

: Brian  
re: Lori  
Greenwich Twp.

**ORDINANCE ESTABLISHING A FAIR AND OPEN PROCESS  
FOR THE AWARD OF GOVERNMENT CONTRACTS IN  
GREENWICH TOWNSHIP, GLOUCESTER COUNTY, NEW JERSEY**

**ORDINANCE NO. 19 – 2005**

WHEREAS, the State of New Jersey has enacted NJSA 19:44-20.5 which bars any municipality, agency or instrumentality thereof from entering into a contract in excess of \$17,500.00 with a business entity that has made a reportable political contribution pursuant to NJSA 19:44-1 et seq. to any municipal committee of a political party in that municipality (if a member of that political party is serving in an elective public office of that municipality when the contract is awarded) or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded unless said contract is awarded pursuant to a fair and open process.

WHEREAS, Greenwich Township recognizes that there is a need for a fair and open process for the awarding of government contracts regulated by NJSA 19:44-20.5.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Greenwich, of the County of Gloucester and State of New Jersey that the Township of Greenwich enact an Ordinance to be known as an Ordinance Establishing a Fair and Open Process for the Award of Government Contracts and said Ordinance shall read as follows:

**Section 1. Prohibition Awarding Certain Public Contracts**

A. Except those business entities awarded a contract pursuant to a fair and open process established in this ordinance, any provision of the law to the contrary notwithstanding, the Township or any agency or instrumentality thereof,

shall not enter into a contract having an anticipated value in excess of \$17,500.00 as determined in advance and certified in writing by the Township, agency or instrumentality, with a business entity that has made reportable political contributions under NJSA 19:44-1 et seq. to any municipal committee of a political party in that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded; and

B. Except those business entities awarded a contract pursuant to a fair and open process established in this ordinance, a business entity that has entered into a Contract having an anticipated value in excess of \$17,500.00 with the Township or any agency or instrumentality of the Township, shall not make any contribution reportable by the recipient under NJSA 19:44A-1 et seq., to any municipal committee of a political party in the Township if a member of that political party is serving in an elective public office of the Township when the Contract is awarded or to any candidate committee of any person serving in an elective public office of the Township when the Contract is awarded, during the term of that Contract.

## **Section 2. Fair and Open Process**

A. Any professional service entity or other business entity providing goods or services to the Township of Greenwich shall be selected based upon a fair and open process according to the criteria established by this ordinance in Section 2.B.

B. The fair and open process established by the Township of Greenwich shall require the following:

1. Any government contract having an anticipated value in excess of \$17,500.00 with the Township or any agency or instrumentality of the Township, which shall expire as of December 31 of the calendar year, commencing January 1, 2006 and each year thereafter, shall be advertised by the municipal appointing authority in the official newspaper of the Township of Greenwich for publication of notices and published on the Township's website, no later than December 10 of each calendar year commencing December, 2005. The published notice shall set forth the name of the position or contract which is to become open and set forth in a Request for Proposal (RFP) the criteria to be considered and materials required to be submitted by the applicant. For those government contracts, having an anticipated value in excess of \$17,500.00 with the Township or any agency or instrumentality of the Township, which are awarded for a period other than a calendar year, the process set forth in this paragraph shall commence with publication of notices no later than 20 days prior to the end of the term of the contract previously awarded.
2. Should the contracts to be awarded require licensure in the State of New Jersey, said applicant shall be licensed for a period of not less than five (5) years.
3. The applicant shall submit a "Certificate of Good Standing" or other similar document evidencing that the professional's license is not presently suspended or revoked.

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;
- 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;
- 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.
- h. Any contract not qualifying as a professional service contract under NJSA 11:5-1 but whose cost has an anticipated value in excess of \$17,500.00, shall be solicited based upon specifications relating to the goods or supplies

or services to be rendered, including the cost of those goods or supplies or services, in accordance with applicable New Jersey Public Contracts Law guidelines. Such solicitation shall not be subject to the RFP requirements of subsections 4.a. through 4.g., inclusive, of this Subsection 2.B.4 but shall be governed by applicable New Jersey Public Contracts Law guidelines.

5. A committee comprised of the Township Administrator, Municipal Clerk and Superintendent of Public Works shall review the submissions by applicants for professional service contracts and other contracts to be awarded by Mayor and Council. The committee shall be chaired by the Township Administrator. It shall establish uniform criteria for ranking the applicants submitting the response to the RFP or bid solicitation pursuant to Section 2.B.4. and then rank the submissions accordingly.

6. The appointing authority shall appoint a committee and designate a chairperson of that committee to review the submissions by applicants for professional service contracts and other contracts to be awarded by the appointing authority. The committee shall establish uniform criteria for ranking the applicants submitting the response to the RFP or bid solicitation pursuant to Section 2.B.4. and then rank the submissions accordingly.

### **Section 3. Appointment.**

A. The Township Administrator shall submit the ranked responses to the RFP

to the Mayor and Council. The Mayor and Council shall thereafter decide whom to appoint and to ratify, respectively, to the position so advertised after receipt of the ranked responses from the Township Administrator. The Mayor and Council are not bound by the ranking of RFP responses but may consider the ranking as a factor before awarding the contract to the individual or business entity appointed, as the case may be.

B. The chairperson of the committee designated by the appointing authority shall submit the ranked responses to the RFP to the appointing authority. The appointing authority shall then decide whom to appoint to the position so advertised after receipt of the ranked responses from the chairperson of the committee. The appointing authority is not bound by the ranking of RFP responses by the chairperson but may consider the ranking as a factor before awarding the contract to the individual or business entity appointed, as the case may be.

**Section 4. Effective Date.**

This ordinance shall take effect twenty (20) days after adoption and publication according to law.

ATTEST:

Merrie A. Schmidt  
MERRIE A. SCHMIDT  
Municipal Clerk

George W. Shivery, Jr.  
TOWNSHIP OF GREENWICH  
GEORGE W. SHIVERY, JR.  
Mayor

First Reading 10-18-05

Second Reading 11-07-05

Adoption 11-07-05

