

A 3503 -- Redline

Introduced to Committee Substitute -- Requires State entities purchase five percent of goods and services from Central Nonprofit Agency; requires Division of Purchase and Property establish training protocols for all purchasing agents; grants Central Nonprofit Agency right of first refusal.*

Deletions ~~struck~~ · Insertions underlined

A3503 ACS ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No.

3503 STATE OF NEW JERSEY 22nd LEGISLATURE ~~PRE-FILED~~ADOPTED FOR FEBRUARY INTRODUCTION19, IN THE 2026 ~~SESSION~~ Sponsored by:

~~Assemblywoman~~Assemblywoman YVONNE LOPEZ District 19 (Middlesex) ~~Assemblyman~~Assemblyman CLINTON CALABRESE District 36 (Bergen and Passaic) ~~Assemblyman~~Assemblyman WILLIAM B.

Assemblyman Schnall, Assemblywomen Peterpaul, Donlon, Katz, Haider, Swain, Reynolds-Jackson, Tucker, Assemblyman Miller, Assemblywoman McCoy, Assemblymen Karabinchak, Peterson, Singh, Freiman, McClellan, Sauickie, Scharfenberger, Assemblywomen Fantasia, Park, Assemblyman ~~Kearney~~Kearney, Assemblywomen Drulis, Speight, Carter, Rowan, Brennan, Assemblyman Walker and Assemblywoman ~~Drulis~~Simmons

SYNOPSIS Requires ~~public~~State entities purchase five percent of goods and services from Central Nonprofit Agency;

CURRENT VERSION OF TEXT ~~Introduced~~Substitute Pending as Technicaladopted ~~Review~~ by ~~Legislative~~the ~~Council~~Assembly State and Local Government Committee.

An Act concerning the purchase of goods and services by public entities from the Central Nonprofit Agency, amending P.L.1981, c.488 and P.L.2021, c.385, and supplementing chapter 6 of Title 30 of the Revised Statutes.

1. Section ~~8~~7 of P.L.1981, c.488 (~~C.30:6-30~~)(C.30:6-29) is amended to read as follows:

~~8.~~7. ~~State~~The agencies ~~functions~~ and ~~political~~operations ~~subdivisions~~ of the ~~State~~Central Nonprofit Agency shall ~~[make include about goodnot faithbe effortlimited to]~~to procure, the pursuant following: to ~~section a.~~ 1. Receiving of and P.L.2021, processing c.385 all (C.30:6-30.1), applications five from percent approved rehabilitation facilities for the setting aside of their specific goods commodities and services through to be provided by the Central applying Nonprofit facilities; Agency fromb. those Reviewing commodities and certifying the capabilities of an applying facility to provide a specific commodity or service in keeping with quality standards, quantity and services timely which delivery have requirements; been setc. aside Preparing for a purchase detailed from annual approved report rehabilitation for facilities, submission to the council;

d. Establishing and publishing a list of commodities and services provided by approved facilities, with timely revisions for distribution to all purchasing agents of the State [and], its political subdivisions, and State contractors;

and e. Developing and supporting relationships between approved facilities and commercial entities that frequently receive State contracts in order to promote the use of approved facilities as subcontractors. (cf:

P.L.1991, c.147, s.6) 2. Section 8 of P.L.1981, c.488 (C.30:6-30) is amended to read as follows:

8. State agencies [and political subdivisions of the State] shall [make a good faith effort to] procure, pursuant to section 1 of P.L.2021, c.385 (C.30:6-30.1), five percent of their goods and services through the Central Nonprofit Agency from those commodities and services which have been set aside for purchase from approved rehabilitation facilities. All political subdivisions of the State shall make a good faith effort to procure, pursuant to section 1 of P.L.2021, c.385 (C.30:6-30.1), five percent of their goods and services through the Central Nonprofit Agency from those commodities and services which have been set aside for purchase from approved rehabilitation facilities.

P.L.2021, c.385, s.2) — 2—3. Section 1 of P.L.2021, c.385 (C.30:6-30.1) is amended to read as follows:

1—1. a.

b. b. Notwithstanding any law, rule, or regulation to the contrary, all political subdivisions of the State ~~and [and] local government entities, entities]~~, including counties, municipalities, school districts, quasi-State agencies, State and county colleges, volunteer fire departments, volunteer first aid and rescue squads, public authorities, commissions, and independent institutions of higher learning, that are authorized to make purchases as provided in the cooperative purchase program pursuant to section 3 of P.L.1969, c.104 (C.52:25-16.1) and section 12 of P.L.1971, c.198 (C.40A:11-12), as well as all agencies, commissions, boards, and other entities that are authorized to make joint purchases with the Director of the Division of Purchase and Property as provided in section 1 of P.L.1959, c.40 (C.52:27B-56.1), shall also ~~[make make]~~ a good faith effort ~~to] to~~ purchase five percent of their goods and services from the Central Nonprofit Agency.

c. c. The State Treasurer shall take the necessary steps to coordinate the implementation of the terms of this section. The State Treasurer is authorized to call upon any department, office, or agency

of State government to provide such information, resources, or other assistance deemed necessary to discharge the State Treasurer's responsibilities under this section. Each department, office, division, and agency of this State is required to cooperate with the State Treasurer and to furnish the State Treasurer with assistance necessary to accomplish the purposes of this section.

d. The Division of Purchase and Property in the Department of the Treasury shall submit a report of purchasing data to the Central Nonprofit Agency for the Rehabilitation Facilities Set-Aside program no more than six months after the effective date of P.L. _____, c. _____ (pending before the Legislature as this bill), and on a quarterly basis thereafter, to detail compliance with the requirements of this section.

~~e.~~ e. The Department of the Treasury shall report annually to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), detailing the compliance of State government entities and political subdivisions required to meet the purchasing thresholds established pursuant to this section.

~~The _____ Department of the Treasury shall report annually to the Governor, in collaboration and with to the Legislature pursuant to section _____, c. _____ (pending before the Legislature as this bill), detailing the compliance of State and local government entities and political subdivisions, required to meet the purchasing thresholds established pursuant to this section.~~

~~f. The Division of Purchase and Property shall, in collaboration with the Central Nonprofit Agency, establish training protocols for all purchasing agents employed by State or local government entities or political subdivisions, including all employers enumerated in subsections a.~~

of this section, required to meet the purchasing thresholds established pursuant to this section. The purpose of the training protocols shall be to increase awareness of the Rehabilitation Facilities Set-Aside program and the role of the Central Nonprofit Agency. The training protocols shall be required for all newly hired purchasing agents and shall be renewed biennially to ensure continued compliance and collaboration. The training may be performed in-person or remotely. Each State government entity and political subdivision, including all employers enumerated in subsections a.

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g. Compliance with the requirements of this section shall not be required until the Department of the Treasury, in consultation with the Division of Purchase and Property and the Central Nonprofit Agency, promulgates training protocols, written standards, guidelines, and procedures governing the provision, pricing, availability, and procurement of goods and services through the Central Nonprofit Agency. The department shall issue the guidelines no later than 90 days following the effective date of P.L. _____, c. _____ (pending before the Legislature as this bill). The guidelines shall be publicly posted and transmitted to all State government entities and political subdivisions subject to P.L. _____, c. _____ (pending before the Legislature as this bill) at least 60 days prior to the commencement of any compliance period. The guidelines issued pursuant to this subsection shall include, at a minimum:

(1) a description of the goods and services offered through the Central Nonprofit Agency;

(2) pricing and quality standards;

(3) procurement and ordering procedures;

(4) availability, delivery, and performance expectations;

and (5) criteria for determining when procurement outside the Central Nonprofit Agency may be permitted.

P.L.2021, c.385, s.1)

~~3.4.~~

~~(New section) Notwithstanding a. any other law, rule, or regulation to the contrary, the Central Nonprofit Agency shall have a right of first refusal for all goods and services that may otherwise be purchased through a cooperative purchasing agreement catalog so long as the Central Nonprofit Agency can deliver the goods or services that would otherwise be purchased through a cooperative purchasing agreement catalog at a price that is within 15 percent of fair market value.~~

Notwithstanding 4. any This other act law, rule, or regulation to the contrary, the Central Nonprofit Agency shall take have effect a immediately right of first refusal for all goods and services that are currently provided, or may otherwise be purchased, through a cooperative purchasing agreement catalog, so long as the Central Nonprofit Agency can deliver the goods or services that would otherwise be provided or purchased through a cooperative purchasing agreement catalog at a price that is within 15 percent of fair market value.

~~STATEMENT Under b. current (1) law, The State Central and Nonprofit local Agency government may agencies request and that political the subdivisions Director of the State Division that of are Purchase~~

~~authorized to purchase goods and services. Property are in required the to Department make of a the good Treasury faith set effort aside to any purchase five percent of such goods and or services through for the approved Central Facilities Nonprofit Agency, long as an agency the established price by for the such "Rehabilitation goods Facilities or Set-Aside services Act," provided under by the bill, approved such facility State is and within local 15 government percent agencies and political subdivisions of the fair State market will value be provided required through to any purchase cooperative five contract percent in of which goods and services through the Central State Nonprofit participates. Agency.~~

~~The (2) bill If clarifies approved reporting by and oversight requirements. Under the bill, Commodities the Division of Purchase and Property Services Council in the Department of the Human Treasury Services, must such submit goods and report services of shall purchasing be data removed to from the any Central applicable Nonprofit cooperative Agency purchasing for agreement the in Rehabilitation which Facilities Set-Aside program no more than six months after the effective State date participates of this bill, and on shall instead quarterly be basis procured thereafter. from In an addition, approved the facility Department in of order the Treasury will be required to report fulfill annually to the Governor purpose and of the Legislature "Rehabilitation detailing Facilities the Set-Aside compliance Act," of P.L. 1991, State c. 147 and (C.30:6-33 local et government seq.). entities and political subdivisions with the purchasing thresholds.~~

~~The c. bill Any also good provides or service that the Division Central of Nonprofit Purchase Agency and has Property, approved in a collaboration community with rehabilitation the provider Central to Nonprofit provide Agency, shall must be establish made training available protocol to for all purchasing State agents government employed entities by for State purchase or local contract, government as entities is any good or political service subdivisions purchased required or to contracted meet through the a cooperative purchasing thresholds, agreement pursuant to paragraph (3) of subsection b.~~

~~The bill also provides that the Central Nonprofit Agency will have a right of first section refusal 7 for all goods and services that may otherwise be purchased through a cooperative purchasing agreement catalog so long as the Central Nonprofit Agency can deliver the goods or services that would otherwise be purchased through a cooperative purchasing agreement catalog at a price that is within 15 percent of fair P.L. 1996, market c. 16 value. (C.52:34-6.2).~~

~~The d. "Rehabilitation Nothing Facilities in Set-Aside this Act" section assists shall persons be who construed are to blind compromise or the have status of a severe facility disability approved with to achieving provide maximum goods personal or independence services. through The productive Central employment Nonprofit by Agency assuring shall have continuous the market right to for to their reject goods any and offer services, made which by are a produced State at government qualified entity rehabilitation to facilities purchase and or distributed contract through for the goods Central or Nonprofit services, Agency. if The accepting Central such Nonprofit offer Agency would is compromise designated the by facility's the approval Commissioner issued of by the Department Central of Nonprofit Human Agency. Services If to facilitate the distribution Central of Nonprofit orders Agency received rejects from many various such State offer agencies pursuant to as to provided this in subsection, the "Rehabilitation State Facilities government Set-Aside entity Act." shall This be bill authorized further to the procure goals of the "Rehabilitation goods Facilities or Set-Aside services Act" through to any assist other in means the as productive provided employment by of law. individuals with special needs.~~

5.

(New section) a.

The Central Nonprofit Agency and the Division of Purchase and Property in the Department of the Treasury shall jointly develop rules and guidelines to identify components of new and existing contracts, regardless of the type or instrument, where goods and services provided by the Central Nonprofit Agency are to be used and shall jointly develop language for the contracts requiring the use of the goods and services to ensure meaningful employment opportunities for people with disabilities through the Central Nonprofit Agency, as well as satisfying the needs of the State and its instrumentalities.

b. The Director of the Division of Purchase and Property in the Department of the Treasury shall promulgate rules and regulations, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C.52:14B-1 et seq.), necessary to implement the provisions of this section.

6. This act shall take effect immediately.