

THE TOWNSHIP OF SOUTH ORANGE VILLAGE

AN ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE, SECTION 27-7, DEFINITIONS, AND SECTION 27-13, FAIR AND OPEN PROCESS, TO PROVIDE FOR MINOR PROFESSIONAL SERVICE CONTRACTS.

BE IT ORDAINED, by the Board of Trustees of the Township of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:

Section 1.

Chapter 27 of the Code of the Township of South Orange Village, Section 27-7, Definitions, is hereby amended to revise and restate the definition of “Covered Contract” and to add a definition of “Minor Professional Service Contracts as follows:

COVERED CONTRACT - For the purpose of this Article, Covered Contract shall mean any contract for professional service as defined in N.J.S.A. 40A:11-2(6), involving professional service fees in excess of \$17,500, and all contracts which exceed the bid threshold of N.J.S.A. 40A:11-3, as such may be amended from time to time, and do not require bidding pursuant to any statute.

MINOR PROFESSIONAL SERVICE CONTRACT - For the purpose of this Article, Minor Professional Service Contract shall mean any contract for professional services as defined in N.J.S.A. 40A:11-2(6), involving professional service fees of \$17,500 or less. The scope of work for professional services shall not be divided or apportioned into more than one Minor Professional Service Contract for the purpose of awarding multiple Minor Professional Service Contracts to one professional services provider for which aggregate professional services fees exceed \$17,500.

Section 2.

Chapter 27, Section 27-13, Fair and Open Process, of the Code of the Township of South Orange Village, is hereby amended by the addition of new subsections 27-13F and G as follows:

- F. Minor Professional Service Contracts are exempt from the Fair and Open Process provided that they are awarded to any of at least three competitive quotes, and the provider of professional services awarded a contract delivers the Certification provided for in Section 27-14.
- G. Where additional services are required subsequent to the initial award of a Covered Contract, for which additional professional services are directly related to the scope of services of the initial contract, a second award for such additional services may be negotiated without the need for a Fair and Open Process or three competitive quotes, provided that the additional services involve professional service fees of \$17,500 or less, and immediately prior to such subsequent award, the professional services provider delivers the Certification provided for in Section 27-14.
- H. Where additional services are required subsequent to the initial award of a Minor Professional Service Contract, for which additional professional services are directly related to the scope of services of the initial contract, a second award for such additional services may be negotiated without the need for a Fair and Open Process or three competitive quotes, provided that the additional services, when combined with the professional service fees in the related, initially-awarded Minor Professional Service Contract, involve aggregate professional service fees of \$17,500 or less, and immediately prior to such subsequent award, the professional services provider delivers the Certification provided for in Section 27-14.

Section 3.

Chapter 27, Article II, is amended by the addition of the following Section 27-15:

§27-15 Professionals retained by Village Counsel.

Village Counsel may retain professionals subject to the following:

A. Village Counsel may, with the Approval of the Village President, retain such professionals as are necessary in order to defend or prosecute litigation, or the threat thereof. With the exception of the requirements of Section 27-10, the retaining of such professionals by Village Counsel shall be exempt from the requirements of this Article II.

B. Village Counsel may, with the approval of the Village President, retain professionals necessary, for the lease, easement, acquisition and/or sale of real property. In retaining such professionals, Village Counsel shall be subject to all of the requirements of this Article II.

Section 4.

Chapter 27, Article II, is amended by the addition of the following Section 27-16:

§27-16 Threshold Contract Sum.

All references to the sum of \$17,500.00 in this Chapter 27, Article II, are intended to reference such pay-to-play threshold sums as the state legislature may, from time to time, establish by amendment of N.J.S.A. 19:44A-20.5.

Section 5.

Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 6.

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

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Bauer						x
Davis Ford						x
Goldberg			x			
Gould		x	x			
Levison			x			
Rosner	x		x			

NOTICE IS HEREBY GIVEN that the above titled Ordinance was introduced and passed on first reading at a meeting of the Board of Trustees of the Township of South Orange Village at a meeting held on Monday, August 16, 2010 at Village Hall. Said Ordinance will be further considered for final adoption after a public hearing at a meeting of the Board of Trustees of the Township of South Orange Village scheduled for Monday, September 13, 2010 at 7:30 p.m. in Village Hall, 101 South Orange Avenue, South Orange, New Jersey, at which time all persons will be given the opportunity to be heard concerning said ordinance. Copies of this ordinance are available in the Clerk's Office, Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m.

Robin R. Kline, MAS, RMC
VILLAGE CLERK

Ordinance Summary for Publication

This is an ordinance amending Chapter 27 of the Code of the Township of South Orange Village (the “Code”), Sections 27-7 and 27-13 to define minor professional service contracts, to exempt such contracts from the fair and open process, provided for in Chapter 27 of the Code, but to require three competitive quotes. Minor professional service contracts are defined as those which involve professional service fees of \$17,500 or less. In addition, the ordinance authorizes Village Counsel, with the approval of the Village President to retain professionals in connection with litigation, which retaining is exempt from portions of the Township Pay-to-Play Ordinance. The Ordinance further authorizes the Village Counsel to retain professionals in connection with real property transactions, which shall be subject to all pay-to-play requirements.