



NOTICE OF ADOPTION OF ORDINANCE

PLEASE TAKE NOTICE that the Governing Body of the Borough of Atlantic Highlands introduced the following Ordinance at their July 13, 2011 meeting. Following a Public Hearing the Ordinance published herewith has been finally adopted on July 27, 2011. This Ordinance is available for public inspection, and copies will be available at Borough Hall in the Municipal Clerk's office during regular business hours, 8:30 AM to 4:30 PM, Monday through Friday.

Dwayne M. Harris
Municipal Clerk

ORDINANCE 14-2011

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ATLANTIC HIGHLANDS, CHAPTER 60, ENTITLED PURCHASING TO DESIGNATE THE POSITION OF QUALIFIED PURCHASING AGENT

WHEREAS, P.L.2009, c.166 (A-1645), which went into effect on January 01, 2011, requires that anyone named to the title of purchasing agent after January 1, 2011, must hold a Qualified Purchasing Agent certificate to be appointed to the position; and,

WHEREAS P.L.2009, c.166 (A-1645), amends N.J.S.A. 40A:9-140.1(d) and requires the Chief Financial Officer to oversee the Local Public Contracts Law in those municipalities that have not appointed a Qualified Purchasing Agent; and,

WHEREAS, P.L.2009, c.166 (A-1645), redefined the role and qualifications of the Purchasing Agent in the Local Public Contracts Law, stipulating that when the cost or price of any contract awarded by the contracting agent, in the aggregate does not exceed in a contract year, the total sum of \$17,500, the contract may be awarded by a purchasing agent, when so authorized by ordinance, without public advertising for bids; and,

WHEREAS, if a Qualified Purchasing Agent has been appointed, the governing body of the contracting unit may establish the bid threshold to be up to the threshold amount adjusted by the Governor pursuant to N.J.S.A. 40A:11-3(c) and 18A:18A-3(b); and,

WHEREAS, N.J.S.A. 40A:11-3, provides that if the governing body of a contracting unit desires to take advantage of the QPA position, it must "designate" an individual (not a board) to serve as the Qualified Purchasing Agent, which is done by creating the position by ordinance, and once the position is created,

appointment of the individual is a personnel appointment subject to the routine procedures of the Borough.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Atlantic Highlands in the County of Monmouth, State of New Jersey as follows:

1. There is hereby created the position of Qualified Purchasing Agent for the Borough of Atlantic Highlands.

2. The Qualified Purchasing Agent shall be appointed by the Governing Body.

3. The Qualified Purchasing Agent is required to possess a valid Qualified Purchasing Agent certificate, as issued by the New Jersey Division of Local Government Services, Department of Community Affairs.

4. The Qualified Purchasing Agent, shall work with the Borough Administrator, on behalf of the Governing Body of the Borough of Atlantic Highlands, and shall have the authority, responsibility and accountability for the purchasing activity pursuant to Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); to prepare public advertising for and to receive bids and requests for proposals for the provision or performance of goods, services and construction contracts; to award contracts pursuant to New Jersey law in accordance with the regulations, forms and procedures promulgated by state regulatory agencies; and the establishment and enforcement of any and all local purchasing policies adopted by the governing body; and conduct any activities as may be necessary or appropriate to the purchasing function of the Borough of Atlantic Highlands.

5. Having appointed a Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11-9(b), the Borough will take advantage of the higher bid threshold [currently \$36,000 with a Quote Threshold of 15% or \$5,400] pursuant to N.J.S.A. 40A:11-3(a), which may be adjusted by the Governor Pursuant to N.J.S.A. 40A:11-3(c) and 18A:18A-3(b), but may at its discretion go to bid at a lower amount to encourage greater competition between vendors.

6. The political contribution threshold (pay-to-play) of \$17,500 remains in place and all procurement over \$17,500 and less than agency's new, higher bid threshold (window contracts) are subject to those laws.

7. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

8. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

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