

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 2009 - 09

AN ORDINANCE OF THE TOWNSHIP OF LOWER AMENDING § 3-23 OF THE LOWER TOWNSHIP ADMINISTRATIVE CODE

WHEREAS, the New Jersey Local Public Contracts Law and, specifically, N.J.S.A. 40A:11-9, authorizes the governing body of any municipal contracting unit by ordinance to establish the position of Purchasing Agent;

WHEREAS, Senate Bill S770 and Assembly Bill A1645, both of which have passed in the Senate and Assembly and are awaiting the Governor's signature, redefines the role and qualifications of a Purchasing Agent under the New Jersey Local Public Contracts Law and establishes a mandatory position of Qualified Purchasing Agent; and

WHEREAS, in anticipation of the adoption of such legislation, the Township Council desires to establish by ordinance the position of Qualified Purchasing Agent and to amend its Administrative Code in connection therewith.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, as follows:

Section 1. Section 3-23 of the Lower Township Code is hereby amended as follows (new language is underlined and deleted language is ~~stricken~~):

§ 3-23. Department of Revenue and Finance; Division of Tax Assessment; Division of Tax Collection: Qualified Purchasing Agent.

■ Qualified Purchasing Agent.

■ "Qualified Purchasing Agent" shall mean a purchasing agent who is the holder of a Qualified Purchasing Agent certificate issued pursuant to Section 9 of P.L. 1971, c.198 (C. 40A:11-9).

■ The Office of Qualified Purchasing Agent shall be a component of the Department of Revenue and Finance subject to the direction and control of the Chief Financial Officer of the Township.

■ The Qualified Purchasing Agent shall be authorized, responsible and accountable as the Township's contracting agent for all purchasing activity for the Township and perform all appropriate functions associated therewith as more fully set forth in P.L. _____, c. _____ (C. _____) which shall include, without limitation, the following:

■ Preparation of public advertising for bids and receipt of bids for the provision or performance of goods or services on behalf of the Township.

■ Award of all contracts permitted under N.J.S.A. 40A:11-3 in the name of the Township, subject to the approval of the Township Council and Township Manager, where appropriate.

■ Conduct any and all additional activities as may be necessary or appropriate for the purchasing function of the Township.

■ The Qualified Purchasing Agent shall maintain all of the qualifications and shall have completed all of the training set forth in P.L. _____, c.____ (C._____).

Section 2. All other ordinances in conflict with or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 3. This Ordinance shall take effect twenty (20) days after upon adoption and publication as provided by law; provided, however, that until such time as Senate Bill S770 and Assembly Bill A1645 have been signed into law by the Governor and have taken effect in accordance with the terms and conditions set forth therein, the Qualified Purchasing Agent shall be considered the Purchasing Agent based upon and with all of the authority, duties and responsibilities contained in N.J.S.A. 40A:11-9.

Thomas Conrad, Councilmember

Wayne Mazurek, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Councilmember

Michael E. Beck, Mayor

Attest: _____
Claudia R. Kammer, Township Clerk

Adopted: July 20, 2009