

ORDINANCE 2023-09

ORDINANCE OF THE TOWNSHIP OF CHATHAM AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE II MUNICIPAL OFFICIALS AND EMPLOYEES § 2-2.6, § 2-2.7 and § 2-7 CREATING THE POSITION OF PURCHASING AGENT FOR THE TOWNSHIP OF CHATHAM

WHEREAS, pursuant to *N.J.S.A.* 40:48-1, New Jersey municipalities may make, amend, and enforce ordinances they deem necessary and proper for the order of the municipality and its citizens as it relates to officers and employees, and prescribe in accordance with the law their duties and terms and provide for the employment of such employees as may be deemed necessary for the efficient conduct of the affairs of the municipality; and

WHEREAS, *N.J.S.A.* 40A:11-9 permits a municipality to designate a Qualified Purchasing Agent, (herein “QPA”) and *N.J.A.C.* 5:34, *et seq.*, establishes the criteria for qualifying as a QPA; and

WHEREAS, a review has been made of Chapter 2, Administration, Article II, Municipal Officials and Employees, indicating that that section of the code was enacted in 1975 with the last amendment being 1989, or thirty four (34) years ago; and

WHEREAS, based upon *N.J.S.A.* 40A:11-9, effective August 10, 2015, and as recommended by the Township Administrator, the following amendments, deletions, and additions have been determined to be in the best interest of the municipality and its citizens and deemed necessary for the efficient conduct of the affairs of the municipality.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, in the County of Morris, and State of New Jersey, that Chapter 2, Administration, Article II, Municipal Officials and Employees, shall be amended as follows:

SECTION 1. § 2-2.6 Duties and Responsibilities, be amended to include the following section:

“1. In conjunction with the Township’s Chief Financial Officer and Purchasing Agent, the Township Administrator shall review and oversee the purchasing practices and policies of all departments for the purpose of ensuring that purchases are made in accordance with applicable law, the Township Code and sound purchasing practices.”

SECTION 2. § 2-2.7 Responsibility for Purchasing and Contracting, be deleted in its entirety, and reserved.

SECTION 3. § 2-7 (RESERVED), be amended to include the following section:

“§ 2-7 Qualified Purchasing Agent

§ 2-7.1 Creation.

There is hereby created the part-time position of Qualified Purchasing Agent who shall serve no specific term and shall be appointed by the Township Committee of the Township of Chatham.

§ 2-7.2 Compensation.

Compensation for the position of Qualified Purchasing Agent shall be set annually within the Chatham Township Salary Ordinance.

§ 2-7.3 Schedule; duties and responsibilities.

The Qualified Purchasing Agent is required to possess a valid Qualified Purchasing Agent certificate, as issued by the New Jersey Division of Local Government Services, Department of Community Affairs, and perform all duties imposed by law, administrative code, or regulation including but not limited to the following:

- a. An individual shall be considered a Qualified Purchasing Agent pursuant to *N.J.S.A.* 40A:11-9b to exercise the supplemental authority as set forth in *N.J.S.A.* 40A:11-3 and 40A:11-4.3 upon meeting the criteria relevant to the individual as set forth in *N.J.S.A.* 40A:11-9.
- b. To meet the criteria of required training courses set forth in *N.J.S.A.* 40A:11-9b (5), an applicant shall successfully complete the following courses provided by the Center for Government Services at Rutgers, the State University, by the Division of Local Government Services, or, with the approval of the director, an alternative state university or county college:
 1. Principles of Public Purchasing I;
 2. Principles of Public Purchasing II;
 3. Principles of Public Purchasing III;
 4. Municipal Finance Administration, or either of the following courses:
Municipal Finance Administration for Municipal Clerks or Municipal Finance Administration for Purchasing Agents
- c. There shall be no specific hours of work for the position of Qualified Purchasing Agent; however, said position shall require the coordination and certification of all purchases by the Township within the confines of the Local Public Contracts Law; and abide by the bid thresholds as contained therein.
- d. Prepare, as needed, reports; establish and maintain files.
- e. Maintain renewal of state issued certification.
- f. The Qualified Purchasing Agent shall have, on behalf of the Township Committee of the Township of Chatham, the authority, responsibility, and accountability for the purchasing activity pursuant to Local Public Contracts Law (*N.J.S.A.* 40A:11-1, *et seq.*): to prepare public advertising for and to receive bids and requests for proposals for the provision or performance of goods, services, and construction contracts; to award contracts pursuant to New Jersey law in accordance with the regulations, forms, and procedures promulgated by state regulatory agencies, and conduct any activities as may be necessary or appropriate to the purchasing function of the Township of Chatham.
- g. The Qualified Purchasing Agent may award a contract without bid if the aggregate amount does not exceed in a contract year the total sum of the bid threshold amount

adjusted and set by the Governor pursuant to *N.J.S.A.* 40A:11-3(c) as referenced by Local Finance Notices.

- h. Perform all other duties as may be required by the Township Committee of the Township of Chatham or Chatham Township Administrator.”

SECTION 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. All ordinances of the Township of Chatham which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect immediately upon passage and publication.

Introduced: July 18, 2023

Adopted: August 15, 2023

Attest:



Gregory J. LaConte, Clerk

TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

BY:



Ashley Felice, Mayor