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28-06

TOWNSHIP OF SCOTCH PLAINS

RESOLUTION NO. 28 -06

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SCOTCH PLAINS ESTABLISHING A FAIR AND OPEN PROCESS FOR THE AWARDING OF CERTAIN CONTRACTS

WHEREAS, the Township Council has determined that a Fair and Open process should be established for the awarding of certain contracts pursuant to the provisions of P.L. 2004, Chapter 19 (as amended by P.L. 2005, Chapter 51), *N.J.S.A.* 19:44A-20.4,

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Scotch Plains meeting in public session on January 10, , 2006, that:

1. Findings. The Township Council finds that the provisions of P.L. 2004, Chapter 19 (as amended by P.L. 2005, Chapter 51), *N.J.S.A.* 19:44A-20.4, *et seq.* provide for the establishment of a fair and open process for the award of certain contracts with a value in excess of \$17,500.00 per year, where those contracts are not subject to public bidding or competitive contracting under the provisions of the New Jersey Local Public Contracts Law, and that it is in the interest of the Township of Scotch Plains to establish procedures for a fair and Open process for the award of those contracts.

2. Fair and Open Process. Contracts with a value in excess of \$17,500.00 per year, as determined by the Township Manager, and all professional service contracts, shall be awarded in accordance with the following procedures, which are established pursuant to *N.J.S.A.* 19:44A-20.4, *et seq.* as the Fair and Open Process for the Township of Scotch Plains.

- a. Requests for Qualifications and Proposals shall be advertised at least ten (10) days before the proposals are to be submitted.
- b. The responses to the Requests for Qualifications and Proposals shall be submitted in writing to the Township Manager and shall be opened in public.
- c. Proposals will be evaluated on the basis of the most advantageous to the Township of Scotch Plains, price and other factors considered. The evaluation will consider:
  - 1) Experience and reputation in the field;
  - 2) Knowledge of the Township of Scotch Plains and the subject matter to be addressed under the contract;
  - 3) Availability to accommodate any required meetings;
  - 4) Compensation proposal;

- 5) Other factors if demonstrated to be in the best interest of the Township of Scotch Plains.
- d. The award of the contract shall be made in public by Resolution of the Township Council.
- e. With regard to appointments to be made by the Township Manager and confirmed by the Township Council, the appointments shall be made in accordance with law and the contract shall be awarded in accordance with the Fair and Open process herein established.
- f. All other provisions of the Local Public Contracts Law regarding contracts made that are not subject to public bidding shall be followed, including the provisions for the publication of notice of the award of contracts.

3. For Contracts which arise on an occasional basis, such as appraisals needed for the acquisition of property, as well as title searches, surveying, and similar work associated with same; and comparable assignments, planning services needed for Master Plan updates, appraisals, special counsel, special project engineer contracts, etc., Professional Services Contracts may be awarded without following the foregoing provisions, so long as: (1) the anticipated value does not exceed the \$17,500 threshold set forth above, and (2), the Township Manager makes reasonable efforts to solicit at least two (2) proposals for the work.

4. Emergency Exceptions. Notwithstanding the foregoing, the Township Council recognizes that the New Jersey Legislature has provided for the occurrence of certain emergencies, and further recognizes that, therefore, the procedure outlined above, might not be capable of being achieved in the event of an emergency or similar time constraints. Thus, should a situation arise, and time does not permit resort to this procedure, and the immediate performance of services is necessary, then an award for same may be made in accordance with the provisions of the Local Public Contracts Law relating to emergency contracts,

and such rules and regulations as may be promulgated, from time to time, by the Township Council with regard to same. No such emergency contracts, however, may be awarded without submission to the Township Clerk of a certification establishing a basis for the deviation from the procedures outlined herein.

5. Copies of this Resolution shall be provided to the Township Manager and to all of those presently holding contracts with the Township of Scotch Plains that have a value in excess of \$17,500.00 and are not subject to public bidding under the New Jersey Local Public Contracts Law.

Dated: January 10 , 2006

**TOWNSHIP OF SCOTCH PLAINS**

*Barbara Riepe*  
Barbara Riepe, Township Clerk  
Township of Scotch Plains

This is to certify that this is a true and exact copy of a Resolution adopted on  
January 10, 2006  
by the Township Council of the Township  
Scotch Plains

*Barbara Riepe*  
Barbara Riepe, Township Clerk

FILED  
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NINA MITCHELL WELLS  
SECRETARY OF STATE