

**ORDINANCE #06-24**

**BOROUGH OF SAYREVILLE  
COUNTY OF MIDDLESEX  
ORDINANCE ADDRESSING PURCHASING**

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., provides for the appointment of a Purchasing Agent, and if a Purchasing Agent is appointed, the governing body of the contracting unit may establish that the bid threshold may be up to the amount set by the Governor upon consultation with the Department of the Treasury and which is currently \$44,000; and

**WHEREAS**, the Purchasing Agent shall meet the criteria to qualify as a Qualified Purchasing Agent pursuant to N.J.A.C. 5:34-5 et seq.; and

**WHEREAS**, pursuant to N.J.S.A. 19:44A-20.5, a contract having an anticipated value in excess of \$17,500 but below the applicable public bidding threshold of \$44,000 shall not be required to be awarded by the governing body of a municipality, or any agency or instrumentality thereof, and may be awarded by the qualified purchasing agent of the contracting unit; and

**WHEREAS**, the Borough of Sayreville desires to take advantage of the increased bid threshold that will provide certain benefits of efficiency and economics to the Borough; and

**WHEREAS**, the Borough previously appointed an individual as the Borough's Qualified Purchasing Agent pursuant to Resolution 2015-251, and seeks to have that individual continue as the Borough's Purchasing Agent; and

**WHEREAS**, the Borough seeks to formally establish the position of Purchasing Agent, increase its bid threshold to \$44,000, and to provide that the contracts in excess of \$17,500 but below the bid threshold of \$44,000 may be awarded by the Purchasing Agent, and that upon the recommendation of the Purchasing Agent, the Borough Administrator may execute such contracts on behalf of the Borough without the need for Borough Council approval; and

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Sayreville in the County of Middlesex, State of New Jersey, as follows:

**SECTION 1. Chapter II of the Code of Ordinances, titled "Administration" is hereby supplemented as follows:**

§ 2-68 – Purchasing.

2-68.1 Creation. There is hereby created the office of Purchasing Agent of the Borough pursuant to the authority granted by N.J.S.A. 40A:11-9.

2-68.2 Appointment. The Purchasing Agent shall be appointed by the Borough Council.

2-68.3 Qualifications. The Purchasing Agent shall have the qualifications of a Qualified Purchasing Agent pursuant to N.J.A.C. 5:34-5.1 or, unless otherwise mandated

by State statute, shall be undertaking such action as is reasonable to acquire such qualifications expeditiously.

2-68.4 Duties and powers. The powers and duties of the Purchasing Agent shall be consistent with those set by the New Jersey Department of Personnel and Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. To the extent not inconsistent with the foregoing, the Purchasing Agent shall have the authority to prepare public advertising for bids and to receive bids for the purchase of materials and supplies on behalf of the Township in accordance with the provisions of the governing statutes and sound purchasing practices and make awards of contracts in the name of the Borough for the various agencies, boards and commissions, departments, and other offices of the Township. The Purchasing Agent is authorized to award any contract, without public advertising for bids, in an amount up to \$44,000 or the maximum bid threshold established by the Governor pursuant to his or her authority under N.J.S.A. 40A:11-3, whichever is greater. Upon the recommendation of the Purchasing Agent, the Borough Administrator may execute such contract(s) without the need for Borough Council approval. The Purchasing Agent shall regularly provide a report to the Borough Administrator listing all contract awards that have been made pursuant to this authority, which the Borough Administrator shall provide to the Borough Council in the ordinary course of business. Prior approval of the Borough Council shall be obtained for individual purchases exceeding \$44,000 or the maximum bid threshold established by the Governor pursuant to his or her authority under N.J.S.A. 40A:11-3, whichever is greater. All procurements shall be completed in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and any other state law governing municipal procurements.

## **SECTION 2. Severability.**

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

## **SECTION 3. Repealer.**

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

## **SECTION 4. Effective Date.**

This ordinance shall take effect upon final adoption and publication in accordance with law.

## **INTRODUCED/APPROVED ON FIRST READING**

DATED: February 26, 2024

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Jessica Morelos, R.M.C.  
Clerk of the Borough of Sayreville

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Daniel Balka, Councilman  
(Admin & Finance Committee)  
Borough of Sayreville

**ADOPTED ON SECOND READING**

DATED: March 11, 2024

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Jessica Morelos, R.M.C.  
Clerk of the Borough of Sayreville

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Daniel Balka, Councilman  
(Admin & Finance Committee)  
Borough of Sayreville

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

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Kennedy O'Brien, Mayor  
Borough of Sayreville

APPROVED AS TO FORM:

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Matthew Moench, Esq., Borough Attorney