

**ORDINANCE NO. 2006-05
TOWNSHIP OF WASHINGTON
COUNTY OF WARREN
STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING, REVISING, AND
SUPPLEMENTING
CHAPTER 4 OF THE CODE OF THE TOWNSHIP OF
WASHINGTON,
ENTITLED “BUDGET CONTROL AND FISCAL MANAGEMENT”,
ARTICLE VI ENTITLED “PUBLIC CONTRACTS”**

WHEREAS, N.J.S.A. 19:44A-20.4 et seq. requires municipalities to enact a policy to award Fair and Open contracts for certain goods and services, and;

WHEREAS, Township of Washington wishes to ensure any goods and services it requires are obtained at the best possible cost, by the most qualified vendor, without undue influence.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Washington, in the County of Warren, State of New Jersey, as follows:

Section 1. Chapter 4, Article VI shall be amended as follows:

§ 4-23. Fair and Open Contracts.

- A. Pursuant to P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51) N.J.S.A. 19:44A-20.4 et seq., Washington Township will award contacts whose total yearly value exceeds \$17,500 by a “Fair and Open Process”.

B. Requests for proposals or quotations, with the expected yearly value to exceed \$17,500 (seventeen thousand five hundred dollars), shall be solicited as per the following:

- 1) Bids shall be posted on the Washington Township official web site at <http://www.washington-twp-warren.org> and/or in the official newspapers designated at the Township Committee Reorganization Meeting.
- 2) All bid specifications shall be posted on the Washington Township official web site and also be available from the Township Clerk's office.
- 3) Unless the need is deemed to be emergent by Township Committee, all bids shall be posted a minimum of two (2) weeks prior to the submission deadline.
- 4) All contract awards shall reflect public solicitation of proposals and/or qualifications.
- 5) Contracts shall be awarded based on the disclosed award selection process as described in this section.
- 6) All bids shall be opened and awarded in a publicly noticed meeting of the Township Committee.

C. Proposals will be evaluated by the Township Committee of the Township of Washington on the basis of the most advantageous cost and other factors considered. The evaluation will consider:

- 1) Experience and reputation in the field.
- 2) Knowledge of the Township of Washington and the subject matter to be addressed under the contract.
- 3) Availability to accommodate any required meetings of the Township Committee; its designated boards, committees or commissions.
- 4) If applicable, licenses, certifications, affiliations, education and training.
- 5) Ability to complete to work, provide the goods or services in a timely manner.
- 6) Thoroughness and completeness of the applicant's proposal.
- 7) Compensation proposal.
- 8) Other factors if demonstrated to be in the best interest of the Township Committee, which shall be specially detailed in the request for bid/proposal. These can include, but are not limited to:
 - (a) Interviews
 - (b) Verification of references

§ 4-24. Non-Fair and Open Contracts.

A. Should Washington Township need to award a non-Fair and Open contact it will do so as per N.J.S.A. 19:44A-20.8 et seq.

B. Non-Fair and Open contracts will require:

- 1) Completion of a Business Entity Disclosure Certification form.
- 2) Passing and publication of a resolution awarding the contract, containing the following clause:

WHEREAS, the Washington Township Committee has a need to acquire <describe goods or services to be provided> as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and,

- 3) All contracts shall contain the following contribution prohibition clause:

Political Contribution Disclosure. This contract has been awarded to _____ based on the merits and abilities of _____ to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that _____, it's subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the Township of Washington, Warren County if a member of that political party is serving in an elective public office of Township of Washington when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Township of Washington when the contract is awarded.

Section 2. All ordinances or parts of ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect after final passage and publication in accordance with law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Township Committee of the Township of Washington held February 21, 2006 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a meeting of the Township Committee to be held on March 21, 2006 at 7:30 p.m. or as soon thereafter as the matter may be heard, at the Police/Municipal Building, 33 Little Philadelphia Road, Washington, NJ, 07882, at which time

Upon passage, to be filed with:
Office of Secretary of State
Laws and Commission Section
PO Box 300
Trenton, NJ, 08625-0300