

RESOLUTION AUTHORIZING QUALIFIED PURCHASING AGENT
PURSUANT TO N.J.S.A. 40A:11-9

WHEREAS, the Board of Fire Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey, acknowledges that all procurements by the Board shall be made in accordance with the Local Public Contracts Law: N.J.S.A. 40A:11-1, *et. seq.*, as amended, and Rules and Regulations promulgated thereunder; and

WHEREAS, N.J.S.A. 40A:11-9 permits the Board, by Resolution, to designate an individual to serve as the Board's Qualified Purchasing Agent; and

WHEREAS, the Board acknowledges that designation of an individual to serve as Qualified Purchasing Agent shall delegate to said individual the authority, responsibility and accountability for the purchasing activity for the Board in the name of the Board and conduct any activities as may be necessary or appropriate to the purchasing function of the Board as its agent; and

WHEREAS, the New Jersey State Legislature, through the Director of the Division of Local Government Services, has established a criteria for individuals to qualify for designation as a qualified purchasing agent [N.J.S.A. 40A:11-9(b)], among which are education and/or experience, training and examination requirements; and

WHEREAS, William G. Newberry has been issued a Qualified Purchasing Agent certificate by the State of New Jersey, Department of Community Affairs, Division of Local Government Services, recognizing that he has satisfied the professional and educational qualifications as set forth in N.J.S.A. 40A:11-9(b), a copy of which is attached hereto; and

WHEREAS, the Board finds and determines that it is in the best interest of the District to designate a qualified purchasing agent.

NOW THEREFORE, BE IT RESOVLED, by the Board of Fire Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey, that William G. Newberry be designated the Qualified Purchasing Agent for the Board in accordance with the terms and conditions as set forth in the Service Agreement attached hereto and made a part hereof, unless otherwise resolved by the Board; and

BE IT FURTHER RESOLVED, that said William G. Newberry be granted all authority, responsibility and accountability of a qualified purchasing agent pursuant to the laws of the State of New Jersey and that he be authorized in the name of the Board to conduct any activities as may be necessary or appropriate for the purchasing functions of the Board, as its agent; and

BE IT FURTHER RESOLVED, that the Board establish the enhanced bid and quote threshold for public bodies with designated qualified purchasing agents in those amounts established and/or adjusted by the Governor pursuant to N.J.S.A. 40A:11-3(c); and

BE IT FURTHER RESOLVED, that the Qualified Purchasing Agent shall establish rules and regulations for the Board's procurement, which rules and regulations shall not be inconsistent with, but shall supplement, the laws of the State of New Jersey; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the District Auditor, Robert D. Elliott, C.P.A., of the firm of Mohel, Elliott, Bauer & Gass, for his preparation of the 2020 compliance audit; and

BE IT FURTHER RESOLVED, that the within Resolution shall be effective immediately upon passage; and

BE IT FURTHER RESOLVED, that any resolution or part of a resolution inconsistent herewith are hereby repealed or otherwise revoked; and

BE IT FURTHER RESOLVED, that if any section, paragraph, sentence, clause or phrase in this Resolution is for any reason held or determined to be unconstitutional or invalid, same shall not affect the remainder of this Resolution; and

BE IT FURTHER RESOLVED, that notwithstanding anything set forth herein to the contrary, the Board shall be permitted to amend, modify, repeal or otherwise act as to those topics which are the subject of this Resolution provided said acts are consistent with public policy, Board bylaws, township ordinances, local, state and federal laws and rules and regulations promulgated thereunder; and

BE IT FURTHER RESOLVED, that an original signed, conformed and compared copy of this Resolution be accessible and maintained as an official Board record pursuant to and in accordance with the "Open Public Records Act"; N.J.S.A. 47:1A-1, *et seq.* and the "Destruction of Public Records Law (1953)"; N.J.S.A. 47:3-8.1, *et seq.* as set forth by the State of New Jersey Municipal Agency Record Retention Schedule promulgated by the Division of Archives and Record Management.

CERTIFICATION

I, **MICHAEL L. ACAMPORA**, Clerk of the Board of Fire Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true conformed and compared copy of an original Resolution now on file and of record in the District office which was duly adopted at a public meeting held on the 10th day of November, 2020.