

A-4810/S-441 (Vainieri Huttie, Murphy/Oroho, Sarlo) – **ABSOLUTE** - Establishes Government Efficiency and Regulatory Review Commission

[Copy of Statement](#)