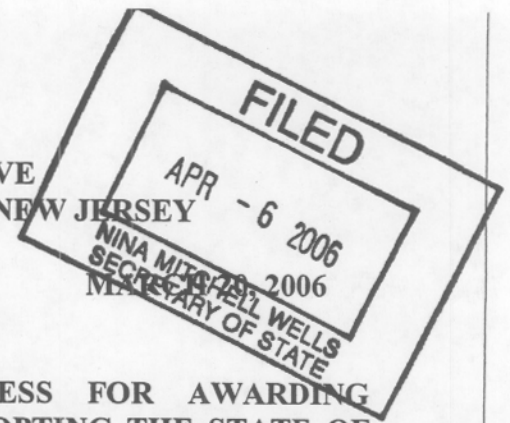


TOWNSHIP OF CEDAR GROVE  
ESSEX COUNTY

NEW JERSEY



AGENDA ITEM #3(d)

Passed Ordinance No. 06-643

**AN ORDINANCE ESTABLISHING PROCESS FOR AWARDING PROFESSIONAL SERVICE CONTRACTS AND ADOPTING THE STATE OF NEW JERSEY'S "PAY-TO-PLAY" LEGISLATION**

WHEREAS, professional service contracts are exempt from public bidding requirements under the New Jersey Local Public Contracts Law, N.J.S.A. § 40A:11-1, et seq.; and

WHEREAS, it has become common for professional business entities to make substantial political contributions to the election campaigns of the local government elected officers who are ultimately responsible for awarding professional service contracts or other contracts or agreements that are not subject to public bidding; and

WHEREAS, political contributions from professionals receiving discretionary contracts from local government elected officials who receive such political contributions raise reasonable concerns on the part of the residents of the Township of Cedar Grove as to their trust in the process of local government, ethics and the potential of an appearance of impropriety or conflict of interest, the quality or cost of services received; and

WHEREAS, as of January 1, 2006, N.J.S.A. § 19:44A-20.1 et seq., commonly referred to as the "State Pay to Play" law, enacted by the New Jersey State Legislature, became effective; and

WHEREAS, pursuant to N.J.S.A. § 19:44A-20.1 et seq., a municipality may not award contracts with a value in excess of \$17,500 to a business entity that has made reportable contributions in excess of \$300, in the aggregate, to the member municipality's political parties or to any candidate's committee of any person serving in an elective public office of the member municipality when such contract was awarded, unless said business entity is awarded a contract under a "fair and open process" pursuant to N.J.S.A. § 19:44A-20.1 et seq.; and

WHEREAS, a "fair and open process" constitutes the following: (1) public advertisement of a Request for Qualifications (hereinafter referred to as the "RFQ") with ten (10) calendar days notice prior to the receipt of responses to the RFQ; (2) award of contract under a process that provided for public solicitation of qualifications; (3) award contract under publicly disclosed criteria established, in writing, by the Township of Cedar Grove prior to the solicitation of qualifications; and (4) the Township of Cedar Grove shall publicly open and announce the qualifications when awarded; and

WHEREAS, it has become necessary for the Township of Cedar Grove to engage various professionals and the Township of Cedar Grove desires to appoint such professionals through a "fair and open process" pursuant to N.J.S.A. § 19:44A-20.1 et seq.; and

WHEREAS, pursuant to N.J.S.A. §§ 40A:11-5 and 40:48-2, municipalities have the right to establish rules and procedures for contracting with professional business entities; and

WHEREAS, Chapter 271 of the Public Laws of 2005, which was signed by Acting Governor Richard J. Codey on January 5, 2006, authorized municipalities to adopt their own "pay-to-play" policies.

BE IT ORDAINED by the Township Council of the Township of Cedar Grove, as follows:

Section 1

1. The Township Council hereby expresses its approval of the State's "Pay to Play" legislation as set forth in N.J.S.A. § 19:44A-20.1 et seq.
2. Requests for RFQs for professional services shall be for the following professional services:
  - a. Township Attorney;
  - b. Municipal Prosecutor;
  - c. Auditor;
  - d. Consulting Engineer; Planning and Zoning;
  - e. Planning Board Attorney;
  - f. Zoning Board Attorney;
  - g. Any other professional services for architectural, engineering, special legal counsel, or other consultant services.
3. All RFQs for professional services as set forth above shall be prepared and published in accordance with N.J.S.A. § 19:44A-20.1 et seq., and all such RFQs shall be evaluated on the basis of the most advantageous to the Township of Cedar Grove, price and other factors considered. The specific criteria will include, but will not be limited to:
  - a. Individual and Firm experience and reputation;
  - b. Knowledge of the operations of the municipality and the services to be provided as professional service for which the RFQ is being solicited;

- c. Other factors that the Mayor and Township Council conclude are in the best interests of the Township of Cedar Grove.
- 4. All awards of contracts for professional services as set forth above are and shall be subject to the availability of funds.
- 5. The form of public advertisement shall be made on the Township of Cedar Grove's official website, www.cedargrovenj.org.

Section 2 Severability

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 3

This Ordinance shall take effect upon final passage, adoption, and publication in the manner prescribed by law.

INTRODUCED BY: Councilman Lee  
 SECONDED BY: Councilman Tanella

ROLL CALL VOTE				
COUNCILMEMBER	YES	NO	ABSTAIN	ABSENT
Chiusolo				X
Lee	X			
Tanella	X			
Longo	X			
O'Toole	X			

I HEREBY CERTIFY the foregoing to be a true copy of an ordinance adopted by the Township Council of Cedar Grove, in the County of Essex, at its meeting held on March 20, 2006.

*Kathleen R. Stutz*  
 Kathleen R. Stutz  
 Township Clerk