

CHAPTER 367

AN ACT concerning State contracts for the purchase of goods and services involving wood and paper products, and supplementing Title 52 of the Revised Statutes.

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

C.52:32-45 Preference in contracts for wood, paper products derived from sustainably managed forests, procurement systems.

1. a. Notwithstanding the provisions of any other law to the contrary, the Director of the Division of Purchase and Property in the Department of the Treasury, the Director of the Division of Property Management and Construction in the Department of the Treasury, or any State agency having authority to contract for the purchase of goods or services, shall whenever possible give preference to wood or paper products derived from sustainably managed forests or procurement systems when entering into or renewing a contract for the purchase of such goods or related services. Any preference provided pursuant to this subsection may not supersede any preference given to recycled paper and paper products pursuant to P.L.1987, c. 102 (C.13:1E-99.11 et seq.).

In preparing the specifications for any contract for the purchase of goods and services the Director of the Division of Purchase and Property, the Director of the Division of Property Management and Construction, or any State agency having authority to contract for the purchase of goods or services shall include in the invitation to bid, where relevant, a statement that any response to the invitation that proposes or calls for the use of wood or paper products derived from sustainably managed forests or procurement systems shall receive preference whenever possible.

b. The provisions of subsection a. of this section shall not apply:

(1) To any binding contractual obligations for the purchase of goods or services entered into prior to the effective date of this act;

(2) To bid packages advertised and made available to the public, or to any competitive and sealed bids received by the State, prior to the effective date of this act; or

(3) To any amendment, modification, or renewal of a contract, which contract was entered into prior to the effective date of this act where the application would delay timely completion of a project or involve an increase in the total moneys to be paid by the State under that contract.

c. For the purposes of this act, "derived from sustainably managed forests or procurement systems" means the source of the wood or paper product is a forest or system for procuring wood or paper products that is certified by an independent third party using one or more of the following certification programs or standards:

(1) The Sustainable Forestry Initiative program;

(2) The American Forest Foundation American Tree Farm System program;

(3) The sustainable forest management system standards of the Canadian Standards Association;

(4) The Forest Stewardship Council certification program;

(5) The Pan-European forest certification system;

(6) The Finnish Forest Certification System;

(7) The United Kingdom Woodland Assurance Standard;

(8) The International Organization for Standardization (ISO) standard 14001; or

(9) Any other certification program or standard that the State Treasurer or the Commissioner of Environmental Protection determines may be used to certify that wood or paper products are derived from sustainably managed forests or procurement systems.

C.52:32-46 Procedures conduct; rules, regulations.

2. a. The State Treasurer, in consultation with the Commissioner of Environmental Protection, shall establish any procedures or conduct any review necessary to determine that wood or paper products are derived from sustainably managed forests or procurement systems for the purposes of implementing the provisions of section 1 of this act and ensuring proper compliance with the requirements therein.

b. The State Treasurer, in conjunction with the Commissioner of Environmental Protection, may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations necessary to implement the provisions of this act.

3. This act shall take effect immediately.

Approved January 12, 2006.