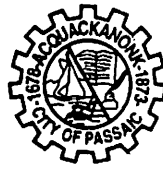


330 Passaic Street
Passaic, New Jersey 07055



Telephone: (973) 365-5584
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CITY OF PASSAIC, NEW JERSEY

Office of
AMADA D. CURLING, RMC
City Clerk

July 6, 2015

Hon. Kim Guadagno, Secretary of State
New Jersey Department of State
P.O. Box 300
Trenton, NJ 08625

Dear Ms. Guadagno:

Attached herewith please find a certified copy of Ordinance No. 2016-15 entitled:
Ordinance Rescinding Ordinance No. 1857-10 And Adopting State Standards For Public
Contracting Using Fair And Open Processes which was adopted by the Passaic City
Council at their Regular Meeting of June 23, 2015.

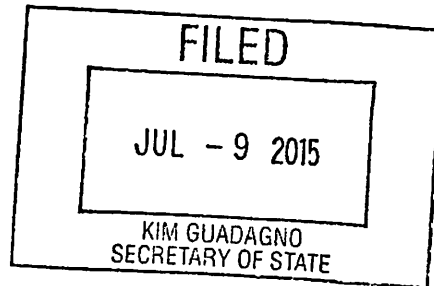
This copy is being forwarded for your information and files.

Sincerely,

Amada D. Curling, RMC
City Clerk

Cc: Hon. Gary Schaer, Council President
Hon. Members of the Council

Encl.



CITY OF PASSIC

ORDINANCE NO. 2016-15

**AN ORDINANCE RESCINDING ORDINANCE NO. 1857-10 AND ADOPTING
STATE STANDARDS FOR PUBLIC CONTRACTING USING FAIR AND OPEN
PROCESSES**

WHEREAS, pursuant to N.J.S.A.40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, on or about February 22, 2011, the City Council of the City of Passaic was required to adopt Ordinance #1857-10," AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE CITY OF PASSAIC," as an express condition of receipt of Transitional Aid from the State of New Jersey, Department of Community Affairs; and

WHEREAS, Ordinance No. 1857-10 was codified at Chapter 7, Article III, Sections 6-15 of the City Code of the City of Passaic; and

WHEREAS, the City of Passaic has not received Transitional Aid from the State of New Jersey, Department of Community Affairs since 2012; and

WHEREAS, since its adoption and implementation, questions have arisen concerning the scope and reach of Ordinance #1857-10;

WHEREAS, the State has adopted comprehensive political contribution reform legislation codified at N.J.S.A. 19:44A-1 et seq., which differs from Ordinance #1857-10; and

WHEREAS, the City Council of the City of Passaic has determined that the disparities between N.J.S.A. 19:44A-1 et seq., and Ordinance #1857-10 cause confusion among those seeking or performing business within the City of Passaic, leading to wasteful litigation and removing the focus from insuring confidence in public contracting via "fair and open" processes and creating transparency in campaign finance reporting; and

WHEREAS, the City Council of the City of Passaic has determined that N.J.S.A. 19:44A-1 et seq. effectively protects the taxpayers and residents of the City of Passaic; and

WHEREAS, the City Council of the City of Passaic has determined that it would be in the best interests of the City to rescind Ordinance No. 1857-10 and adopt the State's comprehensive political campaign reform legislation

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Passaic as follows:

SECTION I

That Ordinance No. 1857-10 be and same is hereby rescinded in its entirety and the State's comprehensive political campaign reform legislation codified at N.J.S.A. 19:44A-1 et seq. be and is hereby adopted by the City Council of the City of Passaic.

SECTION II

If any section of provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION III

All ordinances or parts of ordinances to inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

This ordinance shall take effect upon publication as provided by law.

SECTION V

A copy of this ordinance shall be filed with the New Jersey Secretary of State.

INTRODUCED BY COUNCILPERSON: Terrence L. Love

SECONDED BY COUNCILPERSON: Zaida Polanco

Record of Council Vote on Final Passage	Aye	Nay	Abstain	Absent
GARCIA, J.	X			
LOVE, T.	X			
MELO, T.	X			
MUNK, C.	X			
POLANCO, Z.	X			
SCHWARTZ, D.	X			
SCHAER, G.	X			

Adoption of first reading at a meeting of the Council of the City of Passaic, NJ on June 9, 2015

Adopted on the second and final reading after the hearing of June 23, 2015

Gary S. Schaer, Council President

Amada D. Curling, City Clerk

APPROVED: Dr. Alex D. Blanco, Mayor 6/24/15 Date

FILED
JUL - 9 2015

KIM GUADAGNO
SECRETARY OF STATE

I hereby certify that the foregoing is a true and correct copy of the original now on file in the Office of the City Clerk of Passaic, NJ. Dated: June 24, 2015, Passaic, NJ

Amada D. Curling

Amada D. Curling, RMC
City Clerk

Chapter 7: Contracts

Article I: Fair and Open Contract Awards

[Adopted 3-7-2006 by Ord. No. 1685-06]

§ 7-1 Policy.

The City Council seeks to establish a policy for the award of contracts over \$17,500 within the City of Passaic. This policy shall govern the Council, all departments, boards, agencies, subdivisions, commissions or independent authorities within the City of Passaic. These entities shall utilize a fair and open process for all contracts over \$17,500 which are for professional services or other contracts not required to bid under N.J.S.A. 40A:11-5 et seq.

§ 7-2 Process of awarding contracts.

All contracts subject to the fair and open process shall follow these procedures:

- A. The award of the contracts shall be publicly advertised either in the City official newspaper or on the City website, with notice of the City's intent to award a contract, with at least 10 days' notice prior to the acceptance of proposals.
- B. In public solicitation of proposals, it shall set forth the qualifications the City Council or any of its boards, departments, agencies, subdivisions, commissions or independent authorities seek with regard to this contract.
- C. The basis for an award of the contract shall be disclosed in writing prior to the solicitation of the contract.
- D. The proposals received by the City Council, board, authority, department, subdivision, commissions or agency shall be publicly opened and announced.
- E. The City Council, board, authority, department, subdivision, commission or agency of the City shall, by resolution, award the contract at a public meeting.