

AGREEMENT

In accordance with N.J.S.A. 40A:65-1 et seq., the Uniformed Shared Services and Consolidation Act, the Township of Lyndhurst, Bergen County and the Borough of Wanaque, Passaic County herein agree to the following terms and conditions and say that:

THIS AGREEMENT, is made the 1st day of January, 2013 by and between the Township of Lyndhurst, a municipal corporation of the State of New Jersey, hereinafter referred to as "Receiver", and the Borough of Wanaque, a municipal corporation of the State of New Jersey, hereinafter referred to as "Provider";

WITNESSETH

WHEREAS, This Agreement, pursuant to N.J.S.A. 40A:65-1 et seq., shall be for the purpose of providing qualified purchasing agent ("QPA") services by Wanaque to Lyndhurst so as to permit the Township of Lyndhurst to comply with the provisions N.J.S.A. 40A:11-9 commonly referred to as the Qualified Purchasing Agent Law, and to continue to develop best practices in Lyndhurst consistent with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Township of Lyndhurst desires to comply with the provisions of New Jersey Local Finance Notice regarding the updated Qualified Purchasing Act Law (LFN 2011-15, dated May 5, 2011), which provides that a QPA may be appointed through a "shared service agreement", and which Wanaque is in full compliance with; and

WHEREAS, the Township of Lyndhurst desires to pay the Borough of Wanaque for said QPA services, thereby avoiding hiring a new employee; and

WHEREAS, the Borough of Wanaque desires to provide the services of it's QPA, Tom Carroll, to Lyndhurst so as to provide efficient government services and continue the Borough's effort of providing the highest quality of administrative services.

NOW THEREFORE, in consideration of the foregoing and subject to the terms and conditions of the following, the parties hereto agree as follows:

1. The Provider's QPA is designated and appointed the statutorily authorized and recognized Qualified Purchasing Agent (QPA) for the Receiver.
2. The duly licensed QPA shall carry out, supervise and direct all public purchasing activities with the Township's finance department and other departments and offices of the Receiver.

3. The QPA shall assess the public purchasing system of the Receiver and the purchasing needs, practices and audit controls of Lyndhurst (with a specific focus on compliance with the Local Public Contracts Law). The QPA shall make recommendations and issue procedures to save Township taxpayers money (as Mr. Carroll has done elsewhere, including in Wanaque).

4. The Provider and its QPA shall allow for on-site visits to the Receiver a minimum of two, one-half days per month (one full day of time).

5. The Receiver shall, to the extent practical, permit secure remote access to the financial systems of the Receiver, regarding purchasing activities of the Receiver.

6. The QPA shall report to the Lyndhurst Commissioner of Finance or his designee, regarding Lyndhurst activities.

7. The Receiver shall indemnify and hold harmless the Provider, and by extension, the QPA, from any purchases made in violation, by the Receiver, of the local Public Contracts Law.

It is further Agreed that:

8. This Agreement shall cover the provision of QPA services, described herein, for the three year period of January 1, 2013 to December 31, 2015. However, either party may terminate this Agreement on December 31, 2013 with a minimum five days notice to the other party. After December 31, 2013 either party may terminate this Agreement with a minimum of sixty (60) days notice to the other party, provided that all fees are paid as required herein.

9. The Receiver shall pay the Provider the monthly sum of \$1,200 for QPA services. This fee shall be paid quarterly (\$3,600 per quarter).

The parties hereto agree to be bound by the provisions of this Agreement and shall deal fairly with the other in all matters relating to this Agreement.

BOROUGH OF WANAQUE, PROVIDER:

ATTEST:

Katherine J. Felone
BOROUGH CLERK

BY:

David Allen
MAYOR

TOWNSHIP OF LYN DHURST, RECEIVER:

ATTEST:

Helen Polster
TOWNSHIP CLERK

BY:

Paul H. ...
MAYOR

Resolution by Commissioner DiMaggio, seconded by Commissioner DiLascio

RESOLUTION OF THE TOWNSHIP OF LYNDHURST, IN THE COUNTY OF BERGEN, AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF WANAQUE, IN THE COUNTY OF PASSAIC, FOR THE PROVISION OF PURCHASING SERVICES; SPECIFICALLY, THE SERVICES OF A QUALIFIED PURCHASING AGENT (QPA).

WHEREAS, the Township of Lyndhurst, has been in discussions to share various services so as to mutually and respectively reduce the cost of providing such municipal services between the Township and a providing or receiving municipality; and

WHEREAS, the Township needs a Qualified Purchasing Agent (QPA) so as to comply with New Jersey Local Finance Notice 2011-15 and the Local Public Contracts Law; and

WHEREAS, the Borough of Wanaque has a leader in the QPA fraternity, Tom Carroll; and

WHEREAS, the Lyndhurst Board of Commissioners finds that it is the public interest to enter a shared service Agreement, pursuant to the provisions of N.J.S.A. 40A:65-1 et seq., the Uniformed Shared Services and Consolidation Act, to enter such an Agreement for QPA services, to be provided by Wanaque.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF the Township of Lyndhurst that the Mayor and Commissioner of Finance are hereby authorized to execute an Agreement with the Borough of Wanaque for the receiving of purchasing services by Lyndhurst, specifically the services of a Qualified Purchasing Agent (QPA).

BE IT FURTHER RESOLVED that the Wanaque QPA is, by virtue of entering the QPA shared service Agreement, appointed as the QPA for the Township of Lyndhurst.

Adopted: December 11, 2012

Certified to be a true and correct copy of a resolution adopted by Board of Commissioners at a meeting held on the 11th day of December 2012
Alden Polato
Township Clerk