

**ORDINANCE ESTABLISHING A FAIR AND OPEN PROCESS FOR THE AWARD OF
PROFESSIONAL SERVICE AGREEMENTS**

ORDINANCE NO. 15, 2005

WHEREAS, professional entities are exempt from established New Jersey Public Bidding Laws, specifically set exemption being set forth under N.J.S.A. 40A:11-5; and

WHEREAS, the Borough of Pitman 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 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 AND ENACTED by the Borough of Pitman Council, County of Gloucester and State of New Jersey as follows:

That the Borough of Pitman enact an ordinance to be known as an ordinance establishing a fair and open process for the award of professional service agreements and said regulation shall read as follows:

Chapter 2-28 - An Ordinance Establishing a Fair and Open Process for the Award of Professional Service Contracts.

Chapter 2-29.1 - Prohibition Awarding Certain Public Contracts.

Any of the provision of the law to the contrary notwithstanding, the borough or any agency or instrumentality thereof shall not enter into a contract having the anticipated value in excess of \$17,500.00 as determined in advance and certified in writing by the sole agency or instrumentality with a business entity that has made a 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; and a business entity that has entered into a contract having an anticipated value in excess of \$17,500.00 with the borough 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 borough if a member of that political party serving in an elective public office of the borough when the contract is awarded or to any candidate committee of any person serving in an elective public office of the borough when the contract is awarded during the term of the contract.

Chapter 2.29.2 Fair and Open Process -

A. Any professional service entity or other business entity providing services to the Borough of Pitman shall be subject to a fair and open process. A 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 Borough of Pitman shall require the following:

(1) Any professional position or service contract not subject to bidding that shall expire as of December 31st 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 Borough of Pitman for publication of notices and/or published on the Borough's website, not later than December 10th. 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 years.

(3) The applicant shall submit a Certificate of Good Standing, Affidavit 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 or professional)

- a. full name, 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 all professional affiliations or memberships in any professional societies or organizations with an indication as to 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 entity.
- g. a listing of all previous public entities served by the business entity or licensed professional indicating the dates of service and positions held.

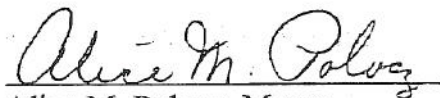
C. Mayor, appointing authority or Board shall thereafter select the professional or business entity for the position so advertised which shall thereafter be confirmed or approved as required by law or ordinance.


BE IT FURTHER ORDAINED that this ordinance shall take effect after publication according to law.

INTRODUCED and passed on first reading at the regular meeting of the Mayor and Council of the Borough of Pitman held on the 26th day of September, 2005 at Borough Hall, 110 South Broadway, Pitman, New Jersey at 8:00 p.m., will be taken up for final consideration and passage at the regular meeting of the Mayor and Council to be held on October 10, 2005

BOROUGH OF PITMAN

ATTEST:


Alice M. Polocz, Mayor


Caren D. Andrews, Clerk/Administrator

