

ASSEMBLY BILL NO. 947
(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 947 (First Reprint) with my recommendations for reconsideration.

This bill would amend the Local Public Contracts Law to require local contracting units to disclose the names of all parties that have received bid documents, once three or more parties have received such documents for a public contract. Because I am concerned that such a requirement could undermine the integrity of the Local Public Contracts Law, which was specifically designed to foster competition and deter fraud and abuse in an effort to ensure the lowest prices for taxpayers, I must object to this proposal.

For nearly two decades, New Jersey courts have protected the identity of bid packet recipients from disclosure on the basis that non-disclosure of the bidders' list is an important tool for municipalities to combat bid rigging. Instead, I believe that a better approach makes the disclosure of the identities of bid recipients permissive rather than mandatory. As such, I am recommending that this bill be amended to provide local contracting units with this discretion. If a local contracting unit is concerned about bid rigging, it will retain the right to withhold the list and protect its taxpayers. If it is not concerned about collusion, but instead believes that releasing this information would be beneficial for some reason, then it will have the authority to release that information.

Accordingly, I herewith return Assembly Bill No. 947 (First Reprint) and recommend that it be amended as follows:

- Page 3, Section 1, Line 22: Delete "when three or more parties have received bid documents,"
- Page 3, Section 1, Line 23: Delete "shall" and insert "may in its discretion"
- Page 3, Section 1, Line 25: Delete "This information shall be made available in a timely"
- Page 3, Section 1, Line 26: Delete in its entirety
- Page 3, Section 1, Line 37: After "bids" delete "," and insert "or"
- Page 3, Section 1, Line 38: Delete ", or to provide the"
- Page 3, Section 1, Line 39: Delete in its entirety
- Page 3, Section 1, Line 40: Delete "person or by posting that information on its website,"
- Page 4, Section 2, Line 1: Delete "on the first day of the fourth month" and insert "immediately."
- Page 4, Section 2, Line 2: Delete in its entirety

[seal]

Respectfully,

/s/ Chris Christie

Governor

Attest:

/s/ Thomas P. Scrivo

Chief Counsel to the Governor