

**MANSFIELD TOWNSHIP  
BURLINGTON COUNTY**

**ORDINANCE 2013-8**

**AN ORDINANCE TO AMEND THE  
PROCEDURE FOR THE AWARD OF PROFESSIONAL  
SERVICE CONTRACTS**

**WHEREAS**, specifically, 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**, the Township Committee of the Township of Mansfield 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 Township of Mansfield; and

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey that the Township's Ethics Regulations be the same is hereby amended to add the following additional standards and criteria:

**ARTICLE I. NEW SECTIONS.** The following new Sections are hereby added to the Ethics Regulations of the Township of Mansfield:

**§ 17B-6. AWARD OF PUBLIC PROFESSIONAL SERVICES CONTRACTS.** It is the purpose of this Section that, notwithstanding that Professional Services Contracts are exempt from the competitive bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Township Committee deems it appropriate, in order to avoid any public perception that Professional Services Contracts are awarded in consideration for, e.g., political contribution or other considerations, said Contracts, consistent with the provisions of enacted New Jersey Legislation, shall henceforth be awarded through a competitive, quality-based, fair and open process.

**§ 17B-7. PROCESS FOR AWARD OF PROFESSIONAL SERVICES CONTRACTS.** No Professional Services Contracts, as that term is used in the Local Public Contracts Law, shall be awarded after the date of the adoption of this Ordinance, unless the following competitive, quality-based, fair and open process is followed:

- A. Professional Services may be awarded by virtue of a publicly advertised Request for Qualifications ("RFQ") which will be issued for those appointments which are made on an annual basis, such as, but not limited to, the positions of: Township Attorney, Township Engineer, Township Planner, Planning Board Attorney, Planning Board Engineer, and such similar statutory and/or ordinance public positions.
- B. For said positions, no Contract shall be awarded, unless and until the positions are:
  1. publicly advertised in newspapers in sufficient time to give notice in advance of the solicitation for the Contracts;

2. awarded under a process that provides for public solicitation of proposals and qualifications;
  3. awarded and disclosed under criteria established in writing by the Township of Mansfield prior to the solicitation of proposals or qualifications; and
  4. publicly announced when awarded; and as to those RFQ'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.
- C. For Contracts which arise on an occasional basis, such as appraisals needed for the acquisition of farmland and/or open space, as well as title searches, surveying, and similar work associated with same; and similar projects of this type, Professional Services shall be awarded only after receipt of publicly advertised RFQ's, after which a limited number of the best qualified vendors would be identified, and proposals would then be solicited therefrom.
- D. A REVIEW OF RFQ'S BY DEPARTMENTAL REVIEW COMMITTEES. A Departmental Review Committee shall be established consisting of not less than two (2) persons to prepare, process and evaluate any RFQ issued pursuant to the Professional Services Contracting procedures set forth above. Each Departmental Review Committee must prepare, prior to an RFQ, 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 Proposals, taking into consideration the designated qualifications and/or performance criteria, experience, quoted fee and other relevant factors in making a recommendation of award to the Township Committee; and the Departmental Review Committee may, in its sole discretion, conduct negotiations with qualified vendors after receipt of proposals, in order to achieve the best possible contract terms and conditions for the Township and its taxpayers.
- E. Emergency Exceptions. Notwithstanding the foregoing, the Township Committee 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 such 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 (N.J.S.A. 40A:11-6) relating to emergency contracts, and such rules and regulations as made be promulgated, from time to time, by the Township Committee with regard to same. No such emergency contracts, however, may be awarded without submission to the Township Clerk of a certification establishing the basis for the deviation from the procedures outlined herein.

**ARTICLE 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 any 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 reason, then the Township Committee 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 Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

**Introduced: August 28, 2013**

**Final Adoption: September 25, 2013**