

SENATE, No. 3092

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED NOVEMBER 10, 2011

Sponsored by:

Senator DONALD NORCROSS

District 5 (Camden and Gloucester)

SYNOPSIS

Provides explicit authorization for the Schools Development Authority to use the design/build/operate/maintain procurement model for school facilities projects.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the project delivery methods of the New Jersey
2 Schools Development Authority and supplementing P.L.2007,
3 c.137.

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

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8 1. a. Notwithstanding the provisions of section 9 of P.L.2007,
9 c.137 (C.52:18A-243) or any other provision of law to the contrary,
10 the development authority may utilize a
11 design/build/operate/maintain project delivery method for school
12 facilities projects. If it determines to utilize this project delivery
13 method, the development authority shall award the contract to the
14 responsible bidder for the single contract whose bid, conforming to
15 the invitation for bids, is the most advantageous to the development
16 authority, price and other factors considered.

17 b. As used in this section:

18 "Design/Build/Operate/Maintain" means a single contract under
19 which the contractor is responsible for the design and construction,
20 as well as the operation and maintenance of a school facilities
21 project;

22 "Other factors" means other factors as defined in subsection d. of
23 section 9 of P.L.2007, c.137 (C.52:18A-243).

24 c. The development authority shall adopt rules and regulations
25 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
26 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

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28 2. This act shall take effect immediately.

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31 STATEMENT

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33 This bill would explicitly permit the New Jersey Schools
34 Development Authority (SDA) to use the project delivery method
35 known as "design/build/operate/maintain" (DBOM) to construct
36 public schools in this State. Under this procurement process, the
37 SDA would advertise and receive bids in the form of a single
38 contract under which the contractor would be responsible for the
39 design and construction, as well as the operation and maintenance
40 of the school facilities project. If it determines to utilize this project
41 delivery method, the SDA would award the contract to the
42 responsible bidder whose bid, conforming to the invitation for bids,
43 is the most advantageous to the SDA, price and other factors
44 considered.

45 The use of the DBOM procurement process is designed to
46 streamline the procurement, design, construction, and maintenance
47 of school facilities projects. This method of procurement obviates
48 the need for the SDA to deal with multiple vendors and narrows the

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1 chain of accountability to one party – the DBOM entity. The
2 DBOM method also relieves the SDA districts, formerly referred to
3 as Abbott districts, from the burden of maintaining schools after
4 construction is completed.