

**ROSE-MARIE SARACINO**  
TOWNSHIP CLERK, RMC/CMC

**STELLA WARD**  
DEPUTY TOWNSHIP CLERK, RMC



## TOWNSHIP OF OLD BRIDGE

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COUNCIL PRESIDENT

**WILLIAM A. BAKER**  
VICE PRESIDENT

**COUNCIL**  
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ROBERT A. VOLKERT

March 27, 2006

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

Dear Secretary Wells:

Enclosed please find a copy of Township of Old Bridge Ordinance #02-2006 – entitled Prohibiting Contracts to be Awarded to Certain Political Campaign Contributors “Pay to Play”.

Also, enclosed is a copy of Municipal Regulation 004-2006 – Implementing a Fair and Open Process” for the awarding of Professional Service Contract.

Very truly yours,  
OLD BRIDGE TOWNSHIP

Rose-Marie Saracino, Township Clerk

RMS/lq  
Enclosures



**ORDINANCE NO. 02-2006**

**PROHIBITING CONTRACTS TO BE AWARDED TO  
CERTAIN POLITICAL CAMPAIGN CONTRIBUTORS**

WHEREAS, professional business entities are exempt from public bidding requirements;  
and

WHEREAS, contributions from professional business entities receiving discretionary contracts from the elected officials who receive such contributions may raise reasonable concerns on the part of taxpayers as to their trust in the process of local government; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF OLD BRIDGE, that the policy of the Township of Old Bridge shall be to set the maximum amounts professional business entities who receive "no bid" contracts may contribute beyond which they become ineligible to receive "no bid" professional service contracts from the Township of Old Bridge.

**SECTION I**

**Prohibition on Awarding Public Contracts to Certain Contributors**

- (a) Any other provision of law to the contrary notwithstanding, the Township, its purchasing agent or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure, without a fair and open process, any service which the Township would be permitted to procure on a "no bid" basis pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and 40A:11-5(1)(m) (the "Statute") from any Professional Business Entity, if that entity has solicited on behalf of, or made any contribution of money, or pledged a contribution, including in-kind contributions, to a campaign committee of any Old Bridge Township municipal candidate or municipal office holder seeking re-election, who would have, or has, ultimate responsibility for the award of the contract, or to any Old Bridge Township or Middlesex County party committee, or to any Political Action Committee (PAC) that is organized for the primary purpose of promoting or supporting any Old Bridge Township municipal candidate or municipal office holder seeking re-election, in excess of the thresholds specified in subsection (c), within twelve (12) consecutive months immediately preceding the date of the award of the contract.
- (b) No Professional Business Entity which enters into negotiations for, or agrees to, any contract or agreement not the subject of public bidding or a fair and open process with the Township or its independent authorities for the rendition of services described in subsection (a) shall knowingly solicit on behalf of, or make any contribution of money, or pledge of a contribution, including in-kind contributions, in excess of the thresholds specified in subsection (c) below to any Old Bridge Township municipal candidate or municipal office holder seeking re-election, who would have or has, ultimate responsibility for the award of the contract, or to any Old Bridge Township or Middlesex County party committee, or to any PAC that is organized for the primary purpose of promoting or supporting any Old Bridge Township municipal candidate or municipal office holder seeking re-election, between the time of first communications between the Professional Business Entity and the Township regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.
- (c) (i) Subject to the limitation in (ii), of this subsection, any individual meeting the definition of "Professional Business Entity" under this ordinance may make a contribution up to the amount that is reportable by the recipient under



## SECTION 4

### Return of Excess Contributions

A Professional Business Entity or Township municipal candidate or municipal office holder seeking re-election, or municipal or county party committee or PAC referenced in this ordinance may cure a violation of Section 1 of this order, if, within sixty (60) days after the general election, the Professional Business Entity notifies the Township Council in writing and seeks and receives reimbursement of a contribution from the entity to whom the contribution was made.

## SECTION 5

### Penalty

- (a) All Old Bridge Township agreements with Professional Business Entities shall provide that it shall be a material breach of the terms of the government contract for a Professional Business Entity to violate, or to aide or abet a violation, of section 1(b) or (c) or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.
- (b) Any Professional Business Entity who knowingly fails to reveal a contribution made in violation of this ordinance, or who knowingly makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future Old Bridge Township contracts for a period of forty-eight (48) months from the date on which the violation is finally determined.

## SECTION 6: INCONSISTENT ORDINANCES.

All ordinances or parts of ordinances inconsistent with the provisions of this chapter shall be and the same are hereby repealed.

## SECTION 7: PARTIAL INVALIDITY.

If any section, paragraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

## SECTION 8: EFFECTIVE DATE.

A. Except as set forth at subparagraphs B and C hereof, this Ordinance shall take effect on the earlier of the following dates: (1) on the date the Mayor affixes his/her signature thereto and returns same to the Municipal Council by delivering it to the Municipal Clerk pursuant to NJSA 40A:69A-41 or (2) on the tenth day following presentment to the Mayor of the Ordinance pursuant to NJSA 40:69A-41 applicable when the Mayor has failed to return the Ordinance; whichever occurs first.

B. If the Mayor vetoes the Ordinance (in the manner set forth at NJSA 40:69A-41), this Ordinance shall become effective upon the Township Council's vote to override the Mayor's veto.

C. Notwithstanding any other provision hereof, this Ordinance shall not take effect less than twenty (20) days after its final passage by the Council and approval by the Mayor, where such approval is required, unless the Council shall have also adopted a resolution declaring an emergency and at least two-thirds (2/3) of all the members of the Council vote in favor of such resolution.

**MUNICIPAL REGULATION  
004-2006**

**IMPLEMENTING A “FAIR AND OPEN PROCESS” FOR THE AWARD OF  
PROFESSIONAL SERVICE CONTRACTS**

WHEREAS, professional business entities are exempt from public bidding requirements; and

WHEREAS, contributions from professional business entities receiving discretionary contracts from the elected officials who receive such contributions may raise reasonable concerns on the part of taxpayers as to their trust in the process of local government; and

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

WHEREAS, the Mayor has the authority to issue municipal regulations under the Faulkner Act, NJSA 40:69A-1 et seq. and the authority to negotiate contracts for the municipality under NJSA 40:69A-40j.

WHEREAS, it shall be the policy of the Township of Old Bridge to award all professional service contracts pursuant to a “fair and open process” as defined at NJSA 19:44A-20.4 et seq.; and

WHEREAS, the Law defines the term “fair and open process” as follows:

“Fair and open process” means, at a minimum, that the contract shall be publicly advertised in newspapers or on the Internet website maintained by the public entity in sufficient time to give notice in advance of the contract; 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 decision of a public entity as to what constitutes a fair and open process shall be final.” (NJSA 19:44A-20.7)

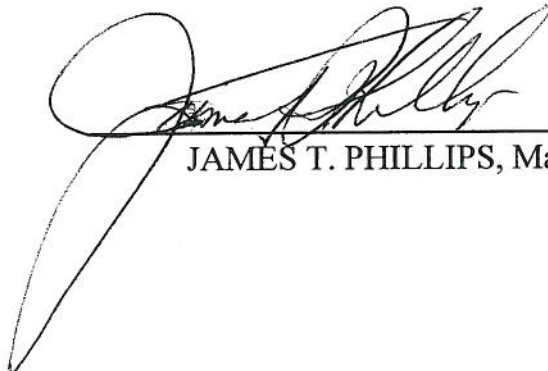
WHEREAS, the “fair and open process” for the award of professional service contracts shall be as contained in *Exhibit I* revised as of March 1, 2006, which is made a part hereto and on file for public inspection at the office of the Township Clerk.

NOW, THEREFORE, BE IT ORDERED BY THE MAYOR OF THE TOWNSHIP OF OLD BRIDGE, that the "Fair and Open Process" contained in *Exhibit I* revised March 1, 2006 and made a part hereof shall be implemented by the Township of Old Bridge in regard to the award of any applicable professional service contract.

**Effective Date:**

This Municipal Regulation shall become effective March 1, 2006.

3/1/06  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
JAMES T. PHILLIPS, Mayor



## **FAIR AND OPEN PROCESS**

**Issued by:**

**James T. Phillips, Mayor  
Township of Old Bridge**

**Revised March 1, 2006**

**EXHIBIT I**

## Fair and Open Process

### I. PURPOSE AND INTENT

As outlined in the Municipal Regulation #001-2006 the following shall serve as the Township's "Fair and Open Process". Through this "Fair and Open Process", the Township of Old Bridge shall seek and encourage vendors to submit "proposals" for all contracts in which the Township is permitted to procure on a "no bid" basis pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and 40A:11-5(1)(m)(the "Statute") from any Professional Business Entity, or for specific projects as needed. However the following services are specifically excluded from the "Fair and Open Process".

1. All medical doctors, psychologists, and doctors of veterinarian medicine;
2. Professional artistic services;
3. Litigation support services required by the Municipal Prosecutor in carrying out his law enforcement duties, such as expert witnesses, court reporters, etc;
4. Litigation support services required by the Township Attorney, such as expert witnesses, court reporters, etc.
5. Services provided by members of the clergy;
6. Financial Services;
7. Insurance Services;
8. All Statutory appointments and employees of the Township and any agency, instrumentality or authority of the Township.

### II. NOTICE REQUIREMENTS

A. Notice of contracts as outlined in Section I. of this Executive Order shall be posted on the Township Web Site or in the Official Township Newspaper, at least 10 days prior to contracting for the goods or services. In addition, monthly notice may be sent to local newspaper(s) identifying that these contracts are posted on the Township web site:

- (1) Such Web Site postings, at a minimum, shall include:
  - (a) Identification of the Contract to be awarded;
  - (b) General description and scope of the Contract including criteria for selection, including any special criteria required for any particular project, also where in the Township written copies can be obtained;
  - (c) Location of the Contract if a specific location is required;
  - (d) Deadline for submission of proposals;
  - (e) Indication of how interested professionals or providers can apply for consideration;

(f) The Township's intention to award to more than 1 firm, if applicable; and

(g) How the project will be purchased, (i.e. based on a time and/or materials bases; with a not to exceed amount, or lump sum pricing depending on the scope of services, or if the Township is offering specific compensation for the services, or a combination of these).

(h) Notice that proposals must contain a sworn statement, as outlined in Section 3 of the Municipal Regulation #001-2006.

### III. PROPOSAL SUBMISSION REQUIREMENTS

In all cases, in which a proposal is delivered by public or private mailing, or hand delivered, the following address and notation shall appear prominently on the front of the outside envelope:

Re: Contract # 0000000  
PROPOSAL FOR  
Township Clerks Office  
Township of Old Bridge  
One Old Bridge Plaza  
Old Bridge, NJ 08857

The proposal documents shall be placed in an inside an envelope which shall have the following endorsement in the upper right corner of the envelope:

Proposal for: Proposal # 000000  
Proposal opening date:  
Proposal opening time:

Proposal documents must include the following copies:

(a) one original paper copy clearly marked as the "ORIGINAL plus five full, complete and exact paper copies.

**Faxed proposals will NOT be accepted.**

**Any inquiry concerning this notice must be directed in writing to:**

Old Bridge Township  
Business Administrator  
One Old Bridge Plaza  
Old Bridge, NJ 08857



All documents/information submitted in response to this solicitation shall be available to the general public as required by the New Jersey Open Public Records Act N.J.S.A. 47:1A-1 et seq. The Township will not be responsible for any costs associated with the oral or written and/or presentation of the proposals. The Township reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The Township further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all vendors submitting proposals. In the event that all proposals are rejected, the Township reserves the right to re-solicit proposals.

#### **IV. MINIMUM QUALIFICATIONS**

See Exhibit A

#### **V. MANDATORY CONTENTS OF PROPOSAL**

In its proposal, the vendor must include the following:

- 1) Contact Information: Provide the name and address of the firm, the name, telephone number, fax number, and e-mail address of the individual responsible for the preparation of the proposal.
- 2) Acknowledgement that the fees offered by the Township for the specified services are acceptable or a proposal of fees to be charged as outlined in the solicitation for proposals.
- 3) An executive summary of not more than two pages identifying and substantiating why the vendor is best qualified to provide the requested services.
- 4) A staffing plan listing those persons who will be assigned to the engagement if the vendor is selected, including the designation of the person who would be the vendor's officer responsible for all services required under the engagement. This portion of the proposal should include the relevant resume information for the individuals who will be assigned. This information should include, at a minimum, a description of the person's relevant professional experience, years and type of experience, and number of years with the vendor.
- 5) A description of the vendor's experience in performing services of the type described in this FAIR AND OPEN PROCESS. Specifically identify client size and specific examples of similarities with the scope of services required under this FAIR AND OPEN PROCESS.
- 6) A description of resources of the vendor (i.e., background, location, experience, staff resources, financial resources, other resources, etc.).
- 7) The location of the office, if other than the vendor's main office, at which the vendor proposes to perform services required under this FAIR AND OPEN PROCESS. Describe your presence in New Jersey.

- 8) Provide references including the contact names, titles, address and phone numbers.
- 9) In its proposal, the vendor must identify any existing or potential conflicts of interest, and disclose any representation of parties or other relationships that might be considered a conflict of interest with regard to this engagement, or the Township.
- 10) Proposals must contain a sworn statement, as outlined in Section 3 of the Municipal Regulation #001-2006.
- 11) Completed data forms provided in Exhibit B. and attached hereto.
- 12) Documentation that the vendor meets the minimum qualifications for the position as outlined in "Exhibit A".

## **VI. RECEIPT AND OPENING OF PROPOSALS**

Proposals will be received by the Township Clerks office and processed in the same manner in which the office processes public bids. The Clerks office will publicly open the proposals on the date, and at the time advertised in the Web Site notice, in the same manner in which the office opens public bids. After the public opening of the proposals is completed the Clerks office will provide the Township Administrator three (3) copies of each proposal to be submitted to the Review Committee.

## **VII. REVIEW COMMITTEE**

The Township Review Committee shall consist of the Business Administrator, Chief Financial Officer, and any other person or persons, chosen by the Business Administrator who possesses special knowledge in the subject area that could be of benefit to the selection process. No less than three individuals shall constitute a review committee.

## **VIII. INTERVIEW**

The Township Review Committee reserves the right to interview any or all of the applicants submitting a proposal. Although interviews may take place, the proposal should be comprehensive and complete on its face. The Township reserves the right to request clarifying information subsequent to submission of the proposal.

## **IX. SELECTION PROCESS**

All proposals will be reviewed by the Township Review Committee to determine responsiveness. Non-responsive proposals will be rejected without evaluation. For vendors that satisfy the minimum requirements, the Township Review Committee will evaluate proposals

based on the following evaluation criteria, separate or combined in some manner, and not necessarily listed in order of significance:

(a) The vendor's general approach to providing the services required under this Fair and Open Process.

(b) The vendor's documented experience in successfully completing contracts of a similar size and scope to the engagement addressed by this Fair and Open Process.

(c) The qualifications and experience of the vendor's management, supervisory or other key personnel assigned to the engagement, with emphasis on documented experience in successfully completing work on contracts of similar size and scope to the services required by this Fair and Open Process.

(d) The overall ability of the vendor to mobilize, undertake and successfully complete the engagement within the timeline. This criterion will include, but not be limited to, the following factors: the number and qualifications of management, supervisory and other staff proposed by the vendor to perform the services required by this Fair and Open Process; the availability and commitment to the engagement of the vendor's management, supervisory and other staff proposed; the vendor's contract management plan, including the vendor's contract organizational chart.

## **X. SELECTION CRITERIA AND CONTRACT**

The Township Review Committee will select the vendor deemed most advantageous to the Township. This Township Review Committee's selection shall be forward to the Governing Body for approval. Once approved by the Governing Body the contract between the Township and the selected vendor(s) shall be comprised of the contract attached as Exhibit A, this FAIR AND OPEN PROCESS, any clarifications or addenda thereto, the selected vendor's proposal, and any changes negotiated by the parties.

## **XI. REJECTION OF REVIEW COMMITTEES RECOMMENDATION**

If the Governing Body rejects the recommendation of the Review Committee the process shall start over from the beginning.

## **XII. IF NO PROPOSALS ARE RECEIVED**

If no proposals are received after conducting the Fair and Open Process, the committee will make a recommendation for the appointment of a professional to the Governing Body as permitted in N.J.S.A. 40A:11-5(a)(i). Notwithstanding the above, all professionals receiving awards based on this sub-section must comply with the limitations on contributions imposed in the Township's Pay to Play Ordinance.

# Exhibit A

## Request for Qualifications for Municipal Bond Counsel

### GENERAL SPECIFICATIONS

General specifications required of most projects.

### TECHNICAL SPECIFICATIONS

Specific project goals and objectives.

### MINIMUM QUALIFICATIONS

Minimum qualifications of vendor to be considered for project.

## Exhibit B

- B-1. Non Collusion Affidavit
- B-2. Disclosure of Ownership
- B-3. Affirmative Action Statement
- B-4. Americans with Disabilities Act
- B-5. Acknowledgement of Addenda
- B-6. Experience Sheet
- B-7. Corporate Resolution
- B-8. Debarred, Suspended & Disqualification
- B-9. Pay to Play Certification

# Exhibit C

## Proposal & Fees Check List