2005-19

ORDINANCE OF THE TOWNSHIP OF MOUNT LAUREL SUPPLEMENTING THE CODE OF THE TOWNSHIP OF MOUNT LAUREL BY ADDING SECTION 4-87A.5 ENTITLED "PAY FOR PLAY"

WHEREAS, the Township of Mount Laurel places the public trust above all else and remains steadfast in its commitment to the highest ethical standards in the conduct of its business on behalf of the taxpayers of the Township of Mount Laurel; and

WHEREAS, to avoid the appearance of impropriety the Township has determined to discontinue the practice of awarding professional services contracts without public solicitation, a practice that has been legally sanctioned and encouraged unabated throughout the State of New Jersey for at least thirty (34) years; and

WHEREAS, the State of New Jersey did pass, by the public laws of 1971, in Chapter 198, the New Jersey Local Public Contracts Law, which became effective on July 1, 1971, and which has been codified into State law since 1971 at *N.J.S.A.* 40A:11-1 *et seq.* and remains the status of the law on these issues today; and

WHEREAS, the Local Public Contracts Law currently requires bidding for all contracts entered into by any municipality, which contracts are for an amount in excess of Twenty-One Thousand ($21,000) Dollars; and

WHEREAS, the provisions of the Local Public Contracts Law have historically exempted from the requirement of bidding certain qualities of contract that virtually all municipalities and counties are required to enter into, including contracts for all professional services including but not limited to, engineering, legal, architectural, planning, auditing and appraisal contracts; and

Certified to be a true copy of an ordinance as was adopted by Mt Laurel Township Council at a regular meeting on 8-1-05

Patricia Dalbe
Municipal Clerk

WHEREAS, the Local Public Contracts Law also exempts from the requirement of bidding certain other contracts for "extraordinary unspecifiable services" as that term is defined at *N.J.S.A.* 40A:11-2(7); and

WHEREAS, the Township has determined to discontinue the practice of awarding professional service contracts without public solicitation;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mount Laurel, County of Burlington, State of New Jersey that:

SECTION 1. All contracts for professional services and for services defined in the law as extraordinary and unspecifiable services shall be entered into when necessary or appropriate by the Township of Mount Laurel and such contracts will only be awarded after a competitive, quality-based, fair and open process. A competitive, quality-based, fair and open process shall require, at a minimum, that any necessary or appropriate professional service contract or contract for extraordinary unspecifiable services be:

1. Publicly advertised in newspapers in sufficient time to give notice in advance of the contract; and

2. Awarded under a process that provides for public solicitation of proposals and/or qualifications; and

3. Awarded and disclosed under criteria established in writing by the Township of Mount Laurel prior to the solicitation of proposals or qualifications; and

4. Publicly opened; and

5. Announced when awarded.

SECTION 2. Nothing contained in this ordinance shall be construed as prohibiting the award of a professional services contract when an emergency exists

requiring the immediate performance of services, with such award being made in accordance with the Rules of the Township and the New Jersey Local Public Contracts Law.

SECTION 3. The Township Manager and the Township Solicitor are directed and authorized to take all action necessary to prepare and arrange for the implementation of policies and procedures in accordance with this ordinance.

SECTION 4. All ordinances or parts of ordinances inconsistent with this ordinance are repealed to the extent of such inconsistency.

SECTION 5. If for any reason any section of this ordinance shall be declared unconstitutional or illegal by any court of competent jurisdiction, the remaining sections hereof shall remain in full force and effect.

SECTION 6. This ordinance shall take effect upon final passage and publication according to law.

Geraldine A. Nardello
Mayor

Attest:

Patricia Halbe
Municipal Clerk

Introduction Date:	July 18, 2005
Publication Date:	July 21, 2005
Public Hearing Date:	August 1, 2005
Adopted:	August 1, 2005