ASSEMBLY, No. 453

STATE OF NEW JERSEY
220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:
Assemblyman EDWARD H. THOMSON
District 30 (Monmouth and Ocean)
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SYNOPSIS
Requires State to purchase personal protective equipment from in-State companies.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.
AN ACT concerning the purchase of personal protective equipment
by the State and supplementing chapter 32 of Title 52 of the
Revised Statutes.

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

1. Notwithstanding the provisions of any law, rule, or
regulation to the contrary, whenever the Director of the Division of
Property Management and Construction, the Director of the
Division of Purchase and Property, or the head of any State agency
shall consider bids on any contract for the purchase of personal
protective equipment that is publicly advertised for bids, the
director or the head of a State agency shall award the contract to the
responsible bidder that has its principal place of business in the
State and whose bid, conforming to the invitation for bids, will be
most advantageous to the State, price and other factors considered.
If no bidder having its principal place of business in this State
has submitted a bid, the contract shall be awarded to the responsible
bidder whose bid, conforming to the invitation for bids, will be
most advantageous to the State, price and other factors considered.
Any specifications for the provision or performance of goods or
services under this section shall be drafted in a manner to encourage
free, open, and competitive bidding.
Any specification which knowingly excludes prospective bidders
by reason of the impossibility of performance, bidding, or
qualifications by any but one bidder shall be null and void and of no
effect.
Nothing in this act shall be construed to limit the State and State
agencies from purchasing personal protective equipment during
periods of public exigency, pursuant to section 5 of P.L.1954, c.48
(C.52:34-10).

As used in this section:
“State agency” means any principal department in the Executive
Branch of State government, and any division, board, bureau,
office, commission, or other instrumentality within or created by
such department, and any independent State authority, commission,
instrumentality, or agency, other than in the Legislative or Judicial
Branches of State government, which is authorized by law to award
public contracts.
“Personal protective equipment” means protective clothing,
helmets, goggles, masks, or other garments or equipment designed
to protect the wearer’s body from injury or infection.
The State Treasurer shall adopt such rules and regulations,
pursuant to the “Administrative Procedure Act, P.L.1968, c.410
(C.52:14B-1 et seq.), as may be necessary to implement the
provisions of this section.
2. This act shall take effect immediately.

STATEMENT

Personal protective equipment (PPE) is protective clothing, helmets, goggles, masks, or other garments or equipment designed to protect the wearer’s body from injury or infection. The State has had to increase its purchase of PPE during the public health emergency and state of emergency due to the COVID-19 pandemic. PPE has been critical for medical and emergency services workers during the COVID-19 pandemic. Other essential workers, such as grocery store employees and warehouse workers, have also benefitted from the use of PPE.

This bill requires the State to purchase PPE from in-State companies. If no responsible and advantageous bidder having its principal place of business in this State has submitted a bid for a contract, the contract will be awarded to the out-of-State bidder that would be most advantageous to the State, price and other factors considered. This bill would not require PPE to be purchased from in-State companies during public emergencies when the immediate delivery of supplies is necessary.