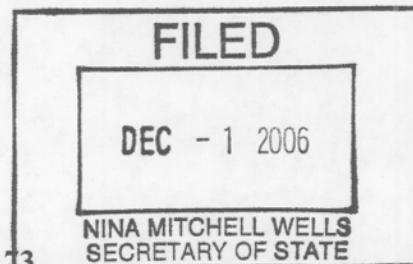


ORDINANCE 2006-09-01



**AN ORDINANCE CREATING CHAPTER 73  
TO PROVIDE FOR  
“FAIR AND OPEN” PROCESS FOR AWARD OF  
PROFESSIONAL CONTRACTS  
IN EXCESS OF \$17,500 PER ANNUM**

**WHEREAS**, the hiring of professionals is an exception to Local Public Contracts Law bidding requirements under N.J.S.A. 40A:11-15(1)(a)(i); and

**WHEREAS**, the State adopted legislation codified at N.J.S.A. 19:44A-20.5 with regard to the encouragement of the use of a “fair and open” process for the awarding of professional contracts in excess of \$17,500; and

**WHEREAS**, the Township Committee of the Township of Shamong desires to adopt a process and establish guidelines for awarding professional contracts in excess of \$17,500 in accord with the above statute.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Township Committee of the Township of Shamong, in the County of Burlington, and State of New Jersey, creating Chapter 73 of the Township Code as follows:

**§ 73. CONTRACTS, PROCESS FOR AWARD.**

**§73-1. Purpose.** It is the purpose of this Chapter to award contracts in accord with provisions adopted by the State Legislature and codified at N.J.S.A. 19:44A-20.5, which become effective on January 1, 2006.

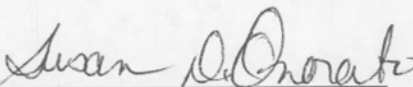
**§73-2. Award of Contracts.** Professional service contracts shall be awarded pursuant to the Local Public Contracts Law at N.J.S.A. 40A:11-5(1)(a)(i), which requires the passage of a resolution and publication of notice of award including a description of the nature, duration, service and amount of the contract.

1. in accordance with the Statute, advertised on the Township's webpage or once in the official newspaper in sufficient time to give notice in advance of the solicitation for the Contracts;
  2. awarded under a process that provides for public solicitation of proposals and qualifications;
  3. awarded and disclosed under criteria established in writing by the Township prior to the solicitation of proposals or qualifications;
- and
4. publicly announced when awarded; and as to those RFQ's and RFP's which do not receive response, the Municipal Clerk shall retain a copy of same on file for a period of not less than sixty (60) days.

**§73-4. Review Subcommittee.** A Review Subcommittee shall be established consisting, as determined by the Committee, of either: two (2) Members of the Township Committee, or one (1) member of Township Committee and the Township Administrator, to prepare, process and evaluate any RFQ and/or RFP issued pursuant to the contracting procedures set forth above. Said Subcommittee shall evaluate the respective Qualifications and/or Proposals, taking into consideration the designated qualifications and/or performance criteria, experience, quoted fee and other relevant factors in making a recommendation of award to Township Committee; and the Review Subcommittee may, in its sole discretion, conduct negotiations with qualified vendors after receipt of proposals, in order to achieve the best possible contract terms and conditions for the Township and its taxpayers.

**§73-5. Emergency Exceptions.** Notwithstanding the foregoing, the Township Committee recognizes that the New Jersey Legislature has provided for the occurrence of certain emergencies, and further recognizes that, therefore, the procedure outlined above, even if initially instituted and pursued on motion, might not be capable of being achieved in the event of an emergency or similar time constraints. Thus, should such a situation arise, and time does not permit resort to this procedure, and the immediate performance of services is necessary, then an award for same may be made in accordance with the provisions of the Local Public Contracts Law relating to emergency contracts, and such rules and regulations as may be promulgated, from time to time, by the Township Committee with regard to same. No such emergency contracts, however, may be awarded without submission to the Township Clerk of a certification establishing the basis for the deviation from normal bid procedures or the additional procedures set forth by this chapter.

The above ordinance was adopted after first reading on September 5, 2006 and will be heard for second reading and public hearing at the October 3, 2006 Township Committee meeting at 8:00 p.m.

  
Susan D. Onorato  
Administrator/Acting Clerk