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LAW/KR

§§1,2 -
C.40A:11-23.4 &
40A:11-23.5
§3 - Note

P.L.2011, CHAPTER 71, *approved May 17, 2011*
Senate, No. 2065 (*First Reprint*)

1 AN ACT concerning the development of a searchable local public
2 bidding ¹~~and employment database~~ database for procurement
3 opportunities published by contracting units and boards of
4 education¹ and supplementing P.L.1971, c.198.

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

8
9 1. a. The ¹Division of Local Government Services in the¹
10 Department of Community Affairs, in consultation with the Office
11 of Information Technology, shall design, develop, and maintain a
12 single, searchable Internet database, to be known as “Bulletin NJ,”
13 that contains and displays information on ¹~~employment~~
14 ~~opportunities,~~¹ requests for proposals¹~~,~~¹ and other government
15 procurement opportunities published by a contracting unit ¹or a
16 board of education, as defined by N.J.S.18A:18A-2¹.

17 b. Each entry in the Internet database shall include ¹~~the~~
18 following:

19 (1) a detailed description of the services required;

20 (2) the format and procedure to be followed in submitting
21 proposals;

22 (3) the specific information which qualified vendors must
23 provide in the proposal;

24 (4) a statement setting forth the relative importance of factors,
25 including cost, which the contracting unit will consider in
26 evaluating a proposal submitted by a qualified vendor;

27 (5) the date and time of day by which, and the place at which,
28 the proposals shall be submitted to the contracting unit; and

29 (6) any other information which the contracting unit deems
30 appropriate] information as required pursuant to rules and
31 regulations adopted by the Division of Local Government
32 Services.¹

33 c. In addition to the requirements specified in subsection a. of
34 this section, the Internet database shall:

35 (1) be accessible from the ¹~~Department of Community Affairs~~
36 Division of Local Government Services¹ Internet website;

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:

¹**Senate amendments adopted in accordance with Governor's
recommendations March 21, 2011.**

1 (2) display all of the information '[enumerated] required' by
2 subsection b. of this section;

3 (3) be '[organized primarily] searchable' by the name of the
4 contracting unit 'or board of education' publishing the request for
5 proposals;

6 (4) be reviewed and updated at least once per month or more
7 frequently as new information becomes available or changes are
8 necessary; and

9 (5) provide an opportunity for the public to submit input and
10 feedback concerning the utility of the Internet database and
11 recommendations for its improvement.

12 d. All contracting units '[are directed to submit information on
13 all employment opportunities and requests for proposals to the
14 Department of Community Affairs and the Office of Information
15 Technology in order to comply with the requirements of this
16 section. Any changes to a request for proposals or in the status of
17 the request shall be promptly reported to the Department of
18 Community Affairs] and boards of education, as defined by
19 N.J.S.18A:18A-2, are directed to submit information as required
20 pursuant to rules and regulations adopted by the Division of Local
21 Government Services'.

22 e. Nothing in this section shall require the disclosure of
23 information deemed confidential by State or federal law.

24 'f. Nothing in this section shall be interpreted to invalidate or
25 otherwise impact an otherwise valid contract entered in to pursuant
26 to the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1
27 et seq.) or the "Public School Contracts Law," N.J.S.18A:18A-1 et
28 seq.'

29
30 '2. The Division of Local Government Services in the
31 Department of Community Affairs shall adopt, pursuant to the
32 Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
33 seq.), rules and regulations to effectuate the purposes of this act.'

34
35 '[2.] 3.' This act shall take effect immediately, but section 1
36 shall remain inoperative until '[July 1, 2011.] March 1, 2012. The
37 Division of Local Government Services in the Department of
38 Community Affairs may take such anticipatory administrative
39 action in advance thereof as shall be necessary for the
40 implementation of this act.'

41
42
43
44
45 Provides for development of searchable "Bulletin NJ" local
46 public bidding and employment database.

SENATE, No. 2065

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 21, 2010

Sponsored by:

Senator DONALD NORCROSS

District 5 (Camden and Gloucester)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman RUBEN J. RAMOS, JR.

District 33 (Hudson)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

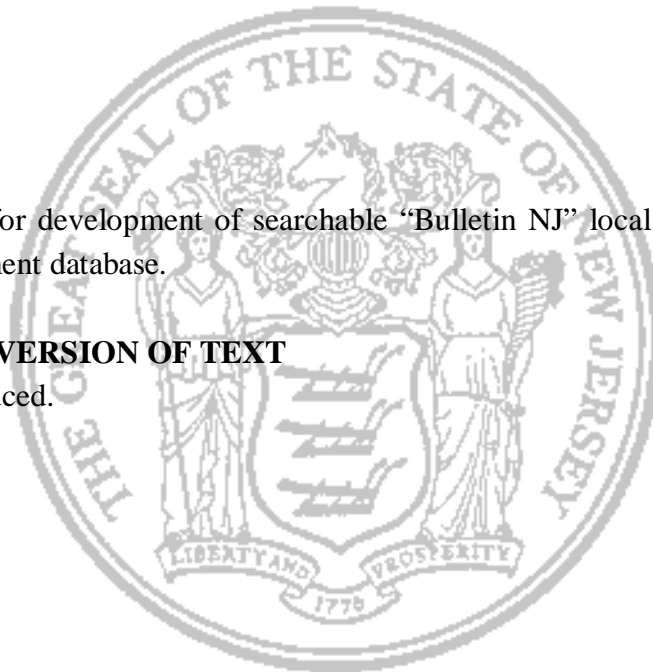
Senators Ruiz, Whelan, Assemblymen Fuentes, O'Donnell, Caputo, Johnson, Assemblywoman Tucker, Assemblymen Conaway, Schaer, Assemblywoman Riley, Assemblyman Greenwald, Assemblywomen Pou, Spencer, Assemblymen Giblin, Burzichelli, Assemblywomen Quigley, Wagner, Assemblyman Benson and Assemblywoman Lampitt

SYNOPSIS

Provides for development of searchable "Bulletin NJ" local public bidding and employment database.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/11/2011)

1 AN ACT concerning the development of a searchable local public
2 bidding and employment database and supplementing P.L.1971,
3 c.198.

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

7
8 1. a. The Department of Community Affairs, in consultation
9 with the Office of Information Technology, shall design, develop,
10 and maintain a single, searchable Internet database, to be known as
11 "Bulletin NJ," that contains and displays information on
12 employment opportunities, requests for proposals, and other
13 government procurement opportunities published by a contracting
14 unit.

15 b. Each entry in the Internet database shall include the
16 following:

17 (1) a detailed description of the services required;

18 (2) the format and procedure to be followed in submitting
19 proposals;

20 (3) the specific information which qualified vendors must
21 provide in the proposal;

22 (4) a statement setting forth the relative importance of factors,
23 including cost, which the contracting unit will consider in
24 evaluating a proposal submitted by a qualified vendor;

25 (5) the date and time of day by which, and the place at which,
26 the proposals shall be submitted to the contracting unit; and

27 (6) any other information which the contracting unit deems
28 appropriate.

29 c. In addition to the requirements specified in subsection a. of
30 this section, the Internet database shall:

31 (1) be accessible from the Department of Community Affairs
32 Internet website;

33 (2) display all of the information enumerated by subsection b. of
34 this section;

35 (3) be organized primarily by the name of the contracting unit
36 publishing the request for proposals;

37 (4) be reviewed and updated at least once per month or more
38 frequently as new information becomes available or changes are
39 necessary; and

40 (5) provide an opportunity for the public to submit input and
41 feedback concerning the utility of the Internet database and
42 recommendations for its improvement.

43 d. All contracting units are directed to submit information on
44 all employment opportunities and requests for proposals to the
45 Department of Community Affairs and the Office of Information
46 Technology in order to comply with the requirements of this
47 section. Any changes to a request for proposals or in the status of

1 the request shall be promptly reported to the Department of
2 Community Affairs.

3 e. Nothing in this section shall require the disclosure of
4 information deemed confidential by State or federal law.

5
6 2. This act shall take effect immediately, but section 1 shall
7 remain inoperative until July 1, 2011.

8

9

10 STATEMENT

11

12 This bill requires the State Department of Community Affairs, in
13 consultation with the Office of Information Technology, design,
14 develop, and maintain a single, searchable Internet database, to be
15 known as "Bulletin NJ," that contains and displays information on
16 employment opportunities, requests for proposals, and other
17 government procurement opportunities published by a contracting
18 unit.

19 Under the provisions of this bill, the Internet database will
20 provide prospective bidders with the following information: (1) a
21 detailed description of the services required; (2) the format and
22 procedure to be followed in submitting proposals; (3) the specific
23 information which qualified vendors must provide in the proposal;
24 (4) a statement setting forth the relative importance of factors,
25 including cost, which the contracting unit will consider in
26 evaluating a proposal submitted by a qualified vendor; (5) the date
27 and time of day by which, and the place at which, the proposals
28 shall be submitted to the contracting unit; and (6) any other
29 information which the contracting unit deems appropriate.

30 By July 1, 2011 the Internet database will be available to the
31 public and must: (1) be accessible from the Department of
32 Community Affairs Internet website; (2) display all of the
33 information enumerated by subsection b. of this section; (3) be
34 organized primarily by the name of the contracting unit publishing
35 the request for proposals; (4) be reviewed and updated at least once
36 per month or more frequently as new information becomes available
37 or changes are necessary; and (5) provide an opportunity for the
38 public to submit input and feedback concerning the utility of the
39 Internet database and recommendations for its improvement.

40 The development of an Internet database will provide
41 prospective bidders with an easily accessible and comprehensive
42 "one stop" source of current information on local employment
43 opportunities and requests for proposals. This bill would improve
44 transparency in local government and make it easier for citizens,
45 groups, and local governments to access information concerning
46 employment opportunities and public bidding.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2065

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2010

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2065.

The bill requires the Department of Community Affairs (DCA), in consultation with the Office of Information Technology, design, develop, and maintain a single, searchable Internet database, to be known as “Bulletin NJ,” that contains and displays information on employment opportunities, requests for proposals, and other government procurement opportunities published by a contracting unit.

Under the provisions of this bill, the Internet database will provide prospective bidders with the following: (1) a detailed description of the services required; (2) the format and procedure to be followed in submitting proposals; (3) the specific information which qualified vendors must provide in the proposal; (4) a statement setting forth the relative importance of factors, including cost, which the contracting unit will consider in evaluating a proposal submitted by a qualified vendor; (5) the date and time of day by which, and the place at which, the proposals shall be submitted to the contracting unit; and (6) any other information which the contracting unit deems appropriate.

By July 1, 2011 the Internet database will be available to the public and must: (1) be accessible from the DCA Internet website; (2) display all of information enumerated by subsection b. of this section; (3) be organized primarily by the name of the contracting unit publishing the request for proposals; (4) be reviewed and updated at least once per month or more frequently as new information becomes available or changes are necessary; and (5) provide an opportunity for the public to submit input and feedback concerning the utility of the Internet database and recommendations for its improvement.

An Internet database will provide prospective bidders with an easily accessible and comprehensive “one stop” source of current information on local employment opportunities and requests for proposals. This bill would improve transparency in local government and make it easier for citizens, groups, and local governments to access information concerning employment opportunities and public bidding.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.

SENATE BILL NO. 2065

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 2065 with my recommendations for reconsideration.

This legislation directs the Department of Community Affairs to establish an internet website to provide information on employment opportunities, requests for proposals, and other government procurement opportunities of contracting units under the Local Public Contracts Law. While I applaud the sponsors' efforts to increase transparency and provide a single location for contractors to identify business opportunities within the State, I am, however, concerned with several aspects of this legislation.

First, I believe the focus of the website information should be on procurement opportunities. I do not believe significant benefit will be derived from providing information regarding employment opportunities on this internet website, which is otherwise focused on procurement opportunities. As a general matter, individuals looking for government employment will not be interested in contracting opportunities, and businesses seeking to enter into commercial contracts with the government will not be looking for employment opportunities. In this regard, it is important to note that the Department of Labor & Workforce Development and the Civil Service Commission already provide internet resources to provide information regarding employment opportunities in the State.

Additionally, I believe this legislation should also be expanded to encompass public contracting opportunities under the Public School Contracts Law. School districts engage in a large

amount of public contracting in this state, and in order for the contemplated website to truly serve as a one-stop location for entities looking to identify local contracting opportunities, school districts should also be included.

I am also concerned that this legislation mandates detailed requirements for contracting opportunities that are not identical to the request for proposal specifications under the Local Public Contracts Law. As such, contracting units may be required to create two different sets of proposals, one for publication and one for this internet website. These requirements should be identical to avoid confusion, to eliminate duplication, and to minimize potential litigation which may arise due to any discrepancy between the proposals that are published versus what is posted on the website.

I am also concerned that this legislation would invite litigation over any failure to provide notice of a contracting opportunity on this internet website. This internet website should provide an additional information resource and should not serve as a vehicle to encourage frivolous litigation. Therefore, this bill should be amended to make it clear that the failure to provide a posting on this informational website (whether intentionally, inadvertently, or due to technical issues) should not serve to invalidate an otherwise binding contract entered into pursuant to the Local Public Contracts Law or the Public School Contracts Law.

Finally, I do not believe that this legislation provides the Division of Local Government Services in the Department of Community Affairs with the rulemaking authority necessary to implement its provisions or with sufficient time to design and implement the internet website contemplated herein.

Accordingly, I herewith return Senate Bill No. 2065 and recommend that it be amended as follows:

- Page 2, Title: Delete "and employment database" and insert "database for procurement opportunities published by contracting units and boards of education"
- Page 2, Section 1, Line 8: After "The" insert "Division of Local Government Services in the"
- Page 2, Section 1, Line 12: Delete "employment opportunities,"
- Page 2, Section 1, Line 12: After "for proposals", delete ","
- Page 2, Section 1, Line 14: After "unit", insert "or a board of education, as defined by N.J.S. 18A:18A-2"
- Page 2, Section 1, Lines 15-28: Delete "the following:
 (1) a detailed description of the services required;
 (2) the format and procedure to be followed in submitting proposals;
 (3) the specific information which qualified vendors must provide in the proposal;
 (4) a statement setting forth the relative importance of factors, including cost, which the contracting unit will consider in evaluating a proposal submitted by a qualified vendor;
 (5) the date and time of day by which, and the place at which, the proposals shall be submitted to the contracting unit; and
 (6) any other information which the contracting unit deems appropriate" and insert "information as required pursuant to rules and regulations adopted by the Division of Local Government Services"
- Page 2, Section 1, Line 31: Delete "Department of Community Affairs" and insert "Division of Local Government Services"

- Page 2, Section 1, Line 33: Delete "enumerated" and insert "required"
- Page 2, Section 1, Line 35: Delete "organized primarily" and insert "searchable"
- Page 2, Section 1, Line 35: After "contracting unit" insert "or board of education"
- Page 2, Section 1, Lines 43-47: Delete "are directed to submit information on all employment opportunities and requests for proposals to the Department of Community Affairs and the Office of Information Technology in order to comply with the requirements of this section. Any changes to a request for proposals or in the status of"
- Page 3, Section 1, Lines 1-2: Delete "the request shall be promptly reported to the Department of Community Affairs" and insert "and boards of education, as defined by N.J.S. 18A:18A-2, are directed to submit information as required pursuant to rules and regulations adopted by the Division of Local Government Services"
- Page 3, Section 1, Line 5: Insert new subsection "f. Nothing in this section shall be interpreted to invalidate or otherwise impact an otherwise valid contract entered in to pursuant to the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) or the "Public School Contracts Law," N.J.S. 18A:18A-1 et seq."
- Page 3, Line 6: Insert new section "2. The Division of Local Government Services in the Department of Community Affairs shall adopt, pursuant to the Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to effectuate the purposes of this act."
- Page 3, Section 2, Line 6: Delete "2" and insert "3"

Page 3, Section 2, Line 7:

Delete "July 1, 2011" and insert "March 1, 2012. The Division of Local Government Services in the Department of Community Affairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act"

Respectfully,

/s/ Chris Christie

Governor

[seal]

Attest:

/s/ Jeffrey S. Chiesa

Chief Counsel to the Governor

ASSEMBLY, No. 3128

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JULY 1, 2010

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman RUBEN J. RAMOS, JR.

District 33 (Hudson)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

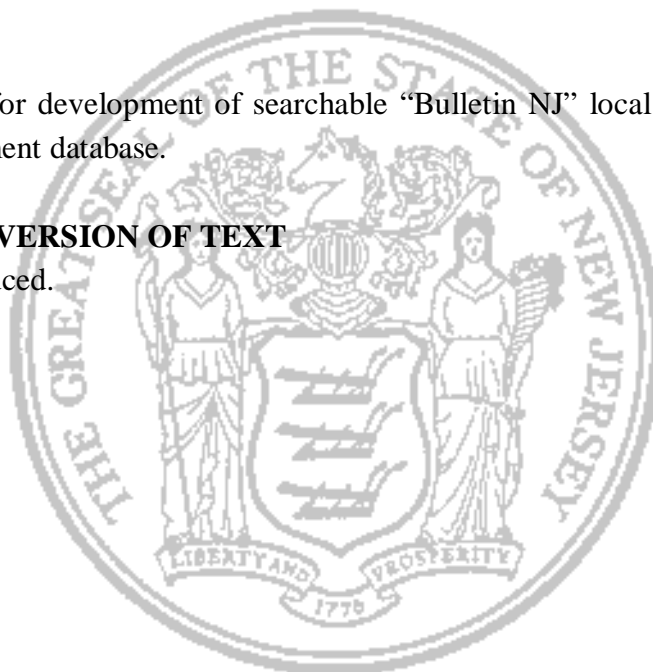
Assemblymen Fuentes, O'Donnell, Caputo, Johnson, Assemblywoman Tucker, Assemblymen Conaway, Schaer, Assemblywoman Riley, Assemblyman Greenwald, Assemblywomen Pou, Spencer, Assemblymen Giblin, Burzichelli, Assemblywomen Quigley, Wagner, Assemblyman Benson and Assemblywoman Lampitt

SYNOPSIS

Provides for development of searchable "Bulletin NJ" local public bidding and employment database.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/11/2011)

1 AN ACT concerning the development of a searchable local public
2 bidding and employment database and supplementing P.L.1971,
3 c.198.

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

7
8 1. a. The Department of Community Affairs, in consultation
9 with the Office of Information Technology, shall design, develop,
10 and maintain a single, searchable Internet database, to be known as
11 "Bulletin NJ," that contains and displays information on
12 employment opportunities, requests for proposals, and other
13 government procurement opportunities published by a contracting
14 unit.

15 b. Each entry in the Internet database shall include the
16 following:

17 (1) a detailed description of the services required;

18 (2) the format and procedure to be followed in submitting
19 proposals;

20 (3) the specific information which qualified vendors must
21 provide in the proposal;

22 (4) a statement setting forth the relative importance of factors,
23 including cost, which the contracting unit will consider in
24 evaluating a proposal submitted by a qualified vendor;

25 (5) the date and time of day by which, and the place at which, the
26 proposals shall be submitted to the contracting unit; and

27 (6) any other information which the contracting unit deems
28 appropriate.

29 c. In addition to the requirements specified in subsection a. of
30 this section, the Internet database shall:

31 (1) be accessible from the Department of Community Affairs
32 Internet website;

33 (2) display all of the information enumerated by subsection b. of
34 this section;

35 (3) be organized primarily by the name of the contracting unit
36 publishing the request for proposals;

37 (4) be reviewed and updated at least once per month or more
38 frequently as new information becomes available or changes are
39 necessary; and

40 (5) provide an opportunity for the public to submit input and
41 feedback concerning the utility of the Internet database and
42 recommendations for its improvement.

43 d. All contracting units are directed to submit information on
44 all employment opportunities and requests for proposals to the
45 Department of Community Affairs and the Office of Information
46 Technology in order to comply with the requirements of this
47 section. Any changes to a request for proposals or in the status of

1 the request shall be promptly reported to the Department of
2 Community Affairs.

3 e. Nothing in this section shall require the disclosure of
4 information deemed confidential by State or federal law.

5
6 2. This act shall take effect immediately, but section 1 shall
7 remain inoperative until July 1, 2011.

8

9

10 STATEMENT

11

12 This bill requires the State Department of Community Affairs, in
13 consultation with the Office of Information Technology, design,
14 develop, and maintain a single, searchable Internet database, to be
15 known as "Bulletin NJ," that contains and displays information on
16 employment opportunities, requests for proposals, and other
17 government procurement opportunities published by a contracting
18 unit.

19 Under the provisions of this bill, the Internet database will
20 provide prospective bidders with the following information: (1) a
21 detailed description of the services required; (2) the format and
22 procedure to be followed in submitting proposals; (3) the specific
23 information which qualified vendors must provide in the proposal;
24 (4) a statement setting forth the relative importance of factors,
25 including cost, which the contracting unit will consider in
26 evaluating a proposal submitted by a qualified vendor; (5) the date
27 and time of day by which, and the place at which, the proposals
28 shall be submitted to the contracting unit; and (6) any other
29 information which the contracting unit deems appropriate.

30 By July 1, 2011 the Internet database will be available to the
31 public and must: (1) be accessible from the Department of
32 Community Affairs Internet website; (2) display all of the
33 information enumerated by subsection b. of this section; (3) be
34 organized primarily by the name of the contracting unit publishing
35 the request for proposals; (4) be reviewed and updated at least once
36 per month or more frequently as new information becomes available
37 or changes are necessary; and (5) provide an opportunity for the
38 public to submit input and feedback concerning the utility of the
39 Internet database and recommendations for its improvement.

40 The development of an Internet database will provide
41 prospective bidders with an easily accessible and comprehensive
42 "one stop" source of current information on local employment
43 opportunities and requests for proposals. This bill would improve
44 transparency in local government and make it easier for citizens,
45 groups, and local governments to access information concerning
46 employment opportunities and public bidding.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3128

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2010

The Assembly Budget Committee reports favorably Assembly Bill No. 3128.

Assembly Bill No. 3128 requires the Department of Community Affairs (DCA), in consultation with the Office of Information Technology, design, develop, and maintain a single, searchable Internet database, to be known as "Bulletin NJ," that contains and displays information on employment opportunities, requests for proposals, and other government procurement opportunities published by a contracting unit.

Under the provisions of this bill, the Internet database will provide prospective bidders with the following: (1) a detailed description of the services required; (2) the format and procedure to be followed in submitting proposals; (3) the specific information which qualified vendors must provide in the proposal; (4) a statement setting forth the relative importance of factors, including cost, which the contracting unit will consider in evaluating a proposal submitted by a qualified vendor; (5) the date and time of day by which, and the place at which, the proposals shall be submitted to the contracting unit; and (6) any other information which the contracting unit deems appropriate.

By July 1, 2011 the Internet database will be available to the public and must: (1) be accessible from the DCA Internet website; (2) display all of information enumerated by subsection b. of this section; (3) be organized primarily by the name of the contracting unit publishing the request for proposals; (4) be reviewed and updated at least once per month or more frequently as new information becomes available or changes are necessary; and (5) provide an opportunity for the public to submit input and feedback concerning the utility of the Internet database and recommendations for its improvement.

An Internet database will provide prospective bidders with an easily accessible and comprehensive "one stop" source of current information on local employment opportunities and requests for proposals. This bill would improve transparency in local government and make it easier for citizens, groups, and local governments to

access information concerning employment opportunities and public bidding.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.