

**BOROUGH OF PENNS GROVE  
MAYOR AND COUNCIL**

**RESOLUTION NO. 2021-1-10**

**A RESOLUTION REINITIATING A FAIR AND OPEN PROCESS FOR THE AWARD OF PROFESSIONAL SERVICE CONTRACTS WITH THE BOROUGH OF PENNS GROVE**

**WHEREAS**, The Borough of Penns Grove requires the services of certain professionals; and

**WHEREAS**, retaining the services of qualified professionals for such positions has long been exempt from “public bidding” by N.J.S.A. 40A:11-5(a) due to the important policy consideration of allowing a body of elected officials to appoint candidates they deem to be most qualified and advantageous to the needs and goals of the municipality; and

**WHEREAS**, N.J.S.A. 19:44A-20.7 permits municipalities to establish a “fair and open process” that allows for public solicitation of qualifications of persons interested in providing such services when the total contract amount exceeds \$17,500.00; and

**WHEREAS**, the Borough has determined that establishing such a process protects its right to appoint the most qualified candidates while making the process more open and competitive; and

**WHEREAS**, the Borough has solicited qualifications of person interested in the position of engineer, auditor, municipal solicitor, bond counsel, grant consultant, in rem tax foreclosure attorney, planning board attorney and tax appeal attorney, all of which were due on December 18, 2020; and

**WHEREAS**, the Borough has received responses from various professionals in connection with the solicitation for qualifications from those professionals; and

**WHEREAS**, the Mayor and Council have reviewed the responses and are not satisfied with the number of responses which were received; and

**WHEREAS**, the Borough of Penns Grove desires to extend the time to submit proposals for Professional Services until January 29, 2021 due to the Borough Hall being closed as a result of COVID-19 on December 4, 2020 through December 21, 2020; and

**WHEREAS**, the Mayor and Council would therefore like to try to solicit additional proposals from qualified professionals so that it may make a more informed decision concerning the appointment of the aforementioned professionals; and

**WHEREAS**, the Mayor and Council have decided that there is no need for professionals, who previously submitted proposals, to submit new proposals, as all prior submissions will be considered when a decision is made concerning the appointment of the aforementioned professionals.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Penns Grove in the County of Salem and State of New Jersey as follows:

1. The qualifications evaluation criteria for certain professionals attached hereto as Exhibit "A" are adopted in accordance with N.J.S.A. 19:44A-20-7 and have not been altered from the previous solicitation for qualifications from professionals.

2. The Borough Clerk shall advertise a notice of solicitation of qualifications for such positions in a form substantially similar to Exhibit "B" attached hereto. The Borough Clerk shall publish said notice at least 10 calendar days in advance of the date set forth therein as the deadline to submit proposals.

3. The Borough Clerk shall make the necessary arrangements to publicly open and announce all proposals received. The Borough Clerk shall forthwith thereafter review all proposals received and transmit them to the Borough Council with a report and recommendation.

4. Award of any contracts based on the submissions received shall be made by Resolution of the Borough of Penns Grove, after receipt of the materials from the Borough Clerk, at an open public meeting. In addition, the award of any contracts shall be conditioned upon the approval by the State of New Jersey Department of Consumer Affairs, Director of Local Government Services.

5. All professionals who submitted qualifications in response to the prior fair and open process shall not be required to re-submit and their prior submissions will be considered in making the final decision concerning the appointment of certain professionals for certain positions.

Respectfully Submitted,  
Sharon R. Williams