



STATEMENT OPPOSING S1729 UNLESS AMENDED (WHELAN)

The New Jersey Press Association (“NJPA”) is a non-profit organization incorporated in 1857 under the laws of the State of New Jersey. It has a membership of 16 daily newspapers, 3 affiliate newspapers, over 160 weekly newspapers, over 50 digital news websites, as well as over 60 corporate and non-profit associate members. NJPA respectfully submits this position paper opposing A3626.

S1729, the “Local Unit Electronic Procurement Act,” authorizes the electronic purchase of certain commodities and services and the sale of certain property by local units of government and school districts. Section 6(b) of the Bill provides, in part:

With regard to the otherwise required notices, advertising bids, or requests for proposals in an official newspaper of the local unit, such notices shall not be eliminated, but may be limited to a notice announcing the purpose of the action, due date, and location of the full notice that is posted on a website.

NJPA objects to the language set forth in this Section, which allows notices, advertising bids and requests for proposals, which are currently required to be published, in full, in official newspapers, to be limited to notices that announce the purpose of the action, due date, and location of the full notice, which is posted on a website.

This language will likely prevent some people who are interested in viewing the full text of a notice from doing so. Indeed, this language will effectively thwart the efforts of, among others, the elderly and the poor who may not have access to a computer and/or may not be computer literate. It is important that these notices, which provide information about local government, be readily accessible to the public, which that government serves. Requiring people to go through the additional step of searching the Internet in order to view the full text of a notice does not facilitate access to that information, but rather obscures it.

Additionally, notices that are placed online can be removed and/or changed, and there is always the risk that the website where the notice is published may be temporarily inaccessible, due to connectivity issues, viruses and/or other Internet-related issues. Notices placed in the newspaper, however, are permanent and can be easily located.

NJPA also objects to the following language, which is also contained in Section 6(b):

The local unit may waive public advertising for electronic procurement of electric generation service, electric related service, gas supply service, or gas related service if notification is made directly to eligible Board of Public Utilities approved providers of such services.

The government should not be permitted to waive public advertising for these services, regardless of whether notification is made to the providers of such services. The public has an interest in knowing the process undertaken by the government to procure these services and has a right to know how, and under what terms and conditions, public dollars are being spent.

For these reasons, NJPA opposes this Bill, unless it is amended so as to remove the language set forth in Section 6(b), as set forth herein.

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