ORDINANCE NUMBER 12 -2005

ORDINANCE ESTABLISHING A FAIR AND OPEN PROCESS FOR THE AWARD OF PROFESSIONAL SERVICE AGREEMENTS

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

WHEREAS, Swedesboro Borough has recognized that there is a need for a fair and open process for the awarding of professional service contracts where other contracts and agreements which are not subject to public bidding, in order to address the concerns of taxpayers regarding political contributions and to engender trust in the process of local government and to insure that quality public services are received;

WHEREAS, the State of New Jersey has enacted N.J.S.A. 19:44A-20.5 which bars any municipality, agency or instrumentality thereof from entering into a contract in excess of $17,500.00 with a business entity that has made a political contribution reportable 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 elective public office of that municipality when the contract is awarded unless said contract is awarded pursuant to a fair and open process.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Swedesboro, County of Gloucester and State of New Jersey, that the Borough of Swedesboro enact an Ordinance to be known as an Ordinance Establishing a Fair and

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Open Process for the Award of Professional Service Agreements, and said Ordinance shall read as follows:

An Ordinance Establishing a Fair and Open Process for the Award of Professional Service Agreements

Prohibition Awarding Certain Public Contracts

Any other provision of the law to the contrary notwithstanding, the Borough, or any agency or instrumentality thereof, shall not enter into a contract having an anticipated value in excess of $17,500.00 as determined in advance and certified in writing by the Borough, agency or instrumentality with a business entity that has made political contribution that is reportable by the receipt under 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 elective public office of that municipality when the contract is awarded; and

A business entity that has entered into a Contract having an anticipated value in excess of $17,500.00 with the Borough or any agency or instrumentality thereof, except a contract that is awarded pursuant to a fair an open process, shall not make such a contribution reportable by the recipient under N.J.S.A. 19:44A-1 et seq., to any municipal committee of a political party in the Borough if a member of that political party is serving in an elective public office of the Borough when the Contract is awarded or to any candidate committee of any person serving in an elective public office of the Borough when the Contact is awarded, during the term of that Contract.

Fair and Open Process

A. Any professional service entity or other business entity providing services to the Borough of Swedesboro shall be subject to a fair and open process for selection. That fair and open process shall be set forth subsection B below which shall establish a criteria for the fair and open process.

B. The fair and open process established by the Borough of Swedesboro shall require the following:

(1) Any professional position or service contract not subject to bidding that shall expire as of December 31 of that calendar year shall be advertised by the Mayor's office, appointing authority or Board as the case may be, in the official newspaper of the Borough of Swedesboro for publication of notices, and published on the Borough's website, not later than December 10. 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.

(2) All of the information and documents submitted pursuant to this Ordinance by any Swedesboro government job applicant shall be supplied to the Mayor and all Councilpersons of the Borough of Swedesboro prior to the making of any appointment to such position, and shall likewise be made available for inspection upon request by any adult resident of the Borough of Swedesboro.

(3) Should the applicant 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.

(4) The applicant shall submit a "Certificate of Good Standing" or other similar document evidencing that the professional's license is not presently suspended or revoked.

(5) 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;

(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;

(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.

C. The Mayor, appointing authority or Board shall thereafter select the professional or business entity for the position so advertised which shall thereafter be confirmed or approved as required by law or Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance will take effect after adoption and publication according to law.

This Ordinance shall take effect thirty (30) days after final passage by Council or twenty (20) days after approval by the Mayor, whichever comes first.

BOROUGH OF SWEDESBORO

By: Thomas W Fromm
Thomas Fromm, Mayor

Attest:

Dolores M Connors
Dolores M. Connors, Clerk

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CERTIFICATION

The foregoing Ordinance was introduced at a Regular Meeting of the Borough of Swedesboro held on the 3rd day of October, 2005, and will be considered for final passage and amendment at a meeting to be held on the 17th day of October, 2005, at 7:00 p.m., at the 1500 Kings Highway, Swedesboro, NJ, at which time any person interested therein will be given an opportunity to be heard.

Dolores M. Connors

Dolores M. Connors, Clerk

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SECRETARY OF STATE