

**THE BOROUGH OF RIVERTON  
BURLINGTON COUNTY**

**ORDINANCE NO. 2011 - \_\_\_\_\_**

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**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 24  
TO ADDRESS LIMITATIONS ON POLITICAL CONTRIBUTIONS BY  
MUNICIPAL VENDORS AND ESTABLISHING A PROCEDURE FOR  
THE AWARD OF PROFESSIONAL SERVICE CONTRACTS**

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**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of certain Contracts without resort to competitive bidding; and

**WHEREAS**, notwithstanding that said law authorizes contracts to be awarded without competitive bidding, the Borough Council of the Borough of Riverton wishes to go beyond the minimum requirements of the law, to provide assurances to the public that decisions on hiring certain individuals or firms to provide professional services to the Borough, are made by employing objective quality-based criteria by which the Governing Body can properly evaluate the qualifications and credentials of vendors to whom said contracts are awarded; and

**WHEREAS**, the Borough Council of the Borough of Riverton is intent upon making every effort to ensure that the public has confidence in the honor and integrity of the individuals holding public office and positions, and that elected and appointed officials maintain the highest ethical standards in the conduct of public business on behalf of the residents and taxpayers of the Borough of Riverton; and

**WHEREAS**, while the Borough Council has often advertised for proposals for major Professional Service Contracts as a prelude to awarding same, it has determined that a more

comprehensive procedure to review such proposals better serves the public interest; and

**WHEREAS**, the Borough Council is aware of the provisions of N.J.S.A. 19:44A-20.5, which became effective January 1, 2006, and restricts the award of contracts where the vendor has made a certain political contributions in the previous year; and

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Borough Council of the Borough of Riverton, County of Burlington and State of New Jersey that the following standards and criteria are hereby adopted and shall be made applicable to all Contracts awarded and/or confirmed by the Borough Council, and any and all Boards, Authorities, Committees appointed, either through the authority of statute or Ordinance, by the Mayor and/or Council.

**CHAPTER 24**  
**OFFICERS AND EMPLOYEES**  
**ARTICLE IV (NEW)**

**I. AWARD OF PUBLIC PROFESSIONAL SERVICES CONTRACTS.**

A. Purpose & Intent. It is the purpose of this Section that, notwithstanding that Professional Services Contracts and certain other Contracts for goods and services are exempt from the competitive bidding requirements of the Local Public Contracts Law, N.J.S.A. 40a:11-1 et seq., the Borough Council deem it appropriate, and consistent with the provisions of recently enacted New Jersey Legislation, now codified at N.J.S.A. 19:44a-20.1 et seq., to henceforth award such contracts through a competitive, quality-based, fair and open process.

B. Process for Award of Professional Services Contracts. The Borough of Riverton, or any agency or instrumentality thereof, shall not enter into a contract,

including a Professional Services Contract, or such other contract which is exempt from public bidding requirements, having an anticipated value in excess of Seventeen Thousand Five Hundred Dollars (\$17,500.00) as determined by the municipality, agency or instrumentality, with a business entity, except through a contract that is awarded pursuant to a fair and open process if, during the proceeding one year period, that business entity has made a contribution that is reportable by the recipient under N.J.S.A. 19:44-1 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 elected public office of that municipality when the contract is awarded. The fair and open process shall be quality-based, and shall be as follows:

1. Professional Services may be awarded by virtue of a publicly advertised Request for Qualifications (“RFQ”) and/or Request for Proposals (“RFP”) which will be issued as one document for those appointments which are made on an annual basis, such as, but not limited to, the positions of: Borough Attorney, Borough Engineer, Borough Insurance Consultant and such similar statutory and/or ordinance public positions.

2. For said positions, no contract shall be awarded, unless and until the positions are:

- (i) publicly advertised in newspapers or on the internet website maintained by the Borough in sufficient time to give notice in advance of the solicitation for the Contracts;

- (ii) awarded under a process that provides for public

solicitation of proposals and qualifications including experience and quality of services.

(iii) awarded and disclosed under criteria established in writing by the Borough of Riverton prior to the solicitation of proposals or qualifications as set forth in this ordinance; and

(iv) publicly announced when awarded; and as to those RFQ's and RFP's which prove to be unsuccessful, the Municipal Clerk shall retain a copy of same on file for a period of not less than sixty (60) days.

3. For Contracts which arise on an occasional basis, such as appraisals needed for the acquisition of land and/or open space, as well as title searches, surveying, and similar work associates with same; and comparable assignments, such 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, as long as: [1] the anticipated value does not exceed the Seventeen Thousand Five Hundred Dollar (\$17,500.00) threshold set forth above, and [2], the Borough Finance Committee makes every effort to solicit at least two (2) proposals for said work.

C. Review of RFP's/RFQ's by Borough Finance Committees. The Finance Committee shall prepare, process and evaluate any RFQ and/or RFP issued pursuant to the Professional Services Contracting procedures set forth above. The Finance Committee must prepare, prior to a Request for Proposals, a written cost estimate in order to allow for proper evaluation of the fee aspect of Proposals. Moreover, said Committee shall evaluate the respective Qualifications and/or Proposals, taking into consideration the designated qualifications and/or performance criteria, experience, reputation of vendor, quality of

services, quoted fee and other relevant factors in making a recommendation of award to the Borough Council; and the Borough Council may in their sole discretion, conduct negotiations with qualified vendors after receipt of proposals, in order to achieve the best possible contract terms and conditions for the Borough and its taxpayers. No Contract shall be awarded, however, unless same is authorized by Resolution duly adopted in public session by the Borough Council.

D. Emergency Exceptions. Notwithstanding the foregoing, the Borough 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 provision so the Local Public Contracts law relating to emergency contracts, and such rules and regulations as may be promulgated, from time to time, by the Borough Council with regard to same. No such emergency contracts, however, may be awarded without submission to the Borough Clerk of a certification establishing a basis for the deviations from the procedures outlined herein.

## **II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of such inconsistencies.
  
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid

or unenforceable for any reasons, then the Borough Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Borough to meet the goals of the Ordinance.

- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

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Robert Martin  
Mayor

**CERTIFICATE OF CLERK**

I, Mary Longbottom, Municipal Clerk of the Borough of Riverton, in the County of Burlington and State of New Jersey do hereby **CERTIFY** that the following Ordinance was introduced and passed at a regular meeting of the Borough Council held \_September 14, 2011. This Ordinance was finally adopted at a regular meeting of the Borough Council held on \_\_\_\_\_ after a Public Hearing.

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Mary Longbottom  
Municipal Clerk

RECORDED VOTE	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
KATELLA	_____	_____	_____	_____
BROWN	_____	_____	_____	_____
CAIRNS-WELLS	_____	_____	_____	_____
SMYTH	_____	_____	_____	_____
KINZLER	_____	_____	_____	_____
MYERS	_____	_____	_____	_____
MAYOR (TIE)	_____	_____	_____	_____

