

18A:18A-3 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA 18A:18A-3 et al. (School board purchases--up to \$4500 without advertising)

LAWS 1980 CHAPTER 144

Bill No. A1228

Sponsor(s) Edwards and others

Date Introduced Feb. 28, 1980

Committee: Assembly Education

Senate Education

Amended during passage ~~Yes~~ No

Date of Passage: Assembly June 12, 1980

Senate Sept. 29, 1980

Date of approval Nov. 12, 1980

Following statements are attached if available:

Sponsor statement Yes ~~No~~ (Below)

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing ~~Yes~~ ^{Yes} ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Sponsor's statement:

This bill amending the "Public School Contracts Law" raises from \$2,500.00 to \$4,500.00, the threshold above which a school board is required to seek bids for purchases, contracts, or agreements. The "School Contracts Law" is thus brought into conformity with the "Local Public Contracts Law" which was similarly amended by P.L. 1979, c.350.

6/22/81

ASSEMBLY, No. 1226

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 28, 1980

By Assemblymen EDWARDS, KERN, CARDINALE, MARKERT,
PAOLELLA and KOSCO

Referred to Committee on Education

AN ACT concerning the "Public School Contracts Law," and
amending sections 18A:18A-3, 18A:18A-4, 18A:18A-7,
18A:18A-8, and 18A:18A-18 of the New Jersey Statutes.

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

1 1. N. J. S. 18A:18A-3 is amended to read as follows:

2 18A:18A-3. Purchases, contracts and agreements not requiring
3 advertising. Any purchase, contract or agreement for the perform-
4 ance of any work or the furnishing or hiring of materials or sup-
5 plies, the cost or price of which, together with any other sums
6 expended or foreseeably to be expended for the performance of
7 any work or services in connection with the same project or the
8 furnishing of similar materials or supplies during the same fiscal
9 year paid with or out of school funds, does not exceed the total sum
10 of **[\$2,500.00]** \$4,500.00 in the fiscal year or, in the case of purchases
11 that are not annually recurring, in a period of 1 year may be
12 made, negotiated and awarded by a contracting agent when so
13 authorized by resolution of the board of education without public
14 advertising for bids and bidding therefor.

1 2. N. J. S. 18A:18A-4 is amended to read as follows:

2 18A:18A-4. Contracts and agreements requiring advertising.
3 Every contract or agreement for the performance of any work or
4 the furnishing or hiring of any materials or supplies, the cost or
5 the contract price whereof is to be paid with or out of school funds,
6 not included within the terms of N. J. S. 18A:18A-3, shall be made
7 and awarded only by the board of education after public advertising
8 for bids and bidding therefor, except as is provided otherwise in
9 this chapter or specifically by any other law.

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

10 No work, materials or supplies shall be undertaken, acquired
11 or furnished for a sum exceeding in the aggregate ~~[\$2,500.00]~~
12 \$4,500.00 except by contract or agreement.

1 3. N. J. S. 18A:18A-7 is amended to read as follows:

2 18A:18A-7. Emergency purchases and contracts. Any purchase,
3 contract or agreement may be made, negotiated or awarded for a
4 board of education without public advertising for bids and bidding
5 therefor notwithstanding that the cost or contract price will exceed
6 ~~[\$2,500.00]~~ \$4,500.00 when an emergency affecting the health or
7 safety of occupants of school property requires the immediate de-
8 livery of the articles or the performance of the service, provided
9 that the awarding or making of such purchases, contracts or agree-
10 ments are made in the following manner:

11 a. A written requisition for the performance of such work or
12 labor, or the furnishing of materials, supplies or services is filed
13 with the contracting agent or his deputy in charge describing the
14 nature of the emergency, the time of its occurrence and the need
15 for invoking this section, certified by the employee in charge of the
16 building, facility or equipment wherein the emergency occurred.

17 The contracting agent, or his deputy in charge, being satisfied that
18 the emergency exists, is hereby authorized to award a contract for
19 said work or labor, materials, supplies or services.

20 b. Upon the furnishing of such work or labor, materials, supplies
21 or services, in accordance with the terms of the contract or agree-
22 ment, the contractor furnishing such work or labor, materials,
23 supplies or services, shall be entitled to be paid therefor and the
24 board of education shall be obligated for said payment. The board
25 of education shall take such action as shall be required to provide
26 for the payment of the contract price.

27 c. The State Board of Education shall prescribe rules and pro-
28 cedures to implement the requirements of this section.

1 4. N. J. S. 18A:18A-8 is amended to read as follows:

2 18A:18A-8. Contracts not to be divided. No purchase, contract
3 or agreement, which is single in character or which necessarily or
4 by reason of the quantities required to effectuate the purpose of
5 the purchase, contract or agreement, includes the furnishing of
6 additional services or equipment or buying materials or supplies
7 or the doing of additional work, shall be subdivided, so as to bring
8 it or any of the parts thereof under the maximum price or cost
9 limitation of ~~[\$2,500.00]~~ \$4,500.00 thus dispensing with the re-
10 quirement of public advertising and bidding therefor. In purchas-
11 ing or contracting for, or agreeing for the furnishing of, any ser-
12 vices, equipment, materials or supplies, the doing of any work

13 included in or incident to the performance or completion of any
14 project, which is single in character or inclusive of the furnishing
15 of additional services or equipment or buying materials or supplies
16 or the doing of additional work, or which requires the furnishing
17 of more than one article of equipment or buying materials or sup-
18 plies, all of the services, materials or supplies requisite for the
19 completion of such project shall be included in one purchase, con-
20 tract or agreement.

1 5. N. J. S. 18A:18A-18 is amended to read as follows:

2 18A:18A-18. Separate plans for various types of work; bids;
3 contracts. In the preparation of plans and specifications for the
4 construction, alteration or repair of any building by a board of
5 education, when the entire cost of the work and materials will
6 exceed ~~[\$2,500.00]~~ \$4,500.00, separate plans and specifications shall
7 be prepared for each of the following, and all work and materials
8 kindred thereto to be performed or furnished in connection there-
9 with:

- 10 a. The plumbing and gas fitting work;
- 11 b. The heating and ventilating systems and equipment;
- 12 c. The electrical work, including any electrical power plant;
- 13 d. The structural steel and ornamental iron work;
- 14 e. All other work and materials required for the completion of
15 the project.

16 The board of education or its contracting agent shall advertise
17 for and receive, in the manner provided by law, (1) separate bids
18 for each of said branches of work, and (2) bids for all the work
19 and materials required to complete the building to be included in
20 a single overall contract. There will be set forth in the bid
21 the name or names of, and evidence of performance security from,
22 all subcontractors to whom the bidder will subcontract the
23 furnishing of plumbing and gas fitting, and all kindred work, and
24 of the heating and ventilating systems and equipment, and elec-
25 trical work, structural steel and ornamental iron work, each of
26 which subcontractors shall be qualified in accordance with this
27 chapter.

28 Contracts shall be awarded to the lowest responsible bidder.
29 The contract shall be awarded in the following manner: If the sum
30 total of the amounts bid by the lowest responsible bidder for each
31 branch is less than the amount bid by the lowest responsible bidder
32 for all the work and materials, the board of education shall award
33 separate contracts for each of such branches to the lowest
34 responsible bidder therefor, but if the sum total of the amount
35 bid by the lowest responsible bidder for each branch is not

36 less than the amount bid by the lowest responsible bidder for all
37 the work and materials, the board of education shall award a
38 single overall contract to the lowest responsible bidder for all of
39 such work and materials. In every case in which a contract is
40 awarded under (2) above, all payments required to be made under
41 such contract for work and materials supplied by a subcontractor
42 shall, upon the certification of the contractor of the amount due to
43 the subcontractor, be paid directly to the subcontractor.

1 6. This act shall take effect immediately.

STATEMENT

This bill amending the "Public School Contracts Law," raises from \$2,500.00 to \$4,500.00, the threshold above which a school board is required to seek bids for purchases, contracts, or agreements. The "School Contracts Law" is thus brought into conformity with the "Local Public Contracts Law" which was similarly amended by P. L. 1979, c. 350.

ASSEMBLY EDUCATION COMMITTEE
STATEMENT TO
ASSEMBLY, No. 1226

STATE OF NEW JERSEY

DATED: MAY 1, 1980

PURPOSE:

Assembly Bill No. 1226 raises from \$2,500.00 to \$4,500.00 the threshold above which a school board is required to seek bids for purchases, contracts, or agreements.

BACKGROUND:

Currently, the bidding threshold for municipalities and counties is \$4,500.00 while the school district threshold is \$2,500.00. Assembly Bill No. 1226 would bring the bidding threshold for school districts into conformity with the bidding threshold for municipalities and counties.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1226

STATE OF NEW JERSEY

DATED: JULY 28, 1980

The Senate Education Committee favorably reports this bill and endorses the Assembly Education Committee statement which reads as follows:

PURPOSE:

Assembly Bill No. 1226 raises from \$2,500.00 to \$4,500.00 the threshold above which a school board is required to seek bids for purchases, contracts, or agreements.

BACKGROUND:

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NOVEMBER 12, 1980

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A-977, sponsored by Assemblyman Martin Herman (D-Gloucester) which requires local boards of adjustment to respond within 45 days of inquiry as to whether a proposed land use will be permitted under the municipal zoning ordinance.

Prior statutes were unclear as to the time frame within which the board had to render decisions.

A-1219, also sponsored by Assemblyman Girgenti, which permits a municipality, by resolution or regulation, to establish parking spaces for handicapped persons on county roads lying within municipal corporate limits.

The bill mandates a \$50 fine for violations of county ordinances, resolutions or regulations establishing parking spaces for the handicapped.

A-1226, sponsored by Assemblyman Cary Edwards (R-Bergen) which permits school boards to make purchases of up to \$4,500 instead of \$2,500 without advertising for bids.

The change makes the school district bidding threshold consistent with the bidding threshold for municipalities and counties under the Local Public Contracts Law of 1979.

A-1433, sponsored by Assemblyman Karl Weidel (R-Mercer) which amends current statutes to permit local government units to contract for dental coverage for their employees in a group insurance plan.

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