RESOLUTION NO. 114 - 2006

RESOLUTION ESTABLISHING A FAIR AND OPEN PROCESS FOR THE AWARDING OF PROFESSIONAL SERVICE AGREEMENT AND OTHER AGREEMENTS WITH BUSINESS ENTITIES

WHEREAS, Professional entities and other business entities are exempt from established New Jersey Public bidding laws, specifically said exceptions under N.J.S.A. 40A:11-5; and

WHEREAS, the State of New Jersey has enacted N.J.S.A.19:44A-20.4 *et seq.* for the awarding of contracts between professional and other business entities with public entities under a fair and open process; and

WHEREAS, Deptford Township Municipal Utilities Authority herein adopts, and incorporates by reference the provisions of N.J.S.A.19:44A-20.4 *et seq.*; and

WHEREAS, consistent with the provisions of N.J.S.A. 19:44A-20.7, the Deptford Township Municipal Utilities Authority's determination of what constitutes a fair and open process shall be final and said process is set forth in subsection "A" below establishing the criteria for a fair and open process.

NOW, THEREFORE, BE IT RESOLVED, that the Deptford Township Municipal Utilities Authority on the 21st day of November, 2006 hereby adopts a Resolution to be known as the Resolution Establishing a Fair and Open Process for the Awarding of Professional Service Agreements and Other Agreements with Business Entities as consistent with the provisions of N.J.S.A.19:44A-20.4 *et seq.* and said Resolution shall include:

A. The fair and open process established by the Deptford Township Municipal Utilities Authority shall require the following:

(c) Dates of licensure in the State of New Jersey and any other State;

(d) A listing of any professional affiliations or memberships in any professional societies or organizations, with an indication as to any offices held therein;

(e) The number of licensed professionals employed by/affiliated with the business entity or the business entity which employs the applicant/proposer;

(f) A listing of all special accreditations held by the individual licensed professional or business entity;

(g) A listing of all previous public entities served by the business entity or licensed professional, indicating the dates of services and position held.

4. The Deptford Township Municipal Utilities Authority shall thereafter publicly select the professional or business entity for the position so advertised which shall thereafter be confirmed or approved as required by law.

5. The awarded contracts under a fair and open process shall be publicized on the website of the Deptford Township Municipal Utilities Authority. The contracts awarded under a non-fair and open process shall be published in accordance with N.J.S.A. 40A:11-5.

6. Consistent with the provisions of N.J.S.A. 19:44A-20.7, the Township's determination of what constitutes a fair and open process shall be final. Fair and open may necessarily be implemented differently for different categories of procurement depending on the subject matter of the procurement, and the nature and nuances of the industry providing the services or product, but in every instance, the principles of fair and open shall be maintained.

7. If any sentence, paragraph or section of this Resolution or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action, any sentence, paragraph or section of this Resolution shall lose its force and effect, such judgment or action shall not affect, impair, or void the remainder of

any of the provisions of this Resolution.

8. The purpose of this Resolution is to comply with the provisions of *N.J.S.A.* 19:44A-20.5, *et seq.* The definitions as set forth in that statute are referred to and incorporated into this Resolution.

BE IT FURTHER RESOLVED that said resolution is being made in accordance with all applicable New Jersey Statutes and Township Ordinances.

CERTIFICATION

I hereby certify that the foregoing memorialization resolution was adopted by the Deptford Township Municipal Utilities Authority on November 21, 2006.

DEPTFORD TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

By: _____
CHAIRMAN/VICE CHAIRMAN/SECRETARY
(Signature required by only one of the above)

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WHEREAS, the State of New Jersey has enacted N.J.S.A.19:44A-20.4 *et seq.* for the awarding of contracts between professional and other business entities with public entities under a fair and open process; and

WHEREAS, Deptford Township Municipal Utilities Authority herein adopts, and incorporates by reference the provisions of N.J.S.A.19:44A-20.4 *et seq.*; and

WHEREAS, consistent with the provisions of N.J.S.A. 19:44A-20.7, the Deptford Township Municipal Utilities Authority's determination of what constitutes a fair and open process shall be final and said process is set forth in subsection "A" below establishing the criteria for a fair and open process.

NOW, THEREFORE, BE IT RESOLVED, that the Deptford Township Municipal Utilities Authority on the 21st day of November, 2006 hereby adopts a Resolution to be known as the Resolution Establishing a Fair and Open Process for the Awarding of Professional Service Agreements and Other Agreements with Business Entities as consistent with the provisions of N.J.S.A.19:44A-20.4 *et seq.* and said Resolution shall include:

A. The fair and open process established by the Deptford Township Municipal Utilities Authority shall require the following:

(1) The solicitation of proposals for any professional position, service contract, or other contract not subject to bidding pursuant to *N.J.S.A.* 40A:11-5, that shall expire as of January 31 of the subsequent year shall be published and advertised by the Deptford Township Municipal Utilities Authority or its designee either in the official newspaper of the Township of Deptford for publication of notices, or on the Deptford Township Municipal Utilities Authority's website within ten (10) days of the date of opening of the solicitations in the instant year. The published notice shall set forth the name of the position or contract which is to become open, and set forth the criteria to be considered and materials required to be submitted by the applicant/proposer, a date, time and place when the proposals or qualifications shall be publically opened, contact information for obtaining proposal documents, the name of the agency requesting the proposal and a statement that the proposal is being solicited through a fair and open process pursuant to N.J.S.A. 19:44-20.5.

(2) Should the applicant/proposer be a professional acquiring licensure in the State of New Jersey, said applicant shall be licensed for a period not less than five (5) years.

(3) If the applicant/proposer is not a professional and/or the contract to be awarded is not a professional services contract, the applicant/proposer shall provide a "Certificate of Good Standing" or other similar document evidencing that it is authorized to do business in the State of New Jersey.

(4) The applicant shall submit a resume which shall set forth information including, but not limited to the following (as applicable to a business entity or individual professional):

(a) Full name and business address;

(b) A listing of all post high school education of the applicant/proposer;

any of the provisions of this Resolution.

8. The purpose of this Resolution is to comply with the provisions of *N.J.S.A.* 19:44A-20.5, *et seq.* The definitions as set forth in that statute are referred to and incorporated into this Resolution.

BE IT FURTHER RESOLVED that said resolution is being made in accordance with all applicable New Jersey Statutes and Township Ordinances.

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I hereby certify that the foregoing memorialization resolution was adopted by the Deptford Township Municipal Utilities Authority on November 21, 2006.

DEPTFORD TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

By: _____
CHAIRMAN/VICE CHAIRMAN/SECRETARY
(Signature required by only one of the above)

FILED
DEC 21 2006
NINA MITCHELL WELLS
SECRETARY OF STATE