

ASSEMBLY, No. 5530

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 5, 2023

Sponsored by:
Assemblyman HERB CONAWAY, JR.
District 7 (Burlington)

SYNOPSIS

Establishes State and local government purchasing and use requirements for cybersecurity systems.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the purchase and use of cybersecurity systems
2 and supplementing Title 52 of the Revised Statutes and
3 P.L.1971, c.198.

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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. The Division of Purchase and Property in the
9 Department of the Treasury shall award a Statewide cybersecurity
10 system contract for use by all State agencies. The contract shall
11 include a provision to allow for the purchase and use by any local
12 contracting unit. The local contracting unit shall submit
13 notification of purchase and use to the Division of Purchase and
14 Property.

15 b. Notwithstanding the provisions of any other law, rule, or
16 regulation to the contrary, the Director of the Division of Purchase
17 and Property, the Chief Technology Officer of the Office of
18 Information Technology in the Department of the Treasury, and any
19 State agency having authority to contract for the purchase of goods
20 or services, shall, whenever technically feasible, use or require the
21 use of the Statewide cybersecurity contract, before entering into a
22 separate contract for the purchase of cybersecurity systems.

23 c. The Office of Information Technology shall develop and
24 publish on its website standards for cybersecurity systems to be
25 used when implementing the requirement established pursuant to
26 subsections a. and b. of this section. The standards shall be
27 equivalent to the standards of the National Institute of Standards
28 and Technology or any other substantially similar federal entity.

29 d. When preparing the specifications for a contract for the
30 purchase of cybersecurity systems, the Division of Purchase and
31 Property or any other State agency shall include in the invitation to
32 bid, when relevant, a statement that any response to the invitation
33 shall provide a cybersecurity system that meets the standards
34 developed and published by the Office of Information Technology.

35 e. The provisions of this section shall not apply to:

36 (1) any binding contractual obligations for the purchase of
37 goods or services entered into prior to the effective date of this act,
38 P.L. , c. (C.) (pending before the Legislature as this bill);

39 (2) requests for proposals advertised to the public prior to the
40 effective date of this act;

41 (3) any amendment, modification, or renewal of a contract,
42 when the contract was entered into prior to the effective date of this
43 act and when the application of this act would delay timely
44 completion of a project or involve an increase in the total costs to
45 be paid by the State under that contract; or

46 (4) a contract when the Director of the Division of Purchase and
47 Property, the Chief Technology Officer of the Office of Information
48 Technology, or the head of any State agency having authority to

1 contract for the purchase of goods or services determines, in their
2 sole discretion, that the use of the Statewide contract for
3 cybersecurity systems would increase the cost of the contract by an
4 unreasonable amount.

5 f. As used in this section:

6 “Cybersecurity system” means the application of technologies,
7 processes, and controls to protect systems, networks, programs,
8 devices, and data from unauthorized access or criminal use.

9 “State agency” means any of the principal departments in the
10 Executive Branch of the State Government, and any division, board,
11 bureau, agency, office, commission, authority, or other
12 instrumentality within or created by such department.

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14 2. a. Notwithstanding the provisions of any other law,
15 rule, or regulation to the contrary, a local contracting unit having
16 authority to contract for the purchase of goods or services in
17 accordance with the “Local Public Contracts Law,” P.L.1971, c.198
18 (C.40A:11-1 et seq.) shall, whenever technically feasible, use or
19 require the use of the Statewide cybersecurity contract awarded
20 pursuant to subsection a. of section 1 of P.L. , c. (C.)
21 (pending before the Legislature as this bill), before entering into a
22 separate contract for the purchase of cybersecurity systems.

23 b. When preparing the specifications for a contract for the
24 purchase of cybersecurity systems, the local contracting unit shall
25 include in the invitation to bid, when relevant, a statement that any
26 response to the invitation shall provide a cybersecurity system that
27 meets the standards developed and published by the Office of
28 Information Technology pursuant to subsection c. of section 1 of
29 this act.

30 c. The provisions of this section shall not apply to:

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

33 (2) requests for proposals advertised to the public prior to the
34 effective date of this act;

35 (3) any amendment, modification, or renewal of a contract,
36 when the contract was entered into prior to the effective date of this
37 act and when the application of this act would delay timely
38 completion of a project or involve an increase in the total costs to
39 be paid by the municipality under that contract; or

40 (4) a contract when the local contracting unit determines, in its
41 sole discretion, that the use of the Statewide contract for
42 cybersecurity systems would increase the cost of the contract by an
43 unreasonable amount.

44 d. As used in this section, “cybersecurity system” means the
45 application of technologies, processes, and controls to protect
46 systems, networks, programs, devices, and data from unauthorized
47 access or criminal use.

1 3. This act shall take effect immediately.

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STATEMENT

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6 This bill establishes State and local government purchasing and
7 use requirements for cybersecurity systems.

8 Under this bill, “cybersecurity system” means the application of
9 technologies, processes, and controls to protect systems, networks,
10 programs, devices, and data from unauthorized access or criminal
11 use.

12 This bill requires the Division of Purchase and Property in the
13 Department of the Treasury to award a cybersecurity contract for
14 use by all State agencies. Any State agency or local contracting
15 unit will be required to, whenever technically feasible, use or
16 require the use of this Statewide cybersecurity contract.

17 This bill also requires the Office of Information Technology to
18 develop and publish cybersecurity system standards on its website,
19 which must be equivalent to the standards of the National Institute
20 of Standards and Technology or any other substantially similar
21 federal entity.

22 In preparing specification for a contract, the Division of
23 Purchase and Property or any State agency or a local contracting
24 unit will be required to include in an invitation to bid, when
25 relevant, a statement that any response to the invitation has to
26 provide a cybersecurity system that meets the standards developed
27 and published by the Office of Information Technology.

28 This bill will apply to all State agencies in the Executive Branch
29 and counties, municipalities and any board, commission, authority
30 or agency thereof as defined in the Local Public Contracts Law,
31 N.J.S.A.40A:11-1 et seq.