

pay to play

CITY OF PASSAIC

ORDINANCE NO. 1685-06

ORDINANCE SUPPORTING FAIR AND OPEN CONTRACT AWARDS

WHEREAS, the New Jersey State Legislature adopted N.J.S.A. 19:44A-20.4 et seq., which law is known as the "pay to play" law, which took effect on January 1, 2006; and

WHEREAS, the state legislation provides municipalities and their subdivisions with the option to award all contracts over \$17,500.00 by either a fair and open process or a "non-fair and open process"; and

WHEREAS, the use of the "non-fair and open process" requires that persons seeking the award of these contracts certify to the municipality that they have not given any political contributions over \$300.00 to the members of the governing body awarding the contract; and

WHEREAS, pursuant to the "open and fair process", there is no restriction to campaign contributions and the process allows a more open and qualitative decision to be made with regard to the award of contracts which are professional services or not required to be bid pursuant to the Local Public Contracts Law.

NOW THEREFORE BE IT ORDAINED by the Council of the City of Passaic:

SECTION ONE

Policy. The City Council seeks to establish a policy for the award of contracts over \$17,500.00 within the City of Passaic. This policy shall govern the Council, all departments, boards, agencies, subdivisions, commissions or independent authorities within the City of Passaic. These entities shall utilize a fair and open process for all contracts over \$17,500, which are for professional services or other contracts not required to bid under N.J.S.A. 40A:11-5 et seq.

SECTION TWO

Process of Awarding Contracts. All contracts subject to the fair and open process shall follow these procedures:

1. The award of the contracts shall be publicly advertised either in the City official newspaper or on the City website, with notice of the City's intent to award a contract, with at least ten (10) days notice prior to the acceptance of proposals.
2. In public solicitation of proposals, it shall set forth the qualifications the City Council or any of its boards, departments, agencies, subdivisions, commissions or independent authorities seek with regard to this contract.

3. The basis for an award of the contract shall be disclosed in writing prior to the solicitation of the contract.
4. The proposals received by the City Council, board, authority, department, subdivision, commissions or agency, shall be publicly opened and announced.
5. The City Council, board, authority, department, subdivision, commission or agency of the City shall by resolution award the contract at a public meeting.

SECTION THREE

If any section or provision of this ordinance shall be held invalid in any court, the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid and shall be inseparable from the remainder or any portion thereof.

SECTION FOUR

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION FIVE

This ordinance shall take effect upon final passage and publication as provided by law.

INTRODUCED BY COUNCILPERSON: Daniel Schwartz

SECONDED BY COUNCILPERSON: Chaim Munk

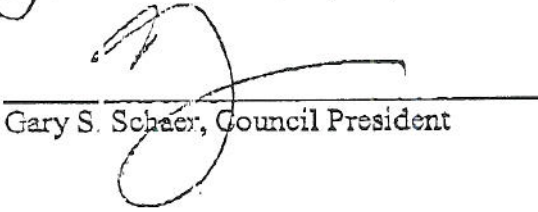
Record of Council Vote on Final Passage	Aye	Nay	Abstain	Absent
FERNANDEZ, G.				x
GARCIA, J.	x			
JACKSON, M.	x			
MUNK, C.	x			
SCHAER, G.	x			
SCHWARTZ, D.	x			
SOTO, J.	x			

Adopted on first reading at a meeting of the Council of the City of Passaic, NJ on
February 21, 2006. Adopted on second and final reading after hearing on
March 7, 2006.

APPROVED:


Samuel "Sammy" Rivera, Mayor

3-8-06
Date


Gary S. Schaefer, Council President


Annada D. Curling, City Clerk

FILED
SEP - 3 2009
NINA MITCHELL WELLS
SECRETARY OF STATE