

CITY OF VINELAND

ORDINANCE NO. 2017-58

ORDINANCE AMENDING ORDINANCE 2005-7, AS AMENDED, CHAPTER 129, ARTICLE I OF THE CODE OF THE CITY OF VINELAND ENTITLED AN ORDINANCE RESTRICTING AND CONTROLLING THE AWARD OF PROFESSIONAL SERVICE AGREEMENTS AND OTHER CONTRACTS WITHOUT COMPETITIVE BIDDING.

WHEREAS, City Council of the City of Vineland adopted Ordinance 2005-7, which restricts the award of contracts without competitive bidding to persons or entities that have contributed to a political campaign for offices in the City of Vineland, commonly known as Pay to Play; and

WHEREAS, the restrictions set forth in Ordinance 2005-7 are more restrictive than those as set forth in N.J.S.A. 19:44A-1, et seq. in that Ordinance 2005-7 strictly prohibits the award of a no bid contract to any person or entity who has made any contributions of any kind for any value to a municipal political campaign whereas N.J.S.A. 19:44A-20.8 prohibits no bid contracts to persons or entities who have made a contribution that is required to be reported in accordance with the New Jersey Campaign Contributions and Expenditures Reporting Act;

WHEREAS, because Ordinance 2005-7 was adopted prior to adoption of State legislation controlling the award of contracts without competitive bidding (Pay to Play), and in accordance with NJSA 40A:11-51, the City of Vineland Ordinance was not considered a preemption of State Statute; and

WHEREAS, the Qualified Purchasing Agent has recommended City Council consider an amendment to Ordinance 2005-7 to conform to NJSA 19:44A-1 et seq. so as to prohibit the award of any no bid contract in excess of \$17,500.00. if that person or entity receiving the no bid contract has made a reportable contribution to a municipal political campaign as required by the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Ordinance 2005-7, as amended, Chapter 129, Article 1 shall be amended as follows:

Section 129-1. Definitions "Contributions" shall be deleted in its entirety and replaced as follows:

CONTRIBUTIONS

All loans and transfers of money or other thing of value, excluding personal services other than paid personal services, to or by any candidates committee, political committee, political party committee and all pledges or other commitments or assumptions of liability to make any such transfer purposes of promoting a candidate for the election to public office of the Mayor or Councilperson in the City of Vineland. For purposes of this Article, all pledges, or other commitments or assumptions of liability to make any such transfer for purposes of promoting a candidate shall be deemed to have been made upon the date when such commitment is made or liability assumed. For purposes of this Article, loans, contributions, transfers of money or other things of value shall not include contributions which are not required to be reported in accordance with the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1, et seq.

Section 129-2A shall be deleted in its entirety and replaced as follows:

- A. Any other provision of law to the contrary notwithstanding, the City of Vineland, or any of its purchasing agents or agencies, as the case may be, shall not enter into an agreement for professional services, or otherwise contract procure services, including banking services/relationships or insurance coverage services, without competitive bidding (collectively, "Professional Services Agreement"), from any professional business entity, where the aggregate value of the transaction exceeds \$17,500.00, if that entity has solicited or made any contribution to a campaign committee of or to any individual candidate or holder of public office for the government of the City of Vineland having ultimate responsibility for the award of the contract or any City of Vineland party committee or to any PAC that is organized for the primary purpose of promoting or supporting the City of Vineland municipal officeholders within for calendar years immediately preceding the date of the contract or agreement.

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Section 129-2B shall be deleted in its entirety and replaced as follows:

- B. No professional entity which enters into any professional services agreement with the City of Vineland, or any department thereof, or the rendition of professional services or any other service contract, including services/relationships or insurance coverage services, without competitive bidding (collectively, "Professional Services Agreement"), where the aggregate value of the transaction exceeds \$17,500.00, shall knowingly solicit or make any contribution of money or pledge of a contribution, including in-kind contribution, to any City of Vineland candidate or holder of the public office of the Government of the City of Vineland having ultimate responsibility for the award of the contract, or to any City of Vineland party committee, or to any PAC that is organized for the primary purpose of promoting or supporting City of Vineland municipal candidates or municipal officeholders prior to the completion of the contract or agreement.

BE IT FURTHER ORDAINED that any Ordinance or portions thereof that are inconsistent herewith shall be deleted and void to the extent of such inconsistencies and the terms of this Ordinance shall supersede the same.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed void and unenforceable by any court of competent jurisdiction, that portion not deemed void and unenforceable shall remain in full force and affect

This Ordinance shall take effect upon adoption and publication according to Law.

Passed First Reading:

Passed Final Reading:

President of Council

ATTEST:

City Clerk