

CHAPTER 74

AN ACT concerning the award of State contracts to multiple bidders and amending P.L.1986, c.26.

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

1. Section 1 of P.L.1986, c.26 (C.52:34-12.1) is amended to read as follows:

C.52:34-12.1 Awarding of contracts to multiple bidders.

1. a. When awarding contracts pursuant to section 7 of P.L.1954, c.48 (C.52:34-12), the Director of the Division of Purchase and Property may make awards to multiple bidders, to furnish the same or similar materials, supplies, services or equipment, where multiple bidders are necessary:

- (1) to furnish the quantities required by using agencies;
- (2) to provide expeditious and cost-efficient local deliveries to using agencies;
- (3) to enable using agencies to purchase materials, supplies, services or equipment which are compatible with those previously purchased;
- (4) to provide for standardization of equipment, interchangeability of parts or continuation of services;

or

(5) to provide using agencies or participants in cooperative purchasing arrangements with a diversity of product choices to meet the collective safety, environmental or technological needs of such agencies or cooperative purchasers.

b. The director may determine whether the anticipated use of a contract by entities authorized by law to participate in cooperative purchasing arrangements with the State justifies awarding a contract to multiple bidders on the basis of any one or more of the criteria set forth in subsection a. of this section.

c. Where multiple contracts have been awarded pursuant to subsection a. of this section, a using agency shall make purchases from that contractor whose contract terms and conditions are most advantageous to the agency, price and other factors considered.

d. All purchases made by using agencies under subsection c. of this section shall be reported to the director, in a manner prescribed by the director. The report shall include the reasons for selecting a particular contractor under subsection c. of this section.

e. Any multiple award shall be made only to the number of contractors necessary to serve the needs of using agencies and cooperative purchasers for the service, item or group of items that is the subject of the award. This provision, however, does not limit in any way the director's discretion to structure an invitation to bid to encompass more than one service, item or group of items and to award the number of contracts contemplated by the invitation to bid.

2. This act shall take effect immediately.

Approved July 24, 2000.