

ORDINANCE O:36-2006

AN ORDINANCE AMENDING CHAPTER 35 OF THE CODE OF THE TOWNSHIP OF MONROE AND 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 Monroe has recognized that there is a need for a fair and open process for the awarding of professional service contracts where other contracts and agreements which are not subject to public bidding in order to address the concerns of taxpayers regarding political contributions and to engender trust in the process of local government, and to insure that quality public services are received; and

WHEREAS, the State of New Jersey has enacted N.J.S.A. 19:44A-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 political contribution reportable pursuant to N.J.S.A. 19:44A-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.

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

Chapter 35 - An Ordinance Establishing a Fair and Open Process for the Award of Professional Service Agreements.

§35.1. Prohibition Awarding Certain Public Contracts.

Any other 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 political contribution that is reportable by the receipt under N.J.S.A. 19:44A-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. 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 thereof, except a contract that is awarded pursuant to a fair and open process, shall not make such a contribution reportable by the recipient under N.J.S.A. 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. All contractors who made a reportable contribution may only be awarded a contract through the Fair and Open Process set forth herein.

When evaluating whether or not a person or business entity has made a contribution, the following will be considered: If made by a natural person, a contribution by that person's spouse or child shall be deemed to be a contribution by that person; made by a business entity, a contribution by any person or other business entity having an interest in said business entity shall be deemed to be a contribution by the business entity.

(1) When using the terms "business entity" and "interest," the following definitions shall be utilized:

- (a) The term "business entity" shall mean any natural or legal person, business corporation, professional services corporation, Limited Liability Company, partnership, limited partnership, business trust, association or any legal commercial entity organized under the laws of this state or any other state or foreign jurisdiction.
- (b) The term "interest" shall mean the ownership or control of more than 1% of the stock, assets or profits of any public held company and any percentage interest of a privately held or closed corporation.

(2) Donations made by an individual who is employed by a contractor or potential contractor will count towards the aggregate of that firm's donation. If donations from the contractor and their employees exceed the contribution limits set forth by the NJ ELEC, that firm will be barred from receiving a contract in Monroe Township.

(3) Vendors who have made reportable donations to the following will also be deemed ineligible to bid on contracts in Monroe Township:

- (a) Any organization deemed under statute of the NJ ELEC to be a County Political Party Committee organized and registered in Gloucester County.
- (b) Any organization deemed under statute of the NJ ELEC to be a Municipal Party Committee organized and registered in Monroe Township.

- (c) Any organization deemed under statute of the NJ ELEC to be a Continuing Political Committee (otherwise known as a PAC) which title contains both the municipality and a partisan organization.

§ 35-2. Fair and open process.

A. Any professional service entity or other business entity providing services to the Township of Monroe shall be subject to a fair and open process. That fair and open process shall be set forth in Subsection B below which shall establish criteria for the fair and open process.

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

- (1) Any professional position or service contract not subject to bidding that shall expire as of December 31 of that calendar year shall be advertised by the Mayor's office, appointing authority or Board, as the case may be, in the official newspaper of the Township of Monroe for publication of notices, and published on the Township's website, no later than December 10. 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.
- (2) Should the applicant be a professional requiring 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 or current public entities served by the business entity or licensed professional, indicating the dates of services and position held.

C. The Mayor, appointing authority or Board shall thereafter select the professional or business entity for the position so advertised which shall thereafter be confirmed or approved as required by law or ordinance.


D. All vendors must certify that they meet the above requirements by filling out a form kept on file with the municipal clerk and must accompany all RFQ's. Failure to do so will result in disqualification from the bidding process. Vendors who are disqualified will have 48 hours to appeal their decision to the Council President who will review the disqualification prior to the next meeting of the Council. Any vendor, who is disqualified pursuant to the provisions of this law, shall be banned from the award of a contract for a period of three (3) years.

SECTION II. All prior Ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

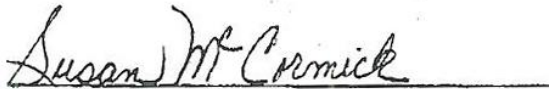
SECTION III. This Ordinance shall take effect immediately after final passage and publication as required by law.

TOWNSHIP OF MONROE

By:

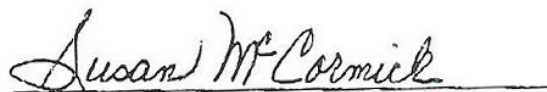

Council President, Marvin Dilks, Jr.

ATTEST:


Twp. Clerk, Susan McCormick, RMC
or Deputy Clerk, Sharon Weed, RMC

CERTIFICATION

The foregoing ordinance was introduced at a meeting of the Township Council of the Township of Monroe held on the day of Tuesday, July 25, 2006, and will be considered for final passage and adoption at a meeting of the Township Council of the Township of Monroe to be held on Tuesday, August 22, 2006 at the Municipal Building, 125 Virginia Avenue, Williamstown, New Jersey, at which time any person interested therein will be given an opportunity to be heard.


Twp. Clerk, Susan McCormick, RMC
Or Deputy Clerk, Sharon Weed, RMC