

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 18-256**

**A RESOLUTION TO ESTABLISH A FAIR AND OPEN PROCESS FOR
AWARDING OF CERTAIN CONTRACTS FOR THE 2019 CALENDAR YEAR**

Councilman Whelan offered the following resolution and moved its approval:

WHEREAS, the Governing Body has determined that a Fair and Open process should be established in 2019 for the awarding of certain contracts pursuant to the provisions of P.L. 2004, Chapter 19 (as amended by P.L. 2005, Chapter 51), *N.J.S.A. 19:44A-20.4*.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Red Bank as follows:

1. Findings. The Governing Body finds that the provisions of P.L. 2004, Chapter 19 (as amended by P.L. 2005, Chapter 51), at *N.J.S.A. 19:44A-20.4, et seq.* provides for the establishment of a fair and open process for the award of certain contracts with a value in excess of \$17,500 per year, where those contracts are not subject to public bidding or competitive contracting under the provisions of the New Jersey Local Public Contracts Law, and that it is in the best interest of the Borough of Red Bank to establish procedures for a Fair and Open process for the award of those contracts.

2. Fair and Open Process. The following contracts with a value in excess of \$17,500 per year, or professional service contracts, shall be awarded in accordance with the following procedures, which are established pursuant to *N.J.S.A. 19:44A-20.4, et seq.* as the Fair and Open Process for the Borough of Red Bank.

a. Requests for Qualifications and Proposals for the positions set forth herein shall be advertised at least ten (10) days before the proposals are to be submitted. All responses shall be opened in public.

b. The responses to the Requests for Qualifications and Proposals for the following positions shall be submitted in writing to the Business Administrator:

1. Borough Attorney
2. Bond Counsel
3. Rent Leveling Board Attorney
4. Construction Board of Appeals Attorney
5. Labor Counsel
6. Borough Auditor
7. Municipal Prosecutor
8. Alternate Prosecutor
9. Public Defender
10. Borough Engineer
11. Redevelopment Counsel
12. Redevelopment Planner
13. Redevelopment Engineer

c. The responses to the Requests for Qualifications and Proposals for the following positions shall be submitted in writing to the Board Secretary:

1. Planning Board Attorney
2. Planning Board Engineer
3. Zoning Board Attorney
4. Zoning Board Engineer
5. Historic Preservation Commission Attorney

d. Proposals will be evaluated on the basis of the most advantageous to the Borough of Red Bank, price and other factors considered. The evaluation will consider:

1. Experience and reputation in the field;
2. Availability to accommodate any required meetings;
3. Compensation proposal;
4. Other factors if demonstrated to be in the best interest of the Borough of Red Bank.

e. The award of the contract shall be made in public by Resolution of the Governing Body or appropriate Board.

f. The appointments shall be made in accordance with law and contracts shall be awarded in accordance with the Fair and Open process herein established.

g. All Other provisions of the Local Public Contracts Law regarding contracts made that are not subject to public bidding shall be followed, including the provisions for the publication of notice of the award of contracts.

Seconded by Councilman Zipprich and adopted on roll call by the following vote:

| | Yes | No | Abstain | Absent |
|---------------------|-------|-----|---------|--------|
| Councilman Taylor | (X) | () | () | () |
| Councilman Whelan | (X) | () | () | () |
| Councilman Yngstrom | (X) | () | () | () |
| Councilman Ballard | (X) | () | () | () |
| Councilman Zipprich | (X) | () | () | () |
| Councilwoman Horgan | (X) | () | () | () |

Dated: November 7, 2018

I hereby certify the above to be a true copy of a resolution adopted by the Council of the Borough of Red Bank, in the County of Monmouth, at a meeting held on November 7, 2018.

Pamela Borghi

Pamela Borghi, Municipal Clerk