

**AN ORDINANCE OF THE TOWNSHIP OF EAST GREENWICH
ESTABLISHING A FAIR AND OPEN PROCESS FOR THE AWARD OF
PROFESSIONAL SERVICE AGREEMENTS**

WHEREAS, Professional entities are exempt from established New Jersey public bidding laws, specifically said exception being set forth under N.J.S.A. 40A:11-5; and

WHEREAS, the Township of East Greenwich recognizes a need for a fair and open process for the awarding of professional service contracts under New Jersey statute N.J.S.A. 19:44A-20.5.

NOW, THEREFORE, BE IT ORDAINED by the Township of East Greenwich, Township Committee, that the following Ordinance is hereby established, and known as an Ordinance Establishing a Fair and Open Process for the Award of Professional Service Agreements, and said Ordinance shall read as follows:

"AN ORDINANCE ESTABLISHING A FAIR AND OPEN PROCESS FOR THE AWARD OF PROFESSIONAL SERVICE AGREEMENTS.

A. State Law. The provisions of an act concerning certain campaign contributions by certain business entities, supplementing P.L. 1973, c. 83 (c. 19:44A-1 et seq.), and amending P.L. 1973, c. 83, was enacted as a law by the State of New Jersey, and particularly New Jersey Statute N.J.S.A. 19:44A-20.5, et seq., which bind the Township of East Greenwich and preempt any provision of this ordinance not consistent with the provisions of said state statute.

B. Fair and Open Process. Any contract required to be awarded under a fair and open process, pursuant to New Jersey Statute N.J.S.A. 19:44A-20.5, shall be subject to the following fair and open process:

1. Pursuant to the terms of New Jersey Statute N.J.S.A. 19:44A-20.7, said contract shall be publicly advertised in newspapers or on the internet website maintained by the Township of East Greenwich in sufficient time to give notice in advance of the award of the contract; and shall be awarded under a process that provides for public solicitation of proposals or qualifications and awarded and disclosed under criteria established in writing by the public entity prior to the solicitation of proposals or



qualifications; and publicly opened and announced when awarded. The notice and posting shall set forth the name of the position or contract which is to become open, where the Solicitation Notice setting forth the criteria to be considered and materials required to be submitted by the applicant can be obtained, a date, time and place when the proposals or qualifications shall be publicly opened and a statement that the proposals or qualifications are being solicited through a fair and open process pursuant to N.J.S.A. 19:44A-20.5 et seq. The decision of the Township of the Committee of the Township of East Greenwich as to what constitutes a fair and open process shall be final, pursuant to New Jersey Statute N.J.S.A. 19:44A-20.7.

C. All applicants shall submit a resume or proposal which shall include the following information:

1. Full name, business affiliation and business address;
2. A listing of all post high school education;
3. Dates of licensure in the State of New Jersey or any other State;
4. A listing of any professional affiliations or memberships in any professional societies or organizations;
5. A listing of all special accreditations held by the individual licensed professional or business entity; A listing of all previous experience relating to or work involving, public entities.

D. Criteria for Award: Proposals or qualifications of each applicant will be evaluated by the Township of East Greenwich considering the following: general experience, experience specific to the assignment, reputation in the field, knowledge of the subject matter to be addressed under the contract, accessibility, availability to accommodate any required meeting of the Township, sufficiency of resources to perform the task and other factors demonstrated to be in the best interests and the most advantageous to the Township of East Greenwich considering all factors.

E. Publication. The award of any contract pursuant to public bidding or competitive contract process as set forth in

the Local Public Contracts Law shall meet the requirements of a fair and open process. The award of the contract shall be publicized in the official newspaper of the Township of East Greenwich for publication of notices in accordance with N.J.S.A. 40A:11-5.

F. Consistent with the provisions of N.J.S.A. 19:44A-20.7, the Township'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 principals of fair and open shall be maintained."

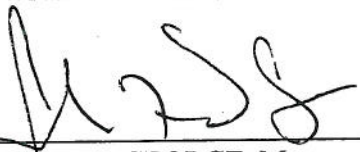
SECTION TWO: SEVERABILITY.

1. If any portion of this amendment Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

SECTION THREE: EFFECTIVE DATE.

1. This Ordinance shall take effect upon final passage and publication according to law.

TOWNSHIP OF EAST GREENWICH



JOHN F. DeGEORGE, Mayor

ATTEST:



SUSAN M. COSTILL, R.M.C.
Township Clerk

ORDINANCE NO.: 21-2005

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The Ordinance contained herein was introduced and passed upon first reading at a meeting of the Township Committee of the Township of East Greenwich, County of Gloucester, State of New Jersey, held on the 13 day of December, 2005 at 7:00 PM, time prevailing. It will be further considered for final adoption after a second reading and public hearing to be held at a meeting of the Township Committee in the East Greenwich Township Municipal Building, 159 Democrat Road, Mickleton, N.J. 08056 on the 27th day of December, 2005 at 7:00 PM, time prevailing, or at such other time, date or place as said hearing may be adjourned to as provided by, and in accordance, with the law. At any time up to or on the date of the scheduled hearing, copies of this Ordinance shall be made available for public inspection in the Office of the Township Clerk in the East Greenwich Township Municipal Building during regular business hours Monday through Friday, holidays excluded, or by appointment (856-423-0654 Ext. 2)

TOWNSHIP OF EAST GREENWICH

By: 
SUSAN M. COSTILL, R.M.C.
Township Clerk