

**MUNICIPAL REGULATION
002-2006**

**IMPLEMENTING A "FAIR AND OPEN PROCESS" FOR THE AWARD OF
PROFESSIONAL SERVICE CONTRACTS**

WHEREAS, professional business entities are exempt from public bidding requirements; and

WHEREAS, contributions from professional business entities receiving discretionary contracts from the elected officials who receive such contributions may raise reasonable concerns on the part of taxpayers as to their trust in the process of local government; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 and N.J.S.A. 40:48-2, municipalities have the right to establish rules and procedures for contracting with professional business entities, and

WHEREAS, the Mayor has the authority to issue municipal regulations under the Faulkner Act, NJSA 40:69A-1 et seq. and the authority to negotiate contracts for the municipality under NJSA 40:69A-40j.

WHEREAS, it shall be the policy of the Township of Old Bridge to award professional service contracts pursuant to a "fair and open process" pursuant to NJSA 19:44A-20.4 et seq.; and

WHEREAS, the Law defines the term "fair and open process" as follows:

"Fair and open process" means, at a minimum, that the contract shall be publicly advertised in newspapers or on the Internet website maintained by the public entity in sufficient time to give notice in advance of the contract; awarded under a process that provides for public solicitation of proposals or qualifications and awarded and disclosed under criteria established in writing by the public entity prior to the solicitation of proposals or qualifications; and publicly opened and announced when awarded. The decision of a public entity as to what constitutes a fair and open process shall be final." (NJSA 19:44A-20.7)

WHEREAS, the "fair and open process" for the award of professional service contracts shall be as contained in *Exhibit I* attached hereto.

NOW, THEREFORE, BE IT ORDERED BY THE MAYOR OF THE TOWNSHIP OF OLD BRIDGE, that the "Fair and Open Process" contained in *Exhibit I* attached hereto and made a part hereof shall be implemented by the Township of Old Bridge in regard to the award of any applicable professional service contract.

Effective Date

This Municipal Regulation shall become effective January 6, 2006.

1/6/06
DATE



JAMES T. PHILLIPS, Mayor

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