

ORDINANCE 2006-08

ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN,
STATE OF NEW JERSEY, INSTITUTING N.J.S.A. 19A:20-4,
COMMONLY KNOWN AS "NEW JERSEY LOCAL UNIT PAY TO PLAY"
AND ESTABLISHING CRITERIA FOR CERTAIN CONTRACTS UNDER THE
"FAIR AND OPEN" PROCESS OF THE NEW JERSEY LOCAL UNIT PAY
TO PLAY LAW.

WHEREAS, the Borough of Island Heights is a municipal entity organized pursuant to the laws of the State of New Jersey; and

WHEREAS, N.J.S.A. 19:44A-20.4, et seq., commonly known as the "New Jersey Local Unit Pay-to-Play Law" became effective January 1, 2006; and

WHEREAS, the New Jersey Local Unit Pay-to-Play Law prohibits the awarding of professional contracts with an anticipate value in excessive \$17,500.00 unless the appointment process is either "unfair and open" or "fair and open"; and

WHEREAS, there has been public outcry regarding the appointment of professionals who were not appointed through what is commonly considered to be an open and public bidding process; and

WHEREAS, the public has demanded that the awarding of professional contracts be conducted in a fair and open way, so as to enable to the public to understand and determine the basis upon which appointments are made; and

WHEREAS, the Mayor and Council of the Borough of Island Heights have determined that it is in the best interests of the residents of the Borough of Island Heights to have all professional appointments made through the "fair and open" process as set forth in N.J.S.A. 19:44a-20.4, et seq.; and

WHEREAS, the Mayor and Council of the Borough of Island Heights has determined that in order to effectuate the New Jersey Public Local Unit Pay-to-Play Law, and the policy behind same, that certain criteria must be established for the awarding of the professional contracts through the "fair and open" process; and

WHEREAS, the Mayor and Council of the Borough of Island Heights hereby declare that establishment of a "fair and open" process for the awarding of professional contracts, and the establishment of criteria for the awarding of such contracts through the "fair and open" process is to the benefit of the residents of the Borough of Island Heights and will promote the general welfare of the Borough and its residents:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Island Heights as follows:

SECTION I. The title of Chapter 2-42 of the Borough Code is created to read as follows:

FAIR AND OPEN APPOINTMENT OF PROFESSIONALS

SECTION II. Chapter 2-42 of the Borough Code is created to read as follows:

2-42.1 Public Policy Declaration: It is hereby declared that the policy of the Borough of Island Heights is for the appointment of professionals and the awarding of professional contracts in a fair and open setting, through the utilization of the submittal of formal proposals/bids from prospective professional appointees.

2-42.2 Prohibition against appointment. Except as specifically authorized by State Statute, no appointment to any professional services contract, as defined by N.J.S.A. 19:44A-20.4, et seq., having an anticipated value in excess of \$17,500.00, shall be made unless said contract is awarded pursuant to a fair and open process by way of calling for and acceptance of bids and/or proposals from prospective professional appointees.

2-42.3 Process for appointment. In order to award a professional service contract within the Borough of Island Heights, the following procedure shall be followed:

1. The Borough shall advertise for any anticipated professional appointment in accordance with State law, and the acceptance of sealed proposals for said professional appointment;
2. The Borough shall make available to any interested party such bid/proposal application, which shall specifically set forth what information is required by the Borough to be included with the application/proposal submitted by the interested party;
3. The Borough shall specifically indicate in the advertisement/notice the required submission date for all proposals/applications;
4. Interested applicants/proposals shall be submitted in a sealed envelope to the Borough of Island Heights by the date and time set forth in the advertisement/notice, and any such application/proposal which is submitted after the advertised/notice date and time shall be deemed invalid;
5. The Borough shall set forth in the application/proposal the criteria for awarding of such professional contract;
6. The Borough shall publicly open the sealed proposals/applications no sooner than the date and time set forth in the advertisement and/or notice,

and all proposals/applications shall be publicly opened at the date and time specified, unless otherwise impracticable under the circumstances.

7. The Borough shall review all applications/proposals submitted in accordance with the criteria set forth herein for the appointment of said professional; and

8. The Borough shall award the professional services contract, and the successful applicant/proposal submitter shall be notified of such appointment.

2-42.4 Criteria for appointment. No professional appointment shall be made under the fair and open process except for those which have been evaluated by the Borough prior to appointment for the purposes of determining which professional appointment will be the most advantageous for the Borough, based upon the following criteria:

1. Experience and reputation in the field or the service requested by the Borough and references related thereto;
2. Qualification of the individuals who will perform the tasks and amounts of their respective participation;
3. Knowledge of the Borough and the subject matter to be addressed under the contract;
4. Ability to perform the tasks;
5. Location (distance) of primary office in relation to the Borough's administrative offices;
6. Recent, current and projected workload of the individual or firm;
7. Compensation proposal;
8. Thoroughness and completeness of the applicant's submittal;
9. Other factors if demonstrated to be in the best interests of the Borough; and
10. Other specific criteria set forth in the requests for proposals which are unique to said requests for proposals.

SECTION III. Any portion or portions of the Borough Code not affected by this Ordinance remain(s) unchanged and in full effect.

SECTION IV. Any portion(s) of the Borough Code inconsistent herewith is (are) repealed.

SECTION V. This Ordinance shall be part of the Borough of Island Heights Municipal Code as though codified and fully set forth therein. The Borough Clerk shall have this Ordinance codified and incorporated in the official copies of the Island Heights Municipal Code.

SECTION VI. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

NOTICE OF PENDING ORDINANCE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was duly introduced and passed upon first reading at a Regular Meeting of the governing body of the Borough of Island Heights held on May 23, 2006. **FURTHER NOTICE** is hereby given that said ordinance was adopted after a public hearing thereon, at a regular meeting of said governing held at the Island Heights Municipal Building, One Wanamaker Complex, Island Heights, New Jersey on June 13, 2006 at 7:00 PM, during which hearing Public Comment on said Ordinance shall be heard and considered.

Ellie Rogalski, RMC/CMC

