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January 7, 2008

Nina Mitchell Wells, Secretary of State  
State of New Jersey  
Office of the Secretary  
P.O. Box 300  
Trenton, NJ 08625-0300

**Re: City of Woodbury, County of Gloucester  
Ordinance #2060-07 Establishing a Fair and Open Process**

Dear Secretary Wells:

My office represents the City of Woodbury. Consistent with the provisions of Chapter 271, enclosed please find one (1) original certified and one (1) copy of the City of Woodbury's Ordinance Establishing a Fair and Open Process for the Award of Professional Service Agreements. Kindly stamp file both documents and return the filed copy in the envelope enclosed for your convenience.

Thank you for your attention to this matter. Should you or your staff have any questions, please do not hesitate to contact my office.

Very truly yours,

**ANGELINI, VINIAR & FREEDMAN, LLP**

By:

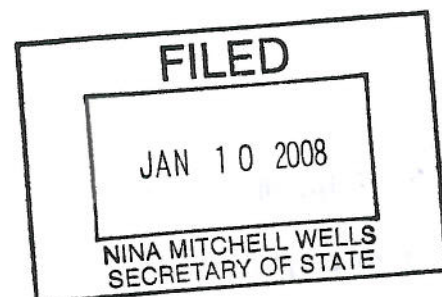


MARIA DETITTO, ESQUIRE

MD/dls

Enclosure

cc: Thomas Bowe, Clerk/Administrator (w/o encl.)  
Barry Sloane, President of Council (w/o encl.)  
James P. Pierson, Esquire, Solicitor (w/o encl.)



**CERTIFICATION OF CLERK**

I, THOMAS B. BOWE, Clerk/Administrator, of the City of Woodbury do hereby certify that the attached ordinance:

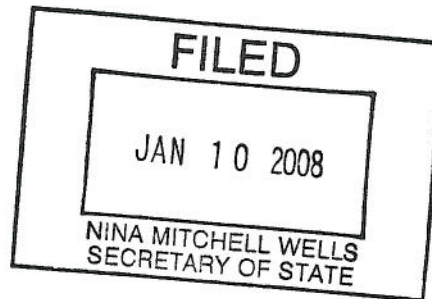
**ORDINANCE #2060-07 – ORDINANCE ESTABLISHING A FAIR AND OPEN PROCESS FOR THE AWARDING OF PROFESSIONAL SERVICE AGREEMENT AND OTHER AGREEMENTS WITH BUSINESS ENTITIES**

is a true and exact copy of the original ordinance adopted by the Mayor and City Council of the City of Woodbury of November 26, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Woodbury this day of January 14, 2008.

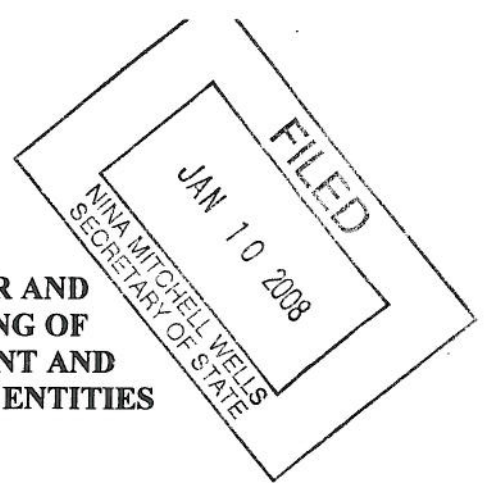
*Thomas B. Bowe*

THOMAS B. BOWE  
Clerk/Administrator



**ORDINANCE #2060-07**

**ORDINANCE ESTABLISHING A FAIR AND  
OPEN PROCESS FOR THE AWARDING OF  
PROFESSIONAL SERVICE AGREEMENT AND  
OTHER AGREEMENTS WITH BUSINESS ENTITIES**



**WHEREAS**, Professional entities and other business entities are exempt from established New Jersey Public bidding laws, specifically said exceptions under N.J.S.A. 40A:11-5; and

**WHEREAS**, the State of New Jersey has enacted N.J.S.A.19:44A-20.4 *et seq.* for the awarding of contracts between professional and other business entities with public entities under a fair and open process; and

**WHEREAS**, the City of Woodbury (“City”) herein adopts, and incorporates by reference the provisions of N.J.S.A.19:44A-20.4 *et seq.*; and

**WHEREAS**, consistent with the provisions of N.J.S.A. 19:44A-20.7, the City’s determination of what constitutes a fair and open process shall be final and said process is set forth in subsection “A” below establishing the criteria for a fair and open process.

**NOW, THEREFORE, BE IT ORDAINED**, that the City of Woodbury enact an Ordinance to be known as an Ordinance Establishing a Fair and Open Process for the Award of Professional Service Agreements and Other Agreements with Business Entities as consistent with the provisions of N.J.S.A.19:44A-20.4 *et seq.* and said Ordinance shall include:

A. The fair and open process established by the City of Woodbury shall require the following:

(1) The solicitation of proposals for any professional position, service contract, or other contract not subject to bidding pursuant to *N.J.S.A.* 40A:11-5, that shall expire as of December 31 of the subsequent year shall be published and advertised by the City of

Woodbury or its designee either in the official newspaper of the City of Woodbury for publication of notices, or on the City of Woodbury's website within ten (10) days of the date of opening of the solicitations in the instant year. The published notice shall set forth the name of the position or contract which is to become open, and set forth the criteria to be considered and materials required to be submitted by the applicant/proposer, a date, time and place when the proposals or qualifications shall be publically opened, contact information for obtaining proposal documents, the name of the agency requesting the proposal and a statement that the proposal is being solicited through a fair and open process pursuant to N.J.S.A. 19:44-20.5.

(2) Should the applicant/proposer be a professional acquiring licensure in the State of New Jersey, said applicant shall be licensed for a period not less than five (5) years.

(3) If the applicant/proposer is not a professional and/or the contract to be awarded is not a professional services contract, the applicant/proposer shall provide a "Certificate of Good Standing" or other similar document evidencing that it is authorized to do business in the State of New Jersey.

(4) The applicant shall submit a resume which shall set forth information including, but not limited to the following (as applicable to a business entity or individual professional):

- (a) Full name and business address;
- (b) A listing of all post high school education of the applicant/proposer;
- (c) Dates of licensure in the State of New Jersey and any other State;
- (d) A listing of any professional affiliations or memberships in any professional societies or organizations, with an indication as to any offices held therein;
- (e) The number of licensed professionals employed by/affiliated with the business entity or the business entity which employs the

applicant/proposer;

- (f) A listing of all special accreditations held by the individual licensed professional or business entity;
- (g) A listing of all previous public entities served by the business entity or licensed professional, indicating the dates of services and position held.

4. The City of Woodbury shall thereafter publicly select the professional or business entity for the position so advertised which shall thereafter be confirmed or approved as required by law.

5. The awarded contracts under a fair and open process shall be publicized on the website of the City of Woodbury. The contracts awarded under a non-fair and open process shall be published in accordance with N.J.S.A. 40A:11-5.

6. Consistent with the provisions of N.J.S.A. 19:44A-20.7, the City's determination of what constitutes a fair and open process shall be final. Fair and open may necessarily be implemented differently for different categories of procurement depending on the subject matter of the procurement, and the nature and nuances of the industry providing the services or product, but in every instance, the principles of fair and open shall be maintained.

7. If any sentence, paragraph or section of this Ordinance or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action, any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair, or void the remainder of any of the provisions of this Ordinance.

8. The purpose of this Ordinance is to comply with the provisions of *N.J.S.A. 19:44A-20.5, et seq.* The definitions as set forth in that statute are referred to and incorporated

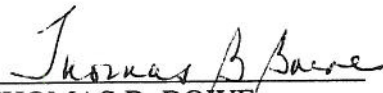
into this Ordinance.

**BE IT FURTHER ORDAINED**, that said Ordinance is being made in accordance with all applicable New Jersey Statutes and other City Ordinances.

**BE IT FURTHER ORDAINED**, that this Ordinance will take effect after adoption and publication according to law.

**CITY OF WOODBURY**

  
C. BARRY SLOANE, (President Pro Tem)  
President of Council

Attest:   
THOMAS B. BOWE,  
Clerk/Administrator

Approved:   
ROBERT CURTIS, Mayor

**CERTIFICATION**

The foregoing Ordinance was introduced at a regular meeting of the City of Woodbury held on the 13<sup>th</sup> day of November, 2007 and will be considered for final passage and adoption at a regular meeting, at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 26<sup>th</sup> day of November, 2007 at the Municipal Building of the City of Woodbury, located at 33 Delaware Street, Woodbury, New Jersey.

Clerk/Administrator

THOMAS B. BOWE,