

ASSEMBLY, No. 5644

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 19, 2026

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

SYNOPSIS

Expands requirements for bidders of certain public work projects.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the prevailing wage and amending P.L.2021,
2 c.301.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.2021, c.301 (C.34:11-56.27a) is amended to
8 read as follows:

9 1. a. If a **person** bidder makes the lowest bid for a contract
10 with a public body for public work subject to the provisions of the
11 "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25
12 et seq.) and that bid is ten percent or more lower than the next
13 lowest bid for the contract **[,]** :

14 (1) the **person** bidder making the lowest bid shall **[certify]**
15 provide to the public body **[that the prevailing wage rates required**
16 by that act shall be paid. If the bidder does not provide the
17 certification prior to award of the contract,] and the project
18 architect the full estimate, including, but not limited to material
19 quotes, subcontractor and sub-tier quotes, supervision, insurances,
20 and allowances showing the total bid amount, and issuing a
21 schedule of value;

22 (2) the bidder shall provide to the public body and the project
23 architect:

24 (a) a certification that the prevailing wage rates required by the
25 "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25
26 et seq.) shall be paid, including base wage and fringe benefits,
27 based on applicable wage determinations for the appropriate
28 locality, craft, and classification; a certification that under the
29 penalty of perjury the bidder affirms the statements concerning the
30 bid are true and that the bidder is aware that false statements are
31 subject to criminal penalties;
32 and

33 (c) a certified contract schedule;

34 (3) the bidder and any project subcontractor set forth in section
35 16 of P.L.1971, c.198 (C.40A:11-16) shall provide to the public
36 body and the project architect an affidavit for all of the
37 specifications, drawings, addenda, and clarifications; certificates of
38 insurance coverage including builder's risk and any bonding for the
39 project; a certification that there shall be no substitutions or
40 material changes in the bid; a certification of participation in an
41 approved apprenticeship program; and signed non-debarment
42 documents; and

43 (4) the bidder shall provide to the public body any notice of
44 violation issued by the department that the bidder has received and

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 information concerning any of the bidder's projects that were
2 stopped by the department and the reasons for the stoppage.

3 The bid information required by paragraph (1) of this subsection
4 shall be submitted within three days of receiving notice that the
5 bidder submitted a bid 10 percent or more lower than the next
6 lowest bid. Failure to provide the information within three days
7 shall be cause for the bid to be rejected by the public body. The
8 certifications and information required by paragraphs (2) through
9 (4) of this subsection shall be submitted within five days of
10 receiving notice that the bidder submitted a bid 10 percent or more
11 lower than the next lowest bid. Failure to provide the information
12 within five days shall be cause for the bid to be rejected by the
13 public body. If a bid is rejected for failure to submit certifications
14 or bid information, the public body shall award the contract to the
15 next lowest responsible and responsive bidder. [This certification]
16 The bidder may withdraw a bid from consideration at any time
17 during the process without penalty. Submission of certifications
18 and bid information shall be required only when a public body is
19 engaging in competitive bidding for public work. A public body
20 may engage a third party cost estimator for an evaluation of the bid.

21 b. The Commissioner of Labor and Workforce Development, in
22 consultation with the Division of Local Government Services in the
23 Department of Community Affairs, shall promulgate rules and
24 regulations concerning the standardization of the [certification]
25 certifications and bid information necessary to effectuate the
26 provisions of subsection a. of this section.

27 c. If a public work project is not completed pursuant to the
28 certified contract schedule submitted pursuant to paragraph (2) of
29 subsection a. of this section, all liquidated damages contained in the
30 bid documents shall be charged.

31 d. If a bidder violates any provision of the "New Jersey
32 Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.)
33 while engaged in a public work project, the bidder shall be debarred
34 from bidding on a public work project for one year.

35 (cf: P.L.2021, c.301, s.1)

36
37 2. This act shall take effect immediately.
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40 STATEMENT

41
42 This bill expands requirements concerning information and
43 certifications that the lowest bidder of a public work project must
44 submit when the bid is 10 percent or more lower than the next
45 lowest bid.

46 Under current law, when a bidder makes the lowest bid for a
47 contract with a public body for public work subject to the "New
48 Jersey Prevailing Wage Act," (act) and the bid is 10 percent or more

1 lower than the next lowest bid, the bidder is required to certify to
2 the public body that the prevailing wage will be paid. Failure to
3 certify results in the contract being awarded to the next lowest
4 responsible and responsive bidder. This bill requires a lowest bidder
5 to provide additional certifications and bid information under these
6 circumstances.

7 Under the bill, the bidder is required to provide to the public
8 body and the project architect the full estimate, including, but not
9 limited to material quotes, subcontractor and sub-tier quotes,
10 supervision, insurances, and allowances showing the total bid
11 amount, and issuing a schedule of value.

12 The bill additionally provides that a bidder is required to provide
13 to the public body and the project architect: (1) a certification that
14 the prevailing wage rates required by the act will be paid, including
15 base wage and fringe benefits, based on applicable wage
16 determinations for the appropriate locality, craft and classification;
17 (2) a certification that under the penalty of perjury the bidder
18 affirms the statements concerning the bid are true and that the
19 bidder is aware that false statements are subject to criminal
20 penalties; and (3) a certified contract schedule.

21 The bill further requires the bidder and certain project
22 subcontractors to provide to the public body and the project
23 architect: (1) an affidavit for all of the specifications, drawings,
24 addenda, and clarifications; (2) certificates of insurance coverage
25 including builder's risk and any bonding for the project; (3) a
26 certification that there will be no substitutions or material changes
27 in the bid; (4) a certification of participation in an approved
28 apprenticeship program; and (5) signed non-debarment documents.

29 The bill also requires the bidder to submit to the public body any
30 notice of violation issued by the Department of Labor and
31 Workforce Development that the bidder has received and
32 information concerning any of the bidder's projects that were
33 stopped by the department and the reasons for the stoppage. Failure
34 to submit the full quote within three days and the rest of the
35 certificates and information required by the bill within five days
36 will result in the bid being rejected and the contract awarded to the
37 next lowest responsible and responsive bidder.

38 The bill provides that the bidder may withdraw a bid from
39 consideration at any time during the process without penalty. A
40 public body may engage a third party cost estimator for an
41 evaluation of the bid. Additionally, if a public work project is not
42 completed pursuant to the certified contract schedule submitted
43 pursuant to the bill all liquidated damages contained in the bid
44 documents will be charged. Finally, the bill provides that if a bidder
45 violates any provisions of the act while engaged in a public work
46 project, the bidder will be debarred from bidding on a public work
47 project for one year.