



Council Meets Second and Fourth Monday of each Month at Municipal Building, North Tenth Street and Brown Avenue

THE BOROUGH OF PROSPECT PARK

106 BROWN AVENUE, PROSPECT PARK, NJ 07508



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March 15, 2016

The Honorable Kim Guadagno
Secretary of State
New Jersey Department of State
PO Box 300
Trenton, NJ 08625

Re: Pay to Play Ordinance for the Borough of Prospect Park

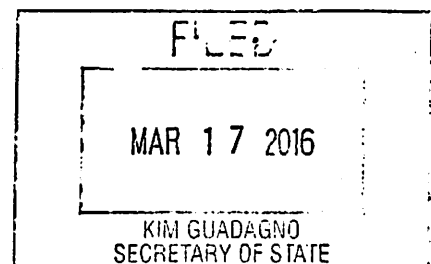
Dear Ms. Guadagno,

Enclosed please find a certified copy of Ordinance 2016-01 of the Borough of Prospect Park: *Ordinance Adopting The State Standards For Public Contracting, Establishing A Policy For The Award of Contracts Exceeding \$17,500 And Rescinding Ordinance No. 2010-9* which was adopted at a council meeting on February 22, 2016.

If you have any questions regarding this, do not hesitate to contact me at the information provided above.

Sincerely,

Danielle Ireland
Borough Administrator /
Acting Municipal Clerk



**BOROUGH OF PROSPECT PARK
COUNTY OF PASSAIC**

ORDINANCE NO. 2016-01

**ORDINANCE ADOPTING THE STATE STANDARDS FOR PUBLIC
CONTRACTING, ESTABLISHING A POLICY FOR THE AWARD OF
CONTRACTS EXCEEDING \$17,500.00 AND RESCINDING ORDINANCE NO.
2010-9**

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 December 20, 2010, the Council of the Borough of Prospect Park was required to adopt Ordinance #2010-9, "AN ORDINANCE ESTABLISHING CHAPTER _ OF THE CODE OF THE BOROUGH OF PROSPECT PARK ENTITLED, "PAY TO PLAY"," as an express condition of receipt of Transitional Aid from the State of New Jersey, Department of Community Affairs; and

WHEREAS, the Borough of Prospect Park has not received Transitional Aid from the State of New Jersey, Department of Community Affairs since 2008; and

WHEREAS, since its adoption and implementation, questions and confusion has arisen concerning the scope and reach of Ordinance #2010-9; and

WHEREAS, the State of New Jersey has adopted comprehensive political contribution reform legislation codified at N.J.S.A. 19:44A-1 et seq., which differs from Ordinance #2010-9; and

WHEREAS, currently, under Ordinance 2010-9 and the New Jersey Local Unit Pay-To-Play Law (N.J.S.A. 19:44A-20.5, et. seq.), professional services or other contracts not required to be bid under N.J.S.A. 40A:11-5 et seq., are permitted to be awarded pursuant to a "fair and open" or a "non-fair and open" process, both of which are defined in the law; and

WHEREAS, the Council of the Borough of Prospect Park has determined that the disparities between N.J.S.A. 19:44A-1 et seq., and Ordinance #2010-9 cause confusion among those seeking to performing business within the Borough of Prospect Park, leading to the possibility of wasteful litigation, limiting the scope of prospective vendors for

Prospect Park and removing the focus from insuring confidence in public contracting via “fair and open” processes; and

WHEREAS, the Council of the Borough of Prospect Park determined that a “fair and open” process allows for a more open competitive and qualitative decision to be made with regard to the award of contracts which are not required to be bid pursuant to the Local Public Contracts Law; and

WHEREAS, the Council of the Borough of Prospect Park has determined that N.J.S.A. 19:44A-1 et seq. as well as implementing the requirement that all contracts, except in the case of an emergency, with an anticipated value in excess of \$17,500.00, shall be procured through a “fair and open process” effectively promotes transparency and protects the taxpayers and residents of the Borough of Prospect Park; and

WHEREAS, the Council of the Borough of Prospect Park has determined that it would be in the best interests of the Borough to rescind Ordinance No. 2010-9, establish a policy for the award of contracts exceeding \$17,500.00 and to adopt the State’s comprehensive political campaign reform legislation.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Prospect Park as follows:

SECTION I

That Ordinance No. 2010-9 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 Council of the Borough of Prospect Park.

SECTION II

The Borough of Prospect Park hereby establishes a policy for the award of contracts with an anticipated value of over \$17,500.00 with the Borough of Prospect Park which are for professional services or other contracts not required to be bid under N.J.S.A. 40A:11-5 et seq., except in the case of an emergency pursuant to N.J.S.A. 40A:11-6, All contracts with the Borough of Prospect Park, except in the case of an emergency pursuant to N.J.S.A. 40A:11-6, with an anticipated value of over \$17,500.00 which are for professional services or other contracts not required to be bid under N.J.S.A. 40A:11-5 et seq. shall be procured through a “fair and open process”

SECTION III

All contracts subject to the fair and open process shall be procured utilizing, at a minimum, the following procedures:

1. Public advertisement that provides for public solicitation of proposals or qualifications either in the newspaper or posted on the Borough website at least ten (10) calendar days prior to the acceptance date of proposals or qualifications (“Public Notice”);
2. The Public Notice shall include:
 - a. A description of the requested goods or services;
 - b. The time, date and place proposals must be submitted;
 - c. Contact information for obtaining the proposal document;
 - d. If not the Borough of Prospect Park, the name of department, board, commission or agency of the Borough requesting the proposal; and
 - e. A statement that the proposal is being solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et seq.
3. The criteria that will be used for the basis of the award for the desired goods or services must be included in the documents soliciting the proposals. Said criteria may but is not required to be in the Public Notice;
4. The proposals or qualifications received by the Borough of Prospect Park shall be publicly opened and announced.
5. The Council of the Borough of Prospect Park shall, by Resolution, award the contract at a public meeting.

SECTION IV

Any contract procured pursuant to public bidding and/or the competitive contracting process set forth in the Local Public Contracts Law shall fully meet the fair and open process set forth herein.

SECTION V

If any section or 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 VI

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

SECTION VII

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

SECTION VIII

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

**Introduction and First Reading:
January 25, 2016**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent
Artis			X			
Esquiche			X			
Hayek	X		X			
Ortiz			X			
Peralta		X	X			
Zakaria	X		X			

**Second and Final Reading of Ordinance Adoption:
February 22, 2016**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent
Artis		X	X			
Esquiche			X			
Hayek			X			
Ortiz			X			
Peralta	X		X			
Zakaria			X			

M. T. Khairullah

Mohamed Khairullah, Mayor

**This Ordinance was duly passed on second and final reading
by the Council of the Borough of Prospect Park
at a meeting held February 22, 2016.**

Danielle Ireland

**Danielle Ireland
Acting Municipal Clerk**

