# TOWNSHIP OF BORDENTOWN
## BURLINGTON COUNTY, NEW JERSEY

**TOWNSHIP COMMITTEE:**
**George A. Chidley, *Mayor***
**William J. Morelli, *Deputy Mayor***
**Mark Roselli, *Committeeman***
**Bruce Hill, *Committeeman***
**Robert Delaney, *Committeeman***

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ADMINISTRATOR
LEONARD M. KLEPNER

It is hereby certified that the foregoing ORDINANCE #2006-29 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, BURLINGTON COUNTY, NEW JERSEY PROVIDING FOR AN OPEN AND FAIR PROCEDURE FOR THE AWARD OF PROFESSIONAL SERVICE CONTRACTS was finally adopted by the Township Committee of the Township of Bordentown at a meeting held on November 13, 2006.

Colleen M. Eckert

COLLEEN M. ECKERT, RMC, TWP. CLERK

FILED
JUL 18 2007
NINA MITCHELL WELLS
SECRETARY OF STATE

**ORDINANCE #2006-29**

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, BURLINGTON COUNTY, NEW JERSEY PROVIDING FOR AN OPEN AND FAIR PROCEDURE FOR THE AWARD OF PROFESSIONAL SERVICE CONTRACTS**

**WHEREAS,** the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of certain Contracts without resort to competitive bidding; and

**WHEREAS**, notwithstanding that said law authorizes contracts to be awarded without competitive bidding, the Township Committee of the Township of Bordentown wishes to provide assurances to the public that decisions on hiring certain individuals or firms to provide professional services to the Township are made by employing objective quality-based criteria by which the governing body can properly evaluate the qualifications and credentials of vendors to whom said contracts are awarded; and

**WHEREAS**, the Township Committee intent upon making every effort to ensure that the public has confidence in the honor and integrity of the individuals holding public office and positions, and that elected and appointed officials maintain the highest ethical standards in the conduct of public business on behalf of the residents and taxpayers of the Township of Bordentown; and

**WHEREAS**, the Township Committee and declares it to be in the public interest to advertise for proposals as a prelude to the award of Professional Service Contracts and to establish a comprehensive procedure to review such proposals; and

**WHEREAS**, N.J.S.A. 19:44A-20.5 authorizes a municipality to adopt an open and fair process for the award of Professional Services Contracts; and

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Bordentown, County of Burlington and State of New Jersey that the following standards and criteria are hereby adopted and shall be made applicable to all Contracts awarded and/or confirmed by the Township Committee, its employees and officials, and all Boards, Authorities, Committees appointed, either through the authority of statue or Ordinance, by the Mayor, Committee and/or Administrator.

**SECTION 1. AWARD OF PROFESSIONAL SERVICE CONTRACTS**

A. Purpose & Intent. It is the purpose of this Section that, notwithstanding that Professional Service Contracts and certain other Contracts for goods and services are exempt from the competitive bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Township Council deems it appropriate, and consistent with the provisions of the Local Unit Pay-to-Play law, N.J.S.A. 19:44A-20.3 to 20.12, to henceforth

award such contracts through a competitive, quality-based, open and fair process, unless a specific determination to the contrary is made by the Township Committee.

B. Process for Award of Professional Services. The Township of Bordentown, or any agency or instrumentality thereof, shall not enter into a contract exempt from public bidding requirements, having an anticipated value in excess of Seventeen Thousand Five Hundred Dollars ($17,500) as determined by the municipality, agency or instrumentality, with a business entity if during the preceding one-year period, that business entity has made a contribution that is reportable by the recipient pursuant to N.J.S.A. 19:44A-1 et seq., to any municipal committee of a political party in that municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded or to any candidate committee of any person serving in an elected public office of that municipality when the contract is awarded, except through a contract that is awarded pursuant to a fair and open process as set forth herein. The fair and open process shall be quality-based, and shall be as follows:

1. Professional services may be awarded by virtue of a publicly advertised Request for Qualifications ("RFQ") and/or Request for Proposals ("RFP") which will be issued as one document for those appointments which are made on an annual basis.

2. For said positions, no Contract shall be awarded, unless and until the positions are:

   a. publicly advertised in newspapers or on the internet website maintained by the Township for at least 10 calendar days in advance of the solicitation for the Contracts. The notice must include the following information:

      (i) A description of the requested goods or services;

      (ii) The time, date, and place proposals must be submitted;

      (iii) Contact information for obtaining the proposal document;

      (iv) The name of the government unit requesting the proposal;

      (v) A statement containing the following language:

      This proposal is being solicited

through a fair and open process in accordance with N.J.S.A. 19:44A-20.5;

b. awarded under a process that provides for public solicitation of proposals and qualifications including experience and quality of services;

c. awarded and disclosed under criteria established in writing by the Township of Bordentown prior to the solicitation of proposals or qualifications as set forth in this ordinance; and

d. publicly announced when awarded.

3. For Contracts which arise on an occasional basis, Professional Service Contracts may be awarded without following the foregoing provisions, so long as (1) the anticipated value does not exceed the Seventeen Thousand Five Hundred Dollar ($17,500) threshold set forth above, and (2), the Township Administrator, or Department Director as the case may be, makes every effort to solicit at least two (2) proposals for said work.

C. Exemptions. Notwithstanding the foregoing, should a situation arise, and time does not permit resort to this procedure, and the immediate performance of services is necessary, then an award for same may be made in accordance with the provisions of the Local Public Contracts Law relating to extraordinary unspecified services, and such rules and regulations as may be promulgated, from time to time, by the Township Committee with regard to same. No such emergency contracts, however, may be awarded without submission to the Township Clerk of a certification establishing a basis for the deviation from the procedures outlined herein.

**SECTION 2.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.** In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the ordinance.

**SECTION 4.** This ordinance shall take effect after its final passage and publication according to law.

INTRODUCED: OCTOBER 23, 2006
ADOPTED: NOVEMBER 13, 2006