

CHAPTER 225

AN ACT concerning the construction of school facilities projects and supplementing P.L.2000, c.72 (C.18A:7G-1 et al.).

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

C.18A:7G-41.1 Definitions relative to construction of school facilities projects; competition for contracts.

1. a. As used in this section:

“affiliate” means any firm or person having an overt or covert relationship such that any one of them directly or indirectly controls or has power to control another;

“firm” or “person” means any natural person, association, company, contractor, corporation, joint stock company, limited liability company, partnership, sole proprietorship, or other business entity, including their assignees, lessees, receivers, or trustees.

b. The New Jersey Schools Development Authority shall not restrict the ability of a firm or person that holds a valid classification or a valid prequalification, as applicable, issued by the Division of Property Management and Construction in the Department of the Treasury from competing for contracts or other work in any of the construction categories or trades or specific professional disciplines for which the firm or person holds a classification or prequalification.

Nothing in this section shall be construed to prohibit the development authority from requiring the prequalification of a firm or person by the development authority in accordance with the provisions of section 59 of P.L.2000, c.72 (C.18A:7G-33).

c. Notwithstanding any provision of subsection b. of this section to the contrary, a firm or person or an affiliate thereof shall not serve as a general contractor or as a subcontractor or as a subconsultant on an authority project for which the firm or person serves as the construction manager.

2. This act shall take effect immediately.

Approved January 16, 2010.