

**BERNARDSVILLE BOROUGH
ORDINANCE 2024-1992**

**AN ORDINANCE CONCERNING THE QUALIFIED PURCHASING AGENT'S
RESPONSIBILITIES AND AMENDING ARTICLE 2 OF THE BOROUGH CODE
ENTITLED "ADMINISTRATION"**

WHEREAS, § 2-12.4 entitled "Responsibilities [of the QPA]" of the Borough currently provides that the QPA has the authority "to recommend to the governing body the awarding of contracts...."; and

WHEREAS, N.J.S.A. 40A:11-9 states that:

"The individual designated as the purchasing agent pursuant to this subsection shall be assigned the authority, responsibility, and accountability for the purchasing activity for the contracting unit, to prepare public advertising for bids and to receive bids for the provision or performance of goods or services on behalf of the contracting unit and to award contracts up to 15% of the bid threshold permitted pursuant to N.J.S.A. 40A:11-3 in the name of the contracting unit, and conduct any activities as may be necessary or appropriate to the purchasing function of the contracting unit as its contracting agent. . . .";

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Article 2 of the Borough Code Entitled "Administration" is hereby supplemented and amended as follows:

Section 1. § 2-12.4 entitled "Responsibilities [of QPA]" is hereby amended to read as follows:

"The Purchasing Agent shall have, on behalf of the Mayor and Council, 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 recommend to the governing body the awarding of contracts pursuant to New Jersey law in accordance with the regulations, forms and procedures promulgated by State regulatory agencies and to award specific contracts when that authority is delegated to the Purchasing Agent by the governing body~~ to award contracts permitted pursuant to subsection a of § 3 of N.J.S.A. 40A:11-3."

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

ATTEST:

Anthony Suriano
Anthony Suriano, Borough Clerk

By: Mary Jane Canose
Mary Jane Canose, Mayor

Introduction: 1/22/24

1st Publication: 1/25/24

Public Hearing and Adoption: 2/26/24

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