

**Chapter 5C**

**AWARD OF PROFESSIONAL SERVICES CONTRACTS**

- § 5C-1.     Statement of public policy.**
- § 5C-2.     Process for award of professional services contracts.**
- § 5C-3.     Emergency exceptions.**

**[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City 12-21-2017 as Ord. No. O35-2017. Amendments noted where applicable.]**

**§ 5C-1. Statement of public policy.**

It is the purpose of this Article 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 Mayor and Common Council deems it appropriate, and consistent with the provisions of the New Jersey legislation, now codified at N.J.S.A. 19:44A-20.1 et seq., to award such contracts through a competitive, quality-based, fair and open process.

**§ 5C-2. Process for award of professional services contracts.**

The City of Gloucester City, 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 \$10,000. as determined by the municipality, agency or instrumentality, with a business entity, except a contract

that is awarded pursuant to a fair and open process if, during the preceding one-year period, that business entity has made a contribution that is reportable by the recipient under N.J.S.A. 19:44a-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 elected public office of the municipality when the contract is awarded or 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:

- A. Professional services may be awarded by virtue of a publicly advertised request for qualification ("RFQ") and/or request for proposal ("RFP") which will be issued as one document for those appointments which are made on an annual basis.
- 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 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 City of Gloucester City prior to the solicitation of proposals or qualifications; and
  - (4) Publicly announces when awarded; and as to the RFQs and RFPs which prove to be unsuccessful, the Municipal Clerk shall have 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 appraisers needed or acquisition of farmland and/or open space, as well as title searches, surveying, and similar work associated with same; and comparable assignments, such as 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, so long as:

- (1) The anticipated value does not exceed the threshold of \$10,000. set forth above; and
- (2) The City Administrator makes every effort to solicit at least two (2) proposals for said work.

**§ 5C-3. Emergency exceptions.**

Notwithstanding the foregoing, the Mayor and Common 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 to resort to this procedure, and the immediate performance of service is necessary, then an award for same may be made in accordance with the provisions of the Local Public Contracts Law relating to emergency contracts, and such rules and regulations as may be promulgated, from time to time, by the Mayor and Common Council with regard to same. No such emergency contracts, however, may be awarded without submission to the City Clerk of a certification establishing a basis for the deviation from the procedures outlined herein.

