

ORDINANCE OF THE CITY OF EAST ORANGE, NEW JERSEY

1st Reading December 12, 2005
Public Hearing December 27, 2005
Final Reading December 27, 2005

Referred to Planning Board _____

From Planning Board _____

Factual Contents Certified to By: _____

Department Head

Approved as to Form and Legality on Basis of Facts Set Forth:

Jason Holt
City Counsel

Appropriations:

Comptroller _____

Tabled _____ Removed From Table _____

Councilman ERNEST A. SAVOY, ESQUIRE

Presents the following Ordinance:

ORDINANCE NO. 34 OF 2005

AN ORDINANCE ESTABLISHING A FAIR & OPEN PROCESS IN THE AWARDING OF CONTRACTS FOR THE CITY OF EAST ORANGE

WHEREAS, The "Local Public Contract Law" has exempted certain contracts from public bidding; and

WHEREAS, State legislation has authorized municipalities pursuant to NJSA 19:44A-1 et seq. to establish a fair and open process in the awarding of contracts exempted from bidding which are in excess of \$17,500; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 the City of East Orange has established criteria to define "fair and open process".

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAST ORANGE :

That Chapter 68 of the Code of the City of East Orange is hereby amended and supplemented as follows:

Section 1. New Section

68-31. CONTRACTS SUBJECT TO FAIR & OPEN PROCESS

A. Contracts awarded having an anticipated value in excess of \$17,500 or such other dollar amount as shall be established in NJSA 19:44A-20.5 may be awarded pursuant to the Fair & Open Process established in this chapter.

B. All contracts awarded pursuant to the provisions of the Local Public Contract Law through public bidding, the competitive contracting process or N.J.S.A. 40A:11-12 shall be deemed to have satisfied the municipal standards for Fair and Open Process.

C. The City of East Orange, its boards and commissions shall not enter into a contract having an anticipated value which shall exceed \$17,500 or such other dollar amount as

FILED
JAN 27 2006
SECRETARY OF STATE

established by NJSA 19:44A-20.5 with a business entity , except a contract awarded in a fair and open process as defined by this chapter, if beginning January 1, 2006 one year prior to the award of the contract(excluding year 2005 or earlier) that business entity has made a contribution that is reportable by the recipient under NJSA 19:44A-1 et seq. to any municipal committee of a political party in East Orange if a member of that political party is serving in an elective public office of East Orange when the contract is awarded or to any candidate committee of any person serving in an elective public office of East Orange when the contract is awarded.

D. Prior to awarding any contract having an anticipated value exceeding \$17,500 or such other dollar amount as determined by NJSA 19:44A-20.5, except a contract awarded pursuant to the Fair and Open Process as defined by this chapter or contracts defined in subsection B of this section, the business entity shall be required to submit a written certification that it has not made a contribution that would bar the award of a contract pursuant to NJSA 19:44A-1 et seq.

Section 2. New Section

68-32 STANDARDS FOR FAIR & OPEN PROCESS

A. Notice

1. Notice shall be given in either an official newspaper of the City of East Orange or on the City's official web site.
2. Sufficient time of notice shall be publication of either a request for proposals or request for qualifications ten (10) calender days prior to the designated date for receipt of proposals or qualifications in either the official newspaper or website.
3. Receipt of proposals or qualifications shall be by the City's Purchasing Agent or his designee and the date, time, place and manner of receipt shall be included in the notice.
4. Sufficient contents of notice shall include the following:
 - a. description of the goods or services;
 - b. contact information for obtaining the proposal or qualification

document;

- c. name of department requesting the proposal or qualifications;
- d. a statement that the proposal or qualifications are being solicited in a fair and open process in accordance with NJSA 19:44A-1 et seq.; and
- e. date, time place and manner for receipt of proposals or qualifications.

B. Opening of Requests for Proposals or Qualifications

- 1. All proposals or qualifications received shall be publicly opened and announced at the date, time and place set forth in the notice soliciting the proposals or qualifications.

C. Awarding of Contract

- 1. The awarding of contracts or selection of business entities pursuant to this section shall be by resolution which shall include a statement that the contract was awarded or business entities selected pursuant to the Fair and Open Process.

D. Advertisement

- 1. The Purchasing Agent or his designee is authorized to advertise for requests for proposals or qualifications in the city's official newspaper or web site. The Purchasing Agent shall determine in conjunction with the user agency, department, board or commission the criteria that will be used for the basis of the contract award and this criteria shall not be required to be included in the public notice. The criteria established as the basis of the award shall be included in the document requesting proposals or qualifications.

E. Satisfaction of Fair and Open Process

- 1. Any contract awarded satisfying the applicable standards of Section 68-32 shall be deemed to have met the city's requirement for Fair and Open Process as authorized pursuant to N.J.S.A. 19:44A-1 et seq. which shall include NJSA

19:44A-20.5 and N.J.S.A.19:44A-20.7.

Section 3: New Section

68:33 PUBLIC EXIGENCY

A. Nothing contained in Sections 68-31 through 68-32 shall be construed as prohibiting the awarding of a contract when the public exigency requires immediate delivery of goods or performance of emergency services as determined by the State Treasurer or as determined in the applicable New Jersey statute, administrative code, rule or regulation.

Section 4. Severability of Ordinance Provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. The ordinance shall be adopted in accordance with the provisions of the general law and by a majority vote of the members of City Council serving in office and not disqualified from voting thereon.

Section 5. That all ordinances and part of ordinances and conflicts that are inconsistent with this ordinance are hereby repealed but only to the extent of such conflict or inconsistency.

Section 6. That this ordinance shall take effect upon final passage upon expiration of twenty (20) days unless otherwise provided.

I HEREBY CERTIFY THE FOREGOING TO BE A
 TRUE COPY OF ORDINANCE NO. 34 01 3005
 ADOPTED BY THE CITY COUNCIL OF EAST
 ORANGE AT ITS MEETING HELD
 ON December 27, 2005
 ADOPTED BY THE CITY COUNCIL OF EAST
 ORANGE AT ITS MEETING HELD
 ON December 28, 2005
 CITY CLERK, EAST ORANGE, NJ

CITY CLERK, EAST ORANGE, NJ

FIRST READING

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	VETO
CLARK	X				
TALMADGE	X				
ROBINSON	X				
SAVOY	X				
BROWN	X				

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	VETO
FIELDS	X				
GOORE	X				
HOLT	X				
JOHNSON	X				
PATTERSON	X				

RECORD OF COUNCIL VOTE ON FINAL PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	VETO
CLARK	✓				
TALMADGE	✓				
ROBINSON	✓				
SAVOY	✓				
BROWN	✓				

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	VETO
FIELDS	✓				
GOORE	✓				
HOLT	✓				
JOHNSON	✓				
PATTERSON	✓				

X - Indicates Vote A.B. - Absent N.V. - Not Voting (Abstained or Excused)
 Action on Veto - ✓ To Sustain ✓✓ To Over-Ride

Passed on First Reading December 12, 2005
 Adopted on Final Reading December 27, 2005
 Presented to Mayor December 28, 2005
 Approved: December 28, 2005
 Vetoed _____ Reconsidered by Council _____

James H. Brown
 Mayor

Mary B. Patterson
 Council Chairman
[Signature]
 City Clerk

ORDINANCE OF THE CITY OF EAST ORANGE, NEW JERSEY

1st Reading December 12, 2005
Public Hearing December 27, 2005
Final Reading December 27, 2005

Referred to Planning Board.....

From Planning Board.....

Factual Contents Certified to By:.....

Approved as to Form and Legality on Basis of Facts Set Forth:

Joseph Holt
City Counsel

[Signature]
Department Head

Appropriations:

Comptroller
Councilman ERNEST A. SAVOY, ESQUIRE

Tabled..... Removed From Table.....

Presents the following Ordinance:

ORDINANCE NO. 34 OF 2005

AN ORDINANCE ESTABLISHING A FAIR & OPEN PROCESS IN THE AWARDING OF CONTRACTS FOR THE CITY OF EAST ORANGE

WHEREAS, The "Local Public Contract Law" has exempted certain contracts from public bidding; and

WHEREAS, State legislation has authorized municipalities pursuant to NJSA 19:44A-1 et seq. to establish a fair and open process in the awarding of contracts exempted from bidding which are in excess of \$17,500; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 the City of East Orange has established criteria to define "fair and open process".

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAST ORANGE :

That Chapter 68 of the Code of the City of East Orange is hereby amended and supplemented as follows:

Section 1. New Section

68-31. CONTRACTS SUBJECT TO FAIR & OPEN PROCESS

A. Contracts awarded having an anticipated value in excess of \$17,500 or such other dollar amount as shall be established in NJSA 19:44A-20.5 may be awarded pursuant to the Fair & Open Process established in this chapter.

B. All contracts awarded pursuant to the provisions of the Local Public Contract Law through public bidding, the competitive contracting process or N.J.S.A. 40A:11-12 shall be deemed to have satisfied the municipal standards for Fair and Open Process.

C. The City of East Orange, its boards and commissions shall not enter into a contract having an anticipated value which shall exceed \$17,500 or such other dollar amount as

FILED
JAN 27 2006
SECRETARY OF STATE

established by NJSA 19:44A-20.5 with a business entity, except a contract awarded in a fair and open process as defined by this chapter, if beginning January 1, 2006 one year prior to the award of the contract(excluding year 2005 or earlier) that business entity has made a contribution that is reportable by the recipient under NJSA 19:44A-1 et seq. to any municipal committee of a political party in East Orange if a member of that political party is serving in an elective public office of East Orange when the contract is awarded or to any candidate committee of any person serving in an elective public office of East Orange when the contract is awarded.

D. Prior to awarding any contract having an anticipated value exceeding \$17,500 or such other dollar amount as determined by NJSA 19:44A-20.5, except a contract awarded pursuant to the Fair and Open Process as defined by this chapter or contracts defined in subsection B of this section, the business entity shall be required to submit a written certification that it has not made a contribution that would bar the award of a contract pursuant to NJSA 19:44A-1 et seq.

Section 2. New Section

68-32 STANDARDS FOR FAIR & OPEN PROCESS

A. Notice

1. Notice shall be given in either an official newspaper of the City of East Orange or on the City's official web site.
2. Sufficient time of notice shall be publication of either a request for proposals or request for qualifications ten (10) calender days prior to the designated date for receipt of proposals or qualifications in either the official newspaper or website.
3. Receipt of proposals or qualifications shall be by the City's Purchasing Agent or his designee and the date, time, place and manner of receipt shall be included in the notice.
4. Sufficient contents of notice shall include the following:
 - a. description of the goods or services;
 - b. contact information for obtaining the proposal or qualification

document;

c. name of department requesting the proposal or qualifications;

d. a statement that the proposal or qualifications are being solicited in a fair and open process in accordance with NJSA 19:44A-1 et seq.; and

e. date, time place and manner for receipt of proposals or qualifications.

B. Opening of Requests for Proposals or Qualifications

1. All proposals or qualifications received shall be publicly opened and announced at the date, time and place set forth in the notice soliciting the proposals or qualifications.

C. Awarding of Contract

1. The awarding of contracts or selection of business entities pursuant to this section shall be by resolution which shall include a statement that the contract was awarded or business entities selected pursuant to the Fair and Open Process.

D. Advertisement

1. The Purchasing Agent or his designee is authorized to advertise for requests for proposals or qualifications in the city's official newspaper or web site. The Purchasing Agent shall determine in conjunction with the user agency, department, board or commission the criteria that will be used for the basis of the contract award and this criteria shall not be required to be included in the public notice. The criteria established as the basis of the award shall be included in the document requesting proposals or qualifications.

E. Satisfaction of Fair and Open Process

1. Any contract awarded satisfying the applicable standards of Section 68-32 shall be deemed to have met the city's requirement for Fair and Open Process as authorized pursuant to N.J.S.A. 19:44A-1 et seq. which shall include NJSA

19:44A-20.5 and N.J.S.A.19:44A-20.7.

Section 3: New Section

68:33 PUBLIC EXIGENCY

A. Nothing contained in Sections 68-31 through 68-32 shall be construed as prohibiting the awarding of a contract when the public exigency requires immediate delivery of goods or performance of emergency services as determined by the State Treasurer or as determined in the applicable New Jersey statute, administrative code, rule or regulation.

Section 4. Severability of Ordinance Provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. The ordinance shall be adopted in accordance with the provisions of the general law and by a majority vote of the members of City Council serving in office and not disqualified from voting thereon.

Section 5. That all ordinances and part of ordinances and conflicts that are inconsistent with this ordinance are hereby repealed but only to the extent of such conflict or inconsistency.

Section 6. That this ordinance shall take effect upon final passage upon expiration of twenty (20) days unless otherwise provided.

I HEREBY CERTIFY THE FOREGOING TO BE A
 TRUE COPY OF ORDINANCE NO. 34 of 2005
 ADOPTED BY THE CITY COUNCIL OF EAST
 ORANGE, AT ITS MEETING HELD
December 27, 2005
[Signature]
 CITY CLERK, EAST ORANGE, NJ

FIRST READING

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	VETO
CLARK	X				
TALMADGE	X				
ROBINSON	X				
SAVOY	X				
BROWN	X				

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	VETO
FIELDS	X				
GOORE	X				
HOLT	X				
JOHNSON	X				
PATTERSON	X				

RECORD OF COUNCIL VOTE ON FINAL PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	VETO
CLARK	✓				
TALMADGE	✓				
ROBINSON	✓				
SAVOY	✓				
BROWN	✓				

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	VETO
FIELDS	✓				
GOORE	✓				
HOLT	✓				
JOHNSON	✓				
PATTERSON	✓				

X - Indicates Vote A.B. - Absent
 Action on Veto - ✓ To Sustain

N.V. - Not Voting (Abstained or Excused)
 ✓✓ To Over-Ride

Passed on First Reading December 12, 2005
 Adopted on Final Reading December 27, 2005
 Presented to Mayor December 28, 2005
 Approved: December 28, 2005
 Vetoed
 Reconsidered by Council

[Signature]
 Mayor

[Signature]
 Council Chairman
[Signature]
 City Clerk