

## **FAIR AND OPEN PROCESS RESOLUTION**

WHEREAS, the Pay-to-Play law under Ch.19, P.L. 204 requires that all contracts in excess of \$17,500.00 even if normally exempt be publicly bid under the pay-to-play legislation or in the alternative be awarded under the non-fair procedures; and

WHEREAS, the Mayor and Common Council have determined that it is in the best interest of the Town to follow the open and fair public bidding process for all professional service contracts.

THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HACKETTSTOWN as follows:

1. Subsequent to the determination by the Town of Hackettstown that a contract shall be in excess of \$17,500 the Town shall utilize the fair and open process delineated below to select the business entity, including those providing professional services, to which the Town shall enter into such contract. In accordance with Ch. 19, P.L. 204, the criteria delineated below as to what constitutes a fair and open process is the final decision of the Town of Hackettstown
2. The Fair and Open Process established by the Town of Hackettstown shall be as follows:
  - a. The solicitation of qualifications for any contract to be determined in excess of \$17,500, and for which a bid solicitation shall not be required under Local Public Law, shall be published and advertised by the Town either in the official newspaper of the Town of Hackettstown for publication of notices or on the Town of Hackettstown website not later than ten (10) days prior to the date set for the receipt of said request for qualifications. The published notice shall set forth the description of the requested goods and services, the time, date and place that proposals must be submitted, the contact information for obtaining a proposal document and a statement that the proposals are being solicited through the fair and open process in accordance with N.J.S.A. 19:44A—20.5 et seq.
  - b. The Town shall require that any entity responding to the request for qualifications shall include, at a minimum the following:
    - (a) Full name and business address;
    - (b) Any professional licenses held by the applicant in the State of New Jersey or any other State including a “Certificate of Good Standing” or other documents evidencing that the license is not presently suspended or revoked;
    - (c) The number of licensed professionals employed by, or associated with, the applicant;
    - (d) A listing of all degrees (college and/or graduate degrees) held by the applicant and any associated professionals in the business entity;

- (e) A listing of all public entities for whom the business entity has had a contractual relationship, either currently or previously, including the dates of service and the position held;
- (f) A listing of any professional affiliations or membership in any professional societies or organizations, including any offices or honors held.

The Town of Hackettstown shall review the responses to the request for qualifications and appoint or award a contract to a business entity for the goods or services advertised subsequent to such review. The resolution awarding the contract shall state that the contract was awarded after a fair and open process and shall state the number of responses received.

Contracts subject to the Fair and Open Process delineated herein are subject to additional requirements as provided by ordinances adopted by the Town of Hackettstown and any other applicable laws including, but not limited to, the Local Public Contracts Law.

### 3. SELECTION CRITERIA

- a. Qualifications of the individuals who will perform the tasks and the amount of their respective participation;
- b. Experience in providing the services requested by the Town of Hackettstown and referenced related thereto;
- c. Ability to perform the tasks in a timely fashion, including staffing and familiarity with the subject matter and the Town of Hackettstown.
- d. Recent, current and projected work load of the individual or firm;
- e. Thoroughness and completeness of the applicant's submittal.

In accordance with N.J.S.A. 19:44A-20.5 et seq. the Town of Hackettstown is soliciting proposals for the following positions:

Town Auditor

Municipal Prosecutor

Town Planner

Land Use Planner

Land Use Engineer

Proposals must be received by the Hackettstown Town Clerk on Wednesday, December 19, 2018 at 10:00 a.m. prevailing time at the Hackettstown Municipal Building, 215 Stiger Street, Hackettstown, NJ 07840 at which time said proposals will be opened and read in public.

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William W. Kuster, Jr., Clerk

November 8, 2018

(res FAIR AND OPEN PROCESS)