

RESOLUTION 2008:216

WHEREAS, N.J.S.A. 19:44A-20.5 et seq. was created to regulate "pay-to-play" in the branches of NJ government including counties and municipalities; and

WHEREAS, on or after January 1, 2009, the Law prohibits a municipality from awarding contracts with a value in excess of \$17,500. to a business entity that makes certain reportable contributions one year prior to the contract; and

WHEREAS, the contractor can be awarded a contract even though he may have reportable contributions, if the award is made through a "fair and open" process; and

WHEREAS, to be "fair and open" the contract should be advertised to give notice in advance of the contract, and publicly opened and announced when awarded; and

WHEREAS, the minimum requirements of a "fair and open" process are:

- Publicly advertised with sufficient time of 10 calendar days to give notice, and
- Awarded under a process that provides for public solicitation of proposals, and
- Established on the basis of an award and disclosure process documented in writing prior to any solicitation, and
- Publicly opened and announced when awarded.

WHEREAS, the notice should include:

- A description of the requested goods or services;
- The time, date, and place proposals must be submitted;
- Contract information for obtaining the proposal document;
- The name of the agency requesting the proposal; and
- A statement that the proposal is being solicited through fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq.

WHEREAS, there are several alternatives in choosing their basis for award under a fair and open process such as:

- Choosing the lowest responsible bidder as in traditional bidding
- The standard used by both state government and the competitive contracting model "most advantageous price and other factors considered".
- Other fair and open process established by the agency

WHEREAS, the bids do not have to be opened and awarded at the same time, do not have at a public meeting, and can be awarded at a separate time by resolution by the Governing Body with wording stating to a "fair and open" process or a "non-fair and open process"; and

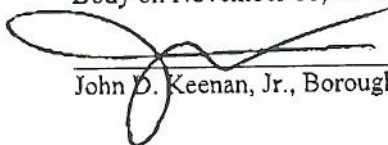
NOW, THEREFORE, BE IT RESOLVED by Mayor and Council to authorize the Borough Clerk to advertise to receive proposals for the 2009 year under the "fair and open process" of the pay-to-play law, and have resolutions to awards ready for the Governing Body's Reorganization Meeting to be held on January , 2009 for the following services:

BOROUGH ENGINEER
BOROUGH SOLICITOR
BOROUGH AUDITOR

FURTHERMORE, the following services for the 2009 year will also be included and forward to the appropriate Boards such as the Joint Land Use Board to take action at their Reorganization Meeting to be held in January, 2009.

BOARD ENGINEER

I, John D. Keenan, Jr., Borough Clerk, hereby certify the above resolution was adopted by the Governing Body on November 11, 2008.


John D. Keenan, Jr., Borough Clerk

