

ORDINANCE NO. 2020- 38

ORDINANCE VACATING ORDINANCE NO. 1030, AS AMENDED, CHAPTER 139 OF THE CODE OF THE CITY OF VINELAND ENTITLED PURCHASING BOARD, AND AMENDING ORDINANCE 2001-09, AS AMENDED, CHAPTER 5, SECTION 5-7 OF THE CODE OF THE CITY OF VINELAND ENTITLED DIVISION OF PURCHASING.

WHEREAS, on August 24, 1976 City Council of the City of Vineland adopted Ordinance No. 1030, Chapter 139 of the Code of the City of Vineland creating a Purchasing Board which, in effect, was to be utilized to advertise, receive, announce and report all public bidding required in accordance with N.J.S.A. 40A:11-1 et. seq. and thereafter to refer the bid calculations and tallies to the Business Administrator; and

WHEREAS, the Purchasing Board that was established in accordance with Ordinance No. 1030, was not authorized to purchase materials or supplies, but only to exercise those powers as specified therein; and

WHEREAS, on February 27, 2001 City Council of the City of Vineland adopted Ordinance No. 2001-09, Chapter 5, Section 5-7 of the Code of the City of Vineland entitled the Division of Purchasing, wherein the Division of Purchasing is supervised by a Purchasing Agent which, in accordance with N.J.S.A. 40A:11-9, has enumerated duties and authority for all purchasing activity within the City of Vineland; and

WHEREAS, as a result of the creation of the Division of Purchasing within the Department of Administration in accordance with Ordinance No. 2001-09, the purpose of the Purchasing Board and their authority has become obsolete; and

WHEREAS, City Council of the City of Vineland finds it to be in the best interest of the City of Vineland to have the Division of Purchasing be supervised and maintained by a Purchasing Agent who possesses a Qualified Purchasing Agent Certificate as specified in N.J.S.A. 40A:11-9; and

WHEREAS, the Treasurer of the State of New Jersey has the statutory authority pursuant to N.J.S.A. 52:34-7, to adjust the bid threshold for awarding a contract without advertising for bids in accordance with N.J.S.A. 40A:11-3, which adjustments occur every 5 years, and provide for a higher bid threshold when utilizing a Qualified Purchasing Agent; and

WHEREAS, City Council finds it to be in the best interest of the City of Vineland to authorize an adjustment to the bid threshold for awarding a contract without advertising in accordance with adjustments made to the bid threshold from time to time by the Treasurer of the State of New Jersey as authorized.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland as follows:

1. Ordinance No. 1030, Chapter 139 of the Code of the City of Vineland, shall be and are hereby vacated, deleted and of no further force and effect.
2. Ordinance No. 2001-9, as amended, Chapter 5, Section 5-7 of the Code of the City of Vineland is hereby deleted in its entirety and replaced as follows:

§5-7 Division of Purchasing

Within the Department of Administration, there shall be a Division of Purchasing, the head of which shall be the Purchasing Agent. The individual designated to serve as the Purchasing Agent shall possess a Qualified Purchasing Agent Certificate pursuant to N.J.S.A. 40A:11-9. Under the general supervision of the Mayor and the Business Administrator, the Qualified Purchasing agent shall:

- a. be assigned the authority, responsibility, and accountability for the purchasing activity for the City of Vineland.
- b. prepare public advertisements for bids and receive bids for the provision or performance of goods or services on behalf of the City of Vineland.

CITY OF VINELAND

- c. to award contracts permitted pursuant to N.J.S.A. 40A:11-3, in the name of the City of Vineland.
- d. after receipt of bids, read, record, and tabulate all bids received, and provide a written record of the same to the Business Administrator for recommendation to City Council.
- e. conduct any activities as may be necessary or appropriate to the purchasing function of the City of Vineland as its contracting agent.
- f. develop and provide procedures and forms for requisitions and purchases by all City personnel.
- g. supervise and control the receipt of all supplies, materials, equipment, and other items purchased on behalf of the City of Vineland.
- h. maintain an inventory of all supplies, materials, and equipment purchased by the City of Vineland.

In accordance with the statutory authority of the Treasurer of the State of New Jersey pursuant to N.J.S.A. 52:34-7, the City of Vineland hereby adopts and incorporates herein any and all adjustments to the bid thresholds for awarding the contract for goods or services without advertising for public bidding as permitted in accordance with N.J.S.A. 40A:11-3 as the said bid thresholds may from time to time be adjusted by the Treasurer of the State of New Jersey. The Qualified Purchasing Agent shall have the authority to review, negotiate, and award such contracts pursuant to N.J.S.A. 40A:11-3 within the thresholds as hereinabove set forth.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, that portion so determined to be unenforceable, shall be void and the balance hereof shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any Ordinance or portion thereof be inconsistent herewith, such Ordinance or portion thereof shall be void to the extent of such inconsistencies.

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

Passed first reading:

Passed final reading:

President of Council

ATTEST:

City Clerk