

FILED

AUG 20 2008

NINA MITCHELL WELLS
SECRETARY OF STATE

TOWNSHIP OF EVESHAM

ORDINANCE NO. 23-10-2007

AN ORDINANCE OF THE TOWNSHIP OF EVESHAM AMENDING ORDINANCE NO. 20-9-2007 AND TOWNSHIP CODE CHAPTER 27 TO MAKE TECHNICAL AND MINOR AMENDMENTS TO ACHIEVE (1) CONSISTENCY WITHIN CHAPTER 27 OF THE CODE OF THE TOWNSHIP OF EVESHAM FOR THE TREATMENT OF CONTRACTS TO PROFESSIONAL BUSINESS ENTITIES HAVING A PRICE OF \$10,000 OR LESS AND (2) TO CLARIFY THAT THE CONTRACTING POWERS BY THE TOWNSHIP IN THE CASE OF A DECLARED STATE, FEDERAL, COUNTY OR MUNICIPAL EMERGENCY WILL BE CONSISTENTLY APPLIED TO BOTH CONTRACTS GOVERNED BY THE FAIR AND OPEN AWARD PROCESS AND CONTRACTS GOVERNED BY THE "PAY TO PLAY" PROVISIONS OF ORDINANCE NO. 20-9-2007

WHEREAS, the Township Manager has recommended certain technical and minor changes to the Township ordinances controlling the award of contracts to professional business entities as that term is defined in Ordinance No. 20-9-2007; and

WHEREAS, the Township Council wishes to make its pay to play ordinance and its fair and open contracting provisions consistent with respect to contracts having a value of \$10,000 or less; and

WHEREAS, in order to protect the general welfare of the Township and its residents, the Township must have the standby right to award certain contracts during the time of a declared emergency.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Evesham, County of Burlington, State of New Jersey as follows:

SECTION 1. : PROFESSIONAL CONTRACTS UNDER \$10,000 CONTINUE TO BE EXEMPT FROM FAIR AND OPEN AWARD PROCEDURES AND MAY BE AWARDED WITHOUT COMPLIANCE WITH THE RESTRICTIONS OF ORDINANCE NO. 20-9-2007 IF SUCH EXEMPTION IS SUPPORTED BY A RECOMMENDATION AND CERTIFICATION OF THE TOWNSHIP MANAGER

A. The Township of Evesham does hereby ratify and clarify that any contract having a price or consideration at or under the threshold of \$10,000 shall continue to be exempt from the fair and open award provisions of Evesham Code Chapter 27 (as presently provided in Section 27-2 thereof)

B. Notwithstanding any provisions of Ordinance No. 20-9-2007 or Chapter 27 of the Code of the Township of Evesham to the contrary, upon request of the Township

Manager and his or her filing of a certification of reasonable investigation as required below, a contract having a price or consideration at or under the threshold of \$10,000 may be awarded by the Township Council to any professional business entity (as that term is defined in Ordinance No. 20-9-2007) if such professional business entity has not otherwise received an aggregate or cumulative amount of contracts from the Township of Evesham in the calendar year of the award exceeding \$10,000. The Township Manager of the Township of Evesham shall recommend such an award to the Township Council only after investigating the availability of professional business entities to do the work which are or would be in compliance with the "pay to play" restrictions contained in Ordinance No. 20-9-2007 and only upon determining that compliance with the "pay to play" restrictions would increase the cost or interfere with the delivery of quality services. The Township Manager shall certify his or her findings to the Township Council in a written document filed with the Township Clerk. Such document shall be available for public inspection and copying.

SECTION 2. CONTRACTING POWERS IN DECLARED EMERGENCIES

The provisions of Evesham Code Section 27-4 which allow for the exemption from fair and open contract award procedures in the case of a declared emergency shall apply with equal force to the "pay to play" restrictions contained in Ordinance No. 20-9-2007. In the case of a lawfully declared emergency, the Township may award contracts in the same fashion and to the same extent provided in Code Section 27-4 notwithstanding the provisions of Ordinance No. 20-9-2007.

SECTION 3. SEVERABILITY AND EFFECTIVENESS CLAUSE

If any sentence, paragraph or section of this ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this ordinance.

SECTION 4. EFFECTIVE DATE:

This ordinance shall become effective the later of twenty calendar days from the second reading of the ordinance and adoption by the Township Council of the Township of Evesham or October 15, 2007 whichever is later.

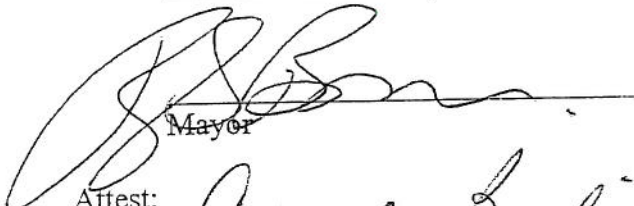

ORDINANCE NO. 23-10-2007

ROLL CALL VOTE - Upon Introduction - 9-25-07						
COUNCIL MEMBER	INTRODUCED	SECONDED	AYE	NAYE	ABSTAIN	ABSENT
BROWN	✓		✓			
MCKENNA			✓			
SARCONE		✓	✓			
SCHMIDT			✓			
MAYOR BROWN			✓			

ROLL CALL VOTE - Upon Adoption - 10-9-07						
COUNCIL MEMBER	INTRODUCED	SECONDED	AYE	NAYE	ABSTAIN	ABSENT
BROWN	✓		✓			
MCKENNA			✓			
SARCONE		✓	✓			
SCHMIDT			✓			
MAYOR BROWN			✓			

Adopted on second and final reading on

October 9, 2007


 Mayor
 Attest: 
 Clerk