

**ORDINANCE 2023-25**

**AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF LITTLE EGG HARBOR, SO AS TO AMEND CHAPTER 14, ENTITLED "CLAIMS APPROVAL"**

**BE IT ORDAINED** by the Mayor and Township Committee of the Township of Little Egg Harbor, County of Ocean, and State of New Jersey, as follows:

**SECTION 1.** Chapter 14 of the Township Code of the Township of Little Egg Harbor entitled "Claims Approval" is hereby amended and supplemented so as to create a new § 14-5, entitled "Procurement cards." which shall read in its entirety as follows:

**§ 14-5. Procurement cards.**

Procurement cards may only be used when vendors require payment in advance for the delivery of certain goods or services that cannot be obtained from other sources at comparable price. The circumstances which qualify the use of a procurement card are as follows:

- A. An individual transaction shall not exceed 15% of the bid threshold.
- B. Comparable pricing is not otherwise obtainable for goods and services to be available at the time and place required.
- C. The cost of purchases is comparable to costs available from other vendors who can provide the required goods and services in a timely manner.
- D. Items are purchased in a transaction where vendor certification would not normally be readily available at the time of purchase.
- E. The vendor requires immediate payment and the Township Committee has approved such use for a purchase from a particular vendor for a particular item.
- F. Purchase is from a "big box" or other store that does not accept vouchers, purchase orders or checks.



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**SECTION 2.** Chapter 14 of the Township Code of the Township of Little Egg Harbor entitled “Claims Approval” is hereby amended and supplemented so as to create a new § 14-6, entitled “Procurement card program.” which shall read in its entirety as follows:

**§ 14-6. Procurement card program.**

- A. Purchasing cards or electronic transactions will not change or eliminate any provision of the Local Public Contracts Law<sup>[1]</sup> and will be administered in accordance with the rules enumerated in N.J.S.A. 40A:5-16(c) notwithstanding the provisions of N.J.S.A. 40A:5-16(a) or N.J.A.C. 5:30-9A.1 et seq.[1] *Editor's Note: See N.J.S.A. 40A:11-1 et seq.*
- B. Purchasing cards will only be distributed to essential administrative personnel, department heads or supervisors and/or assistant supervisors on a per needed basis, which shall be determined by the Township Committee in consultation with the Township Administrator and/or Chief Financial Officer.
- C. All authorized procurement card users will be required to complete training on the policies and procedures governing the use of the procurement card and shall complete and sign a contract of understanding that includes the financial and legal responsibility for misuse.
- D. Procurement cards shall be issued in the name of a specific individual but under no circumstance shall be used to purchase personal property or services, including travel and dining expenses.
- E. Limits on cards will be established by amount, time and category of usage permissible. An authorized procurement card user is prohibited from using P-Card to conduct personal business or for any circumstances that are not authorized in N.J.S.A. 40A:5-16(c) or N.J.A.C. 5:30-9A.1.
- F. Procurement card. It will be incumbent on the Township Committee to reconcile all P-Card transactions with receipts and invoices to document a transaction. It will be incumbent for the Chief Financial Officer to reconcile card activity along with payments made to the issuing financial institution.
  - 1) Violations of policies governing the use of procurement cards shall result in appropriate remedial or disciplinary action without regard to the position held by the card user. Any violation of the policies governing use of the procurement card will result in immediate forfeiture of the ability to use such card and may result in other disciplinary action including but not limited to suspension,



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termination and criminal prosecution. The Township will also retain all rights to any funds misappropriated and will seek restitution of said funds through garnishment of wages, forfeiture of benefits and legal actions in a court of law.

- 2) Under no circumstance shall any P-Card or electronic transaction be used for personal use.

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5.** This ordinance shall take effect after second reading and publication as required by law.

### **CERTIFICATION**

**I, KELLY LETTERA, RMC**, Municipal Clerk of the Township of Little Egg Harbor do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on this **8<sup>th</sup>** day of **June, 2023**.

**r|m|s|h|c**  
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**KELLY LETTERA, RMC**  
Township Clerk  
Township of Little Egg Harbor

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**BLAISE SCIBETTA, MAYOR**